



## A P P E A R A N C E S

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9 APPEARING ON BEHALF OF  
10 THE DEFENDANT, ADAM MATOS:

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

2 THE COURT: All right. We can go ahead and  
3 have the defendant brought in whenever he's ready.

4 Is my jurors here?

5 MR. LAWHORNE: Judge, Mr. Sarabia and  
6 Mr. LaBruzzo will be down very soon. There was an  
7 issue with the jury instructions. Whatever it was,  
8 they fixed. I don't know what it was. And they  
9 are reprinting copies right this minutes.

10 THE COURT: Okay.

11 MR. LAWHORNE: And they said it would be less  
12 than ten minutes.

13 THE COURT: That's fine. Well, when we get  
14 the copies, I want both sides to look at them real  
15 quick before we bring the jury up.

16 Did they say whether they're here or not?

17 THE CLERK: I just emailed. They have not  
18 actually said.

19 THE COURT: Okay. That's fine.

20 THE CLERK: Yes. They're all here.

21 THE COURT: Okay.

22 (Recess Taken.)

23 (Defendant Present.)

24 THE COURT: You may be seated.

25 All right. We're back on the record. State

1 of Florida versus Adam Matos.

2 State, you've provided to the Defense a copy  
3 of the jury instructions that we intend to give the  
4 jurors? Yes?

5 MR. LABRUZZO: Yes, Judge.

6 THE COURT: Defense, have you had an  
7 opportunity to look them over?

8 MR. VIZCARRA: They've handed them to us,  
9 Judge. We are checking them right now. I'm almost  
10 done.

11 THE COURT: Okay.

12 MR. LABRUZZO: Judge, I gave your bailiff 15  
13 copies, and a copy for the Court and a copy for the  
14 court reporter.

15 THE COURT: Okay. When we release the jurors  
16 to start to deliberate, we have two alternates.  
17 Are we asking them to be on standby for a penalty  
18 phase?

19 MR. LABRUZZO: No, Judge. We're not asking.  
20 Having not participated in deliberations, I  
21 don't --

22 MR. SARABIA: We defer to the Defense on that.

23 MR. LABRUZZO: Judge, I don't really know what  
24 the downside would be of releasing them. I'm not  
25 really sure -- or keeping them. Forgive me.

1           THE COURT: I'm going to release them. I'm  
2 just asking them whether they'll be on standby if  
3 we need them.

4           MR. LABRUZZO: Okay.

5           MS. GARRETT: We're not asking for that, Your  
6 Honor.

7           THE COURT: Okay. So once they're released,  
8 I'll be giving them their certificate and then  
9 they'll be released. And I'll let them know that  
10 they can stay in here and wait for the verdict or  
11 they can go home or whatever they wish to do, as  
12 long they don't speak to the jurors.

13          MR. VIZCARRA: Judge, we've reviewed the  
14 instructions provided to us.

15          THE COURT: Okay. Any objection?

16          MR. VIZCARRA: Judge, I want to renew our  
17 objections to the jury instructions. I think I  
18 said yesterday, I said something like it was okay,  
19 and I don't want that to be construed wrongly.

20          Based on the Court's ruling, the instructions  
21 are drafted to reflect those rulings adequately,  
22 but our objections are renewed as to all the jury  
23 instructions and proposed jury instructions that we  
24 had previously made and proposed.

25          THE COURT: Okay. So I had ruled that there

1 were some jury instructions that you were  
2 requesting. I denied those. So that is still  
3 contemporaneous.

4 But as to the ones -- these are the standard  
5 instructions. I think you all objected to me  
6 reading the Special Instruction P that the State  
7 requested. So I'm going to read it, but your  
8 objection is still noted. And I think other than  
9 that, we're good to go.

10 All right. Why don't we go ahead and bring  
11 the jury up.

12 THE BAILIFF: Yes, Judge.

13 THE COURT: If you want to go ahead and put  
14 their jury instructions on their chairs.

15 And we went over, just for the record, last  
16 night after we ended, we went over the verdict  
17 forms.

18 State, my understanding is you agreed to the  
19 verdict forms that you saw last night?

20 MR. SARABIA: Yes, Judge.

21 THE COURT: Defense, yes, verdict form?

22 MR. VIZCARRA: Yes.

23 THE COURT: Okay. So I have them. We printed  
24 them after you both had agreed to them. They don't  
25 say "draft" on them anymore. I only have one

1 verdict form. You all do not have a copy because  
2 the only one I make is the one that goes to the  
3 jury.

4 While we have a moment, on the record,  
5 Mr. Matos, you were able to look over the jury  
6 instructions with your lawyers, correct?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. And the verdict form,  
9 I also saw you looked over that last night too,  
10 correct?

11 THE DEFENDANT: Yes.

12 THE COURT: And you're happy with how  
13 everything has gone and the strategy that your  
14 attorneys have provided for you?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Okay. So the only thing left is  
17 I'll read the instructions to the jury and then  
18 they'll begin to deliberate.

19 All right. Both sides ready?

20 MR. LABRUZZO: Yes, Judge.

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

22 (Jury Present.)

23 THE BAILIFF: The jury is entering the  
24 courtroom, Your Honor.

25 THE COURT: Thank you.



1           THE BAILIFF: The jury is all present and  
2 seated, Your Honor.

3           THE COURT: Thank you, Bailiff.

4           Good morning, ladies and gentlemen. How are  
5 you?

6           THE JURY PANEL: Good morning.

7           THE COURT: Was everybody able to follow my  
8 instructions last night?

9           THE JURY PANEL: Yes.

10          THE COURT: No watching TV? No reading the  
11 newspaper? No talking about the case?

12          THE JURY PANEL: No.

13          THE COURT: All right. So everyone followed  
14 my instructions.

15          In front of you today is one additional piece  
16 of paper that you didn't have when you left  
17 yesterday, and that's that packet that I explained  
18 that I would be giving to you. It is the final  
19 instructions in this matter.

20          Can we go ahead and lock the courtroom,  
21 please.

22          THE BAILIFF: Yes, Judge.

23          THE COURT: Once the courtroom is locked, I'm  
24 going to go ahead and move along with reading the  
25 final instructions.

1           As I indicated to you yesterday, I know that  
2 you could read them to yourself; however, the law  
3 requires that I read each and every word to you.  
4 So I just ask if you could follow along while I  
5 read them to you and don't read ahead.

6           Again, those are your copies. You will take  
7 those back with you in the jury room. So if  
8 there's anything that catches your eye or you want  
9 to circle or highlight, feel free to do it.  
10 They're yours and you'll have them in the jury  
11 room.

12           All right. The courtroom now being secure,  
13 I'll move forward with the final instructions.

14           Members of the jury, I thank you for your  
15 attention during the trial. Please pay attention  
16 to the instructions I'm about to give you.

17           Adam Matos, the defendant in this case, has  
18 been accused of the crimes of murder in the first  
19 degree on Count I; murder in the first degree,  
20 Count II; murder in the first degree, Count III;  
21 and murder in the first degree, Count IV.

22           In this case Adam Matos is accused of four  
23 counts of murder in the first degree. Murder in  
24 the first degree includes the lesser crimes of  
25 murder in the second degree and manslaughter, both

1 of which are unlawful.

2 A killing that is excusable or was committed  
3 by the use of justifiable deadly force is lawful.  
4 If you find Nicholas Leonard, Megan Brown, Gregory  
5 Brown or Margaret Brown were killed by Adam Matos,  
6 you will then consider the circumstances  
7 surrounding each individual killing in deciding if  
8 each individual killing was murder in the first  
9 degree, or was murder in the second degree,  
10 manslaughter, or whether the killings were  
11 excusable or resulted from justifiable use of  
12 deadly force in each case.

13 Justifiable homicide. The killing of a human  
14 being is justifiable homicide and lawful if  
15 necessarily done while resisting an attempt to  
16 murder or commit a felony upon the defendant or to  
17 commit a felony in any dwelling house in which the  
18 defendant was at the time of the killing.

19 Excusable homicide. The killing of a human  
20 being is excusable and, therefore, lawful under any  
21 one of the following three circumstances:

22 Number 1. When the killing is committed by  
23 accident and misfortune in doing any lawful act by  
24 lawful means, with usual ordinary caution and  
25 without any unlawful intent; or, number two, when

1 the killing occurs by accident and misfortune in  
2 the heat of passion upon any sudden and sufficient  
3 provocation; or when the killing is committed by  
4 accident and misfortune resulting from a sudden  
5 combat if a dangerous weapon is not used and the  
6 killing is not done in a cruel or unusual manner.

7 Dangerous weapon is any weapon that taken into  
8 account the manner in which it is used is likely  
9 the produce death or great bodily harm.

10 I now instruct you on the circumstances that  
11 must be proved before Adam Matos may be found  
12 guilty of any murder in the first degree or any  
13 lesser included crime.

14 Count I, murder in the first degree. To prove  
15 the crime of murder in the first degree, the State  
16 must prove the following three elements beyond a  
17 reasonable doubt:

18 Number 1. Nicholas Leonard is dead.

19 Number 2. The death was caused by the  
20 criminal act of Adam Matos.

21 Number 3. There was a premeditated killing of  
22 Nicholas Leonard.

23 An act includes a series of related actions  
24 arising from and performed pursuant to a single  
25 design or purpose.

1           Killing with premeditation is killing after  
2           consciously deciding to do so. The decision must  
3           be present in the mind at the time of the killing.  
4           The law does not fix the exact period of time that  
5           must pass between the formation of the premeditated  
6           intent to kill and the actual killing. The period  
7           of time must be long enough to allow reflection by  
8           the defendant. The premeditated intent to kill  
9           must be formed before the killing.

10           The question of premeditation is a question of  
11           fact to be determined by you from the evidence. It  
12           will be sufficient proof of premeditation if the  
13           circumstances of the killing and the conduct of the  
14           accused convinces you beyond a reasonable doubt of  
15           the existence of premeditation at the time of the  
16           killing.

17           If a person has a premeditated design to kill  
18           one person and in attempting to kill that person  
19           actually kills another person, the killing is  
20           premeditated.

