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A P P E A R A N C E S

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

2 THE COURT: For the record, we're here on State  
3 of Florida Adams Matos.

4 State, are we ready for trial?

5 MR. LABRUZZO: Judge, yes, we are, Your Honor.

6 THE COURT: Okay. Defense, are you ready for  
7 trial?

8 MR. LIVERMORE: Subject to the motions we have  
9 filed, yes.

10 THE COURT: Okay. And just for the record,  
11 Mr. Matos is here dressed out, assisting with his  
12 review of the jury forms.

13 All of you should have the original juror  
14 questionnaires that came from the Clerk, and then  
15 we are bringing in the additional questionnaires as  
16 they become available. So you should have all of  
17 the hundred juror questionnaires and then the  
18 additional questionnaires.

19 As I said on Friday, if there is something  
20 that brings your attention to one of the jurors, I  
21 want to bring them over now. I'm not waiting for  
22 the hundred to be put together so everybody can  
23 start reviewing. If you see something, tell me  
24 right now.

25 I can tell you right now I see three or four

1 in the first batch where they have to leave at  
2 3:00. So if we want to bring those people over and  
3 talk to them now, we can bring them over and talk  
4 to them now. In my first batch I had, let's see,  
5 at least two if not three people that said that  
6 they had to pick up their children.

7 This one is Jorge Navarro. Then I have  
8 Kimberly Staton. I have Danielle Cordes, who says  
9 that if she has to sit on this jury, she's not  
10 getting promoted. So that's three right there that  
11 we can bring over to talk to if you would like.

12 THE COURT REPORTER: Mr. Livermore, is your  
13 microphone near you?

14 THE COURT: No. It's off. So you're going to  
15 have to talk because your microphone is off. They  
16 rearranged the microphone. There's too many people  
17 at the Defense table to try to turn in on and off.  
18 So I told them to take it off your table, because  
19 they have to participate with Mr. Matos, and I  
20 didn't want the microphone getting in the way.

21 So just for the record, the Defense's  
22 microphone is off. But there's one right there, so  
23 if you're going to speak about something, I need  
24 you to make sure you keep your voice up. Okay?

25 So give me the other name.

1 MR. LIVERMORE: Heidi-Lynn Maxwell.

2 THE COURT: Okay.

3 MR. LABRUZZO: Can you repeat the name, Judge?  
4 This is the first one they're requesting over?

5 THE COURT: No. They're saying on top of the  
6 ones I gave, they said Heidi-Lynn Maxwell, which is  
7 the very first person. Where does it say anything  
8 about her?

9 MR. LIVERMORE: Well, I'm looking at their  
10 answer to number eight, which is a statutory --

11 THE COURT: Okay. I got you. Got you, got  
12 you, got you. Okay. I wasn't even looking there.

13 So if you guys are ready, we can bring over  
14 Heidi-Lynn Maxwell on question eight. She is  
15 either an expectant mother or a parent who's not  
16 employed full time and who has custody of a child  
17 under six years of age.

18 State, any problem bringing her over?

19 MR. LABRUZZO: No, Your Honor.

20 THE COURT: Now, she can choose to stay if she  
21 wants.

22 MR. LIVERMORE: Right. Correct.

23 THE COURT: But if she wants to be released,  
24 that would be automatic. So we'll bring her over.  
25 Heidi-Lynn Maxwell.

1 THE BAILIFF: Yes, Your Honor.

2 MR. LIVERMORE: Logistically --

3 THE COURT: I'm sorry?

4 MR. LIVERMORE: -- do we bring her up here?

5 THE COURT: I'm going to actually have her sit  
6 in the front row next to the State, if that's okay,  
7 since you have lawyers sitting behind you.

8 MR. LIVERMORE: Okay.

9 THE COURT: And I'll just have you all talk to  
10 her. I need the microphones to be able to pick her  
11 up than trying to bring somebody all the way up  
12 here.

13 As the jurors come in they're going to sit on  
14 the front row behind the State. So don't yell at  
15 those people. Okay? You're really close.

16 And then after Maxwell, anybody have any  
17 objection to bringing over Jorge Navarro? He would  
18 be the second one. He said, "Pick up daughter from  
19 school at 3:00 P.M. in Dade City, need to leave at  
20 2:00".

21 MR. LABRUZZO: No objection, Judge.

22 THE COURT: All right. If you can radio over  
23 to Rich and tell him to bring Jorge Navarro over  
24 too, and we'll have him wait outside.

25 Everyone, there's a Gail Gardner in your

1           stack. She has been released. Something happened.  
2           I don't remember what, but they filled somebody in  
3           her spot, and I think it was that other guy that's  
4           on the list. So if you have Gail Gardner, you will  
5           not see a second one of her.

6                     All right. Do you have Mr. Navarro too.

7                     THE BAILIFF: I put him in the witness room,  
8           Your Honor.

9                     THE COURT: Perfect. Thank you.

10                    Good morning, Ms. Maxwell. How are you?

11                    PROSPECTIVE JUROR MAXWELL: Good. How are you?

12                    THE COURT: Great. You can stay right there if  
13           you want.

14                    Ma'am, you are here because on the  
15           questionnaire, the second questionnaire you filled  
16           out, you wrote that you are either an expectant  
17           mother or a parent who is not employed full time  
18           and who has custody of children under six; is that  
19           correct?

20                    PROSPECTIVE JUROR MAXWELL: Yes, ma'am.

21                    THE COURT: All right. And based on that, you  
22           are automatically excused from jury service, if you  
23           wish. If you want to stay and participate, that is  
24           your right, if you wish. So it's up to you. You  
25           can be excused because statutorily if you meet that



1 criteria, you don't have to sit. But if you wish to  
2 stay, you're more than welcome to do so. So your  
3 choice.

4 PROSPECTIVE JUROR MAXWELL: I do not wish to  
5 stay.

6 THE COURT: Okay. No problem. Does either  
7 side have any objection to her being released,  
8 because she has a right to be excused?

9 MR. SARABIA: I'm sorry. What's the name?

10 THE COURT: It is Heidi-Lynn Maxwell.

11 MR. SARABIA: No objection.

12 THE COURT: All right. Ms. Maxwell, if you can  
13 leave your little pin right there with my bailiff.  
14 And you are excused. As I indicated earlier, you  
15 can leave the courthouse and go home and you're  
16 done.

17 PROSPECTIVE JUROR MAXWELL: Thank you.

18 THE COURT: Don't talk about what you know,  
19 which is very little right now.

20 PROSPECTIVE JUROR MAXWELL: I don't know  
21 anything.

22 THE COURT: I know. All right. So Ms. Maxwell  
23 is done.

24 (Staff Conversation.)

25 THE COURT: When I said Gail, this is the

1 fill-in person, okay, and you're getting copies of  
2 it. It looks to be Holly McKelvey, M-c-K-e-l-v-e-y.  
3 So that's going to be the replacement for Gardner.

4 All right. Are we all ready for Mr. Navarro  
5 to be brought in?

6 MR. LABRUZZO: Just one quick moment, Your  
7 Honor.

8 THE COURT: Okay.

9 MR. LABRUZZO: State's ready.

10 THE COURT: All right. Defense, are you ready  
11 for Mr. Navarro?

12 MR. LIVERMORE: Yes, ma'am.

13 THE COURT: All right. Bring in Jorge Navarro.

14 Good morning, Mr. Navarro. How are you? I'm  
15 just going to have you stand right back there. We  
16 have looked over your questionnaire and you wrote  
17 down at the bottom, which I really appreciate, that  
18 you need to pick up your daughter today in Dade  
19 City at 3:00, so you need to leave here by 2:00.

20 PROSPECTIVE JUROR NAVARRO: Yes, ma'am.

21 THE COURT: Is that something that you are  
22 responsible for every day?

23 PROSPECTIVE JUROR NAVARRO: Yes. Mondays and  
24 Tuesdays.

25 THE COURT: Monday and Tuesdays?

1 PROSPECTIVE JUROR NAVARRO: Yes.

2 THE COURT: And is there anyone who could do  
3 that for you Mondays and Tuesdays?

4 PROSPECTIVE JUROR NAVARRO: I would have to  
5 make arrangements.

6 THE COURT: All right. Do you have  
7 arrangements today?

8 PROSPECTIVE JUROR NAVARRO: No, ma'am.

9 THE COURT: All right. State, do you have any  
10 questions for Mr. Navarro?

11 MR. LABRUZZO: I do, Your Honor.

12 Good morning, Mr. Navarro. You said you could  
13 make arrangements. Is that something that -- do  
14 you have another family member or someone else that  
15 can help you out?

