

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PASCO COUNTY
CASE NUMBER CRC2014CF005586CFAXWS

STATE OF FLORIDA,

Plaintiff,

vs.

VOLUME XV

ADAM MATOS,

Defendant.

PROCEEDINGS: JURY TRIAL

BEFORE: THE HONORABLE MARY M. HANDSEL
Circuit Court Judge

DATE: November 15, 2017

PLACE: Courtroom 3-A
West Pasco Judicial Center
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New Port Richey, Florida 3465

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1 (Continued from Volume XIV.)

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

3 * * * * *

4 (OPEN COURT.)

5 (Defendant present.)

6 (Jury absent.)

7 THE COURT: All right. We're back on the
8 record State of Florida versus Adam Matos.

9 The defendant is present with his lawyers.
10 The State is here.

11 Are we ready to finish up when the jury gets
12 here?

13 MR. MICHAILOS: Yes, Judge.

14 MR. LABRUZZO: Yes, Judge.

15 THE COURT: All right. The idea is that the
16 Defense will put in the evidence that they need to
17 put in and rest. The State has rebuttal and then
18 we'll go straight into closing arguments.

19 The jury instructions, has everybody look them
20 over?

21 MR. LABRUZZO: Judge, we have. The State's
22 going to be asking for an additional instruction --

23 THE COURT: Okay.

24 MR. LABRUZZO: -- that was not really relevant
25 to this point. But the instruction 3.6 (p),

1 Abnormal Mental Condition. The defendant has given
2 ample testimony that he was in shock, a state of
3 disbelief. That he was under some sort of mental
4 stress, if you will, as a result of the incidents
5 which led to his -- I don't know.

6 THE COURT: What is it?

7 MR. LABRUZZO: 3.6(p) Abnormal Mental
8 condition.

9 THE COURT: All right. I'm going there. Got
10 it. It's not even in here.

11 Go ahead.

12 MR. LABRUZZO: There's also the issue of the
13 self defense instruction as to how it should be
14 worded. We have an agreement on the -- we'll get
15 to an agreement prior to closing argument as to
16 what the law should be.

17 THE COURT: Okay. Did they give you a copy of
18 what they want?

19 MR. LABRUZZO: They did, Judge. And I've
20 reviewed it.

21 MR. VIZCARRA: Would you like a copy, Judge?

22 THE COURT: I would.

23 All right. And what is it that you do not
24 agree on?

25 MR. LABRUZZO: As -- well, as to this, you

1 want to talk about justifiable use of deadly force
2 first or the abnormal mental condition?

3 THE COURT: The justifiable use of deadly
4 force.

5 MR. LABRUZZO: Judge, my objection is going to
6 be just minor in that the instruction allows for
7 both the use of the word dwelling and residence.

8 THE COURT: Okay.

9 MR. LABRUZZO: And they -- in the version that
10 they provided, it only says dwelling. I don't know
11 if it's --

12 MR. VIZCARRA: I just thought they would want
13 dwelling instead of residence. Either way.

14 THE COURT: Well --

15 MR. LABRUZZO: It's not a major --

16 THE COURT: Well, let's see. A residence -- a
17 dwelling means a building or conveyance of any kind
18 including any attached porch, whether the building
19 or conveyance is temporary or permanent, mobile or
20 immobile, which has a roof over it including a
21 tenement and is designed to be designed to be
22 occupied by people lodging therein at night.

23 A residence means a dwelling in which persons
24 reside either temporarily or permanently or is
25 visiting as an invited guest.

1 I would say that it should be dwelling not
2 residence.

3 MR. LABRUZZO: Okay.

4 THE COURT: Because I think -- and the only
5 reason I say that is we have an issue with a
6 garage, so I want to make sure that it's clear that
7 it includes the entire house.

8 MR. LABRUZZO: Yes, Judge.

9 THE COURT: So if we can -- is that the only
10 issue?

11 MR. LABRUZZO: Judge, I'm going to go back and
12 refer to my notes real quick to make sure. On the
13 note that I --

14 THE COURT: You already have -- the definition
15 that was given means dwelling is -- the definition
16 is there.

17 MR. LABRUZZO: Yes, Judge.

18 One moment, Judge.

19 Judge, that was the only note that I had made.
20 So ...

21 THE COURT: Okay. So it says dwelling in the
22 one I have, so we're going to keep it as is, right?

23 MR. LABRUZZO: Yes, Judge.

24 THE COURT: Okay. So that takes care of that.
25 And the other issue is that you want 3.6(p)?

1 MR. LABRUZZO: Yes, Judge.

2 THE COURT: I'm trying to even find 3.6(p).

3 MR. MICHAÏLOS: Judge, it's not in the book.

4 MR. VIZCARRA: Judge, it's not in the 2017
5 book.

6 MR. LABRUZZO: It's on the Florida Supreme
7 Court website adopted in 2017.

8 THE COURT: That's where I'm going.

9 MR. LABRUZZO: It's based on case Chestnut v.
10 State, which is located at 538 So.2d 820, 1989,
11 Florida Supreme Court case.

12 THE COURT: I'm almost there.

13 Got it. It's on the website. It is a Florida
14 Supreme Court instruction. It's right here on the
15 website. 3.6(p). I'm downloading it.

16 And the instruction says: Give if applicable
17 and if requested and only if insanity is not an
18 issue and if no notice of intent to rely on the
19 defense of insanity has been filed. If insanity is
20 an issue in the case, give instruction 3.6(a).

21 So it does meet the definition and you are
22 requesting it. The instruction is: Mental illness
23 or abnormal mental condition or diminished mental
24 capacity is not a defense to any crime in this
25 case. Any such evidence may not be taken into

1 consideration to show that the defendant lacked the
2 specific intent or did not have the state of mind
3 essential to proving that he committed the crimes
4 charged or any lesser-included crimes.

5 Defense?

6 MR. MICHAIILOS: Judge, we're going to object.

7 THE COURT: Okay. And why?

8 Do you have any -- is there any -- are you
9 saying that there's no facts in evidence that would
10 allow me to read this instruction?

11 MS. GARRETT: Yes.

12 MR. VIZCARRA: Yes.

13 THE COURT: Okay. You would agree with me
14 that your client on the stand said that he lost his
15 mind and that he was so afraid and concerned for
16 his own safety that he went down and killed
17 Margaret Brown and then realized how wrong he was.

18 You would agree with that?

19 MR. VIZCARRA: Somewhat, yes.

20 THE COURT: And then he kept saying that he
21 was in fear, although she didn't have a weapon.
22 There was no fear to be had. He has no self
23 defense argument against Margaret Brown. But the
24 jury may be led to believe that he might because he
25 kept saying that he was, quote, in fear and out of

1 his mind and lost his mind. I wrote it six times.
2 Lost his mind, out of his mind, overwhelmed.

3 MR. MICHAÏLOS: Judge, I understand the
4 State's position. I understand what you're saying.
5 And I would want to put on the record that my
6 client is not that articulate and I think that what
7 he did testify to is synonymous with heat of
8 passion. I don't want any confusion and I'm
9 objecting to that jury instruction.

10 THE COURT: Okay. Well, he may not be
11 articulate, which would mean that the jury could be
12 confused because the way he phrased it could lead
13 them to believe that he has some abnormal mental
14 condition that overcame him in his rage.

15 So at this point, I will go ahead and allow
16 the instruction so that the jury is not misled in
17 believing that the defendant had some abnormal
18 mental condition that would have affected his
19 ability to form premeditation.

20 All right. So I will go ahead and allow the
21 instruction and I will make a copy for my own
22 records here because I have not seen that. It
23 probably would have come in handy a couple months
24 ago for me, but they must have just passed it. The
25 instruction was adopted in 2017, so it's a fairly

1 new instruction.

2 Anything else, State?

3 MR. SARABIA: Judge, we have -- I think we're
4 going to have three rebuttal witnesses.

5 THE COURT: Okay.

6 MR. SARABIA: None of them very long. I think
7 two of them are still in transit to get here. But
8 we expect them within the next half an hour. Half
9 an hour to 40 minutes.

10 THE COURT: Okay.

11 MR. MICHAÏLOS: Judge, with regards to the
12 jury instruction, it sounds like it would apply
13 only to the count where the victim is Margaret,
14 correct?

15 THE COURT: Well, I'm going to read it in
16 general because it goes to his state of mind
17 throughout the offense and the jury can make up
18 what it will. I'm not going to read one
19 instruction and say, this instruction when we're
20 talking about abnormal mental condition somehow
21 they're going to figure out how to put it in there.

22 I mean, obviously they can use it for whatever
23 it's worth, just like you can use heat of passion
24 instruction for whatever it's worth. They can use
25 the self defense instruction for what -- I mean, I

1 personally do not feel that self defense would
2 apply to Margaret Brown, but I'm reading the self
3 defense instruction for all the counts. So I'm not
4 saying, oh, here's a self defense instruction, but
5 this only applies to Counts I, II and III but it
6 doesn't apply to IV. It's up to the jury. They
7 could find self defense applies to Margaret Brown.
8 I'm not limiting that instruction, nor will I limit
9 this instruction.

10 I'm reading self defense and they can use it
11 for any of the counts. I'm not limiting that and I
12 won't be limiting this either. Okay?

13 So, State, I'm a little concerned about this
14 45 minutes because I have the jury in the hallway.

15 MR. SARABIA: We're ready with our first
16 witness.

17 THE COURT: And I'm going to start and then
18 you're going to ask me to take a break.

19 MR. SARABIA: We are ready with our first
20 witness, Judge.

21 THE COURT: Okay. Well, we'll bring the jury
22 in and we'll deal with it when we get there.
23 Hopefully, I'll keep my fingers crossed, that these
24 witnesses arrive while we're dealing with it.
25 Okay?

1 In the meantime, everybody has the
2 instructions, not the final ones, but close enough
3 they think they can go into closing arguments with
4 them? Yes? State?

5 MR. SARABIA: We need the final self defense
6 instruction.

7 THE COURT: The one I have is the one we're
8 going to use.

9 MR. SARABIA: Okay. I don't have a copy of
10 that yet.

11 MR. MICHAIILOS: We just drafted yesterday.

12 MR. LABRUZZO: We have one copy printed out.
13 Do you guys happen to have an extra copy?

14 THE COURT: You can have mine. I don't need
15 it. I'll have the final when it's read.

16 So this is the justifiable use of deadly
17 force, self defense instruction. From what I can
18 see, we use dwelling. It says dwelling. And we're
19 all good with that.

20 So other than that, we're good?

21 MR. MICHAIILOS: I think so.

22 MR. LABRUZZO: Yes, Judge.

23 MR. SARABIA: Yes, Judge.

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

25 THE BAILIFF: The jury's now entering the

1 courtroom, Your Honor.

2 (Jury present.)

3 THE BAILIFF: The jury's all present and
4 seated, Your Honor.

5 THE COURT: All right. Was everybody able to
6 get lunch? Yes?

7 THE JURY PANEL: (Responding.)

8 THE COURT: We're going to move along. We may
9 have to take a short break so that we can get the
10 final jury instructions up. It might take about a
11 half an hour, but we're going -- we want to finish
12 closings tonight. So -- before you go home. So I
13 might have to take a little bit of a break for
14 about a half an hour after we go, but then we
15 should be able to go into closings. All right?

16 Defense, call your next witness or do you have
17 any other evidence?

18 MR. MICHAÏLOS: Judge, at this time the
19 Defense would like to introduce Defense Exhibit 1
20 and 2 previously marked for identification into
21 evidence.

22 THE COURT: All right. State, any objection?

23 MR. SARABIA: No objection.

24 THE COURT: All right. Defense's 1 and 2 will
25 be admitted.

1 Do you wish to publish at this time?

2 MR. MICHAIILOS: Yes, your Honor.

3 THE COURT: All right. You can go ahead and
4 hand them out to the jury once they're marked.

5 MR. MICHAIILOS: Just pass them down?

6 THE COURT: You can just hand them to the
7 first juror and he can pass them down.

8 (Thereupon, Defense Exhibits 1 and 2 are
9 published.)

10 THE COURT: All right. They'll be admitted.
11 Any other witnesses?

12 MR. MICHAIILOS: No, Your Honor. The Defense
13 rests.

14 THE COURT: All right. State, any rebuttal?

15 MR. LABRUZZO: Yes, Judge. The State would
16 recall Dr. Noel Palma.

17 THE COURT: All right. Dr. Palma.

18 Good afternoon, Doctor.

19 THE WITNESS: Good afternoon.

20 THE COURT: You want to step up. I'll remind
21 you, you are already under oath and you remain
22 under oath. You can have a seat in the witness
23 stand and speak in a loud and clear voice for me.
24 Okay?

25 THE WITNESS: All right. Thank you.

1 THE COURT: State, you may proceed.

2 MR. LABRUZZO: Thank you, Your Honor.

3 THEREUPON,

4 DR. NOEL PALMA,

5 the witness herein, having been previously sworn, was
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. LABRUZZO:

9 Q Good afternoon, Dr. Palma.

10 A Good afternoon.

11 Q I'd like to focus your attention back to the
12 autopsy that you performed on Nicholas Leonard. Okay?

13 A Okay.

14 Q And you've described to this jury the process
15 in which you go through to perform an autopsy includes
16 both an external and an internal examination?

17 A Yes.

18 Q As it relates to the external examination of
19 Mr. Nicholas Leonard, did you find any evidence on the
20 outside of his body that was consistent with a gunshot
21 wound entrance?

22 A Negative. No.

23 Q Did you find any evidence of a gunshot wound
24 exit on his body?

25 A No.

1 Q All right. In fact, all the bodies you looked
2 at were in some state of decomposition, correct?

3 A That is correct.

4 Q As it relates to Mr. Leonard's skin as
5 compared to Mr. Gregory Brown's skin, what can you tell
6 this jury about the state of composition between the
7 two?

8 A The skin was generally intact compared to the
9 others.

10 Q When you have generally intact skin, as it
11 relates to Mr. Nicholas Leonard, it would have been an
12 easier -- or it would have been easier just to do an
13 external examination looking for a gunshot wound?

14 A Correct.

15 Q And you didn't find any evidence of a gunshot
16 wound on Mr. Leonard's body?

17 A No.

18 Q All right. Mr. Leonard had an injury to his
19 chest area. And I'm going to reference the photograph.
20 I'm referencing State's Exhibit 413. And you know the
21 injury in which I'm talking about?

22 A Correct. Yes.

23 Q All right. Is this injury consistent with a
24 gunshot wound?

25 A No.

1 Q And why not?

2 A It is a very superficial injury. And when I
3 did the autopsy in this case, there were maggots inside
4 the hole.

5 Q Okay. And did you follow the path of this
6 injury to see if it led anywhere?

7 A Yes.

8 Q And did this injury go anywhere into his body
9 consistent with a gunshot wound?

10 A No.

11 Q You had an opportunity and we kind of spent a
12 fair amount of time talking about how you put back
13 together Mr. Nicholas Leonard's skull pieces, correct?

14 A Correct.

15 Q In examining the skull of Mr. Nicholas
16 Leonard, did you find any evidence of beveling in the
17 skull that was consistent with a gunshot wound?

18 A No.

19 Q All right. There were some injuries to
20 Mr. Leonard's arm. I'm going to reference State's --
21 I'm talking about State's Exhibit 415, the injuries to
22 the arm, correct?

23 A Correct.

24 Q All right. How would you describe the
25 injuries to his arm?

1 A There were superficial injuries. And those
2 injuries did not cause trauma to the underlying major
3 blood vessels.

4 Q All right. If you were to be -- these
5 injuries were to happen to Mr. Leonard, would there be
6 such significant blood loss in the moments or minutes
7 after it occurred that he would lose consciousness?

8 A No. It will take a long time.

9 Q All right. Mr. Leonard also had injury to his
10 jaw, correct? And I'm going to reference --

11 A Correct.

12 Q -- state's Exhibit 411.

13 A Yes.

14 Q You had an opportunity to examine the injury
15 related and the damage to the neck, cheek area of
16 Mr. Leonard, correct?

17 A Correct. Yes.

18 Q Was there any damage to any major arteries in
19 that injury?

20 A No. They are superficial injuries.

21 Q Okay. Same question, Dr. Palma: Would there
22 have been such significant blood loss from this injury
23 in State's 411 that in the minutes or moments after it
24 he would have lost consciousness?

25 A No.

1 Q As part of your internal examination, did you
2 have an opportunity to look at the heart of Mr. Leonard?

3 A Yes.

4 Q And was there any damage to his heart?

5 A No.

6 Q Was there -- did you have a chance to look at
7 his lungs?

8 A Yes.

9 Q Was there any damage to his lungs?

10 A No.

11 Q Were there any injuries sustained to the
12 abdominal region of Mr. Leonard?

13 A No.

14 Q And there are a bunch of organs in there. The
15 spleen, did you have a chance to look at that?

16 A Yes.

17 Q How about his kidneys?

18 A Yes.

19 Q What else am I missing in that area?

20 A Liver.

21 Q I'm sorry?

22 A The liver.

23 Q The liver. Yes. Thank you, sir. Any
24 injuries to his liver in your examination?

25 A No.

1 Q Were there any injuries to his body outside of
2 the injuries to his head that would have caused him to
3 lose consciousness?

4 A No.

5 Q And Mr. Nicholas Leonard sustained -- I think
6 you said 21 injuries to the head?

7 A Twenty-one blows. At least 21 blows.

8 Q Twenty-one blows to the head. The head is a
9 pretty vascular region?

10 A Excuse me?

11 Q There's a lot of blood vessels in the head,
12 correct?

13 A Correct. Yes.

14 Q And those injuries would have accompanying
15 with a fair amount of blood and brain matter out,
16 correct?

17 A Correct.

18 Q Did you find any bag over the head of
19 Mr. Leonard?

20 A No.

21 Q As it relates to the autopsy that you
22 performed on Ms. Margaret Brown.

23 A Yes.

24 Q Ms. Margaret Brown sustained how many injuries
25 to her head?

1 A Nine.

2 Q Nine. And these injuries, there was one that
3 was in your words would have been a fatal injury,
4 correct, the injury to the side of her head?

5 A There are multiple blows.

6 Q Multiple blows?

7 A Yes.

8 Q One in particular by itself could have led to
9 her death, correct?

10 A Yes. The gaping one.

11 Q All right. And you as the medical examiner
12 actually went to the scene where the bodies were located
13 on Old Dixie Highway?

14 A Yes.

15 Q You had an opportunity to observe how the
16 bodies were stacked and piled in the wilderness area,
17 correct?

18 A Yes. Yes.

19 Q And I'm correct in saying that there were a
20 number of bodies that had ropes tied around them,
21 correct?

22 A Correct.

23 Q Ms. Margaret Brown, was she the only person
24 that had her hands zip tied?

25 A Yes.

1 Q All right. The limbs, the arms and the legs
2 as to the other bodies you examined -- okay? We're
3 talking about Megan Brown, Nicholas Leonard and Gregory
4 Brown?

5 A Correct.

6 Q Their arms were still attached to their body,
7 correct?

8 A Yes.

9 Q Okay.

10 A Yes.

11 Q But their arms were not bound?

12 A No.

13 Q All right. The height and weight of
14 Ms. Margaret Brown -- you guys took both measurements of
15 each, correct?

16 A Yes. Correct.

17 Q Can you tell the this jury what the height of
18 Ms. Margaret Brown was?

19 A Five, two.

20 Q All right. And at the time that you performed
21 the autopsy of Ms. Margaret Brown, what was her weight?

22 A Seventy-five pounds.

23 Q All right. That's post --

24 A Postmortem.

25 Q Postmortem?

1 couple.

2 CROSS-EXAMINATION

3 BY MR. MICHAIILOS:

4 Q Good afternoon, Dr. Palma. Nice seeing you
5 again.

6 A Same here.

7 Q You did testify I think it was last week or
8 maybe it was the week before.

9 A Two weeks ago, I guess.

10 MR. MICHAIILOS: Okay. I'm going to draw the
11 Court's attention to transcript from Dr. Palma's
12 testimony?

13 MR. LABRUZZO: Objection. Improper
14 impeachment.

15 THE COURT: Sustained. Do you have a question
16 for the witness? Ask your question.

17 MR. MICHAIILOS: Yes. Yes.

18 THE COURT: Okay. You haven't asked a
19 question so there's no reason to look at a
20 transcript.

21 Q (By Mr. Michailos) Okay. Are you saying,
22 sir, that with regard to Nicholas Leonard's injuries to
23 his arm, he couldn't bleed out and fall unconscious
24 within minutes; is that what you're testifying to here
25 today?

1 A Correct. So basically what we have are
2 superficial injuries and the arteries in the upper
3 extremities were intact. So if there is bleeding, it
4 will be a slow bleeding. It will take a while for a
5 person to be unconscious, to have significant blood
6 loss. Yes. It's fatal by itself, but it will take a
7 long time for that person to be unconscious.

8 MR. MICHAIILOS: Okay. Well, then, again, I'm
9 sorry to repeat, but I'm referencing the transcript
10 from last week. Page 96, Lines --

11 THE COURT: Can you all approach.

12 MR. MICHAIILOS: -- 3 through 8.

13 THE COURT: Bring the transcript.

14 MR. MICHAIILOS: Of course. I thought it was
15 filed.

16 THE COURT: Not that I see.

17 (BENCH CONFERENCE.)

18 THE COURT: Go ahead. Give me line and page.
19 I read all the other depositions. So ...

20 MR. MICHAIILOS: Page 967, Lines 3 through 8.

21 THE COURT: So you -- okay. You want to show
22 him that?

23 MR. MICHAIILOS: I'm sorry?

24 THE COURT: You want to show him the
25 transcript?

1 MR. MICHAIILOS: Sure. I don't see -- don't
2 see why not.

3 MR. LABRUZZO: It's the State's position it's
4 not an inconsistent statement what he said, but
5 okay.

6 THE COURT: Well, I'll allow him to read it
7 and to explain it.

8 MR. LABRUZZO: Sure.

9 THE COURT: Whatever the Defense wants to ask,
10 that's fine.

11 MR. LABRUZZO: Okay.

12 THE COURT: I'll have Dr. Palma -- we're on
13 Line 3, right there.

14 (OPEN COURT.)

15 THE COURT: Doctor, he's going to be asking
16 you about the transcript. This is from two weeks
17 ago. Starting on Lines 3 to 8. You want to read
18 that and then he'll ask you a question.

19 THE WITNESS: Okay.

20 THE COURT: Okay?

21 Give the Doctor a moment to read that and then
22 you can ask the question.

23 MR. MICHAIILOS: Sure.

24 THE COURT: I'm not sure it's phrased exactly
25 the way he phrased it, so you can follow up.

1 THE WITNESS: Yes.

2 Q (By Mr. Michailos) You had a chance to read
3 it, Doctor?

4 A Yes.

5 Q Okay. So ...

6 A Nothing changed.

7 Q Say it again.

8 A Nothing changed.

9 Q So with regard to the -- we're isolating the
10 injuries to Nicholas Leonard's arm, you would agree with
11 me then that with those injuries alone, he could fall
12 unconscious within minutes if the hemorrhaging isn't
13 controlled, correct?

14 A Correct. But if we're talking about the
15 totality of the case, this is not the cause of death.
16 The cause of death would be --

17 Q I understand.

18 A Okay.

19 Q I'm not doubting that at all. I'm just saying
20 that injury alone could cause loss of consciousness
21 within minutes, right?

22 A It takes a long time because the major blood
23 vessels are intact.

24 Q But what you just read to refresh your memory
25 says within minutes possible.

1 A Correct. Yes. It's longer compared to when
2 you have a break and arteries cut. This is only small
3 blood vessels.

4 Q Right. And with regard to Nicholas's injuries
5 to the head, it's possible that he could have suffered a
6 gunshot wound, right, to the head and it would be
7 unnoticed by you because of the decomposition?

8 A I do not see any evidence of a gunshot wound
9 to the head. (Unintelligible) is negative so most
10 likely the answer is no.