21           An issue in this case is whether Adam Matos  
22           did not act with a premeditated design to kill  
23           because he acted in the heat of passion based on  
24           adequate provocation. In order to find that the  
25           defendant did not act with a premeditated design to

1 kill because he acted in the heat of passion based  
2 on adequate provocation:

3 There must be a sudden event that would have  
4 suspended the exercise of judgment in any ordinary  
5 reasonable person; a reasonable person would have  
6 lost normal self-control and would have been driven  
7 by a blind and unreasonable [sic] fury; and there  
8 was not a reasonable amount of time for a  
9 reasonable person to cool off; and a reasonable  
10 person would not have cooled off before committing  
11 the act that caused death; and Adam Matos was, in  
12 fact, so provoked and did not cool off before he  
13 committed the act that caused the death of Nicholas  
14 Leonard.

15 If you have a reasonable doubt about whether  
16 the defendant acted with a premeditated design to  
17 kill because he acted in the heat of passion based  
18 on adequate provocation, you should not find him  
19 guilty of murder in the first degree.

20 To prove the crime of first-degree  
21 premeditated murder in Count II, the State must  
22 prove the following three elements beyond a  
23 reasonable doubt:

24 Number 1. Megan Brown is dead.

25 Number 2. The death was caused by the

1 criminal act of Adam Matos.

2 Number 3. There was a premeditated killing of  
3 Megan Brown.

4 An act includes a series of related actions  
5 arising from and performed pursuant to a single  
6 design or purpose.

7 Killing with premeditation is killing after  
8 consciously deciding to do so. The decision must  
9 be presented in the mind at the time of the  
10 killing. The law does not fix the exact period of  
11 time that must pass between the formation of the  
12 premeditated intent to kill and the killing. The  
13 period of time must be long enough to allow  
14 reflection by the defendant. The premeditated  
15 intent to kill must be formed before the killing.

16 The question of premeditation is a question of  
17 fact to be determined by you from the evidence. It  
18 will be sufficient proof of premeditation if the  
19 circumstances of the killing and the conduct of the  
20 accused convinces you beyond a reasonable doubt of  
21 the existence of premeditation at the time of the  
22 killing.

23 If a person has a premeditated design to kill  
24 one person and in attempting to kill that person  
25 actually kills another person, the killing is

1 premeditated.

2 An issue in this case is whether Adam Matos  
3 did not act with a premeditated design to kill  
4 because he acted in the heat of passion based on  
5 adequate provocation. In order to find that the  
6 defendant did not act with a premeditated design  
7 because he acted in the heat of passion based on  
8 adequate provocation:

9 (a). There must have been a sudden event that  
10 would have suspended the exercise of judgment in an  
11 ordinary reasonable person; and a reasonable person  
12 would have lost normal self-control and would have  
13 been driven by a blind and unreasonable fury; and  
14 there was not a reasonable amount of time for a  
15 reasonable person to cool off; and a reasonable  
16 person would not have cooled off before committing  
17 the act that caused death; and Adam Matos was, in  
18 fact, so provoked and did not cool off before he  
19 committed the act that caused the death of Megan  
20 Brown.

21 If you have a reasonable doubt about whether  
22 the defendant acted with a premeditated design to  
23 kill because he acted in the heat of passion based  
24 on adequate provocation, you should not find him  
25 guilty of murder in the first degree.



1            Possession of a firearm and discharge causing  
2 death. If you find that Adam Matos committed  
3 murder in the first degree and you also find beyond  
4 a reasonable doubt that during the commission of  
5 the crime, he personally carried, displayed, used,  
6 threatened to use, or attempted to use a firearm,  
7 you should find him guilty of murder in the first  
8 degree with a firearm.

9            If you find that Adam Matos committed murder  
10 in the first degree but you are not convinced  
11 beyond a reasonable doubt that he personally  
12 carried, displayed, used, threatened to use, or  
13 attempted to use a firearm, then you should find  
14 him guilty only of murder in the first degree.

15            If you find that Adam Matos committed murder  
16 in the first degree and you also find beyond a  
17 reasonable doubt that during the commission of the  
18 crime, he possessed and discharged a firearm, and  
19 in doing so, caused the death of Megan Brown, you  
20 should find the defendant guilty of murder in the  
21 first degree with possession and discharge of a  
22 firearm causing death.

23            A firearm is legally defined as any weapon,  
24 including a starter gun, which will is designed to,  
25 or may readily be converted to expel a projectile

1 by the actions of an explosive; the frame or  
2 receiver of any such weapon; any firearm muffler or  
3 firearm silencer; any destructive device; or any  
4 machine gun.

5 To actually possess a firearm means that the  
6 defendant carried a firearm on his person or had a  
7 firearm within immediate physical reach with ready  
8 access with the intent to use the firearm during  
9 the commission of the crime.

10 To prove the crime of first-degree murder, the  
11 State must prove the following three elements  
12 beyond a reasonable doubt:

13 Greg Brown is dead.

14 The death was caused by the criminal act of  
15 Adam Matos.

16 Number 3. There was a premeditated killing of  
17 Gregory Brown.

18 An act includes a series of related actions  
19 arising from and performed pursuant to a single  
20 design or purpose.

21 Killing with premeditation is killing after  
22 consciously deciding to do so. The decision must  
23 be present in the mind at the time of the killing.  
24 The law does not fix the exact period of time that  
25 must pass between the formation of the premeditated

1 intent to kill and the killing. The period of time  
2 must be long enough to allow reflection by the  
3 defendant. The premeditated intent to kill must be  
4 formed before the killing.

5 The question of premeditation is a question of  
6 fact that must be determined by you from the  
7 evidence. It will be sufficient proof of  
8 premeditation if the circumstances of the killing  
9 and the conduct of the accused convinces you beyond  
10 a reasonable doubt of the existence of  
11 premeditation at the time of the killing.

12 If a person has a premeditated design to kill  
13 one person and in attempting to kill that person  
14 actually kills another person, the killing is  
15 premeditated.

16 An issue in this case is whether Adam Matos  
17 did not act with a premeditated design to kill  
18 because he acted in the heat of passion based on  
19 adequate provocation. In order to find that the  
20 defendant did not act with a premeditated design to  
21 kill because he acted in the heat of passion based  
22 on adequate provocation, there must have been a  
23 sudden event that would have suspended the exercise  
24 of judgment in an ordinary reasonable person; and a  
25 reasonable person would have lost normal

1 self-control and would have been driven by a blind  
2 and unreasonable fury; and there was not a  
3 reasonable amount of time for a reasonable person  
4 to cool off; and a reasonable person would not have  
5 cooled off before committing the act that caused  
6 the death; and Adam Matos was, in fact, so provoked  
7 and did not cool off before he committed the act  
8 that caused the death of Gregory Brown.

9 If you have a reasonable doubt about whether  
10 the defendant acted with a premeditated design to  
11 kill because he acted in the heat of passion based  
12 on an adequate provocation, you should not find him  
13 guilty of murder in the first degree.

14 If you find that Adam Matos committed murder  
15 in the first degree and you also find beyond a  
16 reasonable doubt that during the commission of the  
17 crime he personally carried, displayed, used,  
18 threatened to use, or attempted to use a firearm,  
19 you should find him guilty of murder in the first  
20 degree with a firearm.

21 If you find that Adam Matos committed murder  
22 in the first degree but you are not convinced  
23 beyond a reasonable doubt that he personally  
24 carried, displayed, used, threatened to use, or  
25 attempted to use a firearm, then you should find

1 him guilty only of murder in the first degree.

2 If you find that Adam Matos committed murder  
3 in the first degree and you also find beyond a  
4 reasonable doubt that during the commission of the  
5 crime, he possessed and discharged a firearm, and  
6 in doing so, caused the death of Gregory Brown, you  
7 should find the defendant guilty of murder in the  
8 first degree with possession and discharge of a  
9 firearm causing death.

10 A firearm is legally defined as any weapon,  
11 including a starter gun, which will is designed to  
12 or may readily be converted to expel a projectile  
13 by the actions of an explosive; the frame or  
14 receiver of any such weapon; any firearm muffler or  
15 firearm silencer; any destructive device; or any  
16 machine gun.

17 To actually possess a firearm means that the  
18 defendant carried a firearm on his person, or had a  
19 firearm within immediate physical reach with ready  
20 access with the intent to use the firearm during  
21 the commission of the crime.

22 Count four. To prove the crime of  
23 first-degree premeditated murder, the State must  
24 prove the following three elements beyond a  
25 reasonable doubt:

1           Margaret Brown is dead.

2           The death was caused by the criminal act of  
3 Adam Matos.

4           Number 3. There was a premeditated killing of  
5 Margaret Brown.

6           An act includes a series of related actions  
7 arising from and performed pursuant to a single  
8 design or purpose.

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

18           The question of premeditation is a question of  
19 fact to be determined by you from the evidence. It  
20 will be sufficient proof of premeditation if the  
21 circumstances of the killing and the conduct of the  
22 accused convinces you beyond a reasonable doubt of  
23 the existence of premeditation at the time of the  
24 killing.

25           If a person has a premeditated design to kill

1 one person and in attempting to kill that person  
2 actually kills another person, the killing is  
3 premeditated.

4 An issue in this case is whether Adam Matos  
5 did not act with a premeditated design to kill  
6 because he acted in the heat of passion based on  
7 adequate provocation. In order to find that the  
8 defendant did not act with a premeditated design to  
9 kill because he acted in the heat of passion based  
10 on adequate provocation, there must have been a  
11 sudden event that would have suspended the exercise  
12 of judgment in an ordinary reasonable person; and  
13 the reasonable person would have lost normal  
14 self-control and would have been driven by a blind  
15 and unreasonable fury; and there was not a  
16 reasonable amount of time for a reasonable person  
17 to cool off; and a reasonable person would not have  
18 cooled off before committing the act that caused  
19 death; and Adam Matos was, in fact, so provoked and  
20 did not cool off before he committed the act that  
21 caused the death of Margaret Brown.

22 If you have a reasonable doubt about whether  
23 the defendant acted with a premeditated design to  
24 kill because he acted in the heat of passion based  
25 on adequate provocation, you should not find him

1 guilty of murder in the first degree.

2 It is a defense to the crime of murder in the  
3 first degree if the actions of Adam Matos  
4 constitutes the justifiable use of deadly force.