16 PROSPECTIVE JUROR NAVARRO: Her mother.

17 MR. LABRUZZO: Her mother?

18 PROSPECTIVE JUROR NAVARRO: I can text her at  
19 home.

20 MR. LABRUZZO: All right. Is that something  
21 you think that she'd be willing to do?

22 PROSPECTIVE JUROR NAVARRO: If it's okay to  
23 make a phone call.

24 MR. LABRUZZO: Okay.

25 THE COURT: And could she do that today?

1 PROSPECTIVE JUROR NAVARRO: Yes.

2 THE COURT: Okay.

3 MR. LABRUZZO: And you would only have this  
4 issue of picking up on Mondays and Tuesdays?

5 PROSPECTIVE JUROR NAVARRO: That's how my  
6 custody is.

7 MR. LABRUZZO: Okay. Per your agreement?

8 PROSPECTIVE JUROR NAVARRO: Yes.

9 THE COURT: And you read the form. It says  
10 that we could be in trial until November 22nd. So  
11 that's a couple of Mondays and Tuesdays. Could your  
12 mother pick up your children every Monday and  
13 Tuesday until we're done?

14 PROSPECTIVE JUROR NAVARRO: Yes, ma'am. I'll  
15 make better arrangements.

16 THE COURT: Okay. That's okay. State, any  
17 other questions.

18 MR. LABRUZZO: No, Your Honor. I have no other  
19 questions.

20 THE COURT: Defense, any questions?

21 MR. LIVERMORE: No, ma'am.

22 THE COURT: All right. Mr. Navarro, do you  
23 have your phone with you?

24 PROSPECTIVE JUROR NAVARRO: Yes, ma'am.

25 THE COURT: All right. I'm going to have you

1 step into the hallway. I'm going to keep you on the  
2 panel. Go ahead and if you could call your mom and  
3 ask her if she could do that today. I'm not sure  
4 you'll stay past today, so there's no reason to --  
5 you know, just tell her if she could do it today and  
6 tomorrow and you'll let her know. Okay?

7 PROSPECTIVE JUROR NAVARRO: Yes, ma'am.

8 THE COURT: Thank you, sir. And you can go  
9 back.

10 Do we want to talk to Kimberly Staton?

11 THE BAILIFF: Is that next door, Your Honor?

12 THE COURT: Yes. He's good to go back next  
13 door, but he's going to make a phone call before he  
14 goes.

15 Kimberly Staton also said she has children  
16 that get off the school bus at 4:00, and I live an  
17 hour way in Wesley Chapel. Anybody have any  
18 problems bringing her over?

19 MR. LIVERMORE: No.

20 MR. LABRUZZO: No objection, Your Honor.

21 THE COURT: All right. And then I have  
22 Danielle Cordes, Number 12, about the length of the  
23 trial. It says, "That would cause me to miss the  
24 rest of my work training and cause me to lose my  
25 promotion, so honestly, no".

1 MR. LABRUZZO: Which one was that?

2 THE COURT: It's Danielle Cordes, C-o-r-d-e-s.  
3 If you all want to read hers real quick.

4 MR. LIVERMORE: Are we also discussing  
5 publicity, since she said she saw something this  
6 morning.

7 THE COURT: Oh, we didn't discuss anything on  
8 her form. I'm just saying is everybody okay  
9 bringing her over?

10 MR. LABRUZZO: Yes, Your Honor.

11 THE COURT: All right. So we'll bring in  
12 Kimberly Staton first, and Danielle Cordes can wait  
13 in the out room.

14 MR. PURA: I don't have Ms. Cordes on any list.

15 THE COURT: She's Juror Number 416184. I have  
16 her on mine. She's Juror Number 76, number 76,  
17 416184. I have her on my list. Are we talking  
18 about the list we printed.

19 MR. PURA: Yes.

20 THE COURT: Okay. Maybe we added her.

21 MR. SARABIA: There were several names that  
22 people looked like they either married or changed  
23 their name, so some of the names do not match up  
24 with the list that I have.

25 THE COURT: Okay. Well, when she comes in,

1 we'll see if she's -- unless I went through here on  
2 numbers.

3 MR. LABRUZZO: Judge, I don't want to  
4 interrupt.

5 THE COURT: I'm not saying anything.

6 MR. LABRUZZO: Oh, okay. Judge, I just have a  
7 quick question about the Clerk's questionnaire form.

8 THE COURT: Okay.

9 MR. LABRUZZO: In the bottom right-hand corner  
10 there's a number. Does that correspond to a seating  
11 number?

12 THE COURT: No. That corresponds to when they  
13 checked in.

14 MR. LABRUZZO: That number at the bottom  
15 right-hand corner has nothing to do with any order  
16 they're going to be in?

17 THE COURT: No.

18 MR. LABRUZZO: Okay. Thank you.

19 THE COURT: Believe me, they're just seated  
20 over there in any seat they want. There's no order  
21 at this point.

22 MR. LABRUZZO: I just wanted to make sure.

23 THE COURT: Okay. Ms. Staton.

24 That's just the way they checked in.

25 MR. LABRUZZO: I got it.

1           THE COURT: Good morning, Ms. Staton. How are  
2 you?

3           PROSPECTIVE JUROR STATON: Good morning.

4           THE COURT: Ma'am, we went over your  
5 questionnaire real quick. We haven't gone into  
6 depth, but you did mark down, as I asked you to do  
7 and I appreciate that, that your children get off  
8 the school bus at 4:00, and you have to be there to  
9 pick them up.

10          PROSPECTIVE JUROR STATON: Yes, ma'am.

11          THE COURT: And it's in Westly Chapel, an hour  
12 away?

13          PROSPECTIVE JUROR STATON: Yes, ma'am.

14          THE COURT: Okay. So that would mean you'd  
15 have to leave here by 3:00?

16          PROSPECTIVE JUROR STATON: Yes, ma'am.

17          THE COURT: And you also say you have three  
18 children in elementary school, your husband travels  
19 for work and is frequently gone during the week.  
20 You do not work?

21          PROSPECTIVE JUROR STATON: Yes.

22          THE COURT: But you're there and available to  
23 take your kids at 9:00 in the morning and off the  
24 bus at 4:30?

25          PROSPECTIVE JUROR STATON: Yes, ma'am.



1 THE COURT: Okay. So you do not work?

2 PROSPECTIVE JUROR STATON: No, I don't work.

3 THE COURT: And all your children are in  
4 school?

5 PROSPECTIVE JUROR STATON: Yes, ma'am.

6 THE COURT: Okay. And is there anyone else who  
7 could pick up or drop off your children? I assume  
8 you do this every day?

9 PROSPECTIVE JUROR STATON: Not consistently,  
10 no.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR STATON: Not consistently,  
13 no.

14 THE COURT: Not consistently?

15 PROSPECTIVE JUROR STATON: Not that I can count  
16 on every day, no.

17 THE COURT: So if it was one or two days, it  
18 probably be something you could work out; but when  
19 we're talking about it being two and three weeks  
20 long, there is no way you could get that done.

21 PROSPECTIVE JUROR STATON: Yes, ma'am. My  
22 husband's travel schedule, I know he's gone for a  
23 week on Thanksgiving.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR STATON: And it changes on a

1 daily basis.

2 THE COURT: So it's one of those ones he keeps  
3 the bags packed and he tells you at 3:00, I've got  
4 to get on a plane and go here, and because you don't  
5 work, that's part of your relationship in your  
6 marriage?

7 PROSPECTIVE JUROR STATON: Yes, ma'am.

8 THE COURT: Okay. State, any questions?

9 MR. LABRUZZO: No, Your Honor.

10 THE COURT: Defense, any questions?

11 MR. LIVERMORE: On this issue?

12 THE COURT: Yes. On any of the issues that are  
13 on the paper.

14 MR. LIVERMORE: Ma'am, you have also wrote down  
15 that you heard about this case on the news this  
16 morning?

17 PROSPECTIVE JUROR STATON: Yes, sir.

18 MR. LIVERMORE: And do you recall what you  
19 heard?

20 PROSPECTIVE JUROR STATON: There was a young  
21 child that was killed.

22 MR. LIVERMORE: I'm sorry?

23 PROSPECTIVE JUROR STATON: Something about a  
24 young child who was killed. That stood out in my  
25 mind.

1 THE COURT: So you believe what you heard this  
2 morning was that part of this case involves a young  
3 child being murdered?