11 Q But it's possible?

12 A I guess everything is possible, but very, very
13 unlikely.

14 Q Not everything's possible. You think
15 everything is possible?

16 A You mean -- what's your question?

17 Q Well, maybe I can refresh your recollection.

18 A Okay.

19 MR. LABRUZZO: Judge, I don't think he said he
20 didn't remember.

21 MR. MICHAÏLOS: Okay. All right. I have no
22 further questions.

23 THE COURT: Okay. Any redirect?

24 MR. LABRUZZO: Just briefly, Judge.

25

1 REDIRECT EXAMINATION

2 BY MR. LABRUZZO:

3 Q Dr. Palma, in reference to this bleeding of
4 the arm, you make reference to the word if the bleeding
5 wasn't controlled, what do you mean by that?

6 A Meaning the blood vessels were not clamp.

7 Q Okay. So if the person wasn't taking
8 attention to it, correct?

9 A Correct. Yes.

10 Q The blood loss wouldn't have been so immediate
11 that he would have immediately passed out, correct?12 A Correct. It takes a while. It takes longer
13 compared to when the major arteries are cut.14 Q All right. So if a major artery had been cut,
15 you would have thought the unconscious nature could have
16 happened much more quickly?

17 A Correct. Yes.

18 Q That's not what you see in this case?

19 A Negative, no.

20 Q As to the injuries of the head, based on your
21 examination you did not see any evidence of beveling on
22 the skull pieces of Mr. Leonard, correct?

23 A Correct.

24 Q As compared to what you saw on Mr. Gregory
25 Brown and the injuries that he sustained?

1 A Correct. Yes.

2 MR. LABRUZZO: No further questions.

3 THE COURT: All right. Doctor, you may step
4 down. I'll take that transcript back. Sorry about
5 that. Thank you.

6 THE WITNESS: Thank you.

7 THE COURT: And you're released to go back to
8 Clearwater or wherever it is.

9 THE WITNESS: Thank you.

10 THE COURT: It takes a while to get there
11 wherever it is.

12 All right. State, can you call your next
13 witness or do we need to take a break?

14 MR. SARABIA: We have one more present, Judge.

15 THE COURT: All right. Call your witness.

16 MR. SARABIA: The State would recall Kimberly
17 Ward.

18 THE COURT: Kimberly Ward.

19 Good afternoon, Ms. Ward. You remain under
20 oath.

21 THE WITNESS: Yes.

22 THE COURT: You were sworn and I'll just have
23 you take the witness stand. And speak in a loud
24 and clear voice. Okay?

25 THE WITNESS: Certainly.

1 THE COURT: State you may proceed.

2 MR. SARABIA: Thank you, Judge.

3 THEREUPON,

4 KIMBERLY WARD,

5 the witness herein, having been sworn, was examined and
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. SARABIA:

9 Q Good afternoon, Ms. Ward. We've already heard
10 from you once and we talked a little bit about the
11 Fisherman Shack.

12 A That's correct.

13 Q And you indicated that you regularly attend
14 there?

15 A Uh-huh. Yes.

16 Q Are there a number of people who are regularly
17 seen at the Fisherman Shack?

18 A Absolutely. Yeah. We do have kind of a
19 little community. From doing activities, like during
20 holidays there's a lot of us boat together. That type
21 of thing.

22 Q Now, amongst that community, did -- does
23 Nicholas Leonard or did Nicholas Leonard have any kind
24 of reputation for peacefulness?

25 A Yes. He was very nice. Kind.

1 MR. VIZCARRA: Objection, Judge. That's
2 not -- exceeds the scope.

3 THE COURT: Okay. Approach.

4 (BENCH CONFERENCE.)

5 THE COURT: You most certainly put on a
6 witness who said that he would take a gun and shot
7 your client through the head.

8 MR. VIZCARRA: Not reputation, Judge. We
9 didn't put in reputation. And this is not
10 rebuttal.

11 MR. SARABIA: This is rebuttal.

12 THE COURT: This is rebuttal.

13 MR. VIZCARRA: It's not rebuttal. We had no
14 reputation for violence.

15 THE COURT: You put on an actual act. When
16 you put in an act, you're saying that he physically
17 attacked your client, then the case law says that
18 they can put on reputation for truth and for
19 peacefulness because you're claiming self defense.
20 When you claim self defense, then you can either
21 put on evidence that he has a reputation of
22 violence or a reputation for being peaceful.
23 Ehrhardt's clear about that. You're claiming self
24 defense. The rules are different. When you claim
25 self defense, then you can put on reputation

1 evidence that he has a history of violence. You
2 actually put on a witness that said he threatened
3 your client's life. I thought it was hearsay, but
4 they let it in. So they get to put on reputation
5 evidence for peacefulness.

6 Is that what you're intending to do?

7 MR. SARABIA: Yes, Judge. And I'm looking for
8 the specific evidence rule that deals specifically
9 with a murder victim. Once --

10 MR. MICHAÏLOS: I think they also have to --

11 MR. SARABIA: Self defense has been alleged.
12 Reputation evidence is admissible.

13 MR. MICHAÏLOS: As of yet, though, I don't
14 think they've layed the foundation that he goes to
15 the restaurant. It has to be a cross section of
16 the society.

17 THE COURT: Well, it has to be a cross section
18 of the people in the community.

19 MR. MICHAÏLOS: Right. Right. I don't think
20 they've set the foundation.

21 MR. SARABIA: It has a to be a community. And
22 I think she most definitely established that.

23 THE COURT: So the community would be the
24 people at the Fisherman Shack.

25 It says that 903.21 (sic) provides that the

1 reputation may be among (A) persons, associates in
2 or -- associates or in the community.

3 MR. MICHAÏLOS: Right.

4 THE COURT: The Fisherman Shack most certainly
5 would be in the community.

6 MR. MICHAÏLOS: Well, that's the patrons of
7 the particular bar. He might be pretty peaceful in
8 relation to other patrons at this bar. I don't
9 think that's the section of the community they're
10 laying the foundation for.

11 THE COURT: Well, it could be any community.
12 It could be like your work community of all the
13 people you work with that you see everyday, that
14 deal with you everyday, that deal with you on a
15 regular basis. As long as the community is not one
16 specific person but a cross section. So ...

17 MR. MICHAÏLOS: I've never seen it patrons of
18 a bar. I don't think it can be that narrow.

19 MR. SARABIA: A large group of patrons that
20 Mr. Leonard's regularly attended.

21 MR. MICHAÏLOS: That's like saying somebody
22 has a reputation of peacefulness in a Burger King
23 establishment. That's pretty much synonymous with
24 that.

25 THE COURT: Not even close, but okay. Not

1 unless they go to the Burger King on a regular
2 basis to drink their coffee with little guys that
3 they do everyday and they've done for five years.
4 I mean, these people -- he just said that they go
5 there all the time, that they meet afterwards, they
6 boat, they do social events, they do Christmas
7 together and that's what she said. So ...

8 The better view would seem to be that the
9 reputation evidence in this book whenever it is
10 within a substantial group of persons among who the
11 person is constantly interacting. They're there
12 everyday.

13 MR. MICHAÏLOS: So he's a bar fly; is that
14 what they're saying? He's there 24/7?

15 THE COURT: Well, they basically said they're
16 there every day, from I think it was 6:00 to 8:00.
17 Every day they're there. And, by the way, they
18 drive each other around. They go out for drinks
19 and they do all kinds of stuff together. So I'm
20 fine with that. Overruled.

21 MR. VIZCARRA: Hey, can we --

22 THE COURT: Hold on. Hold on. Hold on.
23 Mr. Michailos.

24 Go ahead.

25 MR. SARABIA: I'd like to put this on the

1 record. Section 90.404(1)(b), Character Evidence.
2 Generally evidence of a person's character is
3 inadmissible to prove action in conformity with it
4 on a particular occasion, except (b) Character of
5 victim -- evidence of a character trait of
6 peacefulness of the victim offered by the
7 prosecution in a homicide case to rebut evidence
8 that the victim was the aggressor.

9 THE COURT: There you go.

10 MR. MICHAÏLOS: I understand that. I just
11 don't think they laid the foundation for this. But
12 I understand their position with regard to
13 objection number one.

14 THE COURT: Okay.

15 MR. VIZCARRA: Can we make a continuing
16 objection or do we need to object to each question,
17 Judge?

18 THE COURT: No. No. You objected to the
19 whole line of questioning, so that's fine and it
20 will be overruled.

21 (OPEN COURT.)

22 THE COURT: All right. State, you may
23 proceed. The objection is overruled.

24 MR. SARABIA: Thank you, Judge.

25 Q (By Mr. Sarabia) And, Ms. Ward, I want to

1 back up just a little bit.

2 How many different people do you see on a regular
3 basis at the Fisherman's Shack?

4 A Oh, I don't know. Maybe 30, I would say.

5 Q Okay.

6 A On different times. You know.

7 Q And these are groups -- is it a group of
8 people that they know each other and that there's
9 conversation amongst you guys about each other?

10 A Yeah. Comradery, yes.

11 Q Okay. And when Nicholas Leonard was alive,
12 was he a part of that community?

13 A Uh-huh. Yes.

14 Q And, again, in regards to any reputation
15 Mr. Leonard had for peacefulness, how would you describe
16 his reputation for peacefulness?

17 A I would say he would be more likely to break
18 up a fight versus escalating a fight. Kind.

19 MR. MICHALOS: Beyond the reputation, Judge.

20 It's specific. She testified specifically.

21 Q (By Mr. Sarabia) Did he have a reputation for
22 peacefulness?

23 A Yes.

24 MR. SARABIA: I don't have any further
25 questions, Judge.

1 THE COURT: Okay. Cross?

2 MR. MICHAÏLOS: I have nothing, Your Honor.

3 THE COURT: Ms. Ward, thank you very much.

4 You may step down.

5 THE WITNESS: Am I released?

6 THE COURT: Hopefully.

7 I thought you were last time. So -- is she
8 released?

9 MR. SARABIA: Yes, Judge.

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

11 THE WITNESS: Thank you.

12 MR. SARABIA: Judge, may we approach?

13 THE COURT: Sure.

14 (BENCH CONFERENCE.)

15 THE COURT: Mr. Lawhorne doesn't have a good
16 look on his face.

17 MR. SARABIA: We have one more witness in
18 transit. We expect him in the next 10 to 15
19 minutes.

20 THE COURT: Okay.

21 MR. SARABIA: Mr. McCann.

22 MR. LAWHORNE: At 2:18 we were told 45
23 minutes.

24 MR. MICHAÏLOS: Is it the home porn?

25 MR. SARABIA: I'm pretty sure Mr. McCann's

1 going to say that he did not have a home porn movie
2 studio set up.

3 MR. MICHAIILOS: I saw that coming.

4 THE COURT: I'm not sure you saw that
5 statement from the witness stand coming. Maybe you
6 did.

7 MR. MICHAIILOS: We'll discuss that some other
8 time.

9 THE COURT: Maybe you did.

10 All right. I'll have the jury step into the
11 jury room. We'll clarify the -- while we're
12 waiting, we'll deal with the jury instructions one
13 more time so that we can go into closings as soon
14 as they're done. Okay? So I'll have them step in.

15 MR. MICHAIILOS: Thank you.

16 (OPEN COURT.)

17 THE COURT: Ladies and gentlemen of the jury,
18 I'm going to -- this is the time I'm going to have
19 you step into the jury room. We're almost there.

20 Don't talk about the case. No tweeting,
21 texting or blogging. I've kept your phones so you
22 really can't. But no talking about the case.

23 We're almost there. Okay?

24 (Jury absent.)

25 THE BAILIFF: The jury's out of the presence

1 of the Court, Your Honor.

2 THE COURT: All right. All right. While we
3 await the last witness, why don't we go over the
4 jury instructions one more time, make sure we're
5 all on the same page so that closing arguments can
6 begin as soon as the State rests.

7 The instruction Introduction to Final
8 Instruction and Statement of the Charge, any
9 objection to that?

10 MR. MICHAÏLOS: Is this yesterday's draft,
11 Judge.

12 MR. LABRUZZO: Yes. It's the only draft, yes.

13 THE COURT: Yes.

14 MR. MICHAÏLOS: No objection.

15 THE COURT: I don't believe we made any
16 changes to any of it yesterday. Did -- other than
17 adding the self defense instruction. The question
18 is, where do you want it?

19 MR. VIZCARRA: The usual.

20 MR. MICHAÏLOS: The front page is fine, I
21 guess.

22 THE COURT: I'm sorry?

23 MR. MICHAÏLOS: The beginning is fine.

24 MR. LABRUZZO: I would ask that we place it
25 before When There Are Lesser Included Offenses.

1 THE COURT: That's where -- we usually put
2 it -- I read the charges, Counts I through IV. And
3 then we put it there. And then we put When There's
4 Lesser-included Crimes or Attempts. And then we
5 read those.

6 Any problem putting it there?

7 MR. MICHAÏLOS: No, Your Honor.

8 MR. VIZCARRA: That's fine.

9 THE COURT: State, any problem putting it
10 there?

11 MR. LABRUZZO: No, Judge.

12 THE COURT: Okay. So it will be -- we have
13 these page numbered, so it will be between Page 13
14 and Page 14.

15 I also had my clerk work on a verdict form,
16 which I believe she has done. If you want to
17 approach and review those.

18 Count I is pretty straightforward. Guilty or
19 lesser second, manslaughter, not guilty.

20 MR. VIZCARRA: Judge, we're going to -- at
21 this point, we're going to want all the Category 2
22 lessers other than the Felony Murder ones.

23 THE COURT: What?

24 MR. VIZCARRA: All the Category 2 lessers.

25 THE COURT: Hold on. Stop. Are you telling

1 me that in our jury -- our instruction pamphlet
2 yesterday I asked specifically Murder in the First
3 Degree, Murder in the Second Degree, Manslaughter.
4 Yes. Anything else? No.

5 MR. VIZCARRA: That was the first day prior to
6 the defendant agreeing to testify. Once he
7 testified, we think now that he's entitled to the
8 other -- other lesser-included instructions.

9 THE COURT: So the instructions that we just
10 talked about being great are not the instructions
11 that you wish to read. So I can't go into final
12 arguments unless we agree on what the instructions
13 are. So I guess we're going to have a whole new
14 instruction. We went over them yesterday. So hold
15 on to that and I'll give these back to you.

16 So the Defense is now asking for an entire
17 different instruction packet than they asked for --
18 that we spent an hour and a half over yesterday; is
19 that correct?

20 MR. VIZCARRA: That's correct, Judge.

21 THE COURT: Okay.

22 MR. LABRUZZO: What specifically are they
23 asking for different?

24 THE COURT: I don't know. I don't know what
25 they're asking for. I've got to get over to Murder

1 and figure out what second lessers they're asking
2 for. When I asked of the Defense what they want
3 and tell they tell me what they want, I usually
4 rely on that, but I guess not. So let me see.

5 The second -- the Category 2 lessers --
6 Category 1 lessers are: Second-degree Murder,
7 Deprived Mind Murder and Manslaughter. Those we
8 talked about yesterday.

9 The Category 2 lessers include: Second-degree
10 Felony Murder. That's out. Attempted Felony
11 murder. That's out. Well, I don't know. I guess
12 you could have an attempt, although they're dead.
13 Are you asking for attempt?

14 MR. VIZCARRA: We're not asking for that,
15 Judge, no.

16 THE COURT: Okay. Attempted Premeditated
17 Murder, are you asking for that?

18 MR. VIZCARRA: Yes.

19 MR. LABRUZZO: Judge, --

20 THE COURT: How do we have an attempt?

21 MR. LABRUZZO: You can't. You have three dead
22 bodies and -- four dead bodies and the defendant
23 admitting the criminal act that led to the death of
24 all four people. So I don't see an attempt. In
25 fact, one person could probably was an attempt. He

1 went back and finished it on Mr. Nicholas Leonard.
2 So I don't really think there was an attempt.

3 THE COURT: Let me pass that for a moment.
4 I'll have to do some research. All right. You
5 want -- so if you want an Attempted Premeditated
6 Murder, you also Attempt Second-degree Murder?

7 MR. VIZCARRA: Yes.

8 THE COURT: And you want Attempted Felony
9 Murder?

10 MR. VIZCARRA: No.

11 THE COURT: Third-degree Felony Murder.

12 MR. VIZCARRA: No.

13 THE COURT: Vehicular Homicide?

14 MR. VIZCARRA: No.

15 THE COURT: Attempted Felony Murder?

16 MR. VIZCARRA: No.

17 THE COURT: Aggravated Battery?

18 MR. VIZCARRA: Yes.

19 THE COURT: Attempted Manslaughter By Act?

20 MR. VIZCARRA: Yes.

21 THE COURT: And by the way, who are you
22 asking? Are you asking your client or are you
23 asking lawyers that are not on this case?

24 MR. VIZCARRA: I'm asking lawyers that are on
25 this case.

1 THE COURT: Okay.

2 MR. VIZCARRA: For their --

3 THE COURT: Can you make sure you're asking
4 your client.

5 MR. VIZCARRA: Yes, Judge. He's --

6 THE COURT: Okay.

7 (Attorney-client conference.)

8 THE COURT: Felony Battery you want that?

9 MR. VIZCARRA: Yes.

10 THE COURT: Agg. Assault?

11 MR. VIZCARRA: Yes.

12 THE COURT: Battery?

13 MR. VIZCARRA: Yes.

14 THE COURT: Culpable Negligence?

15 MR. VIZCARRA: Yes.

16 THE COURT: Which one?

17 MR. VIZCARRA: Just a moment, Judge.

18 One.

19 THE COURT: 784.05(1)?

20 MR. VIZCARRA: I was looking under the
21 instructions under 8.9.

22 THE COURT: Correct. 784.05(1)? That's the
23 statute number.

24 MR. MICHALOS: Yeah.

25 MR. VIZCARRA: Yes.

1 THE COURT: Assault?

2 MR. VIZCARRA: Yes.

3 My client says that's fine with him, Judge.

4 THE COURT: All right.

5 MR. LABRUZZO: Judge, I know although the
6 Court's not asking for the State's position, I
7 point out we're doing the research trying to see if
8 these are even permissible based on the facts that
9 we have here. I'm sure that's what the Court is
10 doing as well.

11 In addition to that, Judge, we've been more
12 than helpful in preparing these instructions.
13 They've provided me the Justifiable Use of Deadly
14 Force instruction so that we can include it in the
15 packet. At this point I don't have any anything
16 from them for any of the instructions that they
17 have now requested. So I'm just going to ask that
18 since they're requesting these, I'm asking that
19 they prepare them so that we can include them in
20 the packet so that when we go to argue, we at least
21 have an understanding what the law is going to be.

22 MR. VIZCARRA: Judge, we're going to withdraw
23 the Culpable Negligence request.

24 Judge, can we approach very quickly?

25 THE COURT: Sure.

1 (BENCH CONFERENCE.)

2 MR. VIZCARRA: Judge, now I'm embarrassed.
3 The consensus with the team, we withdraw those. We
4 take the Murder lessers. So I hate to waste your
5 time. Just the Category 1 lessers.

6 THE COURT: Okay. I'm going to make sure your
7 client says he's okay with that.

8 MR. VIZCARRA: Thank you.

9 THE COURT: Okay. Is your witness here yet?

10 MR. LABRUZZO: I'm going to check. I think he
11 is.

12 (OPEN COURT.)

13 THE COURT: Mr. Matos, it's my understanding
14 that you and your defense team have decided that
15 you would wish to just go with the Category 1
16 lesser-included offenses, which means that I would
17 only read -- I would read as charged, Murder in the
18 First Degree. And then I would read that you could
19 be found -- if they don't find you guilty of that,
20 you could be found guilty of Murder in the Second
21 Degree or Manslaughter or, of course, the end would
22 be Not Guilty.

23 So my understanding is that after further
24 reflection on all of those counts that you all have
25 decided that you only wish to have the Category --

1 we call them Category 1 lessers. The ones I just
2 read to you.

3 You understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. Do you need any more
6 time to talk to them about reading anything other
7 than those three?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: All right. You're okay with that
10 and that strategy?

11 THE DEFENDANT: Yes.

12 THE COURT: The Court did not make a finding
13 one way or the other that I would or wouldn't read
14 it. I was researching the matter. So at this
15 time, since the Defense has withdrawn the request
16 for any other Category 2 lessers, then the
17 instructions that we went over yesterday were
18 already prepared, and the only other additional
19 instruction that we're going to put in is the
20 self -- Justifiable Use of Deadly Force instruction
21 that the Defense prepared. And we can put it in
22 between Page 13 and 14.

23 And we're going to also add that 3.6(p)
24 instruction. Where do you want to put that?

25 MR. LABRUZZO: I was just going to ask to put

1 it right after their instruction.

2 THE COURT: Okay. That's fine. We'll put
3 them both right there and we'll move along.

4 Did your witness arrive?

5 MR. LABRUZZO: I believe so, Judge. Let me
6 just grab them.

7 THE COURT: Okay.

8 MR. LABRUZZO: Judge, he's in the building and
9 walking him up.

10 THE COURT: Okay. Well, why don't we take
11 this time. If anyone needs to use the restroom,
12 use it now. Because that way, we could put the
13 witness on and go right into closings. Okay?

14 So the jury is in the jury room right now, so
15 we'll take five minutes. Five minutes, please.
16 And make sure the defendant gets a chance to use
17 the restroom. Okay?

18 (RECESS.)

19 (OPEN COURT.)

20 (Defendant present.)

21 (Jury absent.)

22 THE COURT: All right. We're back on the
23 record.

24 State, you're ready to go with your witness?

25 MR. SARABIA: Yes, Judge.

1 THE COURT: The defendant is present with his
2 lawyers.

3 We'll bring the jury back in.

4 THE BAILIFF: Yes, Judge.

5 The jury's now entering the courtroom, Your
6 Honor.

7 THE COURT: All right.

8 (Jury present.)

9 THE BAILIFF: The jurors all present and
10 seated, Your Honor.

11 THE COURT: All right. State, call your next
12 witness.

13 MR. SARABIA: The State would call Ryan
14 McCann.

15 THE COURT: All right. Ryan McCann.

16 Good afternoon, Mr. McCann.

17 THE WITNESS: Good afternoon.

18 THE COURT: You remain under oath.

19 THE WITNESS: Okay.

20 THE COURT: If you can have a seat in the
21 witness stand and speak in a loud and clear voice
22 for me. Okay?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Thank you, sir.

25 State, you may proceed.

1 MR. SARABIA: Thank you, Judge.

2 THEREUPON,

3 RYAN MCCANN,

4 the witness herein, having been previously sworn, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SARABIA:

8 Q Good afternoon, Mr. McCann.

9 A Good afternoon.

10 Q I only have a couple questions for you.

11 Now, you recall testifying regarding the defendant
12 asking out of the blue whether or not you had a security
13 camera on Sunday, August 31?

14 A Yes, sir.

15 Q Now, it has been suggested that that may have
16 come naturally from a conversation you were having.

17 Were you having a conversation about cameras hidden
18 within your residence that you used to produce porn
19 videos?

20 A No, sir.

21 Q Did that ever come up? Were you and Allen
22 talking about that?

23 A No, sir.

24 Q So you didn't have any hidden cameras in your
25 house?

1 A No, sir.

2 Q And you weren't talking about that with your
3 brother and this defendant?

4 A No, sir.

5 Q And was that how the surveillance comment came
6 up?

7 A No, it was not. No.

8 MR. SARABIA: No more questions, Judge.

9 THE COURT: Cross?

10 MR. MICHAÏLOS: Nothing, Your Honor.

11 THE COURT: All right. Mr. McCann, you may
12 step down. Thank you, sir.

13 THE WITNESS: Yes, ma'am.

14 MR. SARABIA: We would rest, Judge.

15 THE COURT: All right. Can I have the lawyers
16 at the bench.

17 (BENCH CONFERENCE.)

18 THE COURT: All right. Now that both sides
19 have rested, what says the Defense?

20 MR. MICHAÏLOS: Oh.

21 THE COURT: Is that Ms. Garrett's part?

22 MS. GARRETT: I have -- Your Honor, I have
23 case law. I didn't know we were going to do it
24 right now.

25 THE COURT: We're going into closings. So if

1 you have case law, bring it up.