5 Deadly force means force likely to cause death  
6 or great bodily harm.

7 The use of deadly force is justifiable if the  
8 defendant reasonably believed that the force was  
9 necessary to prevent imminent death or great bodily  
10 harm to himself while resisting, one, another's  
11 attempt to murder him, or an attempt to commit  
12 felony battery upon him or in any dwelling occupied  
13 by him.

14 A person commits felony battery if he or she  
15 actually and intentionally touched or struck a  
16 person against the will of another person; and  
17 caused great bodily harm, permanent disability, or  
18 permanent disfigurement.

19 Adam Matos was justified in using deadly force  
20 if he reasonably believed that such force was  
21 necessary to prevent imminent death or great bodily  
22 harm to himself. If Adam Matos was not otherwise  
23 engaged in criminal activity and was in a place he  
24 had a right to be, then he had no duty to retreat  
25 and had the right to stand his ground.



1           In deciding whether Adam Matos was justified  
2           in the use of deadly force, you must consider the  
3           circumstances by which he was surrounded at the  
4           time the force was used. The danger need not have  
5           been actual; however, to justify the use of deadly  
6           force, the appearance of danger must have been so  
7           real that a reasonably cautious and prudent person  
8           under the same circumstances would have believed  
9           that the danger could be avoided only through the  
10          use of that force. Based upon appearances, Adam  
11          Matos must have actually believed that the danger  
12          was real. However, the defendant had no duty to  
13          retreat if he was not otherwise engaged in criminal  
14          activity and was in a place where he had a right to  
15          be.

16                 Adam Matos is presumed to have held a  
17                 reasonable fear of imminent peril of death or great  
18                 bodily harm to himself when using defensive force  
19                 that was intended or likely to cause death or great  
20                 bodily harm to another if the person against whom  
21                 the defensive force was used was in the process of  
22                 unlawfully and forcibly entering, or had unlawfully  
23                 and forcibly entered; and Adam Matos knew or had  
24                 reason to believe that an unlawful and forcible  
25                 entry or unlawful and forcible act was occurring or

1 had occurred.

2 The presumption of reasonable fear of imminent  
3 death or great bodily harm does not apply if the  
4 person against whom the defensive force is used has  
5 the right to be in or is a lawful resident of the  
6 dwelling, such as an owner, lessee, or titleholder,  
7 and there is not an injunction for protection from  
8 domestic violence or a written pretrial supervision  
9 order of no contact against that person; or the  
10 person who uses defensive force is engaged in a  
11 criminal activity or is using the dwelling to  
12 further a criminal activity.

13 A person who unlawfully and by force enters or  
14 attempts to enter another's dwelling is presumed to  
15 be doing so with the intent to commit an unlawful  
16 act involving force or violence.

17 Dwelling means a building or an conveyance of  
18 any kind, including any attached porch, whether the  
19 building or conveyance is temporary or permanent or  
20 mobile or immobile, which has a roof over it,  
21 including a tent, and is designed to be occupied by  
22 people lodging therein at night.

23 However, the use of deadly force is not  
24 justified if you find that Adam Matos used force to  
25 initially provoke the use of force against himself,

1 unless the force or threat of force asserted  
2 towards the defendant was so great that he  
3 reasonably believed that he was in imminent danger  
4 of death or great bodily harm and had exhausted  
5 every reasonable means to escape the danger, other  
6 than using deadly force on the victim.

7 In good faith, Adam Matos withdrew from  
8 physical contact with the victim and clearly  
9 indicated to the victim that he wanted to withdraw  
10 and stop the use of deadly force, but the victim  
11 continued or resumed the use of deadly force.

12 In considering the issue of self-defense, you  
13 may take into account the relative physical  
14 abilities and capacities of the defendant and the  
15 victims.

16 If in your consideration of the issue of  
17 self-defense you have a reasonable doubt on the  
18 question of whether the defendant was justified in  
19 the use of deadly force, you should find the  
20 defendant not guilty.

21 However, if from the evidence you are  
22 convinced beyond a reasonable doubt the defendant  
23 was not justified in the use of deadly force, you  
24 should find him guilty if all the elements of the  
25 charge have been proved.

1           Mental illness, an abnormal mental condition,  
2 or diminished mental capacity is not a defense to  
3 any crime in this case. Any such evidence may not  
4 be taken into consideration to show that the  
5 defendant lacked the specific intent or did not  
6 have the state of mind essential to proving that he  
7 committed the crimes charged or any lesser included  
8 crimes.

9           In considering the evidence, you should  
10 consider the possibility that although the evidence  
11 may not convince you that the defendant committed  
12 the main crimes of which he is accused, there may  
13 be evidence that he committed other acts that would  
14 constitute a lesser included crime. Therefore, if  
15 you decide that the main accusation has not been  
16 proved beyond a reasonable doubt, you will next  
17 need to decide if the defendant is guilty of any  
18 lesser included crimes. The lesser included crimes  
19 indicated in the definition of murder in the first  
20 degree are:

21           Count I: Murder in the second degree and  
22 manslaughter.

23           Count II: Murder in the second degree and  
24 manslaughter.

25           Count III: Murder in the second degree and

1           manslaughter.

2                   And Count IV: Murder in the second degree and  
3           manslaughter.

4                   To prove the crime of murder in the second  
5           degree, the State must prove the following three  
6           elements beyond a reasonable doubt:

7                   Nicholas Leonard is dead.

8                   The death was caused by the criminal act of  
9           Adam Matos.

10                   Number 3. There was an unlawful killing of  
11           Nicholas Leonard by an act imminently dangerous to  
12           another and demonstrating a deprived [sic] mind  
13           without regard to human life.

14                   An act includes a series of related actions  
15           arising from and performed pursuant to a single  
16           design or purpose.

17                   An act is imminently dangerous to another and  
18           demonstrating a deprived mind if it is an act or  
19           series of acts that a person of ordinary judgment  
20           would know is reasonably certain to kill or do  
21           serious bodily injury to another; and is done from  
22           ill will, hatred, spite, or an evil intent; and  
23           number three, is of such a nature that the act  
24           itself indicates an indifference of human life.

25                   In order the convict of murder in the second

1 degree, it is not necessary for the State to prove  
2 the defendant had an intent to cause death.

3 An issue in this case is whether Adam Matos  
4 did not have a deprived mind without regard to  
5 human life because he acted in the heat of passion  
6 based on adequate provocation.

7 In order to find the defendant did not have a  
8 deprived mind without regard to human life because  
9 he acted in the heat of passion based on adequate  
10 provocation, there must have been a sudden event  
11 that would have suspended the exercise of judgment  
12 in an ordinary reasonable person; and a reasonable  
13 person would have lost normal self-control and  
14 would have been driven by a blind and unreasonable  
15 fury; and there was not a reasonable amount of time  
16 for a reasonable person to cool off; and a  
17 reasonable person would not have cooled off before  
18 committing the act that caused the death; and Adam  
19 Matos was, in fact, so provoked and did not cool  
20 off before he committed the act that caused the  
21 death of Nicholas Leonard.

22 If you have a reasonable doubt about whether  
23 the defendant had a deprived mind without regard  
24 for human life because he acted in the heat of  
25 passion based on adequate provocation, you should

1 not find him guilty of murder in the second degree.

2 The next lesser included crime is manslaughter  
3 as to Count I. To prove the crime of manslaughter,  
4 the State must prove the following two elements  
5 beyond a reasonable doubt:

6 Nicholas Leonard is dead, and Adam Matos  
7 intentionally committed an act or acts that caused  
8 the death of Nicholas Leonard.

9 The defendant cannot be guilty of manslaughter  
10 by committing a merely negligent act or if the  
11 killing was either justifiable or excusable  
12 homicide, as I have previously instructed you on  
13 Page 2 on the introduction to homicide.

14 Each of us has a duty to act reasonably  
15 towards another. If there is a violation of that  
16 duty without any conscious intent to harm, that  
17 violation is negligence.

18 In order to convict of manslaughter by an act,  
19 it is not necessary for the State to prove that the  
20 defendant had an intent to cause death, only an  
21 intent to commit an act that was not merely  
22 negligent, justified, or excusable and which caused  
23 death.

24 Lesser included murder in the second degree as  
25 to Count II. To prove the crime of murder in the

1 second degree, the State must prove the following  
2 three elements beyond a reasonable doubt:

3 Megan Brown is dead.

4 The death was caused by the criminal act of  
5 Adam Matos. Number 3. There was an unlawful  
6 killing of Megan Brown by an act imminently  
7 dangerous to another and demonstrating a deprived  
8 mind without regard for human life.

9 An act includes a series of related actions  
10 arising from and performed pursuant to a single  
11 design or purpose.

12 An act is imminently dangerous to another and  
13 demonstrating a deprived mind if it is an act or  
14 series of acts that:

15 Number 1. A person of ordinary judgment would  
16 know is reasonably certain to kill or do serious  
17 bodily injury to another.

18 Number 2. Is done from ill will, hatred,  
19 spite, or an evil intent.

20 And number 3. Is of such a nature that the  
21 act itself indicates an indifference to human life.

22 In order to convict of murder in the second  
23 degree, it is not necessary for the State to prove  
24 the defendant had an intent to cause death.

25 An issue in this case is whether Adam Matos



1 did not have a deprived mind without regard for  
2 human life because he acted in the heat of passion  
3 based on adequate provocation.

4 In order the find that the defendant did not  
5 have a deprived mind without regard for human life  
6 because he acted in the heat of passion based on  
7 adequate provocation, there must have been a sudden  
8 event that would have suspended the exercise of  
9 judgment in an ordinary reasonable person; and a  
10 reasonable person would have lost normal  
11 self-control and would have been driven by a blind  
12 and unreasonable fury; and there was not a  
13 reasonable amount of time for a reasonable person  
14 to cool off; and a reasonable person would not have  
15 cooled off before committing the act that caused  
16 the death; and Adam Matos was, in fact, so provoked  
17 and did not cool off before he committed the act  
18 that caused the death of Megan Brown.