4 PROSPECTIVE JUROR STATON: Yes, ma'am.

5 THE COURT: Okay.

6 MR. LIVERMORE: Is there anything about that  
7 that you think would cause you to have a problem  
8 sitting on this case?

9 PROSPECTIVE JUROR STATON: Having three young  
10 children, yes, it would.

11 MR. LIVERMORE: Would it interfere with your  
12 ability to pay attention to the case?

13 PROSPECTIVE JUROR STATON: Honestly, having  
14 three young children, absolutely.

15 MR. LIVERMORE: Thank you.

16 THE COURT: All right. Anybody have an  
17 objection to releasing her?

18 MR. LIVERMORE: No.

19 MR. LABRUZZO: No, Your Honor.

20 THE COURT: All right. Ms. Staton, if you can  
21 take your badge and go ahead and put it in that box  
22 that's right in front of you.

23 PROSPECTIVE JUROR STATON: Okay.

24 THE COURT: You are going to be released. As I  
25 indicated, you can go from the courthouse. Just

1 don't talk about the case, especially not what you  
2 heard on the TV, with anyone. Okay? Once you get  
3 home, you can talk to anybody you want. Okay?

4 PROSPECTIVE JUROR STATON: Thank you.

5 THE COURT: Thank you, ma'am. All right.  
6 Ms. Staton is released.

7 MR. LABRUZZO: Judge, I know the Court is  
8 saying dismissed and that's ultimately what's  
9 happening; but for a practical matter, both the  
10 State and Defense are agreeing to cause challenge  
11 these individuals for the various reasons.

12 THE COURT: Correct. And the only reason I'm  
13 not using cause challenge right now is because we  
14 don't have a set group. We're basically releasing  
15 them saying that they're not eligible to be placed  
16 into the panel as a whole, but we're all agreeing  
17 that we're going to release them and they're not  
18 going to be placed into the panel. If you want to  
19 call it a cause challenge, fine, we'll call it a  
20 cause challenge.

21 MR. LABRUZZO: No. I just wanted to make sure  
22 that that's kind of the standard we're using on  
23 these things.

24 THE COURT: Next is Danielle Cordes.

25 Good morning, Ms. Cordes. Give me a moment.

1 My court reporter is going to move for me. Okay?

2 Ms. Cordes, you indicated on your form that as  
3 one part that due to you being in training for a  
4 specific job, that if you were asked to stay the  
5 entire time for the jury trial, that you would not  
6 be able to complete your training and, therefore,  
7 you would lose your promotion.

8 PROSPECTIVE JUROR CORDES: Yes, ma'am.

9 THE COURT: And I would assume that that would  
10 be something that would, if asked to sit on a jury,  
11 would cause you not to concentrate on what's going  
12 on in this trial?

13 PROSPECTIVE JUROR CORDES: Yes, ma'am.

14 THE COURT: All right. And you also indicate  
15 that -- I think you're saying that your father was a  
16 police officer?

17 PROSPECTIVE JUROR CORDES: Yes, ma'am.

18 THE COURT: And involved in an altercation  
19 where your mother was also involved in an attempted  
20 murder?

21 PROSPECTIVE JUROR CORDES: She was thrown down  
22 a flight of stairs.

23 THE COURT: You're going to have to stand up.  
24 I can't hear you. I'm sorry. I apologize.

25 PROSPECTIVE JUROR CORDES: That's okay.

1 THE COURT: Go ahead.

2 PROSPECTIVE JUROR CORDES: My mother was thrown  
3 down a flight of stairs in an attempt to kill her  
4 because she was a teacher and some of the students  
5 didn't like her.

6 THE COURT: Okay. And your father was a police  
7 officer there too?

8 PROSPECTIVE JUROR CORDES: No. He was a police  
9 officer in Clearwater.

10 THE COURT: Oh, in Clearwater.

11 PROSPECTIVE JUROR CORDES: This was probably at  
12 least 20 years ago. But they were attacked while at  
13 -- I don't know the street name right now, it was  
14 Greenwood.

15 THE COURT: Okay. That's still the name.

16 PROSPECTIVE JUROR CORDES: I don't know if they  
17 changed it by now. I haven't lived there in 40  
18 years. And were violently attacked with bats,  
19 rocks, you name it. It was basically they almost  
20 died had they not gone back.

21 THE COURT: Okay. And so I would assume that  
22 people were charged with both your mother's incident  
23 and your father's incident?

24 PROSPECTIVE JUROR CORDES: Yes.

25 THE COURT: And you were how old when these

1           happened?

2                   PROSPECTIVE JUROR CORDES: I wasn't born for  
3           the first one, and the second one I was probably  
4           like eight or nine.

5                   THE COURT: Okay. And do you think those  
6           issues would cause you to have a hard time sitting  
7           as a fair and impartial juror in a murder case such  
8           as this?

9                   PROSPECTIVE JUROR CORDES: Possibly.

10                   THE COURT: Okay. And then with the work,  
11           definitely you don't think you can sit for the time  
12           period that we're talking about?

13                   PROSPECTIVE JUROR CORDES: Yes.

14                   THE COURT: All right. State, do you have any  
15           questions.

16                   MR. LABRUZZO: No, Your Honor.

17                   THE COURT: Oh, Ms. Cordes, I have a question  
18           for you. Is that your married name?

19                   PROSPECTIVE JUROR CORDES: Cordes?

20                   THE COURT: Yes. What's your maiden name?

21                   PROSPECTIVE JUROR CORDES: Cherry. Spelled the  
22           same way it sounds.

23                   MR. PURA: There it is.

24                   THE COURT: Do you have it? Okay. When we put  
25           these out, we had maiden names and now they're

1 married names. We're just trying to make sure we  
2 have the same person on our list. Okay? My list  
3 for today has the name you go by. Our old list has  
4 your maiden name. So we want to make sure we're  
5 talking about the same person.

6 Defense, do you have any questions for  
7 Ms. Cordes?

8 MR. LIVERMORE: No, ma'am.

9 THE COURT: All right. Does anyone have an  
10 objection to her being cause challenged?

11 MR. LABRUZZO: No, Your Honor.

12 MR. LIVERMORE: No.

13 THE COURT: All right. Ma'am, if you go ahead  
14 and take your badge off and put it in that box right  
15 there. You're being released immediately. As I  
16 indicated earlier, you can grab your stuff and go.  
17 Don't talk to anybody about what you talked about or  
18 what you've seen or what you know until you get  
19 home.

20 PROSPECTIVE JUROR CORDES: Yes, ma'am.

21 THE COURT: Then you're clear. Because we've  
22 got lots of jurors in the courthouse.

23 PROSPECTIVE JUROR CORDES: Yes, ma'am.

24 THE COURT: Just put your head down and get  
25 your truck.



1           MR. PURA: Judge, what did you say about Lura  
2           in the beginning? That we had to set aside  
3           Mr. Lura?

4           THE COURT: No. It turns out they're on the  
5           list.

6           MR. PURA: Oh.

7           THE COURT: I got confused. Lura hand-wrote --  
8           theirs was handwritten instead of typed because they  
9           had to do it when they got here, but it's on the  
10          list. Lura is on the list.

11          MR. PURA: Right.

12          THE COURT: So it's not a problem. It was just  
13          a miscommunication from my JA when they were giving  
14          her the forms. So Lura is on the list. The only  
15          one we added to the list was McKelvey. McKelvey is  
16          the one that's added to the list and we took off  
17          Gardner. So that's our extra one.

18          You should have both the E juror questionnaire  
19          and you'll have the additional questionnaire for  
20          McKelvey. Okay?

21          MR. PURA: Okay.

22          THE COURT: All right. The next one I have is  
23          David Roberts. There is on the last page -- and I  
24          don't know if this is something you want to talk  
25          about now or you want to wait -- the scale of 1 to

1           10, he's a 1. So do you want to talk about that now  
2           or do you want to save that? Either side, I don't  
3           care, either side want to talk about it now or do  
4           you want to pass that to the big group?