2 MS. GARRETT: I have three. It's three cases
3 not three copies of the same case.

4 MR. LAWHORNE: Thanks.

5 MS. GARRETT: Sorry.

6 THE COURT: You have three cases?

7 MS. GARRETT: I have three cases.

8 THE COURT: Go ahead.

9 MS. GARRETT: Your Honor, at this time the
10 Defense would renew our motion for judgment of
11 acquittal, especially considering the shifted
12 burden at this point in time, along with the fact
13 that we have now presented a prima facie case of
14 self defense. And it's our argument in the cases
15 that I've provided all just regarding the self
16 defense standard, the fact that the State has not
17 sufficiently rebutted the self defense claim made
18 by the defendant, Adam Matos, during his testimony
19 on the stand, that the testimony that he presented
20 is not inconsistent with the evidence that's
21 presented by the State.

22 And the case law, just for the record, is 677
23 So.3d 275, *Stieh versus State*, 921 So.2d 708,
24 *Fowler versus State*, 942 So.2d 910, *Jenkins versus*
25 *State*.

1 I'm not going to rehash all the arguments
2 previously made in the prior judgment of acquittal.
3 I would just ask that the Court consider the added
4 testimony that's been provided along with the
5 shifted burden in reconsidering the Defense's
6 motion for judgment of acquittal at this time.

7 THE COURT: At this time I'm going to deny the
8 motion for judgment of acquittal.

9 As to Nicholas Leonard, your client testified
10 that although the original incident where he
11 stabbed him may have been in self defense, he said
12 that he came back when the person was unconscious
13 or not moving and struck him repeatedly upon the
14 head, which is what the Medical Examiner's Office
15 said is cause of death. So as to Nicholas Leonard,
16 he has no self defense argument, as far as the
17 Court is concerned, because he said the defendant
18 at the time that he caused his death, the victim
19 was not moving and not causing any ruckus other
20 than not having a weapon because he had removed
21 that weapon from him, and he was no threat to your
22 client.

23 As to Megan Brown, she never had a weapon at
24 all. He said she was hiding behind a wall. That's
25 up to the jury to decide whether his claim of self

1 defense is sufficient because she had a cell phone
2 in her hand, was not making any moves towards him,
3 was cowering against the wall, if they believe your
4 client's testimony.

5 And as to Gregory Brown, his back was to the
6 defendant at the time he was shot. And it will be
7 up to the jury to decide whether he was at that
8 time needed to use self defense to defend himself
9 because that person had left the room where he was.
10 He had to pursue him across the house and shot at
11 him while his back was turned.

12 Now, clearly no self defense as to Megan
13 Brown -- I mean Margaret Brown because she had no
14 weapons. She was not in any way a threat to your
15 client.

16 So it will be a jury question as to whether
17 Greg Brown was doing something that would cause
18 them to find self defense. And the other two, the
19 Court finds no reasonable hypothesis that he needed
20 to use self defense. But, again, it's up to the
21 jury. I'm not saying that you can't use self
22 defense. I'm just not finding there's even a
23 reasonable hypothesis of innocence under self
24 defense based on the testimony and your client's
25 testimony. All right? So it will be denied.

1 Are we ready for closings?

2 MR. SARABIA: Sure, Judge.

3 THE COURT: All right.

4 (OPEN COURT.)

5 THE COURT: All right. Ladies and gentlemen,
6 both the State and the Defense have now rested
7 their cases. The attorneys now will present their
8 final arguments.

9 Please remember, again, that what the
10 attorneys say is not the evidence or your
11 instructions on the law. However, do listen
12 closely to their arguments. They are intended to
13 aid you in understanding this case.

14 Each side has equal time, but the State is
15 entitled to divide their time between an opening
16 argument and a rebuttal argument after the Defense
17 has spoken.

18 I will tell you that this packet of
19 information (indicating) is the jury instructions
20 which myself and the lawyers have spent time
21 together while you weren't here working on. We all
22 know what it is says. We've all agreed to what I'm
23 going to read to you. So it's not anything that
24 they don't know, nor is it anything they don't
25 already have a copy of. You all will get a copy of

1 it when I read it to you. So if they reference,
2 "the Judge will tell you this" or "the Judge will
3 tell you that" about an instruction, they would not
4 mislead you. They know what I'm going to read to
5 you, so listen carefully. Okay?

6 State, you may proceed.

7 MR. SARABIA: Thank you, Judge.

8 Good afternoon, ladies and gentlemen of the
9 jury. It's been a long few weeks. And we told
10 you -- I told you at the beginning of this case
11 that we would present evidence to prove that this
12 defendant was guilty of first-degree murder of
13 Margaret Brown, Nicholas Leonard, Greg Brown and
14 Megan Brown. I submit to you at this point that
15 has been done.

16 Now, one thing that we haven't discussed a
17 whole lot about yet is what do we need to prove in
18 order to prove Murder in the First Degree in the
19 State of Florida? So I'm going to talk to you
20 about some of that.

21 So in the State of Florida, and the Judge will
22 instruct you on the law later, but I expect she's
23 going to tell you something similar to this: That
24 there are two forms of homicide in the state of
25 Florida. And you heard Dr. Palma tell you,

1 homicide is when one person kills another person.
2 In Florida there is lawful homicide and unlawful
3 homicide.

4 Lawful homicide finds itself in two
5 categories. Justifiable homicide, which is a fancy
6 way of saying self defense, and excusable homicide,
7 which is a fancy way of saying accident. And I
8 submit to you, as we'll talk about, this situation
9 is neither one of those. So then you're in
10 unlawful homicide. And there are different degrees
11 of murder in unlawful homicide and you'll be -- I
12 suspect you'll be instructed on a couple of them.
13 But, in particular, the defendant in this case has
14 been charged with murder in the first degree.

15 Now, what we need to prove in order to prove
16 murder in the first degree is three elements. And
17 I'll -- I'm going to start with Nicholas Leonard
18 because he's Count I, but it would be the same
19 three elements for each victim with the only
20 difference between the victim, the victim's name.

21 So the first element would be for Nicholas
22 Leonard is that Nicholas Leonard is dead. And we
23 all agree on that. There's a stipulation. The
24 Defense agrees that the body examined by Dr. Palma
25 is Nicholas Leonard and the same is true for the

1 other three victims. But we all agree on the first
2 element of all four counts.

3 The second element is that the death was
4 caused by the criminal act of the defendant. And
5 we'll talk about that some more, but clearly by
6 this time, the defendant has now admitted that he
7 is the cause of all four of the deaths.

8 And then the third element is that there was a
9 premeditated killing of the victim, for this
10 example I'm using Nicholas Leonard. So let's talk
11 about what premeditation means in the state of
12 Florida.

13 Killing with premeditation is a killing after
14 consciously deciding to do so. The decision must
15 be present in the mind at the time of the killing.
16 The law does not fix the exact period of time that
17 must pass between the formation of the premeditated
18 intent to kill and the killing. The period of time
19 must be long enough to allow reflection by the
20 defendant. The premeditated intent to kill must be
21 formed before the killing.

22 So premeditation is not a situation where you
23 need to plan things out and have an escape plan and
24 know exactly what's going to happen and how you're
25 going to go about it. It just means you did it

1 with the intention to do it and you had some
2 opportunity to reflect upon that decision.

3 And I use this example to explain the idea of
4 reflection. We've all been driving on the road,
5 coming on that traffic light. It's green. And
6 then as you're getting closer it turns yellow. And
7 we all think, "Do I stop or do I go?" And every
8 one of us has at some time or another made a
9 decision and reflected on that decision multiple
10 times within the split second that it takes you to
11 get from one point to the point where you are
12 either in the intersection or stopped at the
13 intersection.

14 So it does not take a long time to reflect
15 upon that decision to kill. And in this case, with
16 each of these homicides, each of these murders, we
17 see multiple indications that the defendant not
18 only had the ability to reflect but did reflect.

19 So justifiable use of deadly force. And I'm
20 going to -- I'm going to walk you through a lot of
21 the evidence. I prepared some slides before I knew
22 that the defendant was going to admit to killing
23 all three -- all four of the people, so I will skip
24 through some of them.

25 But justifiable use of force. Even if you

1 believe everything that the defendant told you, and
2 I submit to you there is significant problems
3 believing most of the things that he told you.
4 Even if you believe that, he is still guilty of
5 first-degree murder for each of these four people.

6 Starting with Nicholas Leonard. According to
7 his testimony, which, by the way, is not consistent
8 with what Dr. Palma says. Nicholas Leonard would
9 not have been incapacitated by the knife wounds he
10 received as quickly as the defendant would like you
11 to believe. But according to the defendant, he
12 leaves Nicholas Leonard and then he comes back,
13 gets a hammer and just bashes in his head, hitting
14 him 21 times or more. There's no self defense
15 there. According to the defendant, Nicholas
16 Leonard is defenseless on the ground not fighting
17 back. And with each swing, he's going to make an
18 intentional action up, an intentional action down
19 with a great amount of force. So he knows exactly
20 what he's doing as he hits Nicholas Leonard again
21 and again and again and again (indicating).

22 And you can see the photographs of the
23 injuries. One of the reasons that we put those in
24 is so that you see Nicholas Leonard has injuries
25 all over his head. Nicholas Leonard is trying to

1 fight with the defendant while he's getting hit
2 trying to avoid the blows, unlike what the
3 defendant tells you, and that's why he gets hit all
4 over his head. But even under the defendant's
5 story, he is still guilty of murder for Nicholas
6 Leonard.

7 Gregory Brown. Under the defendant's story,
8 this defendant actually pursues and goes to Gregory
9 Brown to shoot him. There is no stand your ground
10 there. There's no he came and attacked me. If
11 what he says is true and Gregory Brown attempted to
12 shoot at him in the bedroom earlier, then this
13 defendant loses all self defense claims once he
14 runs after Gregory Brown to confront him in that
15 closet. And so the shooting there is an
16 intentional act, and not just one, but two is also
17 murder in the first degree.

18 Now, Megan Brown. Again, by this defendant's
19 own claim he has no reasonable fear that she is
20 doing -- that she has done or is doing anything
21 that would cause him harm. Now, he may have -- he
22 may claim to have unreasonable fear, but Megan
23 Brown is standing there holding a cell phone and
24 not saying anything, not doing anything, hiding
25 behind the corner, according to his story. That is

1 still murder in the first degree.

2 And finally Margaret Brown. He has absolutely
3 not even a shred of a claim for self defense or
4 accident. He goes down there with the hammer
5 knowing she's arriving home, knowing she wasn't
6 home, and then he proceeds to beat her in the head
7 over and over and over again.

8 And he slipped up when he was trying to get
9 his story out, but he slipped up because I
10 brought -- you may recall during a lot of the
11 testimony, I brought out Margaret Brown when they
12 found her body did not have any shoes on. She
13 wasn't wearing shoes. And we didn't find her
14 shoes. And the defendant admitted that he had
15 thrown away her shoes.

16 And I asked him -- I asked him about it. And
17 I said, "You threw away her shoes because while
18 you're trying to tie up her feet, she kicked off
19 her shoes, right?" And he agreed, "Yeah. That's
20 what happened." Which is very different than the
21 story he was trying to sell to you guys. It's
22 because it did not happen the way he wants you to
23 believe it did and he was actually beating Margaret
24 Brown trying to subdue, trying to tie her up,
25 trying to keep that bag over her head. She's

1 wrestling with him, kicking off her shoes, which
2 he's tying with her shoelaces. And then beats her
3 with the hammer in the head. And that is murdered
4 in the first degree.

5 Now, I submit to you the way he describes that
6 it happened is not the way it happened. He needs
7 Margaret Brown to be last. And if Justin Okins is
8 wrong, if Justin Okins just happened to hear
9 similar caliber shots from the direction of the
10 house at the time of night that we would expect the
11 shootings to have occurred, if all of that just
12 happened to be the case and it happened to concern
13 him enough to turn around but had nothing to do
14 with this incident, then maybe the way the
15 defendant is telling you the order of the people is
16 correct.

17 But I submit to you because of Justin Okins
18 and Justin Okins hearing those shots coming from
19 that direction of a caliber firearm that is
20 consistent with what we now know was used to shoot
21 the different shots in that residence, then we know
22 that Margaret Brown had to be first. Margaret
23 Brown was first to be killed because that's -- the
24 defendant snuck in behind her when she arrives home
25 from WaWa and attacks her and is trying to subdue

1 her and tie her up so that he can get up stairs to
2 kill everybody else.

3 Now, I created a calendar for you guys to show
4 where the defendant was during this time period,
5 but we now -- the defendant has now admitted to
6 being there during the killings and during the
7 subsequent period afterwards. But even had he not,
8 you know this defendant is the only one there
9 throughout the week other than a four-year-old
10 child.

11 So we knew -- we already knew without the
12 defendant telling us that the murders had to have
13 occurred on August 28th. We knew that because
14 Gregory Brown is found in the same clothes he was
15 wearing on August 28th. He's got the items that he
16 had on his person or would have had on his person
17 that day, and we know that Margaret Brown was not
18 killed until after she arrived home. She didn't
19 leave WaWa until 11:10 PM. And it's actually, if
20 you watch the surveillance, it's closer to 11:11.
21 So 15 minutes approximate back home, that's going
22 to be right around 11:30 at night.

23 And even if you believe what the defendant
24 says, that is a good four hours after he claims the
25 other murders would have happened. There is no

1 justification for killing Margaret at that point.
2 But, again, I submit to you that Margaret probably
3 was first. And we knew it was Leonard's truck that
4 gets dumped in the parking spot sometime the night
5 of August 28th going into August 29th because it
6 was not there on the 28th. It appears there very
7 early on the 29th.

8 Now, in terms of the canal, and there was a
9 couple things you can draw from this now. We knew
10 already that most of these weapons belonged to Greg
11 Brown. We knew that Greg Brown kept them in his
12 closet. And we knew that Greg Brown was killed in
13 his closet.

14 And we knew that there was some items that did
15 not belong: The drills, the hammer, the Kel-Tec
16 and the cell phone. So we knew and you could tell
17 based on the evidence that the drills would have
18 come from Nicholas Leonard. And we now know that
19 Nicholas Leonard may have gone over there. He may
20 have brought his drills in to change the locks.
21 Now, there's no indication that he actually changed
22 the locks because I'm sure when she gets there
23 Megan tells him Adam Matos can pick locks. There's
24 no sense in changing the locks. This lock, the
25 next lock, it's all the same to him.

1 But if Nick Leonard brought any hardware over,
2 certainly when he brought his drills over, it gives
3 this defendant an opportunity to now change the
4 lock to ██████'s room, which he denies doing, but
5 there is absolutely no reason why anyone else in
6 that house would have done that. We know it had to
7 be him because that's the only method he can use to
8 secure this child while he is going about wiping
9 this crime scene of the evidence that will assist
10 everybody in proving him guilty.

11 And we know, unlike he wants you to believe
12 from the stand, that this was happening during the
13 night and the day. We know that Megan Brown's
14 vehicle disappears during the morning between 8:30
15 in the morning and 9:30 in the morning. Ms. Ward,
16 who came back and testified about another matter,
17 told you very clearly, "Saturday morning I got
18 there 8:30, we were all paying attention to Megan's
19 car. We were all worried about her. It was there
20 and I was worried. When I got back from my run, I
21 passed by again, it was gone and I was relieved."

22 But anyway. So the firearm and the hammer we
23 knew were the murder weapon. The hammer doesn't
24 fit with everything else. And the hammer is also
25 consistent with the deaths.

1 Now, in regards to the hammer. This
2 defendant, he's upset -- he's obviously upset with
3 Megan. He threatens her life in the morning. He
4 leaves, according to him back then he was asked to
5 leave and so he did. But he's still texting her.
6 He's still obviously upset. There's still
7 animosity there such that Megan is still upset
8 between 2:00 and 4:00 in the afternoon when she
9 talks to Jimmy Sigler. But when this defendant
10 comes back, there are multiple places where he
11 could have obtained a hammer from without being in
12 the house.

13 He goes into that house knowing that he's
14 going to kill these people and he arms himself with
15 a hammer. You can get it from either Nicholas
16 Leonard's truck, which is out there in the driveway
17 or if the defendant is accurate, which is a big if,
18 across the street in the grassy area, or we see
19 there are tools just lying around this house.
20 There's a mallet and a board. There could have
21 been a hammer in a lot of different locations
22 surrounding this residence that this defendant
23 would have had access to before he makes entrance.

24 We also know there are zip ties lying outside
25 the house and there's zip ties in places in the

1 residence where the defendant had easy access to
2 them.

3 We know that Kel-Tec was Nicholas Leonard's.
4 You can match the serial number to the box. I
5 don't think we have any dispute with about that.

6 Now, we recovered four bullets. The one in
7 Megan's head, the one under Greg, the one on the
8 driveway, and the one in the trash.

9 Now, the defendant says there was a fifth
10 bullet. I wouldn't dispute that. We were under
11 the impression there were five shots probably
12 already; however, I don't agree with him that it
13 occurred in the southeast bedroom.

14 So we know when Margaret gets home, and the
15 defendant has now admitted, that she would have
16 parked in the west garage. We knew that already
17 because that's where the van was parked the morning
18 of the 28th. We know, a blood spatter expert came
19 in and helped us decipher, that Margaret was killed
20 in this area and the defendant has now admitted
21 that that was what happened. So we we're all in
22 agreement about this. And we see -- we knew her
23 blood was there. We see her hand print there.

24 Now, I submit to you the defendant, most
25 likely, when Margaret Brown gets home, which he's

1 going to know when that is, and clearly it is not
2 long after she arrives because she is just walking
3 in the door, this defendant is waiting there with
4 the hammer and executes Margaret Brown.

5 MS. GARRETT: Objection, Your Honor. May we
6 approach?

7 THE COURT: Sure.

8 (BENCH CONFERENCE.)

9 MS. GARRETT: Your Honor, the objection would
10 be to inflammatory language. I'm fairly certain
11 that there's case law that says he can't say that
12 he executes. In addition to that, there have been
13 a couple of improper comments made by the State at
14 this point in the closing, just for the record, so
15 the State's aware.

16 THE COURT: What other what improper comments?

17 MS. GARRETT: That's what I'm about to --

18 THE COURT: Okay.

19 MS. GARRETT: The first one, he stated, "I
20 prepared these slides before I knew what was going
21 to be testified to", as if someone was hiding the
22 fact or we had some duty to disclose the nature of
23 the defendant's statements prior to their
24 preparation of closing argument.

25 The second, "What the Defense is trying to

1 sell you" is the statement Mr. Sarabia made. We're
2 not used car salesmen. It's improper to say we are
3 trying trick the jury. He said he does not agree
4 with the defendant about what happened.

5 Mr. Sarabia's personal opinion as to what happened
6 is not at issue here.

7 THE COURT: Okay. As to the execution -- as
8 to all the statements, I'll overrule the objection,
9 deny a mistrial. Stay away from your own personal
10 views.

11 MR. SARABIA: Okay.

12 THE COURT: And we'll stay away from the word
13 "sell". Okay?

14 MR. SARABIA: Okay.

15 THE COURT: And "execute."

16 MR. SARABIA: Okay.

17 (OPEN COURT.)

18 THE COURT: The objection is overruled. You
19 may proceed.

20 MR. SARABIA: Margaret Brown arrives home and
21 the defendant proceeds to beat her to death with a
22 hammer immediately after she gets out of her
23 vehicle. And you can see how this fight would have
24 gone -- or I say "fight", but really it was an
25 attack. Margaret Brown is getting to right into

1 this area here (indicating). She gets beat.
2 Her -- she starts bleeding. Her hands are going to
3 go up on her head. She doesn't know what's
4 happening or doesn't realize, but she just knows
5 she's getting hit in the head by a very hard object
6 as she realizes that the defendant is attacking
7 her. She ends up getting blood on her hand, which
8 the defendant agreed, this was going to be Margaret
9 Brown's handprint here (indicating). And remember,
10 we couldn't get Margaret Brown's fingerprints
11 because her hands were too decomposed, so we were
12 unable to compare this print to anybody other the
13 defendant and we knew it wasn't his.

14 But Margaret Brown's hands go up onto her head
15 and now she's got blood on her hand and she falls
16 against the wall. And you recall what Ms. Cox said
17 that there's some impact spatter there that shows
18 she was hit very close to that wall and is still
19 hitting her as she's falling against the wall and
20 she's trying to get through this door and you can
21 see her mark right there (indicating).

22 The defendant wants to claim that those are
23 his fingers, but Margaret Brown's the one who has
24 blood on her hand. Margaret Brown's the one that's
25 going to be trying to pull her way to safety as

1 this defendant drags her back into the east garage.
2 And this diagram shows some of the areas that we
3 see Margaret Brown's blood. And there, we have a
4 handprint right here on this wall (indicating). I
5 have photographs of that later.

6 Now, I submit to you most likely, based,
7 again, on Justin Okins' and Kristen Anderson's
8 testimony, Margaret Brown gets home at 11:30; she
9 gets attacked. Justin Okins and Kristen Anderson
10 hear shots and they estimate between 11:45 and
11 midnight. That would be after Margaret Brown gets
12 home, which would mean that the defendant takes the
13 hammer and goes up the stairs and goes right for
14 Nicholas Leonard. He's going to know Nicholas
15 Leonard is there. Nicholas Leonard's truck is
16 outside the residence with his name on it. So he
17 knows what's going on.

18 He also -- and, again, they want -- the
19 defendant wants you to believe that he received a
20 22-minute phone call from Nicholas Leonard the
21 night of the 27th where Nicholas Leonard says, "I'm
22 not interested in Megan anymore", but the defendant
23 is still calling Nicholas Leonard after the
24 incident the morning with the knife because Megan
25 is not answering him.

1 And we see Nicholas Leonard's blood throughout
2 this room on various objects (indicating), objects
3 which appear to have been disturbed. We see his
4 blood on the pillow, on the carpet, and on these
5 containers, which the defendant has now admitted he
6 moved down to the west garage. You find it on the
7 DVDs. And you can see the DVDs would have come
8 from that DVD case that is empty up in the
9 southeast bedroom. The guy who's selling a TV, an
10 entertainment center, dogs, jewelry and a Bose
11 speaker, isn't selling any DVDs because he knows
12 that the DVDs could have blood on them because of
13 how viciously he beat Nicholas Leonard, so those
14 he's going to throw away.

15 On the blanket, which, by the way, the blanket
16 was in the same trash bag as the shirt the
17 defendant was wearing on the 1st and the 2nd. The
18 sock -- which, by the way, there's a bullet found
19 in this trash bag (indicating) -- which I think I
20 have some pictures of later. In this trash bag we
21 also have a sock with Nicholas Leonard's blood on
22 it. Now, is Nicholas Leonard's DNA on a bullet?
23 Yes, it is, according to FDLE. Is there a number
24 of ways that could have gotten there? Absolutely.
25 Nicholas Leonard could have loaded those bullets,

1 since it was his gun, and also, more likely, is it
2 was thrown away with his bloody sock. The
3 defendant might have even used the bloody sock to
4 pick up the bullet.

5 There was boxes would have been taken from the
6 southeast bedroom with Nicholas Leonard's blood on
7 them.

8 And then you have this transfer stain
9 (indicating). Now, this transfer stain, before the
10 defendant testified, would have still placed the
11 defendant outside of this closet after Nicholas
12 Leonard was beaten to death. How? Because the
13 defendant would have gotten Nicholas Leonard's
14 blood on his sock or on his foot and, as he's
15 running and as he's standing there, the blood
16 transfers. Now, there's probably more blood that
17 transferred before this particular stain that was
18 cleaned up, but this one largely remained. We're
19 able to get Nicholas Leonard's blood off or DNA
20 from it, and that would have been the defendant
21 standing their shooting Greg Brown.

22 And, again, the green ones, you can see the
23 different areas that we located Nicholas Leonard's
24 blood, and obviously a large concentration from the
25 southeast bedroom. Now, we know there was a shot

1 that came from -- that went from that room and a
2 bullet that ended up outside.