19 If you have a reasonable doubt about whether  
20 the defendant had a deprived mind without regard to  
21 human life because he acted in the heat of passion  
22 based on adequate provocation, you should not find  
23 him guilty of murder in the second degree.

24 If you find that Adam Matos committed murder  
25 in the second degree and you also find beyond a

1 reasonable doubt that during the commission of the  
2 crime he personally carried, displayed, used,  
3 threatened to use, attempted to use -- excuse me,  
4 attempted to use a firearm, you should find him  
5 guilty of murder in the second degree with a  
6 firearm.

7 If you find that Adam Matos committed murder  
8 in the second degree but you are not convinced  
9 beyond a reasonable doubt that he personally  
10 carried, displayed, used, threatened to use,  
11 attempted to use a firearm, then you should find  
12 him guilty only of murder in the second degree.

13 If you find that Adam Matos committed murder  
14 in the second degree and you also find beyond a  
15 reasonable doubt that during the commission of the  
16 crime, he possessed and discharged a firearm, and  
17 in doing so, caused the death of Megan Brown, you  
18 should find the defendant guilty of murder in the  
19 second degree with possession and discharge of a  
20 firearm causing death.

21 A firearm is legally defined as any weapon,  
22 including a starter gun, which will is designed to  
23 or may readily be converted to expel a projectile  
24 by the actions of an explosive; the frame or  
25 receiver of any such weapon; any firearm muffler or

1 firearm silencer; any destructive device or any  
2 machine gun.

3 To actually possess a firearm means that the  
4 defendant carried a firearm on his person or had a  
5 firearm within immediate physical reach with ready  
6 access with the intent to use the firearm during  
7 the commission of the crime.

8 The lesser included, Count II, manslaughter.  
9 To prove the crime of manslaughter, the State must  
10 prove the following two elements beyond a  
11 reasonable doubt:

12 Megan Brown is dead, and Adam Matos  
13 intentionally committed an act or acts that caused  
14 the death of Megan Brown.

15 The defendant cannot be guilty of manslaughter  
16 by committing merely a negligent act or if the  
17 killing was either justifiable or excusable  
18 homicide, as I have previously instructed you on  
19 Page 2 of the introduction to homicide.

20 Each of us has a duty to act reasonable  
21 towards others. If there is a violation of that  
22 duty, without any conscious intent to harm, that  
23 violation is negligence.

24 In order to convict of manslaughter by act, it  
25 is not necessary for the State to prove that the

1 defendant had an intent to cause death, only an  
2 intent to commit an act that was not merely  
3 negligent, justified, or excusable and which caused  
4 death.

5 If you find that Adam Matos committed  
6 manslaughter and you also find beyond a reasonable  
7 doubt that during the commission of the crime, he  
8 personally carried, displayed, used, threatened to  
9 use, or attempted to use a firearm, you should find  
10 him guilty of manslaughter with a firearm.

11 A firearm is legally defined as any weapon,  
12 including a starter gun, which will is designed to  
13 or may readily be converted to expel a projectile  
14 by actions of an explosive; the frame or receiver  
15 of any such weapon; any firearm muffler, firearm  
16 silencer; any destructive device or any machine  
17 gun.

18 If you find that Adam Matos committed  
19 manslaughter but you are not convinced beyond a  
20 reasonable doubt that he personally carried,  
21 displayed, used, threatened to use, or attempted to  
22 use a firearm, you should find him guilty only of  
23 manslaughter.

24 To prove the crime of murder in the second  
25 degree as to Count III, the State must prove the

1 following three elements beyond a reasonable doubt:

2 Gregory Brown is dead.

3 The death was caused by the criminal act of  
4 Adam Matos.

5 Number 3. There was an unlawful killing of  
6 Gregory Brown by an act imminently dangerous to  
7 another and demonstrating a deprived mind without  
8 regard for human life.

9 An act includes a series of related actions  
10 arising from and performed pursuant to a single  
11 design or purpose.

12 An act is imminently dangerous to another and  
13 demonstrating a deprived mind if it is an act or  
14 series of acts that a person of ordinary judgment  
15 would know is reasonably certain to kill or do  
16 serious bodily injury to another; and it is done  
17 from ill will, hatred, spite, or an evil intent;  
18 and is such of a nature that the act itself  
19 indicates an indifference to human life.

20 In order to convict of murder in the second  
21 degree, it is not necessary for the State to prove  
22 the defendant had an intent the cause death.

23 An issue in this case is whether Adam Matos  
24 did not have a deprived mind without regard to  
25 human life because he acted in the heat of passion

1 based on adequate provocation. In order to find  
2 that the defendant did not have a deprived mind  
3 without regard for human life because he acted in  
4 the heat of passion based on adequate provocation,  
5 there must have been a sudden event that would have  
6 suspended the exercise of judgment in an ordinary  
7 reasonable person; and a reasonable person would  
8 have lost normal self-control and would have been  
9 driven by a blind and unreasonable fury; there was  
10 not a reasonable amount of time for a reasonable  
11 person to cool off; and a reasonable person would  
12 not have cooled off before committing the act that  
13 caused the death; and Adam Matos was, in fact, so  
14 provoked and did not cool off before he committed  
15 the act that caused the death of Gregory Brown.

16 If you have a reasonable doubt about whether  
17 the defendant had a deprived mind without regard  
18 for human life because he acted in the heat of  
19 passion based on adequate provocation, you should  
20 not find him guilty of murder in the second degree.

21 If you find that Adam Matos committed murder  
22 in the second degree and you also find beyond a  
23 reasonable doubt that during the commission of the  
24 crime, he personally carried, displayed, used,  
25 threatened to use, or attempted to use a firearm,

1 you should find him guilty of murder in the second  
2 degree with a firearm.

3 If you find that Adam Matos committed murder  
4 in the second degree but you are not convinced  
5 beyond a reasonable doubt that he personally  
6 carried, displayed, used, threatened to use or  
7 attempted to use a firearm, then you should find  
8 him guilty only of murder in the second degree.

9 If you find that Adam Matos committed murder  
10 in the second degree and you also find beyond a  
11 reasonable doubt that during the commission of the  
12 crime, he possessed and discharged a firearm, and  
13 in doing so, caused the death of Gregory Brown, you  
14 should find the defendant guilty of murder in the  
15 second degree with possession and discharge of a  
16 firearm causing death.

17 A firearm is legally defined as any weapon,  
18 including a starter gun, which will is designed to  
19 or may readily be converted to expel a projectile  
20 by the actions of an explosive; the frame or  
21 receiver of any such weapon; any firearm muffler or  
22 firearm silencer; any destructive device; or any  
23 machine gun.

24 To actually possess a firearm means that the  
25 defendant carried a firearm on his person or had a

1 firearm within immediate physical reach with ready  
2 access with the intent to use the firearm during  
3 the commission of the crime.

4 The lesser included of Count III,  
5 manslaughter. To prove the crime of manslaughter,  
6 the State must prove the following two elements  
7 beyond a reasonable doubt:

8 Gregory Brown is dead.

9 Adam Matos intentionally committed an act or  
10 acts that caused the death of Gregory Brown.

11 The defendant cannot be guilty of manslaughter  
12 by committing merely a negligent act or if the  
13 killing was either justifiable or excusable  
14 homicide, as I have previously instructed you on  
15 Page 2, introduction to homicide.

16 Each of us has a duty to act reasonably  
17 towards others. If there is a violation of that  
18 duty without any conscious intent to harm, that  
19 violation is negligence.

20 In order to convict of manslaughter by act, it  
21 is not necessary for the State to prove the  
22 defendant had an intent to cause death, only an  
23 intent to commit an act that was not merely  
24 negligent, justifiable, or excusable and which  
25 caused death.



1           If you find that Adam Matos committed  
2 manslaughter and you also find beyond a reasonable  
3 doubt that during the commission of the crime he  
4 personally carried, displayed, used, threatened to  
5 use, or attempted to use a firearm, you should find  
6 him guilty of manslaughter with a firearm.

7           A firearm is legally defined as any weapon,  
8 including a starter gun, which will is designed to  
9 or may readily be converted to expel a projectile  
10 by actions of an explosive; the frame or receiver  
11 of any such weapon; any firearm muffler or firearm  
12 silencer; any destructive device; or any machine  
13 gun.

14           If you find that Adam Matos committed  
15 manslaughter but you are not convinced beyond a  
16 reasonable doubt that he personally carried,  
17 displayed, used, threatened to use, or attempted to  
18 use a firearm, then you should find him guilty only  
19 of manslaughter.

20           This is the lesser included crime,  
21 second-degree murder, Count IV. To prove the crime  
22 of murder in the second degree, the State must  
23 prove the following three elements beyond a  
24 reasonable doubt:

25           Margaret Brown is dead.

1           The death was caused by the criminal act of  
2 Adam Matos.

3           There was an unlawful killing of Margaret  
4 Brown by an act imminently dangerous to another and  
5 demonstrating deprived mind without regard for  
6 human life.

7           An act includes a series of related actions  
8 arising from and performed pursuant to a single  
9 design or purpose.

10          An act is imminently dangerous to another and  
11 demonstrating a deprived mind if it is an act or  
12 series of acts that a person of ordinary judgment  
13 would know is reasonably certain to kill or do  
14 serious bodily injury to another, and is done from  
15 ill will, hatred, spite, or an evil intent, and is  
16 of such a nature that the act itself indicates an  
17 indifference to human life.

18          In order to convict of murder in the second  
19 degree, it is not necessary for the State to prove  
20 the defendant had an intent to cause death.

21          An issue in this case is whether Adam Matos  
22 did not have a deprived mind without regard for  
23 human life because he acted in the heat of passion  
24 based on adequate provocation.

25          In order to find that the defendant did not

1 have a deprived mind without regard for human life  
2 because he acted in the heat of passion based on  
3 adequate provocation, there must have been a sudden  
4 event that would have suspended the exercise of  
5 judgment in an ordinary reasonable person; and a  
6 reasonable person would have lost normal  
7 self-control and would have been driven by a blind  
8 and unreasonable fury; and there was not a  
9 reasonable amount of time for a reasonable person  
10 to cool off; and a reasonable person would not have  
11 cooled off before committing the act that caused  
12 the death; and Adam Matos was, in fact, so provoked  
13 and did not cool off before he committed the act  
14 that caused the death of Margaret Brown.