5           MR. LABRUZZO: I would prefer to pass that to  
6           the big group.

7           THE COURT: Okay. Let's see. And then same  
8           thing, Christopher Burri, we'll pass that. That's a  
9           10. Other than that, I don't see anything. If  
10          somebody sees somebody, let me know.

11          MR. LABRUZZO: Judge, I just want to put on the  
12          record, I've spoken to other State's counsel. I  
13          haven't spoken to Defense counsel. A number of the  
14          forms mentioned media this morning. When I checked  
15          the online versions, I didn't see anything this  
16          morning. I don't know if anyone has any record or  
17          has seen anything.

18          THE COURT: I have.

19          MR. LABRUZZO: Okay.

20          THE COURT: It's all over the news.

21          MR. LABRUZZO: Okay.

22          THE COURT: They all know it. I told them.

23          MR. LABRUZZO: Television news.

24          THE COURT: Uh-huh. Not on the Times.

25          MR. LABRUZZO: Okay.

1           THE COURT: It's not in the Times today. It's  
2           on Bay News 9, Channel 8, Channel 13. Bay News 9 is  
3           running it as a loop, live from the front of the  
4           courthouse.

5           MR. LABRUZZO: Okay. I just wanted to put that  
6           on the record.

7           THE COURT: And I've already talked to them  
8           about that. I told them it was on the news today,  
9           did you see it? If you did, please write that down  
10          on your piece of paper.

11          MR. LABRUZZO: Yes, Judge.

12          THE COURT: As we already indicated from the  
13          first lady who talked about seeing it on the news  
14          today, she obviously did not listen closely, because  
15          that was not what was said.

16          MR. LABRUZZO: Right.

17          THE COURT: Okay. Just so we're clear on the  
18          record, has both sides seen the Bay News 9 report?

19          MR. LABRUZZO: No.

20          MR. SARABIA: No.

21          THE COURT: Okay. Then we need to go on the  
22          record on this.

23          Bay News 9 ran the loop this morning starting  
24          at 7:00. Now, most of these jurors I will tell you  
25          were in line and checked in before 7:30. So most

1 of them probably did not see the report from Bay  
2 News 9. They probably couldn't have. But it was  
3 also on their online edition, although I had them  
4 turn their phones off as soon as they got here.

5 It did not go up on Bay News 9 until 7:00 this  
6 morning. However, it gave a very detailed report,  
7 and had Kevin Hayslett give his opinion about the  
8 case, and in his opinion this entire trial was to  
9 try to get the defendant life over death.

10 So after we talk to everyone, I'm going to ask  
11 that both sides go down and watch it, because  
12 you're going to need to see it to really question  
13 these people further about it.

14 But, again, this only started at 7:00. Most  
15 of my jurors in the courtroom next door were in  
16 line before 7:00, and 60 of them were in that  
17 courtroom before 7:30. So the likelihood they saw  
18 the Bay News 9 report, maybe 10 percent maybe, if  
19 they have watched it on their phone or their iPad  
20 or something.

21 But it was not on 970 this morning. I  
22 listened to it coming in. It was not in the  
23 St. Pete Times this morning. I read it top to  
24 bottom yesterday and today. But they were live  
25 from in front of the courthouse this morning, and

1 Bay News 9 specifically was concerning to me,  
2 because I watched the whole thing from front to  
3 back.

4 So just so you all know, that was something  
5 that was done, but the people that are in the room  
6 next door probably, because they were so early, did  
7 not see that. But we're going to talk about that.  
8 I was glad they didn't start until 7:00, let's just  
9 put it that way.

10 Let's see. I have Deborah Cruz. It says,  
11 "Can you serve, give your full attention to the  
12 trial lasting this long?" She said, no.

13 Does anybody want to talk to her now or do you  
14 want to put her in the big -- she didn't tell me  
15 why. She didn't give any reason for it.

16 MR. SARABIA: Sorry. What was the name, Judge?

17 THE COURT: Deborah Cruz.

18 MR. LIVERMORE: I think we should.

19 THE COURT: All right. So Cruz is one.

20 MR. LABRUZZO: Cruz.

21 THE COURT: And then right after that is Brian  
22 Peters, who said on TV this AM, about seeing it.

23 MR. LABRUZZO: Yes, Judge.

24 THE COURT: Can I bring those two over?

25 MR. LABRUZZO: Yes, Judge.

1           THE COURT: All right. We'll bring over Debra  
2 Cruz, and then Brian Peters will be outside.

3           MR. LABRUZZO: Judge, I would just ask if it  
4 looks like as though we're going to be dismissing,  
5 challenging a juror, I would just ask we do it not  
6 in their presence like we did when they're coming  
7 in.

8           THE COURT: Why?

9           MR. LABRUZZO: Because what if there is a  
10 disagreement between the parties?

11          THE COURT: Okay. My problem is is if I make  
12 them leave, how do I get their jury badge?

13          MR. LABRUZZO: Okay.

14          THE COURT: See, the problem is is that we've  
15 set this system up, this is exactly how I said this  
16 system is going, now you don't like this system.

17          So my problem is is that if I make them step  
18 outside, then I guess I can have my bailiff grab  
19 the jury badge and tell them what to do. But then  
20 if they go to the wrong place, you don't know if my  
21 bailiff told them something wrong.

22          MR. LABRUZZO: All right.

23          THE COURT: I'll make them step out, but if it  
24 gets too confusing, I'm not going to do that.

25          MR. LABRUZZO: We could probably just look at

1 each other and give you the nod that we're not going  
2 to be challenging. But if there is something, I  
3 would rather not challenge in their presence.

4 THE COURT: Ms. Cruz?

5 THE BAILIFF: Yes.

6 THE COURT: All right. Ms. Cruz, come on up.

7 Good morning, Ms. Cruz. How are you?

8 PROSPECTIVE JUROR CRUZ: Hi.

9 THE COURT: We're going to have you just stand  
10 in the front row there. Come on up.

11 Ms. Cruz, on your questionnaire, when we asked  
12 if you would be able to serve in this trial and  
13 give it your full attention based on how long it's  
14 going to last, you said, no, but you didn't tell me  
15 why. What's going on?

16 PROSPECTIVE JUROR CRUZ: Okay. I'm sorry,  
17 Judge.

18 THE COURT: No, no, no. That's why you're in  
19 here, just so you know.

20 PROSPECTIVE JUROR CRUZ: Because, one, I  
21 wouldn't be paid for those three weeks, and I'm the  
22 sole provider of my household. I'm the head of the  
23 household.

24 THE COURT: Okay. So you earn all the money  
25 for your family?

1 PROSPECTIVE JUROR CRUZ: Yes.

2 THE COURT: And if you were picked as a juror,  
3 you are not paid?

4 PROSPECTIVE JUROR CRUZ: Correct.

5 THE COURT: So you would get that \$15 you got  
6 this morning or \$13? What did they give you this  
7 morning?

8 PROSPECTIVE JUROR CRUZ: I'm paid for today.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR CRUZ: But if I was to do  
11 three weeks, I would not be paid.

12 THE COURT: Okay. Did you have to take some  
13 sort of comp time today or something like that?

14 PROSPECTIVE JUROR CRUZ: They allow jury duty  
15 pay, the company does.

16 THE COURT: For one day?

17 PROSPECTIVE JUROR CRUZ: Yes.

18 THE COURT: But not for as long as we are  
19 asking you to stay?

20 PROSPECTIVE JUROR CRUZ: No, they don't.

21 THE COURT: What company is it?

22 PROSPECTIVE JUROR CRUZ: IFCO, I-F-C-O.

23 THE COURT: Okay. Did you ask them how long  
24 they would pay for jury duty?

25 PROSPECTIVE JUROR CRUZ: The maximum they'll



1 pay is three days.

2 THE COURT: Three days.

3 Okay. So if you were on some other jury that  
4 was three days long, they would pay. And if you  
5 were on this jury, they'd pay three days, but  
6 anything else after that you would have to take  
7 comp time or sick time or something like that?

8 PROSPECTIVE JUROR CRUZ: Yes, Your Honor.

9 THE COURT: All right. And if you were not  
10 paid at all, you could not make your mortgage  
11 payment, car payment?