3 Now, recall what the defendant just told us
4 was that he was on the bed when with Nicholas
5 Leonard when the gun went off. Well, that doesn't
6 match the trajectory of where this goes from. And
7 there are more photographs than this. If the bed
8 is here; the gun the gunshots coming from over here
9 (indicating). Why is that? Because the defendant
10 is pushing Nicholas Leonard over in this area
11 (indicating) and the two of them are fighting
12 against the wall towards the closet. The
13 defendant's statement is not accurate. It doesn't
14 match the evidence.

15 And we see the result of that bullet, the hole
16 through the wall, all the way through the wall with
17 the bullet ending up on the driveway.

18 Now, Greg Brown. We see he's -- his -- we
19 find a large stain of his blood deep within the
20 closet. And we already knew, why is it going to be
21 there? Because Greg Brown is going to be going --
22 and there's some of his blood on the blanket
23 (indicating). Greg Brown is going to be going for
24 his weapons. Of course he is. And as -- as I will
25 lay out later -- I'll just lay it out right now --

1 when the defendant comes out and attacks Nicholas
2 Leonard, Nicholas Leonard's going to be there with
3 Megan Brown. Megan Brown and Nicholas Leonard are
4 going to be together in her bedroom talking, doing
5 whatever, being concerned about the defendant. And
6 when this defendant comes in with a hammer and
7 begins to visionally beat Nicholas Leonard and
8 blood is going everywhere, you heard Megan Brown on
9 the 911 tape, she's going to get upset. She's
10 going to freak out and she's going to run to
11 another source of protection to try and get some
12 sort of -- try and end this terrible situation. So
13 she's going to run to the master bedroom and tell
14 Greg and Greg is undoubtedly going to try and go to
15 defend himself with the weapons that he has in that
16 closet, but he never gets out of that closet.
17 There's no indication that he gets out of that
18 closet. He's going for the weapons and he gets
19 shot in the back by this defendant.

20 And you heard Dr. Palma talk about how that
21 shot, it lines up with the pelvis and would have
22 been expected to hit the -- I think it was the
23 pelvic aorta, a major artery in that region. And
24 in Dr. Palma's word, would have taken Greg down
25 immediately. And the defendant -- Greg's going to

1 go down after that shot. The defendant admits he
2 shot him in the back first. Greg goes down and the
3 defendant shoots him again to make sure he's dead
4 or not getting back up.

5 And then Megan Brown's blood, we find that on
6 the light switch, which that's a transfer stain.
7 Not as much information you can glean from that.
8 But also these important stains near the bed, which
9 Anna Cox told us was consistent with a blood
10 spatter event, which was also consistent with what
11 we would expect to see from a gunshot.

12 So we knew -- and Megan Brown's stains are in
13 purple. We knew Megan Brown was killed in the
14 master bedroom. And I agree with the defendant,
15 she was probably hiding behind that wall. Whether
16 the defendant was able to hit her through the
17 corner in the left eye, that's a matter for you to
18 decide. But I submit to you, it is just as likely,
19 possibly more likely, that he shot at that corner
20 while she was near it, did not hit her, and then
21 took a second shot at her making sure to hit her
22 right in the left eye. Of course, I would argue to
23 you would be the fifth shot.

24 Now, we can see from the defendant's phone
25 records, and I would note, the defendant admitted

1 that he deleted all his text messages to Megan
2 during this period of time. You can see on the
3 records that we were able to recover of the call
4 log, which is only calls, not text messages, but it
5 does match up with the calls that we see on his --
6 on his phone records that the defendant was trying
7 to reach her. And we see on the call log within
8 the phone, those are all deleted calls. The
9 defendant tried to scrub his phone so that people
10 would not know -- would not be able to recover
11 easily what his activities were like. And we see
12 he called Megan Brown over and over. Calls Nick
13 three times during the night. At one point they
14 connect. And, again, this is the defendant calling
15 Nicholas Leonard. And they connect and talk for a
16 long period of time. Nicholas Leonard apparently
17 calls back, but notice, it's a routed call, which,
18 I believe, and go with your own memories --

19 MS. GARRETT: Objection, Your Honor. May we
20 approach?

21 (BENCH CONFERENCE.)

22 THE COURT: Yes.

23 MS. GARRETT: Again, this is not about what
24 Mr. Sarabia believes or agrees with. This is --
25 he's now said multiple times, "I agree with this; I

1 believe."

2 THE COURT: First of all, I didn't hear that.
3 Second of all, you need to make a contemporaneous
4 objection if you think that he's hit the Golden
5 Rule. Sometimes you use the word "I", meaning, "I
6 see it right here", pointing it out to the jury.
7 But he just said, use your own memory. So where
8 did he say "I"?

9 MS. GARRETT: Immediately after that he said,
10 "I believe that -- "

11 MR. SARABIA: I was going to say I believe
12 that the witness testified, blah, blah, blah.

13 THE COURT: Right. So there's nothing
14 improper about that. And, by the way, your earlier
15 objection for "execution", the case law is clear
16 that that's not improper. I don't think that you
17 should use it over and over, but based on the
18 testimony in this case, it appears that she was
19 surprised and hit from the back which opens
20 Gonzalez versus State case, 136 So.3d 1125 says,
21 proper in closing argument. So don't make it a
22 feature, but overruled.

23 (OPEN COURT.)

24 THE COURT: Overruled. You may proceed.

25 MR. SARABIA: And my recollection of the

1 testimony was that the Sprint custodian indicated
2 that a routed call goes to voice mail. If I'm
3 mistaken on that, go with your own memories. Quite
4 frankly, it's not a huge issue one way or the
5 other.

6 But the defendant continues to try and reach
7 Megan all through the night. Again, you can see
8 the -- remember all these attempts at contact.
9 We're at 174 by 4:30 in the morning. And
10 ultimately, by my count, 191 attempts that this
11 defendant makes to contact Megan Brown before she
12 would arrive back and he, in his words, doesn't
13 assault her with a knife, just brings it out to
14 make her tell the truth.

15 So we see shortly after that would have
16 happened that the defendant is trying to contact
17 Nicholas Leonard, which, again, under his testimony
18 wouldn't make a lot of sense because he indicated
19 he was under the impression that Nicholas Leonard
20 was done. I submit to you that the evidence
21 suggests that that is not the case.

22 The evidence suggests that Nicholas Leonard's
23 contact with this defendant, which was initiated by
24 this defendant, is in a long line of this defendant
25 harassing Megan Brown while she's out with friends

1 that night and any conversation more likely would
2 have been consistent with what we know Nicholas
3 Leonard was doing on the 28th was being protective
4 have Megan Brown. "Don't call her anymore. Why
5 are you bothering her? Stop harassing her."

6 So after we know what happens at 6:00 in the
7 morning. And the 911 tape is in evidence. You can
8 review it again. It's possible you will hear it
9 during the course of closing arguments. But we
10 know what Megan Brown said. We know how she said
11 it. She was clearly afraid, clearly concerned.
12 She indicated very clearly that the defendant had
13 threatened to kill her and had -- that her finger
14 had been cut in the process.

15 The evidence that we see in the room and on
16 Ms. Brown suggested that that is completely
17 accurate. And now when you add to that what the
18 defendant does admit to, it seems was absolutely
19 completely accurate. Because what the defendant
20 said about this, I submit to you is just not
21 believable.

22 So that incident occurs and then the defendant
23 continues to contact Megan, Margaret; Megan,
24 Margaret, Nick. Again, he's contacting Nick at
25 7:00 in the morning, an hour after that would

1 have -- the knife incident and many hours after he
2 claims on the stand to you guys that he thought
3 Nick didn't want to have anything else to do with
4 Megan.

5 More contact. More contact. And then at
6 4:12, we see he never tries to call any of them
7 again. Now, the 4:12, he makes that call after a
8 long period of time, a couple hours of not trying
9 to contact them, but then you can see a whole lot
10 of activity on August 29th that you now know is
11 people shopping on Craigslist.

12 So in terms of how the defendant went about
13 doing this. You see that he killed all four of
14 these people, and whether he planned how he was
15 going to clean it up and get away with it
16 beforehand or not is not relevant, it doesn't
17 matter if he planned how he was going to get away
18 with it in advance or not, but clearly after he
19 does it, he does have a semblance of a plan. It
20 doesn't mean it's a good plan; it doesn't have to
21 mean it's a smart plan, but he was trying to cover
22 up his crime. He was trying to cover up the crime.

23 Now, he wants to tell you and he tried to tell
24 you by getting it out as many times as he could
25 that, "Oh, I was just doing that to -- I was just

1 trying to do that because I didn't want ██████ to
2 be exposed to that." But we all -- we can see from
3 the evidence that that is not the case. There are
4 plenty of ways to have prevented ██████ from
5 coming into contact with any of this, probably best
6 of which would have been to call law enforcement if
7 any part of what he said was true, but he didn't do
8 that. He tries to begin to clean the scene. And
9 he killed four people in there in violent and
10 horrible ways. This is not an easy scene or a
11 quick scene to clean.

12 He's trying to -- the next day he's selling
13 items. He's trying to sell items to generate money
14 because, as we established, he didn't have much
15 money of his own. If he takes the van, somebody
16 might recognize the license plate eventually.
17 Because he does know -- he's got to know that
18 eventually people are going to be looking for these
19 individuals. And if he ends up with one of their
20 vehicles in another state or far away, there's
21 going to be questions about that. So he needs an
22 exit plan and that involves getting money, whether
23 it's a taxi, a bus, a plane in the future, he is
24 going to have to get money. But if he can also
25 erase all signs of the crime, get the bodies out,

1 eliminate the blood spatter evidence, then it will
2 be much harder to detect. And we went
3 excruciatingly over blood spatter and bloodstains
4 and things that we found in the house, but there
5 was still a lot of things missing. There was a lot
6 of stains. There was a lot of areas that were
7 significantly cleaned.

8 Now, we talked about this lock already. And
9 we know the morning of the 28th, it looks one way,
10 September 4th it looks another way. This is where
11 [REDACTED] is going to be. Now, whether that lock
12 came from this door (indicating) or not, don't
13 know. It's odd that there's a door there with no
14 hardware. And certainly would make sense for a
15 garage door to have a door lock of this nature that
16 you can lock from either side. And we note those
17 keys because we asked the forensic people, the keys
18 there go to that door. So this is where the
19 defendant's putting [REDACTED]

20 [REDACTED] is in his room with his toys where he
21 cannot get out into the crime scene and disrupt the
22 defendant's cleaning act or make it more difficult
23 to clean.

24 He dumps everything in the canal. And recall,
25 there were two unspent rifle cartridges. Now, we

1 know the defendant's got to be dumping this stuff
2 late at night. We know that it would be most
3 likely dark. And he couldn't have realized,
4 certainly wouldn't have realized, otherwise he
5 would have kicked them into the canal that two
6 unspent cartridges dropped. That clued law
7 enforcement to search the canal, possibly would
8 have searched the canal anyway, but those indicate,
9 "Hey, there's something in there we have to look
10 for."

11 So he disposed of all the weapons, the murder
12 weapons. He disposes of the drills, which I submit
13 to you, he used the drills to change the lock. He
14 knew the drills belonged to Nicholas Leonard. He
15 wants to erase all signs of Nicholas Leonard in the
16 house, so he has to throw the drills away,
17 otherwise, what's he doing with all the other items
18 of value? He's selling them on Craigslist.

19 He doesn't want any signs of Nicholas Leonard
20 to tie him -- to be tied to this residence because
21 that will help establish the things the defendant
22 did.

23 Now, of note is that in addition to the knives
24 and the weapons and the drills is the cell phone,
25 the cell phone that we find in the canal. The cell

1 phone is -- that's not going to -- that's not going
2 to be a problem for [REDACTED] if he comes across
3 that. That's not going to create issues. And he
4 doesn't just throw the cell phone in the canal. He
5 makes sure that it is smashed beyond recovery when
6 he does it. And he even admitted on the stand,
7 "Oh, maybe I did that out of anger." Because there
8 is no explanation for that. He is trying to make
9 sure that any of the communications he had with
10 either Nicholas Leonard or Megan Brown, I submit to
11 you, that one is probably Megan Brown's because I
12 believe he agreed with that, that those
13 communications to Megan Brown cannot be recovered.

14 He's mopping. He's taking bodies down the
15 stairs. And if you look at the master bedroom, we
16 now all agree that Megan Brown was shot in this
17 master bedroom, it is significantly cleaned up. If
18 you just walk in there and you're not looking for
19 the bullet hole or you're not looking specifically
20 for bloodstains, you might never know that there
21 was a person who was shot in here. Fortunately the
22 forensics team did a good job and they find some
23 bloodstains that the defendant failed to get rid
24 of.

25 Now, he was a bit unlucky here (indicating) in

1 the master bedroom closet. There's a bloodstain
2 that is going to be very difficult to remove from
3 this unfinished wood. And whether he tried or not
4 is unclear, but you can see there's clothing items
5 that appear to be missing, probably went out in the
6 trash on Tuesday, September 2nd.

7 But these are the first two areas this
8 defendant would have been cleaning up (indicating).
9 And I submit to you, before September 2nd, this was
10 his first focus (indicating). These are largely
11 going to be the trash bags that he's filling up.
12 These are going to be items that we can never
13 recover again.

14 And after this, he moves -- and, again,
15 indications of cleaning where blood would have
16 been. And this one's actually the southeast
17 bedroom (indicating). You see indications of
18 cleaning supplies throughout the residence. And he
19 is -- and you see -- again, now we all agree the
20 bodies were here for a period of time, ultimately
21 piled into the van. It's very obvious bodies have
22 been in due to the maggots and the decomposition.
23 And on the stand he told you, yeah, he didn't know
24 why he brought the shovel, but I submit to you all,
25 we all know why he brought the shovel. Because

1 when he get got out to Old Dixie Highway he's
2 probably still thinking he was going to bury them
3 and either it was raining or too dark or he just
4 got lazy about it and decided not to do it. Or,
5 actually, he had tried. We know this is an area of
6 lyme rock. There's actually a lyme rock mine
7 beyond this berm. Even if he tried to bury the
8 bodies out there, he was not going to be successful
9 so he just left them.

10 And this trash bag that was found on the rug,
11 these are clearly all items that he cleaned out of
12 the van. Again, more activity that he's doing to
13 make sure that he is able to cover up his crime
14 sufficiently. He's moving all of these items out
15 of the van. You see car charges, WaWa hats. One
16 of them is probably the WaWa hat that Margaret left
17 in the WaWa in on the 28th. So he scoops all of
18 these items out of the back so he can pull down the
19 seats and pile in the bodies.

20 And I submit to you that after cleaning out
21 the master bedroom fairly well, he is now turning
22 his attention to the southeast bedroom. This is
23 going to be his next area. And there's a lot to
24 clean up in here. And we see evidence of this
25 cleaning down in the west garage where he's already

1 taken the mattress, cut the mattress top off,
2 removed the DVDs. You could see where the DVDs
3 would have come from. Items of clothing that would
4 have been consistent with Megan's clothing. The
5 plastic set of drawers. The boxes that say Megan
6 and [REDACTED] on them. All of those are things he
7 would have had to move down from here in which he
8 is slowly cleaning this room but he hadn't gotten
9 that far. You see those different items here in
10 the west garage (indicating). And, again, the
11 boxes, the mattress the mattress pad.

12 Oh, and by the way, Defense says he needs to
13 get money, he needs to use the credit cards. Why?
14 Because he has to feed [REDACTED]. "I have to feed
15 [REDACTED] Well, the case of Yingling beer was not
16 feeding [REDACTED] You can see the case of Yingling
17 beer that you can also see the defendant's carrying
18 out of Winn Dixie.

19 The trash bags of DVDs, again, as I showed
20 you, those would have come from the southeast
21 bedroom, the clothing. Again, women's clothing
22 consistent with what you would expect Megan Brown
23 to have. Cleaning supplies, trash bags would have
24 come from -- again, DVDs would have come from those
25 racks (indicating). Nicholas Leonard's blood.

1 Now, and he told you he cut this off. He
2 didn't want people to see the blood. Again,
3 couldn't have anything to do with [REDACTED] then.
4 And he indicated, "Well, if somebody saw the blood,
5 I was afraid somebody was going to come and kill
6 me." Again, just not very credible testimony. He
7 is trying to erase the signs of his crimes.

8 Megan's vehicle. We know that that ends up
9 there some time August 30th between 8:30 and 9:30
10 because of Kim Ward. We can see where the
11 defendant probably would have placed his bicycle
12 that he used to go get the vehicle.

13 We now all agree that the mattress would have
14 come from the southeast bedroom. We talked about
15 that bullet. That Colonial Electric T-shirt. And
16 you'll note, he was wearing the same clothes on
17 both the first and second, Monday and Tuesday. We
18 have surveillance from both. And then he just
19 throws away this shirt. We tested the shirt to see
20 if we would find any evidence on it. You recall
21 there was no blood or DNA that was able to be
22 recovered. But he didn't know that. He didn't
23 know we wouldn't be able to recover anything. And
24 if he's cleaning up with this stuff using this
25 shirt, probably not moving bodies by then, but

1 maybe cleaning up where the bodies were, then he's
2 going to want to depose of this shirt so we cannot
3 necessarily tie it to him. Again, it's all about
4 erasing the indications of his offense.

5 You see him there in the shirt (indicating).
6 Also you can see Ryan McCann's truck. You see the
7 license plate there (indicating). All of that
8 matches up. And, again, here's the blanket
9 (indicating), this blanket with Nicholas Leonard's
10 blood on it is found in the same trash bag as that
11 shirt. But even before he admitted to cleaning up
12 the scene, we knew it was him cleaning up the
13 scene.

14 He dumps the bodies. And there's no telling
15 whether he attempted to dig out in this area. Now,
16 I submit to you, you can see that shovel. You can
17 look at that shovel and you can see that there's
18 dirt caked or some type it looks like lyme rock
19 caked on that shovel. It is more likely from this
20 area and areas like this (indicating) with these
21 puddles here on the lyme rock than it is from that
22 shallow dirt hole that we know the defendant dug.

23 We knew the van was used to transport the
24 bodies. And, again, there's indication lyme rock
25 and dirt consistent with what you would expect from

1 this area where the bodies were dumped, which,
2 clearly, again, showed that Mr. Matos used the van
3 in order to do that.

4 Mr. Matos now agrees that this is exactly what
5 he was trying to do out there was to bury the
6 bodies. Again, trying to erase indications of his
7 criminal offense.

8 We had him tied to the shovel. We had him
9 buying the shovel. We had the shovel where the
10 bodies were and we had the sticker in the grave.

11 Now, we also saw him -- Sharon Mann saw him
12 using the hose in just -- within the door of this
13 area (indicating). The doorway would be right here
14 (indicating) that Sharon Mann saw Mr. Matos
15 spraying this area out of. Again, this is on the
16 3rd. He's still cleaning all the way to the 3rd,
17 the whole time he's just trying to erase all of the
18 evidence, erase all signs of the horrible murders
19 that he committed. And there (indicating) you can
20 see what it looks like if we just overlay them.

21 Now, I would point out, again, the defendant
22 has admitted to being there the whole time, but we
23 had him there with the IP address, his phone, is
24 using the Craigslist. The Craigslist is connecting
25 to the IP address that's assigned to the house.

1 The Google mail accounts are being accessed from
2 his house. The Google mail accounts. We have
3 pictures of the ryansmith694 account on his phone,
4 so clearly he set that up on the 2nd, either
5 because he was unable to continue to use the
6 matosadam e-mail address because of posting puppies
7 or because he was now trying to say, "Hey, wait.
8 Maybe I shouldn't be using my name to sell all of
9 these items." But he's selling all the items in
10 order to generate money.

11 So there's also a lot of dishonesty that we
12 get from the defendant over the course of these
13 days. With the McCanns: He tells them that all
14 these people -- or the Browns anyway -- have gone
15 to West Virginia. He brings up surveillance video.

16 And, you know, Shakespeare in Hamlet, some of
17 you may know the quote, "The lady doth protest too
18 much." An indication that there's -- the defendant
19 tried too hard to explain some things in this case.
20 He tried -- he gave explanations that were just --
21 just not at all reasonable. An example of that:
22 The surveillance video. He's asking Ryan McCann
23 about the surveillance video. Why is he doing
24 that? He's trying to gauge whether or not there's
25 any possibility that he was caught on camera

1 disposing of the murder weapons. When I asked him
2 about it, it's not out of the blue anymore.

3 There's this -- with Ryan McCann came back and
4 testified completely inaccurate account that Ryan
5 McCann had hidden cameras of some sort and was
6 creating porn videos. It's just not credible.
7 Dishonesty there.

8 He is -- when the law enforcement officers
9 come into contact with him. You see dishonesty
10 there. He now admits that what he told law
11 enforcement that he didn't even know they were
12 dead, that he wasn't there, that he stayed on the
13 streets, all of that was inaccurate. In fact, you
14 can see attempts to -- you can see his attempts to
15 avoid being caught with the taxi driver. What name
16 does he give the taxi driver? He gives the taxi
17 driver the name Jake. Well, let's talk about the
18 name Jake as it relates to this defendant.

19 What does he tell Detective Coogill? He tells
20 Detective Coogill, on the 28th, he stayed at Jake's
21 house. Well, we now know there was no Jake. We
22 also know that the defendant uses an e-mail address
23 for Craigslist called jakevns0. This defendant
24 uses the name of Jake as an alias. So, again,
25 deception. Deception with the taxi driver,

1 deception with Detective Coogill, and he couldn't
2 use the name Jake when he checks into the Floridan
3 and they require ID. He had to use his own name.
4 The taxi driver didn't and that's why he gives him
5 a fake name.

6 The Tampa Bay Times. Nobody forced him to
7 talk to Tampa Bay Times. Nobody -- nobody -- I'm
8 sure nobody told him it was a good idea to talk to
9 Tampa Bay Times, but he goes out of his way to set
10 up an interview with them, sit down with them, and,
11 again, tells them a story. Now, remember, at that
12 point he has no idea all the evidence that law
13 enforcement is gathering against him.

14 But by the time he testified to you all today,
15 he had heard all the evidence that we had put up
16 this past two weeks against him and he can now
17 craft --

18 MS. GARRETT: Objection, Your Honor. May we
19 approach?

20 THE COURT: No. It's overruled.

21 MR. SARABIA: He's now able to craft an
22 explanation that in his mind matches the evidence.
23 But when he's talking to the Tampa Bay Times, he
24 doesn't yet know that we're going to be able to tie
25 him to that house and to all those things. He

1 doesn't know that, so he denies being there.

2 Then, of course, when law enforcement does
3 arrive, there is him fleeing the house. He flees
4 the house. He stays in the backyard. He uses the
5 canoe just like we all already knew from the
6 testimony. And they drive right by the crime
7 scene. He knows what's going on there. He's
8 trying to get away but now he can't stay and clean
9 the house anymore. Law enforcement's there. He
10 was too slow on that already, so now he just needs
11 to distance himself from the crime scene and that's
12 what he does.

13 And, of course, when Detective Coogill and
14 Detective Kennedy sit down with him and ask him,
15 "You know, hey." The defendant says, "I want my
16 son to go with my brother or with my mother." And
17 Detective Coogill said, "Well, what about Megan?
18 It would be nice if he could go with Megan. Could
19 that happen?" He says, "I wouldn't know." And you
20 could watch it in the interview because the
21 interview is in evidence. And then Detective
22 Kennedy follows up with, "Well, What about Megan's
23 parents?" He says, "I don't know. You can call
24 them." And he knows full well that their cell
25 phones are sitting in the kitchen of Hatteras Drive

1 and Greg and Margaret are lying dead at the end of
2 Old Dixie Highway. Again, deception and coverup.