15 If you have a reasonable doubt about whether  
16 the defendant had a deprived mind without regard  
17 for human life because he acted in the heat of  
18 passion based on adequate provocation, you should  
19 not find him guilty of murder in the second degree.

20 The lesser included crime of manslaughter,  
21 Count IV. To prove the crime of manslaughter, the  
22 State must prove the following two elements beyond  
23 a reasonable doubt:

24 Margaret Brown is dead.

25 Adam Matos intentionally committed an act or

1 acts that caused the death of Margaret Brown.

2 The defendant cannot be guilty of manslaughter  
3 by committing a merely negligent act or if the  
4 killing was either justifiable or excusable  
5 homicide, as I have previously instructed you on  
6 Page 2, introduction to homicide.

7 Each of us has a duty to act reasonable  
8 towards others. If there is a violation of that  
9 duty, without any conscious intent to harm, that  
10 violation is negligence.

11 In order to convict of manslaughter by act, it  
12 is not necessary for the State to prove that the  
13 defendant had an intent to cause death, only an  
14 intent to commit an act that was not merely  
15 negligent, justified, or excusable and which caused  
16 death.

17 The defendant has entered a plea of not  
18 guilty. This means you must presume or believe the  
19 defendant is innocent. The presumption stays with  
20 the defendant as to each material allegation in the  
21 Indictment through each stage of the trial, unless  
22 it has been overcome by the evidence to the  
23 exclusion of and beyond a reasonable doubt.

24 To overcome the defendant's presumption of  
25 innocence, the State has the burden of proving the

1 crime with which the defendant is charged was  
2 committed and the defendant is the person who  
3 committed the crime.

4 The defendant is not required to present  
5 evidence or prove anything. Whenever the words  
6 "reasonable doubt" are used, you must consider the  
7 following:

8 A reasonable doubt is not a mere possible  
9 doubt, a speculative, imaginary or forced doubt.  
10 Such a doubt must not influence you to return a  
11 verdict of not guilty if you have an abiding  
12 conviction of guilt. On the other hand, if, after  
13 carefully considering, comparing and weighing all  
14 the evidence, there is not an abiding conviction of  
15 guilt, or, if, having a conviction, it is one which  
16 is not stable but one which wavers and vacillates,  
17 then the charge is not proved beyond every  
18 reasonable doubt and you must find the defendant  
19 not guilty because the doubt is reasonable.

20 It is to the evidence introduced in this trial  
21 and to it alone that you are to look for that  
22 proof.

23 A reasonable doubt as to the guilt of the  
24 defendant may arise from the evidence, conflict in  
25 the evidence, or the lack of evidence.

1           If you have a reasonable doubt, you should  
2 find the defendant not guilty. If you have no  
3 reasonable doubt, you should find the defendant  
4 guilty.

5           It is up to you to decide what evidence is  
6 reliable. You should use your common sense in  
7 deciding which is the best evidence and which  
8 evidence should not be relied upon in considering  
9 your verdict. You may find some of the evidence  
10 not reliable or less reliable than other evidence.

11           You should consider how the witness acted, as  
12 well as what they said. Some things you should  
13 consider are:

14           Number 1. Did the witness seem to have an  
15 opportunity to see and know the things about which  
16 the witness testified?

17           Number 2. Did the witness seem to have an  
18 accurate memory?

19           Number 3. Was the witness honest and  
20 straightforward in answering the attorneys'  
21 questions?

22           Number 4. Did the witness have some interest  
23 in how the case should be decided?

24           Number 5. Does the witness's testimony agree  
25 with the other testimony and other evidence in the

1 case?

2 Number 6. Has the witness been offered or  
3 received any money, preferred treatment or other  
4 benefit in order to get the witness to testify?

5 Number 7. Has any pressure or threats been  
6 used against the witness that affected the truth of  
7 the witness's testimony?

8 Number 8. Did the witness at some other time  
9 make a statement that is inconsistent with the  
10 testimony he or she gave in court?

11 Number 9. Has the witness been convicted of a  
12 felony or a misdemeanor involving dishonesty or  
13 false statement?

14 Number 10. Does the witness have a general  
15 reputation for dishonesty or truthfulness?

16 Whether the State has met its burden of proof  
17 does not depend on the number of witnesses it has  
18 called or upon the number of exhibits it has  
19 offered, but instead upon the nature and quality of  
20 the evidence presented.

21 The fact that a witness is employed in law  
22 enforcement does not mean that his or her testimony  
23 deserves more or less consideration than that of  
24 any other witness.

25 Expert witnesses are like other witnesses,

1 with one exception, the law permits an expert  
2 witness to give his or her opinion. However, an  
3 expert's opinion is reliable only when given on a  
4 subject about which you believe him or her to be an  
5 expert. Like other witnesses, you may believe or  
6 disbelieve all or any part of an expert's  
7 testimony.

8 The defendant in this case has become a  
9 witness. You should apply the same rules to the  
10 consideration of his testimony that you apply to  
11 the testimony of all the other witnesses.

12 It is entirely proper for a lawyer to talk to  
13 a witness about what the witness -- excuse me. It  
14 is entirely proper for a lawyer to talk to a  
15 witness about what testimony the witness would give  
16 if called to the courtroom. The witness should not  
17 be discredited by talking to a lawyer about his or  
18 her testimony.

19 You may rely upon your own conclusion about  
20 the credibility of any witness. A juror may  
21 believe or disbelieve all or any part of the  
22 evidence or the testimony of any witness.

23 A statement claimed to have been made by the  
24 defendant outside of court has been placed before  
25 you. Such a statement should always be considered



1 with caution and be weighed with great care to make  
2 certain it was freely and voluntarily made.

3 Therefore, you must determine from the  
4 evidence that the defendant's alleged statement was  
5 knowingly, voluntarily, and freely made.

6 In making this determination, you should  
7 consider the total circumstances, including but not  
8 limited to whether when the defendant made the  
9 statement, he had been threatened in order to get  
10 him to make it, and whether anyone had promised him  
11 anything in order to get him to make it.

12 If you conclude the defendant's out of court  
13 statement was not freely and voluntarily made, you  
14 should disregard it.

15 You've heard testimony of eyewitness  
16 identification. In deciding how much weight to  
17 give this testimony, you may consider the various  
18 factors mentioned in these instructions concerning  
19 credibility of witnesses.

20 In addition to those factors, in evaluating  
21 eyewitness identification testimony, you may also  
22 consider the capacity and opportunity of the  
23 eyewitness to observe the offender based upon the  
24 length of time for observation and the conditions  
25 at the time of observation, including lighting and

1 distance.

2 Number 2. Whether the identification was the  
3 product of the eyewitness's own recollection or was  
4 the result of some influence or suggestiveness.

5 Number 3. The circumstances under which the  
6 defendant was present -- excuse me. Was presented  
7 to the eyewitness for identification.

8 Number 4. Any inconsistent identification by  
9 the eyewitness.

10 5. Any instances in which the eyewitness did  
11 not make an identification when given the  
12 opportunity to do so.

13 Number 6. The witness's familiarity with the  
14 subject identified.

15 Number 7. The lapse of time between the event  
16 and the identification.

17 Number 8. Whether the eyewitness and the  
18 offender are of different races or ethnic groups  
19 and whether this may have affected the accuracy of  
20 the identification.

21 And Number 9. The totality of circumstances  
22 surrounding the eyewitness's identification.

23 These are some general rules that apply to  
24 your discussions. You must follow these rules in  
25 order to return a lawful verdict.

1           You must follow the law as it is set out in  
2 these instructions. If you fail to follow the law,  
3 your verdict will be a miscarriage of justice.  
4 There is no reason for failing to follow the law in  
5 this case. All of us are depending upon you to  
6 make a wise and legal decision in this matter.

7           This case must be decided only upon the  
8 evidence that you have heard from the testimony of  
9 the witnesses and have seen in the form of exhibits  
10 in evidence and these instructions.

11           This case must not be decided for or against  
12 anyone because you feel sorry for anyone, or are  
13 angry at anyone.

14           Remember, the lawyers are not on trial. Your  
15 feelings about them should not influence your  
16 decision in this case.

17           Your duty is to determine if the defendant has  
18 been proven guilty or not in accordance with the  
19 law.

20           Whatever verdict you render must be unanimous,  
21 that is, each juror must agree to the same verdict.

22           Your verdict should not be influenced by  
23 feelings of prejudice, bias or sympathy. Your  
24 verdict must be based on the evidence and the law  
25 contained in these instructions.

1           Deciding a verdict is exclusively your job. I  
2 cannot participate in that decision in any way, and  
3 please disregard anything I may have said or done  
4 that make you think I prefer one verdict over  
5 another.

6           You may find the defendant guilty as charged  
7 in the Indictment or guilty of any lesser included  
8 crimes as the evidence may justify or not guilty.

9           If you return a verdict of guilty, it must be  
10 for the highest offense which has been proved  
11 beyond a reasonable doubt. If you find that no  
12 offense has been proved beyond a reasonable doubt,  
13 then, of course, your verdict must be not guilty.

14           The verdict must be unanimous, that is, all of  
15 you must agree to the same verdict. Only one  
16 verdict may be returned as to each crime charged.  
17 The verdict must be in writing and for your  
18 convenience the necessary verdict forms have been  
19 prepared for you. And they are as follows:

20           They are not attached because there's only  
21 one. So it's right here. There's four of them.  
22 So it's very easy to figure out which goes to which  
23 because it says verdict, and then up at the top it  
24 says, murder in the first degree, Count I, Nicholas  
25 Leonard. And then, of course, Count II, Count III.

1 So it's very easy when you're back there, and you  
2 have one in your hand to know which verdict form  
3 we're talking about.

4 So this one is to Count I. It says, we the  
5 jury finds as follows, check one and only one on  
6 this form by inserting a single check mark on the  
7 line next to the description of the verdicts which  
8 you have found.

9 Number 1. The defendant is guilty of murder  
10 in the first degree as to Nicholas Leonard as  
11 charged in the Indictment.

12 Number 2. The defendant is guilty of the  
13 lesser included crimes of murder in the second  
14 degree as to Nicholas Leonard.