12 PROSPECTIVE JUROR CRUZ: Car payment, all of  
13 that.

14 THE COURT: Food payment, all those kinds of  
15 things?

16 PROSPECTIVE JUROR CRUZ: Right. I take care of  
17 a daughter and a granddaughter.

18 THE COURT: All right. State, any questions?

19 MR. LABRUZZO: No, Your Honor.

20 THE COURT: Defense?

21 MR. LIVERMORE: No, ma'am.

22 THE COURT: All right. Ms. Cruz, what I'm  
23 going to have you do is step out into the hallway  
24 right there and we'll be right back with you. Okay?  
25 My bailiff will let you know what you're going to do

1 going forward.

2 PROSPECTIVE JUROR CRUZ: Thank you, Your Honor.

3 THE COURT: Thank you, ma'am. If you can hold  
4 her out there for one sec.

5 THE BAILIFF: Yes, Your Honor.

6 THE COURT: State, what do you want do with  
7 Ms. Cruz?

8 MR. LABRUZZO: No objection to cause challenge.

9 THE COURT: Defense?

10 MR. LIVERMORE: No objection.

11 THE COURT: All right. We can take Ms. Cruz's  
12 badge. Tell her she's free to go out to the  
13 courthouse, and she's done for the day. And bring  
14 in Mr. Peters. Okay? Peters. Brian Peters.

15 Good morning, Mr. Peters. How are you?

16 PROSPECTIVE JUROR PETERS: Good.

17 THE COURT: We're going to have you step to the  
18 front row right there and then we're going to talk  
19 to you. Yes, sir.

20 Mr. Peters, I appreciate you following my  
21 directions so well this morning. You wrote down on  
22 the last page if you've seen anything about the  
23 case and you wrote, "On TV this A.M."

24 PROSPECTIVE JUROR PETERS: (Indicating).

25 THE COURT: Can you tell me which channel and

1           what you believe it said?

2                   PROSPECTIVE JUROR PETERS: I believe it was  
3 Channel 9. My wife saw it this morning.

4                   THE COURT: That would Bay News 9?

5                   PROSPECTIVE JUROR PETERS: Yes. Okay.

6                   THE COURT: Okay. Yes.

7                   PROSPECTIVE JUROR PETERS: I saw it when I was  
8 getting dressed. She said, I think that's what  
9 you're going for. Speculation, of course, you know.

10                  THE COURT: Okay.

11                  PROSPECTIVE JUROR PETERS: And just basically  
12 it just that it was a capital murder charge, and I  
13 think it was the girlfriend and the child, or  
14 something like that.

15                  THE COURT: Okay. Did you pay close --

16                  PROSPECTIVE JUROR PETERS: I kind of got at the  
17 end of the news.

18                  THE COURT: You just kind of got in at the end?

19                  PROSPECTIVE JUROR PETERS: Yes.

20                  THE COURT: Did you pay any close attention to  
21 the facts of the case?

22                  PROSPECTIVE JUROR PETERS: Just basically what  
23 I told you.

24                  THE COURT: Okay. And were they live from the  
25 front of the courthouse?

1 PROSPECTIVE JUROR PETERS: Yes.

2 THE COURT: All right. And you just caught the  
3 back end?

4 PROSPECTIVE JUROR PETERS: Correct.

5 THE COURT: Did you form any fixed or definite  
6 opinions on the merits of the case or whether the  
7 defendant is guilty or innocent?

8 PROSPECTIVE JUROR PETERS: No. No. It was  
9 only seconds that I heard it.

10 THE COURT: Okay. And so when you came here  
11 today and I asked you to go in that room and you  
12 read it, you're like, oh, my wife was right?

13 PROSPECTIVE JUROR PETERS: I heard you say  
14 that, and I figured I better put it down.

15 THE COURT: Okay. And do you think it would  
16 cause you any problems to listen to the actual facts  
17 in this case to form an opinion of guilt or  
18 innocence?

19 PROSPECTIVE JUROR PETERS: No. Like I said, it  
20 was real quick. It was only seconds. Just  
21 basically it was just what the case was.

22 THE COURT: Okay. And would you put aside  
23 anything you might have heard this morning and  
24 listen to the actual evidence in the case?

25 PROSPECTIVE JUROR PETERS: Sure.

1 THE COURT: Would you even think about what  
2 they said on TV?

3 PROSPECTIVE JUROR PETERS: They basically were  
4 just stating what the trial would be about.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR PETERS: So I would say, no.

7 THE COURT: Okay. State, any questions?

8 MR. LABRUZZO: Just one, Your Honor.

9 Good morning, sir. Is this the first that  
10 you've heard of this case?

11 PROSPECTIVE JUROR PETERS: Correct.

12 MR. LABRUZZO: I mean, there was no prior  
13 readings or TV that you saw that involved this case  
14 at all?

15 PROSPECTIVE JUROR PETERS: No.

16 MR. LABRUZZO: Thank you. No further  
17 questions.

18 THE COURT: Defense?

19 MR. LIVERMORE: No, Your Honor.

20 THE COURT: All right. Sir, I'm going to have  
21 you step back out into the little ante way, and my  
22 bailiff will give you directions in just one moment.  
23 Okay?

24 State, any reason to cause challenge him?

25 MR. LABRUZZO: No, Your Honor.

1 THE COURT: Defense?

2 MR. LIVERMORE: No.

3 THE COURT: All right. Tell Mr. Peters to go  
4 back to the big room and he'll be remaining for a  
5 little while. Okay?

6 THE BAILIFF: Yes, Your Honor.

7 THE COURT: Next one I had on my list was  
8 Virginia Hartmann. She said, "Read, but honestly  
9 don't remember any details." But I would assume  
10 that you all want to see if she remembers any  
11 details?

12 MR. LABRUZZO: Yes, Judge.

13 MR. LIVERMORE: Yes.

14 THE COURT: All right. And then also I had  
15 Jamie Stiles right behind, "I have heard firsthand  
16 about the case from one of the victim's family  
17 members." I assume you definitely want to speak to  
18 Ms. Stiles?

19 MR. LABRUZZO: Yes, Judge.

20 THE COURT: Okay. Matter of fact, how about I  
21 bring Ms. Stiles first, because I want to make sure  
22 she didn't say anything to the people over there?

23 MR. LABRUZZO: Yes?

24 THE COURT: Ms. Jamie Stiles, and then Virginia  
25 Hartmann.

1           MR. LABRUZZO: And, Judge, just based on what  
2 she's written, I can tell you the State's --

3           THE COURT: Oh, I realize that. I want to  
4 actually have on the record that she didn't say  
5 anything to anybody over there. That's my biggest  
6 thing.

7           Stiles and Hartmann.

8           What most concerned me was that she knew  
9 firsthand what was going on, and I want to make  
10 sure she didn't say anything to anybody else over  
11 there.

12          I don't think the Defense would be objecting  
13 to a cause challenge, but they would like to know  
14 that she didn't poison the rest of my pool, which  
15 would cause great problems.

16          MR. LABRUZZO: Yes, Your Honor.

17          THE COURT: Hopefully -- I've got my fingers  
18 crossed. I forgot about that, that people might  
19 have firsthand knowledge of it.

20          THE BAILIFF: Jamie Stiles?

21          THE COURT: Jamie Stiles.

22          THE BAILIFF: Yes, Your Honor. Are you ready  
23 for her?

24          THE COURT: Yes.

25          Good morning, Ms. Stiles. If you can come up

1 to the front of the benches up there. We just have  
2 a few questions for you. Okay? You can move in if  
3 you want.

4 Ms. Stiles, on your questionnaire -- you  
5 followed my instructions perfectly, thank you for  
6 that -- you said that you know firsthand about this  
7 case, that you're friends with the victim's family  
8 members?

9 PROSPECTIVE JUROR STILES: Yes.

10 THE COURT: And I'm going to ask you a question  
11 and I need a really honest answer. Did you talk  
12 about this with anyone in that room?

13 PROSPECTIVE JUROR STILES: No.

14 THE COURT: You didn't say anything other than  
15 write it down on this piece of paper?

16 PROSPECTIVE JUROR STILES: I wrote it down.

17 THE COURT: Okay. You didn't discuss who you  
18 know or what you know or how you feel about this  
19 case with anybody that's in that room over there?