3 Now, you're going to be instructed on what
4 justifiable use of deadly force would be. The
5 defendant clearly used deadly force. And as I went
6 over briefly with you at the beginning, even by his
7 own account, these would not be justified. There's
8 no self defense claims -- reasonable claims here.
9 And the use of deadly force is justifiable if the
10 defendant reasonably believed -- again, reasonably
11 believed -- that the force was necessary to prevent
12 imminent death or great bodily harm to himself
13 while resisting another's attempt to murder him or
14 any attempt to commit felony battery upon or in any
15 building occupied by him.

16 Now, we heard from Kim Ward, Nicholas Leonard
17 is well known at the Fisherman's Shack and he's
18 well known to be a peaceful person, kind of guy who
19 would stop a fight, not start a fight. And you
20 heard from Robert Dunlavey who said, Nick was going
21 over there with his firearm because out of concern
22 for Megan from the incident in the morning and he
23 was bringing the firearm because if he was
24 threatened -- because we all know what the
25 defendant did that morning. Nicholas Leonard knew

1 what the defendant did that morning and recognized
2 the defendant could be dangerous. And, in fact,
3 the defendant was dangerous when he came back.

4 So I submit to you, it would not be in
5 Nicholas Leonard's character, it would not be
6 expected of him to just out of the blue, as the
7 defendant wants to tell you, he walks in, nobody
8 says anything to anybody, and suddenly Nicholas
9 Leonard attacks him. That is not reasonable and
10 it's not supported by the circumstances.

11 Certainly, it's not even close for Gregory
12 Brown, Megan Brown, and not even a -- not even a
13 sparkle in the eye in the situation with Margaret
14 Brown.

15 Adam Matos was justified in using deadly force
16 if he reasonably -- and, see, you're going to note
17 that that word "reasonably" appears over and over
18 again in the justifiable use of deadly force
19 instruction -- reasonably believed that such force
20 was necessary to prevent imminent death or great
21 bodily harm to himself.

22 If Adam Matos was not otherwise engaged in
23 criminal activity and was in a place he had a right
24 to be, then he had no duty to retreat and had a
25 right to stand his ground.

1 Now, no duty to retreat and standing your
2 ground are not the same thing as running after a
3 person and shooting them in a closet. They are
4 completely different. They're not the same thing
5 as stalking somebody in a garage and beating them
6 about the head when they are unarmed and just
7 returning home from work. It's not even close.

8 Now, it is notable, and I bring it to your
9 attention, both Margaret and Nick had injuries that
10 were blunt force and incised wounds, sharp object
11 wounds. And as the defendant has now agreed, at
12 least partially with Nick, those can be
13 explained -- all of those types of injuries could
14 be explained with a hammer. Because you have one
15 side that's blunt and another side, before it's in
16 the canal and rusted, which can be very sharp. It
17 can be almost knife sharp in some instances.

18 And, again, with Justin Okins' testimony,
19 that's why I submit to you it is more likely that
20 the defendant kills Margaret first and then goes up
21 and kills the rest of those people. But he starts
22 out with the hammer and he continues with the
23 hammer until he's able to get Nicholas Leonard's
24 firearm and then he switches to the firearm for the
25 last two. I submit to you that it does not -- it's

1 not as reasonable the other way. But either way,
2 the defendant is still guilty of murdering all four
3 of these people.

4 And so, ladies and gentlemen, I submit to you
5 when you look at the circumstances, when you listen
6 to the 911 call of a scared and afraid Megan Brown
7 who is just -- whose life had just been threatened
8 at knifepoint by this defendant, when you look at
9 the circumstances of how these crimes were
10 committed, the multiple blows and the multiple
11 shots in some situations, and ultimately the fairly
12 immediate attempt to obscure what occurred and
13 cover up what happened and deceive about where he
14 was when it happened, it all points to one thing,
15 and that is, this defendant is guilty of murder in
16 the first degree for killing Margaret Brown, murder
17 in the first degree for killing Nicholas Leonard,
18 murder in the first degree for killing Greg Brown,
19 and murder in the first degree for killing Megan
20 Brown.

21 Thank you.

22 MR. MICHAÏLOS: Judge, may we approach?

23 THE COURT: You want to approach?

24 MR. MICHAÏLOS: Yes, please.

25 THE COURT: Sure.

1 (BENCH CONFERENCE.)

2 MR. MICHAÏLOS: I'd like to request a short
3 recess. I apologize. I need to use the bathroom.
4 I need to get a tripod. I think I need a little
5 sugar. If I could have 10, 15 minutes and I'll be
6 ready. I apologize.

7 THE COURT: I'm trying to figure out if I'm
8 going to let the jury go downstairs. I'll let them
9 go downstairs.

10 Is the jury room -- Kelly, can you check and
11 around see if the jury room is open.

12 THE CLERK: She keeps it open until 4:45.

13 THE COURT: Okay. Make sure she has.

14 THE CLERK: Yep.

15 (OPEN COURT.)

16 THE COURT: All right. All right. Ladies and
17 gentlemen, we're going take a break. I'm going to
18 actually let you leave the courtroom. The jury
19 room downstairs is still open. They're going to
20 leave it open. That way you all can stretch your
21 legs and get a soda if you need.

22 We're going to take a 15-minute recess. Don't
23 rush. We're not going to start without you, I
24 promise. Okay?

25 We'll go ahead and give you your phones back.

1 If you can let the people in your family know,
2 we're going to get all the closing arguments in
3 today, but you're not going to start your
4 deliberations. Okay? We're going to come back
5 tomorrow for that. So -- but you're we'll probably
6 be here little bit after 6:00. But as soon as
7 closing arguments are done, I am releasing you for
8 the evening. So just let them know you'll be a
9 little late, but you're not going to being going
10 late into tonight. Okay? So I'll let you have
11 your phones in case you're in charge of, you know,
12 picking up dinner on the way home. They might want
13 to find the cereal box or something. That's what
14 they find in my house.

15 Still no talking about the case. No tweeting,
16 texting, blogging.

17 (Jury absent.)

18 THE BAILIFF: The jury's out of the presence
19 of the Court.

20 (RECESS.)

21 (OPEN COURT.)

22 (Defendant present.)

23 (Jury absent.)

24 THE COURT: All right. Are we ready to go?
25 Bring the jury up.

1 All right. Everybody ready for the jury?

2 Yes?

3 All right. Bring the jury in.

4 THE BAILIFF: Jury's entering the presence of
5 the Court, Your Honor.

6 THE COURT: Thank you.

7 (Jury present.)

8 THE BAILIFF: The jurors are now present and
9 seated, Your Honor.

10 THE COURT: Thank you.

11 Defense, are you ready to start your closing?

12 MR. MICHAÏLOS: Yes, Your Honor.

13 THE COURT: You may proceed.

14 MR. MICHAÏLOS: May it please the Court.
15 Counsel.

16 Ladies and gentlemen, we have come to the end
17 of our case. Ladies and gentlemen thank you for
18 your attention and cooperation throughout this
19 trial. Soon the Judge will instruct you on all the
20 jury instructions and law regarding this case,
21 including the presumption of innocence and
22 reasonable doubt.

23 The State has the sole burden of proof in this
24 case. The defendant does not have to prove
25 anything. And don't be misguided to think because

1 he testified somehow that reverses the burden of
2 proof. The burden remains with the State
3 throughout the trial until you all reach your
4 verdict.

5 In our country, a defendant does not have to
6 prove himself or herself innocent. That would
7 violate the due process of the law. Our judicial
8 system is designed with a built-in safety valve.
9 The safety valve is the burden of proof, beyond a
10 reasonable doubt. It is a high standard to meet
11 for the State because its purpose is the most
12 noble. It is designed to prevent people from being
13 wrongful -- wrongly convicted and also to prevent
14 people from being convicted of crimes -- higher
15 crimes than what they committed.

16 Not guilty means not proven beyond a
17 reasonable doubt. You all agreed that you would
18 sit here as impartial jurors and look at all the
19 evidence with common sense and an open mind and
20 give Mr. Matos a fair trial.

21 Ladies and gentlemen of the jury, you have to
22 decide what the truth is in this case. You are the
23 fact finders. Mr. LaBruzzo explained that to you
24 during jury selection. You determine what the
25 facts are, not the Judge, not the State, not the

1 defendant, not the witnesses. You and you alone
2 are tasked with the job of determining the facts
3 and what they mean.

4 I submit to you that the only way that you can
5 gauge the accuracy of what has been asserted here
6 by the State is by analyzing how it matches up
7 against the actual physical evidence that law
8 enforcement went through great lengths to preserve.
9 And after you determine the facts, you have to
10 apply them to the law. You are the law appliers.

11 You're going to have to do your analysis four
12 times, once for each crime the State has charged.
13 Let's begin by looking at the law.

14 Mr. Sarabia already went over some of these
15 jury instructions with you. I don't want to repeat
16 what he said. But in order to help you understand
17 the logic behind the range of homicides, we need to
18 start with the concept known as mens rea. Mens rea
19 is a term used to describe the level of intent
20 someone had when they committed the crime.

21 Let me give you an example: A driver who
22 accidentally runs over a pedestrian has not committed
23 any crime so long as he doesn't leave the scene of
24 the accident, of course. Even if the pedestrian
25 dies, the driver has not committed a crime if the

1 cash was accidental; that is, it was as a result of
2 the driver being neglect or careless because the
3 driver didn't intend or want to harm the
4 pedestrian. This concept isn't difficult to
5 understand. Even kids know that if they break
6 something by accident, they shouldn't get in
7 trouble. That situation, ladies and gentlemen, is
8 called an excusable homicide. One can be sued
9 civilly for wrongful death and have to pay a lot of
10 money in damages, but he won't go to jail because
11 he didn't commit a crime.

12 Let me draw a little spectrum here for you.
13 NG here for not guilty (indicating). This is
14 excusable homicide now, (indicating).

15 Now, on the other end of the spectrum, if
16 someone wants to kill someone and aims their car at
17 them and runs them over on purpose, then that
18 person is guilty of murder except if he was acting
19 under a heat of passion, which I will get to in a
20 minute.

21 So on this end (indicating) we're going to
22 have -- and we have two types of murder. Murder in
23 the second degree, murder in the first degree.

24 In the middle of these two extremes, you have
25 manslaughter. An example of manslaughter in a

1 motor vehicle context, ladies and gentlemen, is a
2 situation where the driver does not mean to kill
3 the pedestrian but his behavior isn't excusable
4 because he wasn't just negligent but he was
5 culpably neglect or reckless. He didn't want to
6 kill anyone, but he was driving so recklessly that
7 he knew that there was a good possibility that he
8 could kill somebody and just didn't care. This
9 could be a situation where someone is speeding 100
10 miles an hour, running red lights, weaving in and
11 out of traffic, a fatality occurs. That person has
12 committed manslaughter.

13 Justifiable homicide is when one kills someone
14 in self defense like Mr. Sarabia said. Back to the
15 motor vehicle context. If a person is sitting at a
16 red light and a crazy person gets out of the car in
17 front of him and points a rifle at them, they would
18 probably be justified if they ran them over.

19 Finally, if one kills intentionally in a heat
20 of passion, they are not guilty of murder; they are
21 guilty of manslaughter. In that situation, the
22 default homicide, if you will, is manslaughter.
23 For instance, if a guy's driving down the street
24 and he sees his best friend who he just found out
25 is sleeping with his wife and the so-called best

1 friend provokes him by swearing at him and the
2 driver loses his mind and runs him over in the heat
3 of passion, it's manslaughter, neither murder.

4 It's manslaughter even if he aimed at him and
5 intended to kill him so long as the he acted in the
6 heat of passion. In homicide cases like this one,
7 if there is evidence of self defense, the State has
8 to prove in addition to all the other elements,
9 beyond a reasonable doubt that the defendant did
10 not act in self defense. In other words, they have
11 to prove it wasn't justifiable homicide.

12 In addition, if there is evidence of heat of
13 passion, and I submit to you there is evidence of
14 heat of passion in this case, the State has to
15 prove beyond a reasonable doubt that Mr. Matos did
16 not kill in a heat of passion. If they're unable
17 to, the most serious crime you can convict him of
18 is manslaughter.

19 Now, ladies and gentlemen the State will get
20 up after I sit down and do their rebuttal part of
21 their closing argument. Don't -- don't think that
22 manslaughter is not an option in any one of the
23 crimes charged in this case because Mr. Matos's
24 intent may have been more than recklessness. To be
25 found guilty of manslaughter, your intent level has

1 to be at a minimum culpable negligence. It can be
2 intentional and many times -- and many times it is
3 so long as you acted in the heat of passion.

4 Now, in my opening statement, I told you that
5 this case at it's core is about self defense, which
6 is the same thing as justifiable homicide. This
7 here (indicating) is the jury instruction for
8 justifiable homicide.

9 "The killing of a human being is justifiable
10 homicide and lawful if necessarily done while
11 resisting an attempt to murder or commit a felony
12 upon the defendant or to commit a felony in any
13 dwelling house which the defendant was at the time
14 of the killing."

15 You will also receive another jury instruction
16 on justifiable use of deadly force, which is
17 similar, but explains that if a defendant is not
18 otherwise engaged in criminal activity and was in a
19 place he had a right to be, he had no duty to
20 retreat. I submit to you that Mr. Matos never had
21 an opportunity to retreat with regard to Nicholas
22 Leonard until Nicholas Leonard fell unconscious.
23 Mr. Matos was a tenant in this house. He paid
24 rent. He had a right to be there. Now, if police
25 were called from the earlier report, the police may

1 have taken him into custody for the earlier event,
2 but he was not committing a crime when he entered
3 7719 Hatteras Drive on the evening of August 28,
4 2014.

5 Ladies and gentlemen, Mr. Matos pled not
6 guilty to all the first-degree murder charges that
7 the State filed against him. I submit to you that
8 he did not commit any first-degree murder. He
9 chose to testify in this case even though he had a
10 right to remain silent. He admitted to killing
11 Nicholas Leonard, Gregory Brown, Megan Brown, and
12 Margaret Brown and testified in detail to the
13 circumstances surrounding the killings which are
14 consistent -- consistent with all the evidence in
15 this case.

16 As a U.S. citizen, he has the right we all
17 share to receive a fair trial and be convicted of
18 the crimes he actually committed, only the crimes
19 that the State proved beyond a reasonable doubt. I
20 submit to you that with regard to Gregory Brown,
21 that killing was a justifiable homicide and we ask
22 that you find Adam Matos was not guilty of any
23 crime with regard to Gregory Brown. He did not
24 have a duty to retreat. He was defending himself.
25 The State has not proven beyond a reasonable doubt

1 that it was not in self defense.

2 Similarly, with regard to Nicholas Leonard, I
3 submit to you that that killing was also a
4 justifiable homicide, and we ask that you find that
5 Adam Matos was not guilty of any crime with regard
6 to Nicholas Leonard. The State has not proven
7 beyond a reasonable doubt that it was not in self
8 defense.

9 The State has not proven beyond a reasonable
10 doubt that Nicholas Leonard had not passed away
11 before Adam Matos hit him with a hammer. Dr. Palma
12 testified -- the first time he testified, that
13 Nicholas Leonard could have bled out and died
14 within minutes from the injuries to his arm alone
15 if the bleeding was not controlled. Now, today he
16 testified a little bit differently. You use your
17 memory as to what he testified to. Today he said
18 something about clamping an artery. I submit to
19 you, there was no medical treatment to Mr. Leonard
20 on the date of August 28, 2014. There was no
21 clamps inserted into his arteries and he was
22 bleeding from his arm.

23 If you disagree, however, I submit that the
24 State clearly though has not proven that Adam did
25 not act under a heat of passion when he killed

1 Nicholas Leonard. In other words, if you find that
2 the State proved beyond a reasonable doubt that
3 Nicholas Leonard was still alive and only
4 unconscious before Adam went back into the room the
5 second time, then you could find that he
6 overstepped his right to self defense and committed
7 a homicide but that homicide, I submit to you,
8 ladies and gentlemen, is manslaughter.

9 With regard to Megan Brown, I submit to you
10 that that that killing was also a justifiable
11 homicide and we ask that you find that Adam Matos
12 was not guilty of any crime with regard to Megan
13 Brown.

14 I'm going to read to you a jury instruction
15 the Judge is going to read to you. And it says:

16 "In deciding whether Adam Matos was justified
17 in the use of deadly force, you must consider the
18 circumstances by which he was surrounded at the
19 time the force was used. The danger need not have
20 been actual; however, to justify the use of deadly
21 force, the appearance of danger must have been so
22 real that a reasonably cautious and prudent person
23 under the same circumstances would have believed
24 that the danger could have been avoided only
25 through the use of that force."

1 If, however, you disagree, you are the fact
2 finders; you are the law appliers. If you
3 disagree, we ask that you find him guilty of
4 manslaughter. Because, again, the State has not
5 proven that Adam did not act under a heat of
6 passion when he killed Megan Brown.

7 Finally, with regard to Margaret Brown, we ask
8 that you find him guilty of manslaughter. Again,
9 the State -- the State did not prove beyond a
10 reasonable doubt that Adam did not act under a heat
11 of passion when he killed Margaret. However, if
12 you disagree -- you will be given all the jury
13 instructions. If you disagree, we ask that you
14 find him guilty of second-degree murder because the
15 State did not prove beyond a reasonable doubt that
16 the homicide was premeditated.

17 Premeditation is another element that the
18 State has to prove beyond a reasonable doubt in
19 order for someone to be convicted of the highest
20 crime of the land, first-degree murder as opposed
21 to second degree murder. Both are very serious,
22 but obviously first-degree is more serious.

23 The State has argued and will undoubtedly
24 argue again that one can establish premeditated
25 intent required to commit first-degree murder in

1 seconds. And that is true in certain cases.
2 However, each case is unique and must be judged
3 within the context of all its facts.

4 In our case, clearly Adam Matos didn't move
5 down to Florida from Pennsylvania so he could kill
6 the Brown family.

7 "After carefully considering, comparing and
8 weighing all the evidence, if there is not an
9 abiding conviction of guilt or, if having a
10 conviction, it is one which is not stable, but one
11 which waivers and vacillates, then the charge is
12 not proved beyond every reasonable doubt and you
13 must find the defendant not guilty because the
14 doubt is reasonable."

15 The Judge will read to you that:

16 "A reasonable doubt as to the guilt of the
17 defendant may arise from the evidence, a conflict
18 in the evidence or a lack of evidence. If you have
19 reasonable doubt, you should find the defendant not
20 guilty."

21 An example of a conflict in the evidence, the
22 State throughout this trial has tried to show in
23 their case that Adam Matos was in some type of
24 platonic relationship with Megan when they came
25 down to Florida. I submit to you that's obviously

1 not true. They're talking out of both sides of
2 their mouth. On the one hand, Adam and Megan's
3 relationship is platonic because the State does not
4 want to concede that Megan Brown was unfaithful to
5 Adam Matos. But on the other hand, with the
6 quantity of phone calls between Adam and Megan,
7 they want to imply he became mad and wanted to kill
8 her because he was a jilted lover. Well, which one
9 is it? I submit to you the State doesn't know.

10 They want a conviction -- convictions for
11 first degree murders, but they don't know what
12 happened. But in the end, the facts in this case
13 and all of the physical evidence make it clear that
14 this case is a self-defense case at it's core.

15 The State has not produced one iota of
16 evidence that shows Adam Matos was armed when he
17 went to 7719 Hatteras Drive on August 28th of 2014.
18 Instead, what did it focus on? Instead it focused
19 on the smell of decomposition, the selling of dogs
20 on Craigslist, pizza deliveries. Because all the
21 evidence in this case shows that Adam Matos was not
22 the aggressor on August 28th of 2014. Nicholas
23 Leonard, Gregory Brown and Megan Brown were.
24 Actually, Adam Matos would have been a real fool, I
25 submit to you, ladies and gentlemen, to walk into

1 the wasps nest that was waiting for him on August
2 28th of 2014.

3 Adam Matos didn't know Nicholas Leonard was
4 there. Leonard had parked in the empty lot across
5 the street. Adam thought Megan was at work. The
6 physical evidence in this case is a virtual map of
7 what happened. Self defense is the only
8 explanation that makes sense.

9 Use your common sense, ladies and gentlemen.
10 April Matos knew that Gregory Brown had an arsenal
11 of weapons. If he had planned to kill these
12 people, he would have snuck to Greg's master
13 bedroom closet while Greg was outside working on
14 the RV. He would have armed himself with one of
15 the semiautomatic Browning rifles found in the
16 canal.

17 You heard the evidence. Gregory Brown and
18 Megan Brown were killed with what? With a Kel-Tec
19 pistol that was owned and brought into the home by
20 Nicholas Leonard. There was clearly a struggle
21 with Nicholas Leonard in the southeast bedroom.
22 The bloodstains all over the room are consistent
23 with a struggle. The evidence is not consistent
24 with Leonard being killed while he was asleep on
25 the mattress.

1 And remember, all the people when they were
2 found were fully dressed in daylight clothing.
3 Nobody was wearing pajamas. I know it's Florida.
4 Few of us nowadays where pajamas, but they weren't
5 in their underwear. If I'm not mistaken, cargo
6 shorts, jeans.

7 There was evidence of blood, substantial
8 volumes of his blood dripping all over the room:
9 On the chair, which was open at the time, according
10 to Anna Cox; the window fan. If you look at those
11 pictures again, there was drops near the dresser.
12 In front of the dresser, you will see drops of
13 blood, near the CD tower shelf, on the curtain in
14 the southeast part of the room in front of the
15 house.

16 We know from the autopsy report that Nicholas
17 Leonard was cut deeply on his left arm. Adam cut
18 his arm with a knife. Ladies and gentlemen, if
19 Adam Matos was the aggressor, that knife wound
20 would have been to the stomach or the neck or the
21 torso. It would have been a strike to kill, but it
22 was -- but it was to the arm to wound, not to kill.

23 The bullet hole in the bedroom wall is more
24 evidence consistent with a struggle. Forensic
25 Investigator Nancy Sulinski testified that it was

1 46 inches from the ground and the trajectory was an
2 upward angle, so it was lower before it hit the
3 wall. What does that indicate, ladies and
4 gentlemen? I submit that indicates that the
5 shooter of that gun was lying down on the mattress
6 in the southwest corner.

7 What else does that physical evidence show us?
8 What conclusions can we draw? Well, it is obvious
9 that Nicholas Leonard, Gregory Brown and Megan
10 Brown were killed in two separate rooms, which
11 means Adam would have to travel between rooms. We
12 know that there was a transfer stain of Nicholas
13 Leonard's blood at the entrance of the master
14 bedroom walk-in closet -- we know that from Anna
15 Cox -- which would mean that Nicholas Leonard was
16 clearly injured first by Adam Matos.

17 There was none of Gregory Brown's blood in the
18 southeast bedroom. There was no physical struggle
19 between Adam and Gregory Brown. Once Greg Brown
20 was shot, he stayed down. And per Dr. Palma's
21 testimony day one, probably died instantly.

22 Gregory Brown was in the closet with the guns,
23 so Adam's testimony is, again, consistent with the
24 evidence, so is the location of Megan Brown's blood
25 and the corner bead bullet hole.

1 If you recall Dr. Palma's testimony from his
2 medical autopsy report said she was five foot eight
3 inches. The hole in the corner bead was, per the
4 testimony of Forensic Investigate Sulinski, five
5 foot five inches high. Five foot eight, five foot
6 high, a difference of three inches. This places
7 the bullet in her eye. That is why there's not a
8 bullet hole if you follow a trajectory from the
9 closet. That's why you have a missing bullet.
10 It's not missing; it was recovered during the
11 autopsy of Megan Brown. This is consistent with
12 Detective Cougill's theory. The bullet, it lodged
13 itself in the back of Megan's skull because I
14 submit, the corner bead weakened its force.

15 How do we know that Adam's telling the truth
16 about running after Gregory Brown and Megan Brown
17 killing them first and then returning to the
18 southeast bedroom to hit Nicholas Leonard with the
19 hammer? Because if he stayed to strike Nicholas
20 Leonard repeatedly, especially after everyone would
21 have heard the two gunshots that went off, Gregory
22 Brown would have had enough time to load another
23 rifle and confront him somewhere in the middle of
24 the living room.