15 Number 3. The defendant is guilty of the  
16 lesser included charge of manslaughter as to  
17 Nicholas Leonard.

18 And Number 4. The defendant is not guilty.

19 Sign it. I need the signature of the  
20 foreperson. They need to print their name and put  
21 their seat number. Because when the verdicts are  
22 read, the clerk will read the verdicts, and only  
23 read the seat number.

24 The law requires that the foreperson sign and  
25 date the verdict forms in all cases. But when we

1 read them we do not read their name, we read their  
2 seat number. So as to Count I, Nicholas Leonard,  
3 that's the verdict form.

4 As to Count IV, Margaret Brown. Same verdict  
5 form, exactly the same way, except it says Margaret  
6 Brown on hers. Okay. So I and IV are exactly the  
7 same.

8 Count II is of Megan Brown. Now, you'll see  
9 that II and III have the firearm notations in there  
10 that I read to you in the instructions. Those only  
11 go for II and III.

12 So on this one it says, we the jury find,  
13 check one and only one. In this one the one and  
14 only one would be I, II, III or IV. If you check  
15 I, II or III, there may be additional check marks  
16 that are necessary. So here it says, the defendant  
17 is guilty of murder in the first degree as to Megan  
18 Brown, as charged in the Indictment.

19 Then below that it says, if and only if you  
20 find the defendant guilty of murder in the first  
21 degree as to Megan Brown, you must further find.

22 So you only go below I if you check one. If  
23 you go to II, then we go below there. So it says,  
24 the defendant did possess, display, use, threatened  
25 or used or attempted to use a firearm, "yes" or

1 "no".

2 And then there's a second what we call  
3 interrogatories, meaning additional questions. And  
4 then at (b), if and only if you find guilty of  
5 first degree, the defendant -- and on this one it's  
6 check all that apply.

7 So the first one is yes, no; and then the  
8 second one is check all that applies. So under (b)  
9 here, whether it's under I or II, you may have  
10 multiple check marks. So just read the  
11 instructions. It's very clear on the verdict  
12 forms. All right?

13 It says, the defendant did actually possess a  
14 firearm; the defendant did discharge a firearm; the  
15 defendant discharge a firearm causing the death or  
16 great bodily harm of Megan Brown. So on this one  
17 you check all that apply.

18 Or you don't find for one, you find  
19 second-degree murder, the defendant is guilty of  
20 the lesser of second-degree murder, same  
21 interrogatories under second-degree murder.

22 Manslaughter here, number three, there's only  
23 one interrogatory. And then, of course, not guilty  
24 has no interrogatories. All right?

25 And that's the same for Megan Brown and

1 Gregory Brown. They're the same. So II and III  
2 are the same, and I and IV are the same.

3 Single defendant, multiple counts. This is  
4 very important. A separate crime is charged in  
5 each count of the Indictment and, although they  
6 have been tried together, each crime and the  
7 evidence applicable to it must be considered  
8 separately and a separate verdict returned as to  
9 each. A finding of guilty or not guilty as to one  
10 crime must not affect your verdict as to the other  
11 crimes charged.

12 In just a few moments you will be taken to the  
13 verdict form by my bailiff. The first thing you  
14 should do is choose a foreperson who will preside  
15 over your deliberations. The foreperson should see  
16 to it that your discussions are carried on in an  
17 organized way and that everyone has a fair chance  
18 to be heard. It is also the foreperson's job to  
19 sign and date the verdict form when all of you have  
20 agreed on a verdict and to bring the verdict form  
21 back to the courtroom when you return.

22 During deliberations, jurors must communicate  
23 about the case only with one another and only when  
24 all jurors are present in the jury room. You are  
25 not to communicate with any person outside the jury



1           about the case.  Until you have reached a verdict,  
2           you must not talk about this case in person or  
3           through the telephone, writing, or electronic  
4           communication, such as a blog, twitter, email, text  
5           messages, or any other means.  Do not contact  
6           anyone to assist you during deliberations.  These  
7           communication rules apply until I discharge you at  
8           the end of the case.  If you become aware of any  
9           violation of these instructions or any other  
10          instructions I have given you in this case, you  
11          must tell me by giving a note to the bailiff.

12                 Many of you have cell phones, tablets,  
13          laptops, or electronic devices here in the  
14          courtroom.  The rules do not allow you to bring  
15          those phones or any of those types of electronic  
16          devices into the jury room.  They will be left  
17          here, the devices on your seat -- well, we have  
18          them in the box.  They will be guarded by the  
19          bailiff while you are deliberating.

20                 If you need to communicate with me, send a  
21          note through the bailiff, signed by the foreperson.  
22          If you have voted, do not disclose the actual vote  
23          in the note.

24                 If you have questions, I will talk with the  
25          attorneys before I answer, so it may take some

1 time. You may continue your deliberations while  
2 you wait for my answer. I will answer any  
3 questions, if I can, in writing or orally here in  
4 open court.

5 I will tell you that in a hundred percent of  
6 the time I will not send a note back. I will have  
7 you come out. We'll make sure that it's on the  
8 record, and that I have the question correctly, and  
9 then I'll answer it here and then I'll send you  
10 back. It doesn't take but a few minutes to do  
11 that, and that way I make sure I read the question  
12 correctly and I'm giving you the correct answer.  
13 Okay? And sometimes I can't give you an answer but  
14 you'll know that because I'll tell you I can't  
15 answer that.

16 During the trial, items were received into  
17 evidence as exhibits. You may examine whatever  
18 exhibits you think will help you in your  
19 deliberations. These exhibits will be sent into  
20 the jury room with you when you begin to  
21 deliberate.

22 As I indicated earlier, I believe we have guns  
23 and bullets, but I can't remember. I'm not going  
24 to send the two of them in together. Okay? So if  
25 I send in one, I'll let you know the other one is

1 out here, we'll just switch. Just knock on the  
2 door, my bailiff can take the firearms back and  
3 give you the ammunition, but we don't let the two  
4 go into the jury room together.

5 And we do have quite a few videos in this  
6 matter. I will make sure you have a laptop, my  
7 laptop, that you can access the videos on. So you  
8 don't have to come back out here and have them  
9 played on -- we might send the big TV. No, I'm  
10 just kidding. We'll just have you have a laptop.

11 If you need the big TV, let us know and maybe  
12 we can send that back too, but I think just the  
13 laptop will do. But I will send my personal laptop  
14 back in there, that way you can play whatever  
15 video. You know, one can be looking at the videos  
16 while looking at others.

17 Also, I believe that some of these items have  
18 been in water and whatnot. We will send gloves  
19 back. Okay. So you'll have gloves back there to  
20 look at all evidence and those matters.

21 In closing, let me remind you that it is  
22 important that you follow the law spelled out in  
23 these instructions in deciding your verdict. There  
24 are no other laws that apply in this case. Even if  
25 you do not like the laws that must be applied, you

1 must use them. For two centuries we have lived by  
2 the constitution and the law. No juror has the  
3 right to violate the rules we all share.

4 If I can have the lawyers at the bench.  
5 (Bench Conference.)

6 THE COURT: Give me a second. Judge Bulone  
7 says they send the alternates home and tell them  
8 that I might need them. So that's what I'm going  
9 to do. I'm pretty sure that is what I do.

10 Any objection to the way I read the  
11 instructions or did I leave any instructions out?

12 MR. VIZCARRA: Judge, I'd ask you to instruct  
13 the jury words to the effect that rely on the  
14 written instructions if they differ from what I  
15 read.

16 THE COURT: Did I miss a word?

17 MR. VIZCARRA: "Unreasonable" and "unreasoning  
18 fury," it's a different meaning and it was  
19 important.

20 MR. SARABIA: We agree.

21 THE COURT: Was it typed wrong?

22 MR. LABRUZZO: No, you just --

23 THE COURT: Did I just keep mispronounce wrong  
24 over and over?

25 MR. LABRUZZO: Yes. You also said deprived

1           instead of depraved. Not a big thing.

2           MR. SARABIA: Mr. Lawhorne noted that as well.  
3           So if you guys want her to just mention that to the  
4           jury.

5           MR. VISCARRA: Because it was typed properly.  
6           So if it's different, then just rely on the written  
7           word, or whatever you think is appropriate, Judge.

8           THE COURT: I'll take care of it. Anything  
9           else?

10          MR. VIZCARRA: No.

11          MR. SARABIA: No.

12          (Open Court.)

13          THE COURT: Ladies and gentlemen of the jury,  
14          I've been told my pronunciation of certain words  
15          was bad. Okay? So please rely on the written  
16          instructions that you all have copies to make sure.

17          If it's different than the way I pronounced  
18          it, please use the written instructions. I've read  
19          for like 45 pages. I think I mispronounced a  
20          couple of words. Sorry about that. But each of  
21          you have written instructions, so make sure that  
22          you rely on your written instructions.

23          Jurors Number 13, 14, and 15, that will be  
24          that top three back on the back wall, you are  
25          alternate jurors. That means since everybody made

1           it through all the weeks, that at this time you can  
2           be excused. You you are not needed for  
3           deliberations at this time. However, I need you to  
4           provide a phone number where you can be reached.  
5           There may be a situation where we need to call you  
6           back.

7                    I would ask that you not talk about the case  
8           with anyone or each other until you're released  
9           from that. We'll call you as soon as the  
10          deliberations are over and I can release you at  
11          that time. But right now I cannot release you from  
12          talking about it, discussing it, you can't look at  
13          the newspaper, because if anything happens to any  
14          of the jurors, we could restart deliberations from  
15          the beginning with an alternate. Okay?

16                   So right now I'm going to release you with the  
17          same instructions, don't talk about it, no reading,  
18          no texting, no tweeting. I will give you a  
19          certificate of appreciation. You can leave your  
20          notes right there. And at this time you're free to  
21          go. Okay? You don't have to remain here. If you  
22          wish to remain here, that's fine. But you're free  
23          to go at this time.

24                   We have your electronic devices here, and  
25          we'll go ahead and release you with your electronic

1 devices. Do you all have anything in the back in  
2 the jury room? No? All right. Then you can step  
3 out at this time. Thank you all so much.