20 PROSPECTIVE JUROR STILES: No, ma'am.

21 THE COURT: Okay. State, any questions?

22 MR. LABRUZZO: No, Your Honor.

23 THE COURT: Defense?

24 MR. LIVERMORE: No, ma'am.

25 THE COURT: Ms. Stiles, obviously you cannot



1 sit on this jury since you know the family. So I'm  
2 going to go ahead and have you take your badge and  
3 stick it in that box right there. It's right in  
4 front of you. And I'm going to release you from  
5 your jury service today.

6 And I'll just ask if you don't discuss  
7 anything with anybody, and you can leave the  
8 courthouse and you're good to go. Okay? Thank  
9 you, ma'am. You're released.

10 And then we'll have Ms. Hartmann come in.

11 After Hartmann, I have Danielle Foster, and  
12 Ronald -- I'm not sure what the last name is --  
13 Kinzler, I think, but I'll get to that.

14 Ms. Hartmann, good morning. How are you?

15 PROSPECTIVE JUROR HARTMANN: Good morning.

16 THE COURT: If you can just come on up to the  
17 front of the podium right there. Stop right there  
18 and in that bench right there. Yeah, go ahead, you  
19 can put your stuff down. And we might be here a few  
20 minutes.

21 Ms. Hartmann, thank you for following the  
22 directions on the form. And I told you it was in  
23 the news today, but you wrote that you read  
24 something about it but don't honestly remember any  
25 of the details.

1 PROSPECTIVE JUROR HARTMANN: That's correct.

2 THE COURT: Do you know when you read it?

3 PROSPECTIVE JUROR HARTMANN: Probably when it  
4 happened. I read the newspaper every day.

5 THE COURT: Okay. And as you can see, we  
6 talked about it happening way back in 2014. So  
7 we're talking three years ago. So do you remember  
8 any details whatsoever other than you might have  
9 read something in the newspaper?

10 PROSPECTIVE JUROR HARTMANN: No.

11 THE COURT: And would you put aside anything  
12 that might come to your mind that you read and  
13 listen to the actual facts if you were picked as a  
14 juror?

15 PROSPECTIVE JUROR HARTMANN: I would.

16 THE COURT: And follow the instructions that I  
17 will give you that you're to rely on what you hear  
18 in the courtroom and only what you hear in the  
19 courtroom?

20 PROSPECTIVE JUROR HARTMANN: Yes.

21 THE COURT: Okay. State, any questions?

22 MR. LABRUZZO: Just briefly.

23 Good morning, ma'am. It's basically just as  
24 the Court kind of described for you that if you are  
25 selected as a juror and testimony begins and you

1 start to remember things that you read back in 2014  
2 or after that, you're assuring us and promising us  
3 that you can set aside any of the facts that you  
4 may remember or facts that may come back to you  
5 during the course of the trial and make your  
6 decision only on the evidence in this case?

7 PROSPECTIVE JUROR HARTMANN: Yes, I will.

8 MR. LABRUZZO: Thank you. No further  
9 questions.

10 THE COURT: Defense, any questions?

11 MR. LIVERMORE: Ma'am, I don't have your  
12 address on here. Do you live anywhere near this  
13 Hatteras address?

14 PROSPECTIVE JUROR HARTMANN: No.

15 MR. LIVERMORE: And I don't know if I  
16 understand how you put it. Do you think you read  
17 about this because you read the paper every day or  
18 do you think you read about this because you know at  
19 least some recognition of the case? Am I making  
20 sense to you?

21 PROSPECTIVE JUROR HARTMANN: I do. I would  
22 just say that I remember reading that there was a  
23 murder in Hudson. I don't remember anything else  
24 about it.

25 MR. LIVERMORE: Okay. And anything about that

1           cause you to make any opinions?

2                   PROSPECTIVE JUROR HARTMANN: Not at my age I  
3           don't have any. I don't remember much anymore.

4                   MR. LIVERMORE: No comment. Thank you.

5                   THE COURT: I see you personally worked as a  
6           court reporter, correct.

7                   PROSPECTIVE JUROR HARTMANN: I did.

8                   THE COURT: Did you do criminal?

9                   PROSPECTIVE JUROR HARTMANN: No. I did civil  
10          at the time, but I did work in the Attorney  
11          General's department for many years.

12                  THE COURT: Okay.

13                  PROSPECTIVE JUROR HARTMANN: That was 40 years  
14          ago.

15                  THE COURT: Well, you don't have to tell us  
16          your age. All right. Ma'am, I'm going to have you  
17          step out into the anteroom, and my Bailiff will give  
18          you further instructions. Okay?

19                  PROSPECTIVE JUROR HARTMANN: Sure.

20                  THE COURT: Any objection to putting her back  
21          next door and questioning her further?

22                  MR. LIVERMORE: No, ma'am.

23                  MR. LABRUZZO: Not from the State.

24                  THE COURT: We're good to keep her?

25                  MR. LABRUZZO: Yes, Judge.

1           THE COURT: She'll go back to the big room.  
2           Tell her not to discuss what we talked about. Okay?

3           I have next on my questionnaires here Danielle  
4           Foster, "Saw news story about the case this  
5           morning."

6           And then I have Ronald -- I'm trying to get  
7           the last name correct here.

8           MR. LIVERMORE: Kinzler.

9           THE COURT: Kinzler. Yes, Kinzler. Ronald  
10          Kinzler. And it says he has eye surgery on  
11          Thursday, November 9th. So I assume that's  
12          something we probably need to discuss now.

13          MR. LABRUZZO: Yes, Judge.

14          THE COURT: All right. So if we can have  
15          Danielle Foster and Ronald Kinzler.

16          Ms. Foster, how are you?

17          PROSPECTIVE JUROR FOSTER: I'm good. Fine.  
18          How are you?

19          THE COURT: Good. We're going to have you  
20          stand in the first pew there in front of the  
21          courtroom.

22          I appreciate you following my instructions  
23          from this morning. You wrote down that you would  
24          be available to serve for the trial, but that you  
25          saw the news report about the case this morning.

1           PROSPECTIVE JUROR FOSTER: Yeah. Actually, as  
2 I was getting ready, I had the news on and I heard  
3 it. I actually turned it off about halfway through  
4 it, because when I saw that, I was, like, oh, maybe  
5 I shouldn't.

6           THE COURT: Okay. First question. Which  
7 channel were you watching?

8           PROSPECTIVE JUROR FOSTER: Bay News 9.

9           THE COURT: All right. So you were watching  
10 Bay News 9. Were they live from the front of the  
11 courthouse?

12          PROSPECTIVE JUROR FOSTER: No. I think it was  
13 just -- it may have been one of the first times that  
14 they reported it. At the bottom it just said jury  
15 selection begins today.

16          THE COURT: Okay.

17          PROSPECTIVE JUROR FOSTER: And then when they  
18 started talking about it, that's when I said, well,  
19 maybe I should not watch this.

20          THE COURT: Well, I appreciate that. Did you  
21 form any fixed or opinions about the merits of the  
22 case or the defendant's guilt or innocence or  
23 anything like that based on what you saw?

24          PROSPECTIVE JUROR FOSTER: No.

25          THE COURT: Did you hear any real facts other

1           than it's going to be a murder case and jury  
2           selection is today?

3           PROSPECTIVE JUROR FOSTER: Not on the news, no.

4           THE COURT: Okay.

5           PROSPECTIVE JUROR FOSTER: My stepmother  
6           actually know -- I'm not sure what the connection of  
7           her friend -- how they're connected to the case.

8           THE COURT: Okay.

9           PROSPECTIVE JUROR FOSTER: She knows a little  
10          bit about it and was telling me about it weeks ago,  
11          but other than that --

12          THE COURT: And what did she tell you weeks  
13          ago?

14          PROSPECTIVE JUROR FOSTER: Just that she knew  
15          the people that were involved -- that were killed in  
16          the crime.

17          THE COURT: And who did she say she knows? Do  
18          you know? Or did she just use people in general?

19          PROSPECTIVE JUROR FOSTER: I believe she's  
20          friends with the mother.

21          THE COURT: Okay.

22          PROSPECTIVE JUROR FOSTER: Of one of the  
23          victims.

24          THE COURT: Okay. The mother of --

25          PROSPECTIVE JUROR FOSTER: I can't say for

1           certain, but I know she knows one of the family  
2           members.