25 The big question, ladies and gentlemen, is

1 why, if Adam was the attacker, Megan didn't take
2 little [REDACTED] and run away from the house out the
3 front door screaming to neighbors like Ryan McCann
4 for help at the first sight of Adam? I published
5 the photograph that I put into evidence. You can
6 see as clear as day that that southeastern bedroom
7 is right next to that front door. Freedom.

8 Why didn't Megan Brown escape this house? Why
9 didn't she call 911? She clearly had time to call
10 911. The order people were killed is the same way
11 Adam describes. Adam wouldn't have a gun to shoot
12 Megan Brown in the master bedroom if he didn't
13 first eliminate the threat Nicholas Leonard posed
14 that is only logical and makes common sense.

15 What doesn't make sense is why she never
16 bothered to run or call 911 at the very start. I
17 submit to you that she had several minutes. Law
18 enforcement, I think that it was one of the 911
19 dispatchers who testified that had she called, they
20 would have been there in minutes. They already had
21 her information from the morning call. Her number,
22 her address, Adam's pedigree. Calling and hanging
23 up probably would have been enough. They would
24 have sent somebody out in minutes (indicating).
25 There's no record that she ever called 911. It's a

1 mystery unless you use your common sense and factor
2 in that she never thought Adam would survive.

3 Nicholas Leonard had the gun. Nicholas
4 Leonard was going to solve all her problems with
5 Adam Matos. She would be free to raise her child
6 any way she chose.

7 I submit that nobody actually wanted Adam to
8 move to Florida. They brought him down to avoid
9 custody issues in Pennsylvania. I submit Adam
10 couldn't really have a custody case in Pennsylvania
11 since not only had he consented to the move, he
12 moved with Megan and ██████████ to Florida.

13 Megan Brown didn't call the police, ladies and
14 gentlemen, because she never imagined Adam would
15 survive Nicholas Leonard's Kel-Tec pistol. She
16 never imagined that Nicholas Leonard with a gun in
17 his pocket and a backup knife on the dresser would
18 fail in his attempt to kill Adam Matos. The only
19 reason she ended up in the master bedroom with
20 Gregory Brown is because it happened just as Adam
21 testified. The fact that Megan stayed in that
22 house with ██████████ her four-year-old, proves who
23 the primary aggressors were.

24 It would have been a very successful
25 stand-your-ground case in Florida. They would have

1 effectively removed the third wheel and got away
2 with first-degree murder and not the fate if not
3 for that one bullet stuck in the chamber of Gregory
4 Brown's Winchester.

5 Ladies and gentlemen, the State has introduced
6 a lot of evidence, days of hundreds of photographs
7 and testimony, but they neglected to share with you
8 that Gregory Brown's Winchester was loaded.

9 Actually, they put on testimony via his son and
10 other witnesses that gave the impression that
11 Gregory's rifles were locked and secured and always
12 unloaded for the safety of little [REDACTED] It was
13 the Defense that was able to bring out during the
14 cross-examination of Forensic Investigator Rhea
15 Clark that the Winchester .30-30 lever action rifle
16 was loaded with one single bullet. One single
17 bullet.

18 In the end, ladies and gentlemen, a trial when
19 properly conducted is supposed to shed light on the
20 truth. There's nothing more beautiful than the
21 truth.

22 That bullet in that rifle in a house with a
23 four-year-old toddler is another mystery that needs
24 to be explained, not ignored.

25 The devil is in the detail. It is analogous

1 to putting together a puzzle and near the end,
2 being stuck with pieces that don't fit and
3 discarding them. Ladies and gentlemen, it's not
4 that the piece doesn't fit; it may be that the
5 State doesn't like the picture that it shows.

6 I submit to you, ladies and gentlemen, that
7 that piece is what unravels what happened on the
8 evening of August 28, 2014. When you put it
9 together with all the other pieces: The bullet
10 holes in the southeastern bedroom, the bullet with
11 Nicholas Leonard's DNA, the bullet hole in the
12 master bedroom, the location of the bloodstains,
13 it's all there.

14 Adam Matos testified truthfully when he
15 explained what happened and he didn't have to
16 testify. The bullet is the jammed bullet that
17 Gregory Brown tried to kill him with. This is an
18 example of reasonable doubt from the evidence.

19 Ladies and gentlemen -- ladies and gentlemen,
20 the State is trying to fit a square peg into a
21 round hole. All the State Attorney is relying on
22 is speculation and unfounded theories. That isn't
23 proof beyond a reasonable doubt.

24 Ladies and gentlemen, they promised you that
25 they would prove this case beyond and to the

1 exclusion of every reasonable doubt, but in the
2 end, they want you to trust them and take a leap of
3 faith.

4 The State's job is to eliminate all reasonable
5 doubt in the proof of their case, not hope that you
6 over look the discrepancies. If one goes to an
7 expensive restaurant and orders a fine meal and
8 they find a hair in the their food, they're not
9 going to pull out the hair and eat around it;
10 they're going to send it back. Send it back.

11 The State was confident when they promised you
12 that they were going to prove to you that Adam
13 Matos committed four first-degree murders. If they
14 haven't met their promise, send it back.

15 An example of lack of evidence: The State has
16 presented no evidence of premeditation. The State
17 is relying on the 911 call that Megan Brown made at
18 5:30 in the morning after staying up all night on a
19 weekday at a bar. Adam was upset the night before
20 for several reasons, including the fact that he had
21 to work the next day and Megan was supposed to be
22 watching [REDACTED] while he worked.

23 Ladies and gentlemen, if Adam wanted to kill
24 Megan, he chose not to when he had the chance.
25 Remember, the majority of those calls that the

1 State is basing its prosecution on, calls that you
2 have no content for that we can only speculate what
3 was said on those conversations, the majority of
4 those calls were made to her prior to 5:30 in the
5 morning.

6 When he pulled out the knife on her, she
7 grabbed it and cut her thumb. If he wanted to kill
8 her, he would have done so then and there.
9 Instead, he chose to drop the knife when his little
10 boy woke up and he decided to leave.

11 I submit to you that if on August 28th of
12 2014, at 6:00 PM when Adam came back home, if Megan
13 told him to leave, he would have left.

14 Ladies and gentlemen of the jury, you have all
15 experienced all types of things in your life. You
16 range in different ages; you have met all types of
17 people; you also can recognize and identify all
18 types of behavior.

19 The State undoubtedly will play that 911 tape
20 again when I sit down, and you'll have a chance to
21 play it again yourselves if you want to. If you
22 do, please pay attention to the part when Megan
23 Brown thinks that she got mistakenly disconnected
24 by the 911 dispatcher. This is located near the
25 end of the audio after seven minutes. She

1 completely stops crying and moaning. And says,
2 "Hello, hello" until she knows the dispatcher's
3 still there and then the moaning begins again.

4 I submit to you that Megan Brown may have been
5 exaggerating what happened in the morning between
6 herself and Adam. She describes a one-half inch
7 cut on her thumb as being so deep she could see her
8 flesh. Is she sincere on this audio or was she
9 deceiving? You decide. You're the fact finders.

10 She recognized, I submit, that this report of
11 domestic violence was a perfect way to get rid of
12 Adam.

13 Phone calls. Again, instead of hard evidence,
14 the State is trying to base its prosecution on
15 empty phone records without the content of the
16 conversations. The evidence is meaningless.

17 In our country, we do not convict people of
18 crimes, especially first-degree murder, based on
19 speculation.

20 With regard to the phone records, if and when
21 you review them, please make sure to identify
22 Nicholas Leonard's number, 727-488-8804.

23 As was brought out from the testimony of
24 Detective Cougill, he talks with Adam at least
25 twice on the early morning of August 28th for two

1 conversations, 22 minutes each, for a total of 44
2 minutes. It's worth noting that Nicholas Leonard
3 texts Adam Matos first before those conversations
4 begin. So it's Nicholas Leonard that reaches out
5 to Adam Matos, consistent again with Adam Matos's
6 testimony.

7 Now, ask yourselves what two men have ever had
8 a phone conversation for 44 minutes? Do you think
9 they were arguing for about an hour? Cussing and
10 threatening each other for about an hour? If those
11 conversations were acrimonious, I suspect they
12 would have been really short. They were obviously
13 talking about something. Mr. Matos testified as to
14 what they were talking about. Mr. Leonard was
15 feeling doubts about whether he wanted to continue
16 seeing Megan Brown. He was identifying with Adam.

17 They also talked on the phone around 6:00 AM
18 before Nicholas Leonard knew about the incident
19 between Adam and Megan. Remember, Nicholas Leonard
20 didn't find out about the incident and didn't call
21 911 until after 9:00 AM.

22 Mr. Leonard was not an enemy of Adam Matos.
23 Nicholas Leonard did not betray Adam Matos in any
24 way. I submit to you, after talking with Megan
25 Brown, Nicholas thought it was his duty to save his

1 damsel in distress. Please note, he only knew her
2 for weeks.

3 Please also note that Adam's last call to
4 Megan was at 4:12 PM on August 28th. Also there
5 were no calls for Megan -- to Megan Brown from Adam
6 from between 8:00 AM and 4:12 PM.

7 Again, ladies and gentlemen, there's no
8 evidence of premeditation. No evidence of planning
9 by Adam Matos to kill these people. Premeditation
10 is planning something beforehand. That's literally
11 the meaning of the word.

12 Let's take a look at how well Adam Matos
13 planned these so-called crimes. First of all, I
14 said in my opening statement, he never tried to get
15 away. Seven days he stayed there. He had credit
16 cards for gas and an RV. It would take -- I submit
17 it would have taken only two days to make it to
18 Guatemala or -- but anywhere else in the
19 Continental United States. He could have sold the
20 RV and lived comfortably for a couple of years.
21 Instead of premeditation, all you have is amateur
22 improvisation.

23 The decomposition smell alone that the State
24 kept proving over and over and over again proves as
25 much. If you're going to plan a murder, you're

1 going to plan how to get rid of the bodies. Adam
2 didn't even have a shovel. He was so in shock. He
3 didn't know what to do. He bought a shovel from
4 Wal-Mart after 24 hours, 24 hours after Margaret's
5 death.

6 The bodies were lying in a pile in the east
7 garage near the two wheeler where Anna Cox
8 described a pool of blood for at least 24 hours.
9 That's why you have that smell. That smell proves
10 no premeditation.

11 He tried to dig a hole in the dirt but
12 abandoned the idea. He hauled the bodies about a
13 mile from the house and left them in a ditch. He
14 didn't try to get away with it. He tried to escape
15 only in his mind by pretending it never happened.

16 Ladies and gentlemen, the bags on Margaret's
17 head are a very important point in this case
18 because if the State is able to convince you that
19 Adam suffocated this woman, then they have a better
20 chance --

21 MR. LABRUZZO: Objection, Judge. It's
22 improper argument.

23 THE COURT: Sustained.

24 MR. MICHAÏLOS: Ladies and gentlemen,
25 Dr. Palma last week testified pretty accurately on

1 this issue. He made it clear and agreed with me
2 that there was no physical biological evidence of
3 suffocation or asphyxiation. He explained that he
4 put asphyxiation in his report as a contributory
5 cause of death simply because of the presence of
6 the bags, not because of an opinion reached through
7 his expertise. Remember, he didn't know about the
8 blood spatter evidence in this case. His job was
9 just to do a physical examination of the body. He
10 did go to the place where the bodies were found and
11 saw how they were positioned and dressed, but he
12 had no other information regarding this case
13 because that would be outside the scope of his job.
14 He testified only that asphyxiation may be a cause.

15 And ladies and gentlemen, he did the autopsy
16 at the beginning of the investigation, long before
17 Jaclyn Angelo -- I'm sorry, Jaclyn Angelo -- the
18 FDLE crime laboratory analyst, did the DNA testing
19 and Anna Cox, the very accomplished and articulate
20 bloodstain pattern expert analyzed the bloodstains.

21 Anna Cox testified that there was blood
22 spatter -- there was a blood spatter event on the
23 north wall of the west garage, the narrow hallway
24 before Room K where the stairwell is. All the
25 State's experts are in agreement on this point.

1 Dr. Palma agreed with me that if there was
2 blood spatter event from Margaret, then that would
3 prove that the bags were placed over the head after
4 the blunt trauma. It's not a complicated issue to
5 understand. Liquid cannot pass through a solid, in
6 this case through two unbroken bags. You don't
7 have need to have an MD or any other degree; all
8 you need is common sense.

9 I submit to you, ladies and gentlemen, that
10 the laws of physics were not temporarily suspended
11 on August 28, 2014, in the west garage of 7719
12 Hatteras Drive.

13 Mr. LaBruzzo promised you in jury selection
14 that you could use your common sense when you
15 decide the facts of this case. Dr. Palma doesn't
16 know the facts of this case. You do. And you can
17 use your common sense to decide what makes sense
18 because you're the jury.

19 I submit to you that the State has not proven
20 beyond a reasonable doubt that Margaret Brown was
21 suffocated. Also, if Margaret Brown suffered the
22 heavy blow that caused that six centimeter hole on
23 the side of her head, wouldn't the bag be
24 punctured? I submit it would be, but, yet, the
25 State didn't show any evidence of damage to the

1 bag. Dr. Palma testified to liquid in the bag that
2 had not leaked out.

3 I also wanted to clear up something that might
4 mislead. The Doctor's testimony -- report
5 described the tape on the bag is electrical tape.
6 We all know what electrical tape looks like, less
7 than a half-inch wide; it's black.

8 Dr. Palma in his gestures the first day he
9 testified said that Margaret's face was covered.
10 He gestures up like this (indicating), given the
11 impression of wide duct tape. That's not the case.
12 The tape was less than one inch. Also, if there
13 was tape like duct tape under the bag over the
14 mouth, clearly that would be evidence of
15 suffocation. But common sense dictates, dictates
16 that tape over a bag will not increase the chances
17 of suffocation.

18 One other thing I suspect -- actually I don't
19 have to suspect. Mr. Sarabia came up here and
20 argued that somehow Margaret was killed first.
21 Talk about crafting stories. They locked
22 themselves up relying on the testimony of Justin
23 Okins's testimony to narrow the time of the deaths.
24 In spite of the fact that they haven't proven
25 beyond a reasonable doubt when the alleged crimes

1 took place, because there's overwhelming evidence,
2 including from Okins himself, that in this area
3 gunshots are common. I submit that the State will
4 not concede this point and they're trying to shape
5 their argument to fit this timeline.

6 Let's look at the timeline. Margaret left
7 work at 11:11 PM. Detective Cougill testified it
8 would take her 15 minutes to get home. That would
9 place her home 11:26 PM. Per Okins's testimony,
10 gunshots were between 11:45 PM to midnight. That
11 means Adam must have killed her in the garage first
12 and then went upstairs. That's what the State's
13 arguing. The problem with that is, the physical
14 evidence and common sense.

15 With regard to physical evidence, there wasn't
16 a drop of Margaret's blood found on the second
17 floor. There were no transfer stains. The hammer
18 would have been contaminated with her blood when
19 the blood spatter event occurred. There were
20 transfer stains in the west garage near the fridge,
21 but nothing on the second floor.

22 With regard to common sense, how about the
23 20-odd dogs in this house? Wouldn't they sound the
24 alarm? Wouldn't Megan or Gregory Brown or Nicholas
25 Leonard have heard Margaret pull into the garage or

1 felt the shutter of the garage underneath?

2 Can one sense when their garage door opens and
3 closes even in houses where the garage isn't on the
4 first floor, when it's adjacent to the house, I
5 submit to you, you know when your loved-one is
6 coming home because you hear the tremble when that
7 garage door opens and closes with that loud chain
8 motor.

9 I hope when the State comes back up here for
10 their rebuttal, they have the answers to these
11 questions when they come back up.

12 A lot of talk about ██████'s room.
13 Mr. Matos, bad father, locked his kid up in the
14 room. Speculation again. Empty speculation. The
15 photographs show the key part of the lock.
16 Everybody knows what a deadbolt looks like. You
17 have common knowledge of that. On the other side
18 of that key lock is a turn knob. That child was
19 not locked in that room by Mr. Matos.

20 Heat of passion. If you have a reasonable
21 doubt whether the defendant acted in a heat of
22 passion, you should find him not guilty of
23 first-degree murder. Just like I said earlier, the
24 default is manslaughter.

25 In the jury instructions for both murder in

1 the first degree and second degree, there's a whole
2 section that defines what heat of passion is and
3 there's a total of five elements. The first one
4 is:

5 There must have been a sudden event that would
6 have suspended the exercise of judgment in an
7 ordinary reasonable person.

8 The second one: A reasonable person would
9 have lost normal self control and would have been
10 driven by a blind and unreasoning fury.

11 Three: There was not a reasonable amount of
12 time for a reasonable person to cool off.

13 Four: A reasonable person would not have
14 cooled off before committing the act that caused
15 death.

16 And, five: The defendant was, in fact, so
17 provoked he did not cool off before he committed
18 the act that caused the death.

19 The State has to prove all those elements
20 beyond a reasonable doubt, prove that they did not
21 exist. Ladies and gentlemen, I submit to you, that
22 a normal reasonable -- normal, reasonable person is
23 capable of losing self control under extreme
24 circumstances. That is why the concept of heat of
25 passion exists under the law. The question is how

1 does one gauge what extreme circumstances would
2 cause a reasonable person to lose control. This is
3 not an easy task and clearly not scientific.

4 The State is asking you to take a leap of
5 faith and find that this was not a heat of passion
6 because they say so. But if you have to guess,
7 your conviction cannot be one that is secure and
8 unwavering. The State has to have proven to you
9 why this is not a heat of passion.

10 How do you decide how a reasonable person
11 would have acted under the circumstances Adam Matos
12 faced on August 28th of 2014? Who is the poster
13 child for the reasonable person? All people are
14 different. Some people are easygoing and have,
15 let's say, a California state of mind. Others,
16 more aggressive, like the stereotypical New Yorker.
17 Does that mean if you're a reasonable -- if you're
18 a reasonable person as the Californian type, you
19 must find Adam Matos guilty of murder? And vice
20 versa if you have a reasonable person as a New
21 Yorker, you must find him not guilty?

22 Anger is an emotion that is processed
23 differently by different people. It's easy for one
24 to think, "I will never do that." But until it
25 happens to you, you don't know how you would react.

1 In this case, we have a soft spoken, polite,
2 reserved young man not an animated, emotional type,
3 more the California stereo type. But look at the
4 facts of this case and I submit to you, you can
5 come to only one conclusion, he snapped and he
6 acted in a heat of passion. The facts in this case
7 cry out heat of passion, self defense,
8 manslaughter, not murder.

9 There was no premeditation. There was no
10 deliberation. There was no reflection, just
11 instinct.

12 I submit to you that context is vital. If
13 Margaret was the only person killed in this case,
14 if hypothetically Megan had gone to Nicholas
15 Leonard's house with [REDACTED] like his dad, Daniel
16 Leonard, suggested and Adam Matos had gone home to
17 retrieve his things and no one was home and then
18 when Margaret came home he killed her the way he
19 killed her, there would be -- there wouldn't be any
20 argument -- argument for heat of passion. But
21 killing her after the combat-type experience he
22 just experienced is not murder, especially
23 first-degree murder. Only a combat military
24 veteran experiences such things. You can't just
25 bounce back from that and have a clean slate to

1 commit premeditated murder.

2 The killing of Margaret Brown was a link in a
3 chain reaction that began when Nicholas Leonard
4 made up on his mind to bring a semiautomatic over
5 to Mr. Matos's home with the intent to kill him if
6 he showed up. "Shoot him between the eyes." Of
7 course he would show up. He lived there. His boy
8 was there. He had no other place to go. His
9 family was in Pennsylvania. Adam Matos walked into
10 a trap, ladies and gentlemen.

11 Nicholas Leonard had parked his truck across
12 the street. All of Adams's things were there. His
13 clothes were in the closet. Remember at some
14 point, that wasn't his bedroom, no. Just
15 coincidentally the little closet they had had men's
16 clothing in there.

17 Adam Matos had taken nothing with him earlier
18 that morning. When Adam Matos walked into his
19 bedroom on the evening of August 28, 2014, he was
20 thrust into an unforeseeable situation and a series
21 of events where reason, calm reasoning and what is
22 reasonable ceased to exist.

23 There was no time to contemplate, no time to
24 think. He was operating on a primal instinct to
25 survive. That is obvious from the facts in this

1 case, from all the evidence, from all the physical
2 evidence. If a gun was not introduced into the mix
3 by Nicholas Leonard, a simple 911 call on a cell
4 phone would have been enough to make Adam grab some
5 personal items and leave or stay and be arrested.
6 I submit a simple cell phone gesture would have
7 sufficed.

8 Before I forget, I took some notes from when
9 Mr. Sarabia was up here. He talked about locks and
10 a lot of speculation about locks being changed
11 what-have you. But that hook and eyelet latch --
12 that hook and eye -- I think it's called a eyelet
13 latch that was inside the stairwell door. Nobody
14 can pick that. If they were so concerned and
15 afraid of him, a simple (indicating) would have
16 sufficed.

17 In addition, Mr. Sarabia would have you
18 believe that Mr. Matos admitted to putting a bag
19 over Ms. Brown while she was still conscious. I
20 submit to you that when Mr. Sarabia was
21 cross-examining Mr. Matos, he used several compound
22 sentences, double negatives. Mr. Matos is not an
23 attorney. He hasn't been cross-examined before.

24 He made it clear on direct examination that
25 she was dead before he put the bag on her head.

1 Ladies and gentlemen, I hope that the State
2 Attorney would not have you convict him because of
3 a slip of the tongue, because he was nervous and
4 said something that he didn't mean to say.

5 Now, ladies and gentlemen, you are not going
6 to be disadvantaged like Adam Matos when you
7 deliberate in the deliberation room in order to
8 decide the facts of this case. You will have the
9 leisure of time to think about all that you have
10 heard and reach your verdict in a logical and
11 reasonable fashion.

12 Your verdict should not be based on instinct
13 but on reasoning, common sense, principles and,
14 above all, the law.

15 Common sense, ladies and gentlemen: Adam
16 Matos outnumbered three to one. They had guns; he
17 had nothing. And the State just has a theory.

18 Ladies and gentlemen, this is a very serious
19 case. I submit to you that the whole of the
20 State's case is the physical evidence. It is the
21 most compelling evidence. It's not biased. It's
22 not capable of lying. There are no eyewitnesses
23 but Adam Matos. The physical evidence has to be
24 without reproach, and it is. However, the State
25 has a problem. Because this physical evidence

1 supports the defense, so they're in a predicament.
2 They have to argue against their own evidence.
3 Like in the end of the Wizard Of Oz, when the
4 wizard says, "Don't look at the man behind the
5 curtain." Ignore the blood spatter. Ignore the
6 law of physics. Just trust us, the Government.

7 There's a French saying that says, "To belief
8 with certainty, you begin with doubting."

9 Ladies and gentlemen, we ask you to return a
10 verdict of not guilty as to all four counts of
11 first-degree murder.

12 Thank you for your cooperation and service in
13 this case.

14 THE COURT: All right. Does anyone need a
15 bathroom break? If you do, raise your hand.

16 I see no hands.

17 So, State, you want to finish up?

18 MR. LABRUZZO: Yes, Your Honor.

19 THE COURT: All right.

20 MR. LABRUZZO: Ladies and gentlemen, I'll
21 agree with the Defense that we do appreciate your
22 time and your attention in this case, and you guys
23 have been cooperative with us and we do appreciate
24 that.

25 I'd like to start out by talking about this

1 idea that Mr. Matos is not guilty by a heat of
2 passion. Okay? There was a lot of focus he's not
3 guilty because of his primal instincts, his rage,
4 his heat of passion, as it was described to you by
5 the Defense. Okay?

6 The Court's going to instruct you on what is
7 the heat of passion. And it's -- the title really
8 is The Heat of Passion Upon Adequate Provocation.
9 We kind of leave off this "adequate provocation"
10 part, but it's really kind of the essential part of
11 this heat of passion.