4 All right. For the rest of you, it's time for  
5 you to go ahead and grab your notes, your jury  
6 instructions, and I'm going to ask you to step into  
7 the jury room and begin your deliberations.

8 My bailiff will be back there in a few minutes  
9 with all the evidence. We have 642 pieces of  
10 evidence. So it's going to take him a few minutes  
11 to put it all together. He'll have the verdict  
12 forms for you. And if you need anything, we'll  
13 have you knock on the door for us. Okay? And then  
14 we'll figure it out.

15 (Jury Absent.)

16 THE COURT: All right. We'll be in recess  
17 until the jury returns a verdict.

18 MR. LABRUZZO: Judge, if I may, just real  
19 quick. You mentioned your laptop. I believe all  
20 the videos will play on the laptop the Court  
21 provides, but it may require some instruction that  
22 they have to open up a player or an application in  
23 the file to then actually play it. So if that's  
24 becomes an issue.

25 THE COURT: Will you leave the videos out

1 here. I'll make sure how they play before I send  
2 them in. Okay.

3 MR. LABRUZZO: Thank you, Judge.

4 THE COURT: All right. Anything else?

5 MR. VISCARRA: Judge, there's a proffer  
6 whenever the Court feels that should be done. I  
7 know we're pretty close to the jury room.

8 THE COURT: That's fine. I told him he could  
9 proffer some things once the jury went out.

10 Do you need Mr. Matos on the stand?

11 MR. VIZCARRA: Please, Judge.

12 THE COURT: All right. If we can have  
13 Mr. Matos brought onto the stand.

14 THE COURT REPORTER: I do that on the record?

15 THE COURT: It's a proffer. I'm leaving.  
16 They're going to ask the questions, he's going to  
17 answer them. So I'll be back. You can go ahead  
18 with the proffer while I go get my laptop.

19 (The Court Absent.)

20 PROFFER EXAMINATION

21 BY MR. VISCARRA:

22 Q. Mr. Matos, what was that day, August 28th,  
23 2014, like for you?

24 A. It was the worse day of my life. It was just  
25 a horrible experience. It was like a nightmare, a



1 nightmare that I couldn't wake up from.

2 Q. Regarding staying there and taking care of  
3 your son [REDACTED] tell us how difficult it was for you  
4 to mentally stay in the house.

5 A. It was difficult in many ways. The horrible  
6 memories that occurred there. Just reliving the  
7 experience over and over every day. It was very  
8 emotional.

9 Q. But you continued to stay there?

10 A. Yes.

11 Q. Regarding leaving [REDACTED] at home alone, why  
12 would you do that?

13 A. The state of mind that I was in, I was not  
14 thinking clearly. I feel horrible for doing so. In a  
15 normal situation, I wouldn't have done that. And as a  
16 child, I was left home from time to time, and maybe that  
17 had something to do with why I acted that way, but at  
18 the time I wasn't thinking clearly.

19 Q. Was that how you were raised?

20 A. Yes.

21 Q. Mr. Matos, let's go back to how you met Megan  
22 Brown and found out that you were [REDACTED] father.

23 Okay. How long were you guys together?

24 A. On and off through the years.

25 Q. Where was it that you guys met?

1 A. In Emmaus, Pennsylvania.

2 Q. Can you tell me the circumstances about that?

3 A. We met through a mutual friend in Emmaus,  
4 Pennsylvania. We were -- I was 19, I believe she was 18  
5 at the time. And she came over to my house one day with  
6 a mutual friend and that's how I met her.

7 Q. How long were you together before you found  
8 out she was pregnant with a child?

9 A. A few months.

10 Q. Did you have court-ordered visitation in  
11 Pennsylvania?

12 A. Yes.

13 Q. What was Megan's attitude about staying or  
14 going?

15 A. She wasn't sure. Her parents were trying to  
16 convince her to go. I wanted to stay. I tried  
17 convincing her to stay. It was the town that we spent  
18 most of our lives. [REDACTED] was born there. He had  
19 friends there. He was going to school. There was  
20 beautiful parks that we would go to and spend time with  
21 him. And he loved it there. It was a great place to  
22 raise our child.

23 Q. And did you, in fact, try to convince her to  
24 stay in Pennsylvania?

25 A. Yes. I tried convincing her many times to

1 stay.

2 Q. But she decided to go to Florida anyway?

3 A. Yes.

4 Q. I was asking you about your discussion with  
5 Nick Leonard. What did he say to you when you talked to  
6 him on the phone?

7 A. When I talked to Nicholas Leonard, he was  
8 upset about an incident that occurred when he was at the  
9 bar with Megan. Apparently she was flirting with a  
10 bartender and he became jealous and upset and he left  
11 the bar.

12 Q. You said he was jealous and upset. Go ahead.

13 A. He was jealous and upset when he left the bar  
14 and he called me. First he texted me and then we talked  
15 on the phone. He called me as he was entering the cab.  
16 And as we were talking, he was just letting me know that  
17 him and Megan had an altercation at the bar, and he was  
18 upset that she was flirting with the bartender and that  
19 his opinion of her was that she was a whore and that he  
20 didn't want her anymore and that he was done with her  
21 completely.

22 MR. VISCARRA: That's all I have. Thank you.

23 THE DEFENDANT: You're welcome. Thank you.

24 (The Court is present.)

25 MR. SARABIA: Judge, I don't get to ask some

1 questions about the questions he proffered?

2 THE COURT: What?

3 MR. SARABIA: The defendant, I don't get to  
4 cross him on the answers he gave on the proffer?

5 THE COURT: No. Because I didn't even let the  
6 questions come in.

7 MR. SARABIA: Okay.

8 THE COURT: So if it was improper, then it was  
9 improper.

10 (Recess Taken.)

11 MR. LABRUZZO: They're here, Judge.

12 THE COURT: No problem. But I need the  
13 lawyers.

14 All right. Ladies and gentlemen, I'm about to  
15 bring the jury in. I would ask to keep your voices  
16 down. There will be no talking, screaming,  
17 carrying on. All right. As soon as the jury comes  
18 in, we'll read the verdict, and then move on from  
19 there.

20 State, are you ready to proceed? I've been  
21 told that the jury has reached their verdict.

22 MR. LABRUZZO: Yes, Judge, we are.

23 MR. SARABIA: Judge, there are just a couple  
24 more family members that I think are entering the  
25 building. If we can give them a couple of minutes

1 to get up here.

2 THE COURT: Okay. I thought that they were  
3 here.

4 MR. SARABIA: Not all of them.

5 THE COURT: Oh, okay. Then I'll give them a  
6 few more minutes. I'll bring the jury in at 2:45.

7 MR. SARABIA: Okay.

8 THE COURT: All right.

9 MR. SARABIA: Thank you. All right. Judge,  
10 they're all here.

11 THE COURT: All right. I'll wait until they  
12 are seated.

13 All right. We're back on the record. State  
14 of Florida versus Adam Matos. The jury has reached  
15 their verdict. The defendant is present.

16 Any reason not the bring the jury back?  
17 Defense?

18 MR. MICHAÏLOS: No, Your Honor.

19 THE COURT: State?

20 MR. SARABIA: No, Judge.

21 THE COURT: All right. Mr. Bailiff, you can  
22 have the jury return.

23 THE BAILIFF: Yes, Your Honor. The jury is  
24 now entering the courtroom, Your Honor.

25 THE COURT: Thank you.

1 (Jury Present.)

2 THE BAILIFF: Jurors all present and seated,  
3 Your Honor.

4 THE COURT: All right. Thank you.

5 Juror Number 10, I understand you are the  
6 foreperson; is that correct, sir?

7 JUROR NUMBER 10: Yes, ma'am.

8 THE COURT: And you've reached a verdict?

9 JUROR NUMBER 10: Yes, ma'am.

10 THE COURT: Do you have the verdict forms?

11 JUROR NUMBER 10: Yes, ma'am.

12 THE COURT: If you can hand those to my  
13 bailiff. Thank you, sir.

14 All right. If the defendant wants to rise,  
15 defense attorney, and I will have the clerk publish  
16 the verdicts.

17 THE CLERK: In the Circuit Court of the Sixth  
18 Judicial Circuit, of the State of Florida, in and  
19 for Pasco County. Case Number 2004CF005586AXWS.  
20 State of Florida versus Adam Matos.

21 Indictment for Count I, Murder in the First  
22 Degree. Verdict. We the jury find as follows:  
23 The defendant is guilty of murder in the first  
24 degree as to Nicholas Leonard, as charged in the  
25 Indictment.

1           So say we all this 16th day of November, 2017.  
2 Signed the foreperson, Juror Number 10.

3           Indictment for Count II, Murder in the First  
4 Degree. We the jury find as follows: The  
5 defendant is guilty of murder in the first degree  
6 as to Megan Brown, as charged in the Indictment.

7           We further find the defendant did possess,  
8 display, use, threaten to use, or attempt to use a  
9 firearm.

10          We further find the defendant did actually  
11 possess a firearm. The defendant did discharge a  
12 firearm. The defendant did discharge a firearm  
13 causing the death or great bodily injury of Megan  
14 Brown.

15          So say we all this 16th day of November, 2017.  
16 Signed the foreperson, Juror Number 10.

17          Indictment for Count III, Murder in the First  
18 Degree. We the jury find as follows: The  
19 defendant is guilty of murder in the first degree  
20 as to Gregory Brown, as charged in the Indictment.

21          We further find the defendant did possess,  
22 display, use, threaten to use or attempt to use a  
23 firearm.

24          We further find the defendant did actually  
25 possess a firearm. The defendant did discharge a

1 firearm. The defendant did discharge a firearm  
2 causing the death or great bodily injury of Gregory  
3 Brown.

4 So say we all this 16th day of November, 2017.  
5 Signed the foreperson, Juror Number 10.

6 Indictment for Count IV, Murder in the First  
7 Degree. We the jury find as follows: The  
8 defendant is guilty of murder in the first degree  
9 as to Margaret Brown, as charged in the Indictment.