3           THE COURT:   So this would be someone you know  
4           knows the family members?

5           PROSPECTIVE JUROR FOSTER:   Correct.

6           THE COURT:   Did she tell you anything about the  
7           case itself?

8           PROSPECTIVE JUROR FOSTER:   Aside from the fact  
9           that a few people were killed, not that I remember.

10          THE COURT:   Just "My friends were murdered"?

11          PROSPECTIVE JUROR FOSTER:   Basically, yeah.  I  
12          guess she had just heard it or read it on the news  
13          that day and I had come over so she could talk to me  
14          about it.

15          THE COURT:   Okay.  And based on what she said,  
16          do you have an opinion on the guilt or innocence of  
17          the defendant?

18          PROSPECTIVE JUROR FOSTER:   No.  We didn't  
19          really talk about details of it, not really.

20          THE COURT:   So more about that her friend was  
21          murdered, but not who did it?

22          PROSPECTIVE JUROR FOSTER:   Her friend was going  
23          through a bad time because of what happened, but  
24          other than that, no.

25          THE COURT:   Okay.  And not about who did it or



1 if they're guilty or if the person who's charged is  
2 guilty or anything like that?

3 PROSPECTIVE JUROR FOSTER: No.

4 THE COURT: And do you believe, based on what  
5 you saw this morning and this short conversation you  
6 had with a relative, that you could put all of that  
7 aside and listen to the evidence in this case and  
8 make an independent decision on whether the  
9 defendant was guilty or innocent in this case?

10 PROSPECTIVE JUROR FOSTER: Uh-huh.

11 THE COURT: Is that a "yes"?

12 PROSPECTIVE JUROR FOSTER: "Yes".

13 THE COURT: Okay. My court reporter needs a  
14 definite answer.

15 PROSPECTIVE JUROR FOSTER: Right. Yes. Sorry.

16 THE COURT: All right. State, questions?

17 MR. LABRUZZO: Yes, Your Honor. Thank you.

18 Good morning, ma'am.

19 PROSPECTIVE JUROR FOSTER: Hi.

20 MR. LABRUZZO: One quick question. This  
21 conversation that you had with the person who knows  
22 the family member, I didn't get when that  
23 conversation occurred?

24 PROSPECTIVE JUROR FOSTER: It was a few weeks  
25 ago. I'm not sure exactly when. I just remember

1 hearing about it.

2 MR. LABRUZZO: Okay. Thank you.

3 THE COURT: Defense?

4 MR. LIVERMORE: I'm trying to understand the  
5 relationship. Your stepmother --

6 PROSPECTIVE JUROR FOSTER: Knows I believe a  
7 family member of the victims. I'm not sure of the  
8 relation, I just know about it because she --  
9 because it was weeks ago. I'm not sure who it was  
10 that she said she knew. I just know that she is  
11 familiar -- she's friends with a family member of  
12 the victims. Who the family member is, I'm not  
13 sure.

14 MR. LIVERMORE: Okay. My next question is  
15 going to be are you friends with that person?

16 PROSPECTIVE JUROR FOSTER: No.

17 MR. LIVERMORE: It sounds like not.

18 PROSPECTIVE JUROR FOSTER: No.

19 MR. LIVERMORE: Okay. Do you think just  
20 because of the relationship with your stepmother and  
21 your stepmother's friend, that's going to cause you  
22 to lean one way or the other in this case?

23 PROSPECTIVE JUROR FOSTER: No. It might mean  
24 that I don't talk to her for a few weeks.

25 MR. LIVERMORE: Probably. Is that a problem?

1           PROSPECTIVE JUROR FOSTER: I mean, we're pretty  
2 close. But if asked of me, I would stay away from  
3 her.

4           MR. LIVERMORE: Well, you just can't talk about  
5 that case.

6           PROSPECTIVE JUROR FOSTER: Right. Exactly. We  
7 just wouldn't talk about it.

8           MR. LIVERMORE: That's all I have.

9           MR. LABRUZZO: Judge, if I may ask one quick  
10 question?

11          THE COURT: You may.

12          MR. LABRUZZO: Do you know the name of the  
13 family member?

14          PROSPECTIVE JUROR FOSTER: No. No.

15          MR. LABRUZZO: Okay.

16          THE COURT: All right. Ma'am, I'm going to  
17 have you step out into the hallway, in the ante way.  
18 We're going to discuss whether you're staying or  
19 going and then we'll let you know. Okay?

20          PROSPECTIVE JUROR FOSTER: All right. Thank  
21 you.

22          THE COURT: Thank you.

23          State, what's your position?

24          MR. LABRUZZO: Judge, I think she's -- we're  
25 not moving for cause. I think that she's

1 sufficiently separated herself and really doesn't  
2 know any of the details and doesn't know the name of  
3 the family member.

4 THE COURT: Okay. Defense?

5 MR. LIVERMORE: I have no basis for cause.

6 THE COURT: All right. Tell her to go back  
7 into the big room, not to discuss anything we talked  
8 about, and she'll be staying for a little while.

9 All right. It will be Ronald Kinzler.

10 Good morning, sir. How are you?

11 PROSPECTIVE JUROR KINZLER: Good morning.

12 THE COURT: We're just going to have you in the  
13 first pew there.

14 Mr. Kinzler, you indicated that you have eye  
15 surgery scheduled for Thursday, November 9th, which  
16 would be kind of right in the middle of all this.

17 PROSPECTIVE JUROR KINZLER: That is correct.

18 THE COURT: So I'm trying to figure out if  
19 that's one of those ones where it's taken weeks and  
20 weeks and weeks, maybe months to get your  
21 appointment. Go ahead.

22 PROSPECTIVE JUROR KINZLER: I have to try and  
23 give you an idea. I have a blood clot, a detached  
24 retina, but I have a blood clot. They are treating  
25 the blood clot, and I'm having the surgery the 9th.

1           They're trying to clear up the blood clot, so I can  
2           have a partially detached retina.

3           THE COURT:   Okay.

4           PROSPECTIVE JUROR KINZLER:  No, it can't be  
5           postponed.

6           THE COURT:  It cannot be postponed.

7           It sounds like something that cannot be  
8           postponed.  All right.

9           All right.  State, any objection to releasing  
10          him?

11          MR. LABRUZZO:  No objection, Your Honor.

12          THE COURT:  Defense?

13          MR. LIVERMORE:  No.

14          THE COURT:  All right.  Mr. Kinzler, thank you  
15          so much, sir.  I'm going to take your badge and  
16          place it in the box right there.  And you are  
17          released, sir.  Thank you very much.  You're free to  
18          go forever for now.  Okay?  You're good.

19          PROSPECTIVE JUROR KINZLER:  I'll note that on  
20          the next time you call me.

21          THE COURT:  Okay.  She said forever.

22          PROSPECTIVE JUROR KINZLER:  All right.  Thank  
23          you.

24          THE COURT:  Thank you.

25          I have Mariana Vitorino, V-i-t-o-r-i-n-o.  I'm

1 not sure how we're pronouncing that. Vitorino.

2 MR. LIVERMORE: What was it?

3 THE COURT: Mariana Vitorino. I have her  
4 saying that, "News this morning. Charged with  
5 murder, four people."

6 And then I have Brittany [sic] Sneeringer as  
7 my next two that said, "This morning, murder  
8 girlfriend, girlfriend's parents, new boyfriend."  
9 She watched closely.

10 Those two? Yes?

11 MR. LIVERMORE: Yes.

12 MR. LABRUZZO: Yes.

13 THE COURT: All right. It's Mariana Vitorino.

14 THE BAILIFF: Vitorino?

15 THE COURT: It's V-i-t-o-r-i-n-o.

16 THE BAILIFF: Okay.

17 THE COURT: Vitorino.

18 And then Bridget Sneeringer. I was as close  
19 as I can get.

20 I have after that Robert Pruden, P-r-u-d-e-n.  
21 He did what I asked, which is he wrote, "Need to  
22 see the Judge." So we're going to have to have him  
23 come over.

24 I'm almost done with my first batch. We're  
25 moving along as close as we can do.

1           MR. LABRUZZO: Judge, I know you're done with  
2           your first batch, but the fact that you were leading  
3           the discussion is helping keep us in the order  
4           because we've kind of started moving the order. So  
5           we're appreciative of you're keeping it going.

6           THE COURT: No problem. I kept my batch up  
7           here, and I got my next one and my next one. And  
8           Kelly is being nice enough to know who we talked to,  
9           if we excused them or kept them.