12 The Defense is correct, there are five
13 elements we have -- that have to be proven to you,
14 all five of them if you're going to believe that he
15 was not guilty by a heat of passion upon adequate
16 provocation.

17 And I'm going to tell you right now that he's
18 guilty of murder in the first degree, premeditated,
19 based on the evidence in this case and that heat of
20 passion does not apply to any of the crimes that
21 he's been charged with. And it's really because
22 the first element of this heat of passion, adequate
23 provocation isn't happening. I'll read it to you.
24 It says:

25 "There must have been a sudden event that

1 would have suspended the exercise of judgment in an
2 ordinary reasonable person." Okay? This sudden
3 event-type scenario. So we kind of take a step
4 back, why we have this in a law? You can think
5 about a situation where a husband goes away on a
6 long business trip. He comes home late at night
7 unexpectedly. Goes into his house. Takes off his
8 clothes. Walks into his bedroom and sees his wife
9 in bed with another man and he loses it. He walks
10 into a situation he had no idea about. It's a
11 sudden event. Grabs the lamp, hits him over the
12 head and he dies. Right? The sudden event was so
13 blinding, as the law will tell you, that he loses
14 his sense of reason.

15 The evidence in this case is pretty clear,
16 because he admits to it, that he went into that
17 house without them knowing. He -- he thrustured
18 himself into this situation. The Defense wants to
19 say that this situation was thrustured upon him, but
20 in all reality is they didn't want him at that
21 house. That was adequately communicated to him.
22 "Leave now. I'm calling the cops." She's crying
23 and all the things we'll talk about in a minute.

24 Goes in. Breaks into another house. Smokes
25 cigarettes. He want to tell you that he's chilling

1 out during that time. But the reality is is that
2 he's probably stewing, getting hot, texting, no
3 one's responding. He can't take it anymore and
4 goes back to the house. He thrusted himself into
5 that situation. It wasn't sudden upon him, and,
6 therefore, it's not heat of passion.

7 You can't walk into a bad situation and say,
8 "Oh, well. I didn't know it was going to be a bad
9 situation if I showed up." And then say hey to the
10 ladies and gentlemen, "Can you cut me some slack in
11 the situation because, you know, I know that I
12 shouldn't be there, but I showed up anyway and I
13 deserve some break because of that." It's not
14 true. He gets no credit for being there. He
15 injected himself, and, therefore, it's not heat of
16 passion.

17 But if you think that somehow it is, this
18 sudden event is somehow thrusting upon him, it has
19 to be a normal, reasonable person would have lost
20 normal self control and would have been driven by a
21 blind and unreasoning fury.

22 Well, ladies and gentlemen, the events of
23 earlier that morning, the only person that was
24 acting with a blind and unreasonable fury was
25 Mr. Matos as he waited for Megan to come home,

1 confronted her with a knife. And he wants to say,
2 "I didn't point it at her." You know, but here he
3 is trying, as he said, "I wanted to tell her the
4 truth." Well, he's trying to get her to tell him
5 the truth as he holding a knife in his hand. Blind
6 and unreasonable fury? That's Adam Matos. He had
7 that all day.

8 But there was not a reasonable amount of time
9 for a reasonable person to cool off. Well, if you
10 believe Mr. Matos's testimony, he had ample time to
11 cool off about what was going on. Right? He wants
12 to say, "I was just sitting around chilling and
13 smoking cigarettes and playing on my phone while
14 they're doing what they're doing. I just decided
15 I'm going to head over there and see what's going
16 on. I'm not going to announce myself. I'm not
17 going to go to the front door. I'm not going to
18 knock. I'm not going to say, 'Hey, I just want my
19 stuff' or, 'Hey. I just want to say bye to
20 ██████████'" He sneaks into the house. Surprises
21 them in the bedroom.

22 And just remind you that the situation is that
23 no one's saying they were engaged in any type of
24 activity or anything of concerned behavior that
25 would send him into that rage.

1 And finally, the other thing as to this heat
2 of passion and why is that Adam Matos was, in fact,
3 so provoked and did not cool off before he
4 committed the acts that caused the deaths of these
5 individuals.

6 Well, you can't inject yourself into a
7 situation that is hostile as this was going to be
8 and not expect it to be a bad situation. It
9 doesn't get the benefit of, "Oh. I'm just going to
10 walk in and everything is going to be okay and I
11 don't want to start with anyone." He doesn't
12 announce himself, doesn't act in a reasonable and
13 prudent manner as to someone who would want to just
14 do the things that he says. He doesn't do that.
15 This is not heat of passion on an adequate
16 provocation because he put himself into the
17 situation at the house. He knew that he was not
18 supposed to be there. He knew that he was not
19 wanted there. It was clear to him.

20 Megan called the cops on him. Just remember
21 that.

22 (Thereupon, State's Exhibit is played and is
23 in the following italicized type.)

24 *MS. BROWN: 7110 Hatteras Drive.*

25 *OPERATOR: Spell the street name for me,*

1 *please.*

2 *MS. BROWN: Honey, just please lay down.*

3 *OPERATOR: Ma'am, can you just spell the*
4 *street name for me.*

5 *THE WITNESS: H-a-t-t-e-r-a-s Drive. Hudson,*
6 *Florida.*

7 *OPERATOR: Okay. And it's 7119?*

8 *MS. BROWN: 71 -- 7119.*

9 *OPERATOR: Ma'am, it's going to be okay.*
10 *7119?*

11 *Okay. What is your name?*

12 *MS. BROWN: Megan Brown.*

13 *OPERATOR: What is it? What is your first*
14 *name?*

15 *MS. BROWN: Megan, M-e-g-a-n. Brown like the*
16 *color.*

17 *OPERATOR: Okay, Megan. I'm not finding a*
18 *7119 Hatteras Drive. That's in Hudson?*

19 *Is it 77 -- Megan, you've got to focus with*
20 *me, ma'am. Is it 7719?*

21 *MS. BROWN: No. It's seven -- Hold on a*
22 *second. Hatteras Drive. 7119.*

23 *OPERATOR: No, it's not.*

24 *MS. BROWN: 7719.*

25 *OPERATOR: Okay. Tell me exactly what*

1 *happened.*

2 *MS. BROWN: I'm sorry. We just moved here.*

3 *OPERATOR: What -- tell me exactly what*
4 *happened, Megan.*

5 *MS. BROWN: My son's dad -- I just came home*
6 *and my son's dad put a knife to my throat and he*
7 *cut my hand and I'm, like, bleeding everywhere and*
8 *my son's freaking out. I really don't want to do*
9 *this in front of him. Please. He put a knife to*
10 *my throat.*

11 *OPERATOR: Okay. Where is he at?*

12 *MS. BROWN: He took off.*

13 *OPERATOR: Okay. When did that occur?*

14 *MS. BROWN: My son woke up. He did this in my*
15 *son's room and son woke up.*

16 *OPERATOR: Okay. Ma'am. Ma'am, he -- he cut*
17 *your hand with the knife?*

18 *MS. BROWN: Yes.*

19 *OPERATOR: All right.*

20 *MS. BROWN: I'm bleeding everywhere.*

21 *OPERATOR: Okay. And that's the father of*
22 *your son?*

23 *MS. BROWN: Yes.*

24 *OPERATOR: It's going to be okay, ma'am. It's*
25 *going to be okay.*

1 MS. BROWN: I'm sorry, baby. Baby, look at
2 me. You want to play -- you want to play on
3 mommy's phone? Come on.

4 OPERATOR: Okay. So give me a --

5 MS. BROWN: It's okay, baby. I'm not trying
6 to -- I'm sorry. You need to have someone come out
7 here as soon as possible. He literally tried to
8 kill me.

9 OPERATOR: Okay. He left in a vehicle or on
10 foot?

11 MS. BROWN: On foot. He doesn't have a
12 license. It's okay. He probably has his bike.

13 OPERATOR: What's the current, Jamie?

14 MS. BROWN: He has a bike. He had no shirt
15 on. He has two --

16 OPERATOR: Okay. Hold on, Megan. Hold on a
17 second with me. Hold on. Hold on with that. I
18 already have deputies dispatched for you. So give
19 me -- give me a time delay, okay, of when that
20 happened, when he cut you with the knife.

21 MS. BROWN: He just did it ten minutes ago.

22 OPERATOR: Okay. Ten minutes?

23 MS. BROWN: Yep.

24 OPERATOR: Okay. What is his name?

25 MS. BROWN: Adam Matos. A-d-a-m, M-a-t-o-s.

1 OPERATOR: Okay. How old is he?

2 MS. BROWN: He's 28.

3 OPERATOR: Twenty-eight? Okay.

4 MS. BROWN: A month from 29.

5 OPERATOR: Okay. What he is he wearing?

6 MS. BROWN: He was wearing no shirt when he
7 left. I don't even remember if he was wearing
8 shorts or not. If he is wearing shorts, it's a tan
9 pair of shorts because that's the only pair of
10 shorts he has.

11 OPERATOR: Okay. Which direction did he leave
12 on foot? Like, where's he at?

13 MS. BROWN: I don't know. To be honest, as
14 soon as he left, I went and got my parents up
15 because he tried kill me.

16 OPERATOR: Okay. Megan, do you need an
17 ambulance?

18 MS. BROWN: I don't know. I just want
19 somebody to come here right now. I can see the
20 meat in my finger.

21 OPERATOR: You can see the meat in your
22 finger? How big was the knife?

23 MS. BROWN: It was a steak knife.

24 OPERATOR: Okay. Does he still have it on
25 him?

1 MS. BROWN: He put it right to my throat. He
2 said he was going to kill me.

3 OPERATOR: Megan. Megan. You need to calm
4 down, ma'am.

5 Does he still have the knife on him?

6 MS. BROWN: No. It's in my son's room right
7 now and I'm trying to keep him out of there, but I
8 don't want to touch it.

9 OPERATOR: Okay. Megan, I need you to answer
10 whether you want me to get an ambulance for you.
11 Okay?

12 MS. BROWN: I can't leave my son by himself.

13 OPERATOR: Okay. It's okay. But do you want
14 an ambulance to respond with deputies, ma'am, to
15 check out your hand?

16 MS. BROWN: Yes.

17 OPERATOR: Okay. That would be fine. That
18 would be fine.

19 MS. BROWN: I don't know what to do. I can't
20 even look at it; it's so full of blood.

21 OPERATOR: Okay.

22 MS. BROWN: I'm so sorry.

23 OPERATOR: Okay. And it's on your hand?

24 MS. BROWN: Yes. My thumb. My left hand on
25 my thumb. I'm putting the knife in my kitchen.

1 OPERATOR: Okay. Now, do you know if he has
2 any other weapons on him?

3 MS. BROWN: I have no idea.

4 OPERATOR: Okay. Is he on drugs or alcohol?

5 MS. BROWN: Alcohol.

6 OPERATOR: Okay. Is he thin? Medium? Heavy?

7 MS. BROWN: He's like six, two. He's medium
8 built. You would think he is skinny, but he's a
9 little bit meaty.

10 OPERATOR: Okay.

11 MS. BROWN: But compared to people here in
12 Hudson, he's medium.

13 OPERATOR: Okay. Do you think he'll be
14 violent with law enforcement officers?

15 MS. BROWN: I'm sorry. What did you say?

16 OPERATOR: It's okay, ma'am. Do you think
17 he'll be violent with law enforcement officers?

18 MS. BROWN: Violent?

19 OPERATOR: Yes, ma'am.

20 MS. BROWN: I have no idea. This is the first
21 time he's ever actually tried to kill me. I'm so
22 sorry.

23 OPERATOR: It's okay, Megan. Don't apologize.
24 Do not apologize. It's quite all right.

25 What was going on? You guys had --

1 MS. BROWN: I just want somebody to come here.

2 OPERATOR: Okay. You guys had some kind of
3 argument or what was going on?

4 MS. BROWN: We haven't been together for weeks
5 now because he doesn't do anything.

6 OPERATOR: Uh-huh.

7 MS. BROWN: And I went out with my friends and
8 I came home at, like, 5:00 in the morning and he
9 got all pissed off and he was drinking and he just
10 put a knife right to my throat and said he was
11 going to fucking kill me --

12 OPERATOR: Okay. Is he known to carry
13 weapons?

14 MS. BROWN: -- because I went out.

15 OPERATOR: Okay.

16 MS. BROWN: Oh, man. My finger hurts. Oh,
17 man.

18 OPERATOR: Okay, ma'am. I'm going to ask you
19 some questions. Okay?

20 How old are you?

21 MS. BROWN: I'm 27.

22 OPERATOR: Twenty-seven.

23 MS. BROWN: 7/15/87, is my birthdate. I just
24 turned 27.

25 Hello. Hello.

1 OPERATOR: I'm -- I'm still with you, Megan.

2 MS. BROWN: Oh, okay. Oh, my God. Okay. I
3 thought I lost you.

4 OPERATOR: Okay. Where are you bleeding from,
5 ma'am?

6 MS. BROWN: My left thumb. I'm cleaning it
7 off now.

8 OPERATOR: Your left thumb?

9 MS. BROWN: This isn't so bad, but I don't
10 know. I just grabbed the knife when he put it to
11 my throat.

12 OPERATOR: Okay. Is your bleeding normal for
13 you?

14 MS. BROWN: I -- I coagulate pretty well, so
15 it's just very swollen and I can see ...

16 OPERATOR: Okay. Is your breathing normal for
17 you, Megan?

18 MS. BROWN: I'm sorry?

19 OPERATOR: Is your breathing normal for you?

20 THE COURT: No. I -- I have anxiety attacks.
21 So, to me, this is normal, but to somebody else,
22 no, it's not normal.

23 OPERATOR: Okay. Is the blood spurting or
24 pouring out?

25 MS. BROWN: No. Not anymore. I've been

1 *putting pressure on it. I'm -- I'm first aid*
2 *certified.*

3 *OPERATOR: Oh, it's okay. Got you. Do you*
4 *have a bleeding disorder or are you on blood*
5 *thinners?*

6 *MS. BROWN: No. No.*

7 *OPERATOR: Got you. Okay, ma'am. I'm sending*
8 *the paramedics to help you now. Just stay on the*
9 *line. I'm going to tell you exactly what to do*
10 *next. Okay? Okay. Do not use a tourniquet and*
11 *I'm going to tell you how to stop the bleeding.*
12 *Okay? Listen carefully to make sure we do it*
13 *right. If you haven't already, just get a clean,*
14 *dry cloth or towel and place it right on the wound*
15 *and press down firmly and don't lift it up just to*
16 *look. Okay?*

17 *Is the bleeding controlled now?*

18 *MS. BROWN: Yeah. I've been putting pressure*
19 *on it.*

20 *OPERATOR: Okay. You have been putting*
21 *pressure on it?*

22 *Okay, Megan. Well, help is on the way. Okay?*
23 *Don't have anything to eat or drink, it might make*
24 *you sick or cause problems for the doctor. Okay?*
25 *And don't move around unless it's absolutely*

1 *necessary. Just be still and wait for help to*
2 *arrive.*

3 *Where are you at right now, Megan?*

4 *MS. BROWN: I'm in my room with my son.*

5 *OPERATOR: Okay. You're in your room?*

6 *Okay, Megan. Well, the deputies are almost*
7 *there. Okay? So just go ahead and stay inside the*
8 *house.*

9 *Can you lock the door?*

10 *MS. BROWN: Yeah. I'm locking my son into my*
11 *room because there's actually -- when we moved in*
12 *here, there's no lock on the outside. I just don't*
13 *want him to hurt him.*

14 *OPERATOR: Okay. Okay. Well, I'm going to*
15 *stay on the line with you until the deputy gets*
16 *there. Okay?*

17 *MS. BROWN: Yeah. I keep looking around.*
18 *He's here, but he's going up the road.*

19 *OPERATOR: What's that?*

20 *MS. BROWN: I think he's looking for him.*

21 *OPERATOR: Oh, the deputy? Okay. Yeah. He*
22 *might not come directly to you.*

23 *MS. BROWN: Yeah. He just turned right.*

24 *Sir, I'm, like, so scared.*

25 *OPERATOR: It's okay, ma'am. That's why we're*

1 *here. We're here to help you.*

2 *MS. BROWN: If I knew he was going to do that,*
3 *I wouldn't even have went out.*

4 *OPERATOR: Got you. I understand.*

5 *MS. BROWN: Oh, my God. I can't believe this*
6 *happened.*

7 *OPERATOR: Megan, can you see the deputy? Is*
8 *he outside?*

9 *MS. BROWN: Yeah. He's turning around.*

10 *OPERATOR: Okay.*

11 *MS. BROWN: Oh man. And all my parents care*
12 *about is going to work. That's wonderful. And*
13 *thank God my son woke up.*

14 *He's here. He's knocking on my door right*
15 *now.*

16 *OPERATOR: Okay. Go ahead and answer it then,*
17 *ma'am. That's the deputy, correct?*

18 *MS. BROWN: Yes. He's here.*

19 *OPERATOR: Okay. Okay. I'll let you go,*
20 *ma'am.*

21 *MS. BROWN: All right. Thank you very much.*

22 *OPERATOR: Thank you. Bye-bye.*

23 *MS. BROWN: Bye.*

24 *(Audio ends.)*

25 *MR. LABRUZZO: Defense wants to say that the*

1 State didn't present to you any evidence of
2 premeditation. I'm going to suggest to you right
3 now, it is very clear that that individual, Adam
4 Matos, had an intent to kill that day. That's
5 probably the first of many pieces of evidence we're
6 going to talk about that goes to his premeditation
7 that day.

8 To suggest that maybe Megan Brown is
9 exaggerating anything on this 911 call, you know,
10 you have to listen to it, you get to decide what
11 the evidence is in this case. We talked about the
12 fact finder/law applier role of the jury. Is her
13 calming down and breathing deeply and trying to
14 control her son in the room, is that an
15 exaggeration or is that just a panicked woman after
16 someone just held a knife to her throat, cut her,
17 and threatened to kill her? You get to decide.

18 And to suggest that if the defendant really
19 wanted to kill her that that would have been the
20 time and the place to do it. Well, Adam Matos
21 admitted to being all sorts of things to you guys
22 today. Killing the mother of his child right in
23 front of his child as he laid there in bed, well,
24 maybe that was just one of those things he just
25 couldn't bring himself to do that morning. He had

1 to come back and finish that job later.

2 The evidence in this case points strongly to
3 premeditation, so I'm going to take a minute to go
4 through the evidence of premeditation. The
5 fundamental thing I want to discuss, the difference
6 between is that every time the Defense discusses
7 premeditation, they associate it wrongly with a
8 plan. Nowhere in the law are you going to read
9 that it says that Adam Matos had to have a plan,
10 exactly how he's going to do it, how he's going to
11 dispose of the bodies, how he's going to get away.
12 It doesn't happen.

13 Premeditation means an intent to kill. So
14 let's go through all of the individuals and the
15 evidence as it relates to them and this evidence of
16 premeditation.

17 And to start with, we suggested to you
18 originally that Margaret Brown was the first
19 individual killed. And, again, as to this point,
20 it doesn't matter the order. Nowhere in the
21 evidence does the says say that we have to prove to
22 you the exact order in which they were killed. But
23 we suggested to you based on the evidence an order
24 that it may have occurred. If you believe it was a
25 different order or the order of which he said,

1 that's fine, as long as you agree that it was a
2 premeditated killing.

3 The reason that we suggest that to you is
4 because the evidence kind of supports that. The
5 Defense wants us to point it out to you. Well,
6 here you go: They don't want him in the house.
7 They tell -- they bring Nicholas Leonard. He tells
8 his friends he's going over there with a gun, that
9 if he feels threatened by Adam Matos that he's
10 going to kill him. There's evidence that locks
11 were changed. They don't want him in the house.

12 So it's not hard to imagine that if you don't
13 want someone in your house, you lock the doors.
14 Right? So what's the one door that opens that no
15 one's really paying absolute attention to at around
16 11:25 that night? Margaret Brown comes home. All
17 right? It's not hard to imagine that he's just
18 waiting for that door to open and he can slip in
19 because we know that's where he kills Margaret
20 Brown. He admitted that to you. It's not hard to
21 imagination that's how he entered the house that
22 day. To say -- to suggest he said, "Oh, the doors
23 were wide open." Really?

24 Calling police, having people coming over with
25 guns, you're so afraid that you're not going into

1 work that you're just going to leave doors wide
2 open? You think he wanted -- he wanted to sneak
3 into that house because if he didn't want to sneak
4 into that house, he would have just gone to the
5 front door and gone (indicating), "Hey, I want my
6 stuff. I want to say bye to my son. I'm leaving.
7 I'm getting out of town." But that's not what he
8 does.

9 This idea that the garage door is so loud and
10 obnoxious that would have sent warning signs to
11 everyone in the house, that's just a normal thing.
12 It's so normal that it gives him the opportunity to
13 get into the house. Okay?

14 He kills her in the -- in the downstairs west
15 garage. Well -- and a common theme you're going to
16 hear with both Margaret Brown and Nicholas Leonard
17 is that the number and the nature of the injuries
18 can suggest to you premeditation. Right?

19 If it was just one hit on the head with a
20 hammer, then maybe he just wanted to hurt and stun
21 them. If it two hits on the head, maybe it was,
22 "Well, I just wanted to hit and stun them and I
23 want to disorient them, maybe knock them out." But
24 when you hit a 52-year-old woman, five, two, don't
25 know her exact weight was at the time. You get to

1 see the picture and see how she looked. Just
2 worked a full shift. It probably didn't take much
3 to overcome her. I mean, he hits her on the head
4 nine times to kill her.

5 Well -- and we know not all injuries happened
6 after the bag was put on her head because there's
7 blood evidence. Right? We don't know what he hit
8 her with. He says, "I used the hammer on her", but
9 it doesn't have to be the hammer; it could have
10 been anything down there. Hits her in the head.
11 She stumbles against the wall. She stumbles and he
12 puts her into the west garage -- east garage,
13 excuse me.

14 The idea that the bag was put over her head,
15 well, maybe he didn't want to kill her at that
16 moment, maybe he didn't think she was dead. He
17 just wants to gag her and keep her quiet because
18 he's going to go upstairs and take care of everyone
19 else. Or maybe he knocks her out to such a state
20 of unconsciousness that he thinks she's actually
21 dead. Puts a bag over her head and says, "Listen.
22 I'm just going to let her die." But she continues
23 to fight. He says, "Well, I can't have that."
24 Wack one more time on the side of the head. She
25 doesn't come back from that.

1 And this idea that the bag's got to be
2 punctured, well, these are kitchen garbage bags.
3 They're actually designed not to puncture. That's
4 kind of the purpose of those kind of garbage bags.
5 These aren't like shopping -- Publix shopping bags
6 where they're thin and flimsy. These garbage bags.
7 They're designed not to puncture. And the fact
8 that the bag is not punctured shouldn't suggest
9 anything to you.

10 The medical examiner suggests to you and tells
11 you that the way that he looked at it based on his
12 experience, the bag was on the head when she got
13 hit that final time where she didn't move. She's
14 bound and she's hogged tied with her arms behind
15 her bag because it's different. She was the first,
16 hadn't figured out how he was going to kill
17 everyone. But the nature and the location of those
18 injuries indicates to you that it was premeditated.
19 He wanted to die there. He has time to reflect as
20 she stumbles down in the garage, as she moves into
21 the other room, where she gets into the east garage
22 and hits her across the head where the blood expert
23 told you that there was a blood letting event and
24 spatter on the wall. There is time to reflect;
25 there is repeated injury; that, ladies and

1 gentlemen is evidence of premeditation.

2 So for them to say there's no evidence, well,
3 look. There you go. There's some evidence as it
4 relates to that, and there's plenty more about it,
5 his intent as we get into the other ways in which
6 she died.

7 But to say that because the eyelet lock wasn't
8 locking in the bathroom, ladies and gentlemen, what
9 does that mean? Well, they're expecting Margaret
10 Brown to come home. Why lock her out, you know,
11 when you have the garage door down? He doesn't
12 have a garage door. He doesn't have a car. He
13 doesn't have a license. So this idea that he may
14 just get in the car and drive to Guatemala, well,
15 it's kind of difficult to do without a driver's
16 license.