10 So say we all this 16th day of November, 2017.  
11 Signed the foreperson, Juror Number 10.

12 THE COURT: All right. Does the Defense wish  
13 to have the jury polled?

14 MR. VISCARRA: Please, Judge.

15 THE COURT: All right. Ladies and gentlemen,  
16 we're going to poll the jury. The clerk will call  
17 your seat number. And it's a yes or no answer.  
18 She's going to ask if the verdicts that she has  
19 read are, in fact, your verdicts. If they are,  
20 please say, yes. If they aren't, say, no. And  
21 she'll do it by seat number.

22 Madam Clerk.

23 THE CLERK: Would you like me to go each count  
24 one after the other?

25 THE COURT: No. We'll just do it as a whole.



1 That's fine.

2 THE CLERK: Okay.

3 Juror Number 1, is the verdict rendered your  
4 verdict?

5 JUROR NUMBER 1: Yes.

6 THE CLERK: Juror Number 2, is the verdict  
7 rendered your verdict?

8 JUROR NUMBER 2: Yes.

9 THE CLERK: Juror Number 3, is the verdict  
10 rendered your verdict?

11 JUROR NUMBER 3: Yes.

12 THE CLERK: Juror Number 4, is the verdict  
13 rendered your verdict?

14 JUROR NUMBER 4: Yes.

15 THE CLERK: Juror Number 5, is the verdict  
16 rendered your verdict?

17 JUROR NUMBER 5: Yes.

18 THE CLERK: Juror Number 6, is the verdict  
19 rendered your verdict?

20 JUROR NUMBER 6: Yes.

21 THE CLERK: Juror Number 7, is the verdict  
22 rendered your verdict?

23 JUROR NUMBER 7: Yes.

24 THE CLERK: Juror Number 8, is the verdict  
25 rendered your verdict?

1 JUROR NUMBER 8: Yes.

2 THE CLERK: Juror Number 9, is the verdict  
3 rendered your verdict?

4 JUROR NUMBER 9: Yes.

5 THE CLERK: Juror Number 10, is the verdict  
6 rendered your verdict?

7 JUROR NUMBER 10: Yes.

8 THE CLERK: Juror Number 11, is the verdict  
9 rendered your verdict?

10 JUROR NUMBER 11: Yes.

11 THE CLERK: Juror Number 12, is the verdict  
12 rendered your verdict?

13 JUROR NUMBER 12: Yes.

14 THE COURT: All right. Thank you, ladies and  
15 gentlemen.

16 At this time, as we discussed when you were  
17 originally impaneled, the verdicts in this case  
18 were for murder in the first degree, which entails  
19 that you as a panel will have to make a decision on  
20 the sentence involved in this matter.

21 We are going to begin that on Monday. You'll  
22 be released today. You'll have Friday, Saturday  
23 and Sunday off. I'm going to have you come back on  
24 Monday at 9:30, and we'll begin the second phase,  
25 the sentencing phase in this matter.

1           Again, you will continue not to read, talk,  
2           tweet, blog or anything about the case. You are  
3           still the jury deciding the second phase of this  
4           matter. So although you have made a decision on  
5           the guilt of the defendant, the sentence could be  
6           affected by you reading something or hearing  
7           something or talking to somebody about this.

8           So at this time I'm going to go ahead -- your  
9           notes, your jury instructions we're going to keep.  
10          You'll need those for the second phase, so we'll  
11          have them right back here. If you want to put them  
12          in the envelope, and they'll be right back on your  
13          chair when you get back here on Monday at 9:30.

14          As I told you, I believe that we are a day  
15          ahead of when we originally had said that we would  
16          go through. Depending on how the testimony goes on  
17          Monday, my thought is is that on Tuesday I will do  
18          the exact same thing I did today, which is I will  
19          bring you back on Tuesday, I will instruct you on  
20          Tuesday, and you will begin to deliberate.

21          So I'll give you more information on Monday  
22          before you leave, because I'll know after it goes  
23          on Monday how the timing is; but right now my guess  
24          is is that you'll be deliberating for that matter  
25          on Tuesday.

1           And so at this time you are released. Keep  
2 your jury badge. I'll keep everything else. And  
3 we'll see you in the jury pool room at 9:30 on  
4 Monday morning. All right?

5           Again, keep that number with you, if there's  
6 any issues. Okay? So at this time, I thank you,  
7 and I'll release you for the day.

8 (Jury Absent.)

9           THE BAILIFF: The jury is out of the presence  
10 of the Court, Your Honor.

11          THE COURT: Thank you. He can be seated. We  
12 have a few more things to talk about.

13          All right. What I'd like is for the  
14 individuals who are going to be handling the second  
15 phase to be here at 8:30 tomorrow morning. We'll  
16 discuss the jury instructions, so we can go over  
17 them and make sure that we have any disagreement,  
18 at least discussed and reviewed before we begin on  
19 Monday. There's a part where I have to read them  
20 an instruction about with a they're going to do,  
21 and I want to make sure we have all that agreed to.

22          Defense, how many witnesses do you believe  
23 that you'll be calling? I'm not holding you to it.  
24 I mean, just a ballpark figure.

25          MR. LIVERMORE: We have listed 12, I believe.

1 I don't think any of them will be that long.

2 THE COURT: Okay.

3 MR. LIVERMORE: We do have a Skype session  
4 scheduled Monday 3:00 to 5:00 --

5 THE COURT: Okay.

6 MR. LIVERMORE: -- from up north. And I'm  
7 assuming the openings aren't that long.

8 THE COURT: Okay.

9 MR. LIVERMORE: I believe we can probably get  
10 through most of them, if not all of them.

11 THE COURT: Okay. And I have spoken to court  
12 technology. They've already talk to me this  
13 afternoon, they came in. The State is going to  
14 remove big TV, so that they can bring in their  
15 equipment and make sure that it's ready when your  
16 Skype is ready.

17 MR. LIVERMORE: And I believe they already  
18 tested it last week.

19 THE COURT: Right. So they just need the big  
20 TV to be gone, and the State has indicated they'll  
21 take it with them today. They may even bring it in  
22 tomorrow and set it up so we know it's here,  
23 double-check again.

24 So, State, do you have any additional  
25 witnesses that you'll be presenting in penalty

1 phase?

2 MR. LABRUZZO: Not at this stage of the  
3 penalty, Judge.

4 THE COURT: Okay. The only other thing that  
5 we'll have to work through, and I'm sure you'll  
6 have that for me tomorrow, is what mitigation or  
7 mitigators you want me the put in. If you can kind  
8 of have an idea.

9 MR. LIVERMORE: Yes, we do.

10 THE COURT: I'm sure in your head you've got  
11 them kind of worked on, but if you can shore that  
12 up, because we want to make sure that we have the  
13 jury instructions correct.

14 But, again, I don't think that part of the  
15 jury instructions, the final instructions we'll do  
16 until Tuesday, if we can get through everything on  
17 Monday.

18 I mean, the introduction part, the explanation  
19 of how we're going to get this done and all that,  
20 that doesn't have the mitigators in it. That just  
21 says we just talk about them in general terms, but  
22 the final instructions we'll have to have those in  
23 there, and, of course, anything else you think is  
24 mitigation part will be in there.

25 So is there anything else that the Court needs

1 to discuss today in reference to what happened for  
2 the rest of the last two weeks? Anything? State?

3 MR. LABRUZZO: Judge, I was just going to ask  
4 the Court, the instruction and the aggravator  
5 listed by the State is the prior violent felony.  
6 In the instruction refers to a conviction, and so  
7 based on that -- I know the jury having found their  
8 verdict is one thing, but if the Court would  
9 adjudicate Mr. Matos as to each count.

10 THE COURT: Okay.

11 MR. LABRUZZO: So that it is a clear record as  
12 to our argument as to his conviction, that there's  
13 no ambiguity in the fact that he has, in fact, been  
14 convicted, we would appreciate that.

15 THE COURT: Okay. All right. If I can have  
16 the defense and Mr. Matos approach the podium.

17 Mr. Matos, at this time in Case  
18 Number 14CF5586, the jury having returned a verdict  
19 of guilty on Count I, murder in the first degree;  
20 Count II, murder in the first degree; Count III,  
21 murder in the first degree; and Count IV, murder in  
22 the first degree, I now adjudicate you guilty on  
23 all four counts. Sentencing will begin on Monday,  
24 as I just went over. Your lawyers are ready to go  
25 on that.

1           And you'll be remanded. You had no bond up to  
2 now and you'll remain on zero bond on all four  
3 counts. And I will adjudicate guilty, and the  
4 sentencing part of that will begin on Monday.

5           Defense, do you have any questions?

6           MR. MICHAÏLOS: No, Your Honor.

7           THE COURT: All right. So at this time we'll  
8 be in recess until tomorrow at 8:30 to discuss the  
9 penalty phase instructions, and then Monday we'll  
10 begin the actual penalty phase.

11           Mr. Matos does need to be brought over  
12 tomorrow. He does not have to be dressed out if  
13 doesn't want to. He can save his suits for next  
14 week. There's not going to be any jurors here.  
15 I'm not saying you wouldn't be dressed out. I'm  
16 just saying if you don't want to wear a tie and a  
17 jacket, you can just wear, you know, some pants and  
18 a polo shirt. It's up to you. It's whatever you  
19 want. Okay? It completely your decision.

20           I'm just saying the jurors won't be here.  
21 They're not supposed to be watching anything or  
22 seeing anything. So you can discuss that with your  
23 lawyers, but you don't -- if you want to come in  
24 your stuff from the jail, that's fine. If you want  
25 to wear something less formal, you can do that too.



1           Okay? But it's completely your decision.

2           Any other questions?

3           MR. VISCARRA: No, Judge.

4           THE COURT: All right. We're good to go?

5           THE DEFENDANT: Yes.

6           THE COURT: All right. We'll be in recess  
7           until tomorrow morning. Thank you.

8 (HEARING CONCLUDED.)

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## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF FLORIDA )

4 COUNTY OF PASCO )

5  
6  
7 I, MARIA FORTNER, Registered Professional  
8 Reporter for the Sixth Judicial Circuit, do certify that  
9 I was authorized to and did stenographically report the  
10 foregoing proceedings and that the transcript is a true  
11 record.

12 DATED this 10th day of April, 2018.

13  
14 /S MARIA A. FORTNER  
15 MARIA A. FORTNER  
16 Registered Professional Reporter  
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