17 So this idea that there's no evidence of
18 premeditation as it relates to Margaret Brown is
19 incorrect and not supported by the evidence. The
20 evidence is clear.

21 Well, then he goes upstairs. And the fact
22 that the dogs are barking is somehow some
23 indication someone's in the house. Well, you have
24 20 small, little dogs and it was testified that
25 these dogs are barking all the time. Right? They

1 could have barked when the garage door opened.
2 They could have barked when the door was closed.
3 There is nothing you can gain from the fact that
4 there were 20 little dogs barking and then somehow
5 that should send shock waves to everyone in the
6 house to be alerted.

7 But he testifies he goes upstairs and he goes
8 into Megan's room and that's where there's a
9 confrontation. Well, and if you really listen to
10 his description of the event, well, that Nicholas
11 Leonard appears out of no where and grabs him by
12 the throat and holds him so he can pull a gun out.
13 Well, the whole up purpose of a gun is they are
14 designed to kill. They're designed to kill from a
15 distance.

16 That's what changed the whole world of
17 warfare, the fact you could kill someone from a
18 distance. If he's holding a gun in his hand, there
19 is no reason to get all up personal with him and
20 try to hold him back. He can just say, "Hey. Get
21 back. Get down." Whatever it is that he wants to
22 do. The reality is that that's just not how it
23 happened. It's just not reasonable to think that's
24 what it was.

25 He had the surprise -- element of surprise as

1 it comes to those individuals in the house. They
2 weren't expecting him to show up in the room. All
3 right? When you get stunned in a room by someone
4 of his size after having threatened to kill people
5 with knives, it doesn't take -- it doesn't take
6 much to stun you. It doesn't take much to surprise
7 you.

8 And so was there a struggle in that room?
9 Absolutely. Did it happen the way he said?
10 Probably not because the evidence suggests
11 otherwise. The evidence suggests there was a
12 gunshot in the room that went out the door -- or
13 out the wall, that there was other weapons in the
14 room. There was a knife that he admits that he
15 sliced up his arms and he wants -- the Defense
16 wants you to believe that that evidence in and of
17 itself would instantly (indicating) put him in an
18 unconscious state.

19 And we brought the doctor back in here to
20 clarify that issue, if there was any ambiguity in
21 his previous answers. He answered that for you
22 today, that that injury, combined there was no
23 other injuries. All right? This idea he will just
24 goes unconscious. He needs him to be unconscious
25 because in his version, he brutally bludgeons him

1 when he's unconscious. Well, that's not really
2 supported by the evidence because there's no other
3 evidence that he's sustained any other injuries
4 that would have led him to be unconscious. There
5 was no injuries to vital organs, no injuries of
6 gunshot wounds to his head.

7 But the reality is is that once he got the
8 drop on them up in the room and was able to get on
9 top of Nicholas Leonard on top of that bed, he was
10 able to take that knife and he was able to beat him
11 and hit him and hit him and hit him (indicating).
12 Twenty-one separate injuries to the head.

13 No evidence of premeditation that he wanted
14 him dead? I got 21 pieces of evidence that
15 suggests to you, that that guy right there
16 (indicating) wanted Nicholas Leonard dead and he
17 wasn't going to stop until his head was crushed.

18 Why didn't Megan call -- why didn't Megan call
19 the cops when this was going on? The Defense wants
20 to, you know, make her seem like, "Oh, it wasn't so
21 bad because, you know, she didn't call the cops
22 when he's in there beating up on Nicholas Leonard."

23 Well, first of all, he doesn't call the cops
24 either. Right? All the things that they want to
25 blame Megan Brown for not doing in this situation

1 where, "Oh, she's running across the room and she's
2 going into the other parts of the house, that she
3 could have called the cops if something was wrong",
4 well, he doesn't do that either.

5 In fact, what he does is, he hunts them down
6 in the master bedroom. Hunts them down. Goes
7 right through the main part of the house. He could
8 have gone out the front door, could have gone out
9 the backdoor, could have gone downstairs, could
10 have picked up his phone. He could have done all
11 sorts of things. At that very moment, according to
12 him, he had just been attacked and choked. That's
13 not what he does.

14 You want evidence of premeditation? The fact
15 that he changes location from the southeast bedroom
16 to the master bedroom, a piece of evidence, that
17 goes to premeditation. He wanted to kill those
18 people. He wanted them dead.

19 So armed with a gun, he goes in there and he
20 shoots Gregory Brown in the closet. He's trying to
21 arm himself. And shoots Megan Brown and she's in
22 that room. Shoots them both in a situation where
23 Gregory Brown's back's to him. How much of a
24 threat could he be at that very moment? Right?
25 "I'll have to go hunt all the way into the room,

1 all the way into the master bedroom closet to
2 confront him and he's not even looking at me" and
3 shoot him.

4 Well, there is evidence that a gun was loaded.
5 And we heard through the testimony that a gun was
6 loaded. But you never heard any testimony that a
7 gun was jammed. Right? The only reference to a
8 bullet being in the rifle from the forensic
9 examiner is that it was loaded. No one ever said
10 the gun was jammed.

11 This whole theory that he's shooting at him
12 multiple times or he's trying and the gun is
13 jamming. We have an experienced hunter who knows
14 his guns. These are guns that he's had and used
15 forever. He picks the one gun that jams on him
16 twice? That's not really reasonable. No evidence
17 that the gun jammed except for his testimony.

18 The fact that he shot him twice. He shot him
19 dead. Shot him once in the back. Shot him in the
20 chest area. Two shots. Another piece of evidence
21 to suggest to you that this killing was
22 premeditated.

23 Wanted him dead. Had an intent to kill, time
24 to reflect, time to made a decision, evidence of
25 intent to kill.

1 We talk about Megan -- Megan's the last one in
2 the chain of events that -- according to at least
3 the State as we believe to happen, that he shoots
4 her and he shoots her in the face. To shoot
5 someone in the face, you have to be face-to-face
6 with them. All right? She's not turned or back to
7 him. He held a gun at her and shot her dead after
8 he just killed three people. It's a single gunshot
9 wound. And sometimes a single gunshot wound in and
10 of itself may not be clear evidence of
11 premeditation.

12 Well, if you look at it in the facts of this
13 case, the chain of the events that happened and the
14 fact that he's chasing them down and is hunting
15 them down, it's clear evidence of premeditation.

16 So there is evidence of premeditation. It's
17 been all presented to you and sometimes in a
18 painstaking manner. But we wanted you to feel
19 comfortable with the things that we're going to
20 tell you. Right? We want to show you the whole
21 story to the best of our ability.

22 Let's talk about this -- because the Defense
23 wants you to believe that the killings were done by
24 a justifiable use of deadly force. That's the
25 legal term for self defense. Well, I'm going to

1 take a minute to go over the instruction as it
2 relates to that because it's a little bit longer
3 than the one that the Defense showed you, and
4 you're going to get a copy of it. I'm going to
5 take a minute to go through it because it's super
6 important in this case because there are some
7 things that are worthy of explanation.

8 It is, like the Defense said, read is that:

9 In deciding whether Adam Matos was justified
10 in the use of deadly force, you must consider the
11 circumstances by which he was surrounded at the
12 time the force was used. Right? Let's talk about
13 those quick circumstances.

14 Surreptitious secret entry into a house.
15 Killing Margaret, if you believe just the State's
16 version of the events of the order in which it
17 happened, and what Justin Okins said, but if you
18 don't, there is a version where he goes in and he
19 attacks these individuals in a room. Doesn't
20 announce himself. Right. And the Defense wants to
21 say that he wasn't -- wasn't committing a crime
22 when he went in there, but if he was going to be
23 all on the up and up, he just would have
24 (indicating) knocked on the door.

25 The danger need not have been actual. It

1 means that he doesn't have to -- his perception.
2 You have to get into his mind at the time. So he
3 doesn't have to perceive the danger to be real at
4 the time, but to justify the use of deadly force,
5 the appearance of danger must have been so real
6 that a reasonably cautious and prudent person under
7 the same circumstances would have believed that the
8 danger could have been avoided only through the use
9 of force.

10 Well, this struggle that, according to him
11 with Nicholas Leonard, is really a fight for
12 Nicholas Leonard's life. All right? Here he is
13 there to protect Megan Brown. He arms himself with
14 the weapon and he's in there to protect them.

15 He confronts them in the bedroom and he comes
16 after them. He is the one that interjects himself
17 into this situation and, therefore, he is the
18 person presenting the danger in the room. And
19 based on the appearances -- and I'm back to
20 reading:

21 "Adam Matos must have actually believed the
22 danger was real. However, the defendant has no
23 duty to retreat if he was not otherwise engaged in
24 criminal activity and in a place where he had a
25 right to be."

1 So does he have a right to be in the room
2 after the 911 call, after the things that happened?
3 I'm going to suggest to you that he doesn't, that
4 they did not want him there, that they communicated
5 that to him all through the day with all the phone
6 calls that he was having, which is why he stayed
7 away, which is why he really had to secretly enter
8 the house.

9 One of the parts I want to explain to you here
10 is this there is this presumption in the law. And
11 I'm going to read it to you. Okay? And it says:

12 "Adam Matos is presumed to have held a
13 reasonable fear of imminent peril or death or great
14 bodily harm to himself when using defensive force
15 that was intended or likely to cause death."

16 What the law is trying to account for here is
17 that if he -- you can believe or presume that his
18 fear was reasonable if he was going to have
19 imminent peril or death. This section and this
20 presumption is for the person who's in their home
21 at night in bed. Right? An intruder comes
22 entering through the house and the homeowner is
23 presumed to have fear when someone enters the
24 house. It gives people -- kind of gives them a
25 right to shoot first and ask questions later in

1 this situation when you're in your own home. Okay?

2 He is not entitled to the presumption of his
3 fear because he's secretly enters that house.

4 Okay? So when you read this idea of the
5 presumption that he may have, he's not entitled to
6 it because he secretly entered the house.

7 There are two things that go along with this
8 presumption. And I'm bogging down in the weeds
9 because it's kind of important for you guys to
10 understand. That -- it says that:

11 He's entitled to the presumption if: The
12 person upon whom the defense of force was used in
13 the process of unlawful and forceful entry or
14 unlawfully forcibly enters residence.

15 So this is a situation where someone breaks a
16 door and enters your house. Right? Well, he
17 secretly enters the house. He doesn't break into
18 the house. If there was a break-in and you're in
19 your home in bed, you hear a door crash in, you go
20 downstairs with a gun, a knife or whatever, shoot
21 first, you're presumed to have the fear because
22 someone's in your home, your castle.

23 Or: Adam Matos knew or had reason to believe
24 that an unlawful and forceable entry or unlawful
25 and forceable act had occurred.

1 Well, he's the one entering into the residence
2 and he's the one interjecting himself into the
3 situation. He's not entitled to that presumption.

4 It tells you and goes through and says that:

5 The presumption of fear of imminent death or
6 great bodily harm does not apply if:

7 And it gives you two ways that it does not
8 apply.

9 It says: One or A. That a person against
10 whom the defensive force is used has a right to be
11 there, is a lawful resident or those type of
12 things.

13 Well, he was told not to come back. All
14 right? It was very clearly communicated to him.
15 He stayed away all day and secretly enters that
16 house. He's not entitled to this presumption of
17 fear.

18 Or the person who uses defensive force is
19 engaged in criminal activity.

20 Well, in this case as it relates to the
21 justifiable use of force, well, depending on which
22 version you believe, there are multiple killings in
23 this scenario. Right? So the fact that -- as
24 relates to Margaret Brown. There's no
25 justification and there's no heat of passion. He

1 waited for her or snuck in with her and bludgeoned
2 her to death, hog-tied her and beat her head in
3 with a bag over it. He's not entitled to any type
4 of defense as it relates to that.

5 As it relates to the other individuals, as it
6 relates to Nicholas Leonard, he beat him so
7 senselessly and crashed his head in, he's not
8 entitled to some sort of self defense claim that,
9 "I just -- oh, I just tried to -- you know, I saw
10 it. He came after me and I was able to escape."
11 Well, it's very clear under his version, he was
12 able to escape. And he wants to say he's either
13 unconscious, not dead, and they're in the other
14 room. That's the perfect opportunity to leave. He
15 doesn't take it. He doesn't call 911. He's not
16 entitled to any type of self defense as it relates
17 to that.

18 And let's just talk for a second about his
19 retelling of the events. You know, the Court's
20 going to tell you that -- in the instructions that
21 the fact that he testifies, you as jurors have to
22 treat him just like every other witness that
23 testified. He gets no extra credit as to the
24 testimony. He is not somehow more believable
25 because he's the defendant in this case. You have

1 to treat his testimony just like everyone else's.
2 And with that, if you believe all, some or even
3 none of his testimony, you can completely discard
4 it just like you can discard any other witness in
5 this case.

6 So when we ask him questions, he's like, "Oh,
7 I am fuzzy on that. I don't remember." Or his
8 answers were, "Most likely", which, you know, he's
9 the eyewitness there because he killed all the
10 other eyewitnesses. He's the one that knows.
11 Clearly he's the one that knows. Oh, but his
12 answers are, "Most likely" and "I'm fuzzy on that."
13 And he wouldn't miss any opportunity to tell you
14 that at any given moment he was afraid for his life
15 regardless of what the situation was. His
16 testimony is not credible. It's not supported by
17 the other evidence in this case.

18 I'm just going to take a second, because we
19 haven't discussed it up to this point, the Supreme
20 Court indicates that you are to be instructed on
21 all crimes that are charged. Right? The Defense
22 kind of gave you some analogy as to what was
23 manslaughter and where it falls in this case. But
24 the Court is going to give you a verdict form and
25 the instructions in this case.

1 And the law says you start at the highest
2 crime charged. That means when you go back in that
3 room and you elect a foreperson to guide your
4 discussion that the where you start your
5 discussions is at murder in the first degree. And
6 you start with each count individually. The fact
7 that they're all tried together is for your
8 benefit, but the evidence stands as to each,
9 individual one.

10 A decision as to Count I does not affect your
11 decision as to Count II. The evidence is what
12 should guide your decision as it relates to those
13 two things. You start at the highest crime that's
14 charged, murder in the first degree. You decide if
15 he committed it. You decide whether or not any of
16 the defenses that he's somehow suggesting to you
17 work.

18 There are certain questions. We call them
19 questions of fact. They're going to be on your
20 verdict form. These questions of fact pertain
21 particularly to Counts II and III. Because that's
22 where he kills Margaret -- I mean Megan Brown and
23 Gregory Brown and he uses a firearm. So there's
24 specific questions of fact as it relates to the
25 firearms in this case.

1 And I'm not going to bore you with the law in
2 it because you're going to get to read it and hear
3 it multiple times tomorrow, but what the questions
4 are is whether or not he used a gun. Did he have a
5 gun? Did he possess a gun? Did he discharge the
6 gun? And in doing the discharge, did it lead to
7 the death of a person?

8 Well, his own testimony as it relates to the
9 questions of fact, you can answer all of these
10 questions in the affirmative as it relates to these
11 questions. They're going to be under anything
12 relating to Count II and Count III.

13 But there is this thing in the law called the
14 lesser-included defenses (sic) -- I'm sorry,
15 lesser-included offenses. And as it relates to
16 each count in the Indictment, as to Count I, Count
17 II, Count III, Count IV, there's also the crime of
18 murder in the second degree.

19 So if you feel that the evidence does not
20 support a conviction for murder in the first degree
21 as to any of the four victims, then you would move
22 down to the next step. You would say, "Okay. Has
23 the State proven to us whether or not there was a
24 murder in the second degree?" And you're going to
25 kind of see that there are -- as you move down this

1 ladder that there are -- the elements or things
2 that we have to prove to you fall off.

3 The primary difference between a murder in the
4 first degree and murder in the second degree is
5 that a murder in the first degree is done with the
6 intent to kill, that evidence of premeditation that
7 I spent some time talking to you about.

8 But there's also the crime of murder in the
9 second degree, a depraved mind. Where you do an
10 act and you're so blinded by it that you do not
11 have an intent to kill.

12 I'm not going to be over all those pieces of
13 evidence of premeditation because I think we spent
14 a fair amount of time going over that. But it's
15 those pieces of evidence that I want you to think
16 about as to why this is not murder in the second
17 degree. The hunting down, the use of the weapons,
18 the changing of location, the type and the nature
19 of injuries, the repeated nature of injuries.
20 These are things that suggest to you that it's not
21 murder in the second degree.

22 And then if you don't find that, the next one
23 down is a manslaughter. Manslaughter, I think the
24 analogy that's been given to you is one of a
25 traffic accident. Sometimes, you know, I guess the

1 most common one is a DUI manslaughter. Someone
2 gets intoxicated at a bar, gets behind the wheel,
3 they have no intent to kill a person, but they
4 commit an act that they should reasonably know that
5 could lead to the death of someone and in doing so,
6 they kill someone. Okay?

7 The evidence in this case suggests to you far
8 more than a manslaughter. It is not a murder in
9 the second degree. It is a specific crime. It
10 is -- it is the killing of multiple people in a
11 home at that night with the intent to kill.

12 But there is one more thing that the Court's
13 going to instruct you and I just want to read it to
14 you. It's called Abnormal Mental Condition.
15 Because the defendant wants to keep -- he wants to
16 tell you all the things that are bad for him, he
17 was to separate himself from. All right? It's
18 only natural, but he did it consistently and
19 repeatedly separating himself from those things
20 that aggravate this case. You know, "The bag
21 wasn't on the head. I put the bag on after. I
22 didn't -- he was unconscious when I hit him 21
23 times and led to his death. I was -- I was lost.
24 I was shocked. I was in this state of unknowing."
25 This four-hour period, according to him, between

1 the deaths of the individuals upstairs as he lies
2 in wait for Margaret Brown.

3 The law says that mental illness, abnormal
4 mental condition or, in this case, diminished
5 mental capacity is not a defense to any crime in
6 this case. That any such evidence may not be taken
7 into consideration to show that the defendant
8 lacked the specific intent, that mens rea that they
9 talked about, or didn't have the state of mind
10 essential to proving that he committed the crimes
11 charged or any lesser crime.

12 This state of shock that he's in just because
13 of the horrific things that he did at his own
14 hands, he is not entitled to any benefit or any
15 defense in the law as it relates to that and you're
16 he going to hear that.

17 The Court's going to give you some
18 instructions to guide you through your discussion.
19 And I'm not going to go through that. But the
20 Court's going to lay it out there for you. You
21 have to look at all the evidence. And the State
22 kind of, "Here you go." As much as we can give
23 you, as detailed as we could give you and trying to
24 be as respectful of your time to show you the
25 evidence in this case. And to suggest that we're

1 trying to hide the story or trying to give you some
2 other alternate way is really going -- when you
3 take the evidence back, you get to decide if we're
4 trying to hide something from you.

5 We want you to make the decision in this case.
6 We give you the evidence because you're the fact
7 finders. You don't have to listen to what I say;
8 you don't have to listen to what the defendant
9 says; you only have to listen to the evidence in
10 this case.

11 Ladies and gentlemen, when you look at the
12 evidence in this case and you decide the order in
13 which things happened, you have a house where four
14 people died on August the 28th of 2014. An entire
15 family was wiped out. Adam Matos killed those
16 people because he wanted to kill them. He lied in
17 wait. He enters a house secretly. He bludgeons
18 them in brutal murders.

19 He tries to conceal evidence. He tries to
20 hide evidence. He is deceptive in all the things.
21 Why is he doing all of that stuff? Because, ladies
22 and gentlemen, it's not because he didn't think the
23 cops would believe him. It's because he didn't
24 believe it.

25 You think he had that actual discussion in his

1 head, "Well, I'm not going to call the cops because
2 they're not going to believe me" or "I'm just going
3 to clean up everything." He cleaned up everything
4 because he knew he was guilty of murder in the
5 first degree as to all four individuals. He knew
6 it and now you know it.

7 So tomorrow when the Judge reads you these
8 instructions as to the law, you need to go back
9 there, pick a foreperson on the jury, review the
10 evidence that you want. But the decision as to
11 what crime he committed is fairly clear in this
12 case. Adam Matos is guilty of murder in the first
13 degree for killing Margaret Brown, Megan Brown,
14 Greg Brown and Nicholas Leonard. He did so with
15 premeditation; he did so because he wanted to; and
16 he did so in a brutal and horrific fashion.

17 Thank you.

18 THE COURT: All right, ladies and gentlemen.
19 At this time I'm going to have you put your notes
20 away. I'll have you down in the jury pool room
21 tomorrow morning at 9:30.

22 I'll just tell you how it's going to go, just
23 so you know how we're going to do things: When you
24 come up, I have the instruction that were talked
25 about. I'll have copies for each of you. Those

1 instructions do take some time for me to read. I
2 realize you're all educated, smart people that
3 could read them to yourself. But the law requires
4 that I read them to you but I give you copies. So
5 you get to, you know, highlight on them, circle,
6 whatever. They're yours with your notes. You'll
7 take those back in the jury room for your
8 discussions.

9 So as soon as I'm done with the instructions,
10 you will then retire to consider your verdict.

11 I know we did a lot today. We did closings.
12 We're not done. Until I actually give you the
13 instructions and you begin to deliberate, my rules
14 still apply. You are not allowed to talk about the
15 case with each other; you're not allowed to talk to
16 anyone about the case. Please do not watch TV.
17 Please do not read the newspaper until you're all
18 done. I can guarantee you, closings are the
19 newspapers and the TVs favorite, so I'm sure it
20 will be on tonight. They like that part.

21 So I'm asking you to remind your family and
22 your friends not to talk to you about the case.
23 We're almost done. You guys have done a wonderful
24 job. I know it's been a long couple of weeks now.
25 And I'm just asking you to let us get through the

1 finish line and make that decision that you were
2 all chosen to do.

3 We'll be back at 9:30 tomorrow. I cannot tell
4 you how long tomorrow will take. My instructions
5 will take less than an hour to read to you. So
6 we'll be -- you'll be making those decisions early
7 in the -- before noon. If we need lunch, that will
8 be provided for you in the jury room. We'll have
9 things to choose from and that type of thing. If
10 we need dinner, we got that too. We got that both
11 covered. So however long it takes you all as a
12 jury to make a decision tomorrow, that's fine.
13 Fine with me. I just want to let you know the time
14 after you go to deliberate is completely up to you
15 as a jury. That I can't tell you. But I will tell
16 you that you'll probably begin to deliberate before
17 noon tomorrow.

18 So we'll see you down in the jury pool room
19 tomorrow morning at 9:30, and you all have a nice
20 evening.

21 Thank you very much.

22 THE JURY PANEL: (Indicating.)

23 THE COURT: We got them right here.

24 Thank you all. Have a nice evening.

25 THE JURY PANEL: (Responding.)

1 (Jury absent.)

2 THE BAILIFF: The jury is out of the hearing
3 of the Court, Your Honor.

4 THE COURT: All right. Thank you all very
5 much.

6 Are we going to have the instructions ready
7 for me in the morning, State? Now that he's given
8 you that extra page and we got your page, are we
9 going to put them together for me?

10 MR. LABRUZZO: Yes, Judge.

11 THE COURT: The jury verdict forms, I have
12 them over here. I would like both sides to review
13 them so we can get those done tonight before we
14 leave. And then so when we're done, when we come
15 back tomorrow, I will literally read the
16 instructions and release the jury.

17 So we'll be in recess for the court reporter
18 and we'll just go over this. If there's any
19 issues, we can put them on the record tomorrow.

20 Okay?

21 (RECESS.)

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25 (Continued in Volume XVI.)

1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA)4 COUNTY OF PASCO)
56
7 I, Victoria L. Campbell, Registered
8 Professional Reporter, certify that I was authorized
9 to and did stenographically report the foregoing
10 proceedings and that the transcript is a true
11 record.12 DATED this 3rd day of July, 2018.
1314 /s VICTORIA CAMPBELL
15 Victoria Campbell
16 Registered Professional Reporter
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