10          MR. LABRUZZO: I've got that going.

11          THE COURT: Okay. My piles kind of got pushed  
12          together.

13          MR. LABRUZZO: And I will make a note that the  
14          new E juror questionnaire does have date of birth on  
15          there.

16          THE COURT: Oh, good. Excellent.

17          Good morning, ma'am. How are you?

18          PROSPECTIVE JUROR VITORINO: Good. Thank you.

19          THE COURT: Can you pronounce your last name  
20          for me.

21          PROSPECTIVE JUROR VITORINO: Vitorino.

22          THE COURT: Ms. Vitorino, we're going to have  
23          you stop right there. Back up a little and go into  
24          the -- right there. Sorry.

25          PROSPECTIVE JUROR VITORINO: I'm unable to do

1 this.

2 THE COURT: That's okay. Ms. Vitorino, you  
3 filled out the questionnaire exactly the way I asked  
4 you to do. Thank you very much. You said on  
5 question Number 13, "Yes, I saw the news this  
6 morning. He is being charged with murder of four  
7 people." Correct?

8 PROSPECTIVE JUROR VITORINO: Yes.

9 THE COURT: What did you watch this morning?

10 PROSPECTIVE JUROR VITORINO: Action News.

11 THE COURT: Action News 13?

12 PROSPECTIVE JUROR VITORINO: Yes.

13 THE COURT: Were they live from the front of  
14 the courthouse?

15 PROSPECTIVE JUROR VITORINO: Yes.

16 THE COURT: All right. And obviously you  
17 watched closely because you said, "He, being a  
18 person." Well, his name is on here. "That he is  
19 being charged with murder of four people".

20 PROSPECTIVE JUROR VITORINO: Well, I heard, you  
21 know, jury. And I'm, like, I'm on jury. Oh, my  
22 God. Is that really happening?

23 THE COURT: Did you listen closely to all the  
24 facts?

25 PROSPECTIVE JUROR VITORINO: No, I didn't. I



1 was getting ready.

2 THE COURT: And did they tell you anything  
3 about the case other than he's on trial for the  
4 murder of four people?

5 PROSPECTIVE JUROR VITORINO: If they did, I  
6 didn't catch it.

7 THE COURT: All right.

8 PROSPECTIVE JUROR VITORINO: But maybe they  
9 did. I don't know.

10 THE COURT: And before this morning, had you  
11 ever had anything about this case?

12 PROSPECTIVE JUROR VITORINO: I think so when it  
13 happened, but my memory isn't --

14 THE COURT: Nothing that's sticking with you?

15 PROSPECTIVE JUROR VITORINO: I'm sorry?

16 THE COURT: Nothing that's sticking with you?

17 PROSPECTIVE JUROR VITORINO: No. Right.

18 Nothing that's sticking.

19 THE COURT: All right. So I have a question.  
20 Based on what you may have read back when it  
21 happened and what you heard this morning, have you  
22 formed any opinions or thoughts or feelings about  
23 the guilt or innocence of the person charged in this  
24 case?

25 PROSPECTIVE JUROR VITORINO: Absolutely not,

1           because I think the jury is to decide that.

2           THE COURT:   Okay.   And anything you --

3           PROSPECTIVE JUROR VITORINO:   I don't know all  
4           the circumstances.   So I can't say, yes, he's  
5           guilty; no, he's innocent.

6           THE COURT:   Okay.   And you would presume him  
7           not guilty, as you're supposed to?

8           PROSPECTIVE JUROR VITORINO:   Exactly.

9           THE COURT:   And you would listen to the facts  
10          you heard in this courthouse or this courtroom?

11          PROSPECTIVE JUROR VITORINO:   Yes.   Absolutely.

12          THE COURT:   In front of all the jurors to make  
13          your decision?

14          PROSPECTIVE JUROR VITORINO:   Absolutely.

15          THE COURT:   Okay.

16          PROSPECTIVE JUROR VITORINO:   And that's why we  
17          have courts.

18          THE COURT:   All right.   State, any questions?

19          MR. LABRUZZO:   No, Your Honor.

20          THE COURT:   Defense, any questions?

21          MR. LIVERMORE:   No, Your Honor.

22          THE COURT:   All right.   Ma'am, I'm going to  
23          have you step out into the anteroom, and my bailiff  
24          will give you further decisions.   Okay?

25          PROSPECTIVE JUROR VITORINO:   Thank you.

1           THE COURT: All right. State, any reason to  
2 cause challenge her at this point?

3           MR. LABRUZZO: No, Your Honor.

4           THE COURT: Defense?

5           MR. LIVERMORE: No, Your Honor.

6           THE COURT: I'm sure you'll have further  
7 questions, but for now you can tell her to go back  
8 into the big room, that she's to remain in the big  
9 room, and not to talk about anything she read or  
10 heard in here. Okay?

11           And then we'll have Bridget Sneeringer. She  
12 has both it's going to interfere with her work  
13 schedule and that she saw it.

14           MR. LIVERMORE: And that she's formed an  
15 opinion.

16           THE COURT: And that she's formed an opinion.  
17 Well, when you hear this much about a case. Oh, I  
18 see why you say it that way, because of the way she  
19 wrote it?

20           MR. LIVERMORE: Yes.

21           THE COURT: Ms. Sneeringer, how are you?

22           PROSPECTIVE JUROR SNEERINGER: Hi. Good.  
23 Thank you.

24           THE COURT: Am I pronouncing your last name  
25 correctly?

1 PROSPECTIVE JUROR SNEERINGER: Sneeringer.

2 THE COURT: Okay. I appreciate you filling out  
3 the form the way I asked. Thank you very much.

4 PROSPECTIVE JUROR SNEERINGER: You're welcome.

5 THE COURT: First of all, you said that sitting  
6 as a juror for the timeframe we're talking about  
7 would interfere with your work schedule.

8 PROSPECTIVE JUROR SNEERINGER: Uh-huh.

9 THE COURT: And what do you do?

10 PROSPECTIVE JUROR SNEERINGER: I'm a nurse.

11 THE COURT: All right. And so who do you work  
12 for?

13 PROSPECTIVE JUROR SNEERINGER: Bayonet Point  
14 HCA Hospital.

15 THE COURT: Do they pay you to be a juror?

16 PROSPECTIVE JUROR SNEERINGER: No.

17 THE COURT: All right. Are you a contract  
18 nurse?

19 PROSPECTIVE JUROR SNEERINGER: No. I'm a  
20 regular full-time employee.

21 THE COURT: Okay. And they won't pay you for  
22 jury duty?

23 PROSPECTIVE JUROR SNEERINGER: I would have to  
24 use my PTO.

25 THE COURT: Okay. So you would have to use

1 your sick time and your vacation time to sit here?

2 PROSPECTIVE JUROR SNEERINGER: Uh-huh.

3 THE COURT: Could you do that? Do you have  
4 enough?

5 PROSPECTIVE JUROR SNEERINGER: Well, I'm fairly  
6 knew. I just started in March. So I think right  
7 now I'm up to 55 hours.

8 THE COURT: It would take a lot of your hours,  
9 is that what you're telling me?

10 PROSPECTIVE JUROR SNEERINGER: Yes.

11 THE COURT: Okay. Would that cause you to be  
12 not be able to pay attention to the case?

13 PROSPECTIVE JUROR SNEERINGER: No.

14 THE COURT: All right. And then more important  
15 than that -- well, since we got through that -- is  
16 that you did see something on the news today about  
17 the case?

18 PROSPECTIVE JUROR SNEERINGER: Yes.

19 THE COURT: Can you tell me which channel?

20 PROSPECTIVE JUROR SNEERINGER: It was -- well,  
21 I have Spectrum. So Bay News 9.

22 THE COURT: All right. So it was Bay News 9.  
23 Were they live in front of the courthouse?

24 PROSPECTIVE JUROR SNEERINGER: No. They  
25 weren't live. It was just the guy's name at the

1 bottom.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR SNEERINGER: And a picture.

4 THE COURT: All right.

5 PROSPECTIVE JUROR SNEERINGER: And then I left  
6 because I was in a hurry.

7 THE COURT: And you said in your questionnaire,  
8 "This morning on the news the man murdered his  
9 girlfriend, girlfriend's parents, and new  
10 boyfriend".

11 PROSPECTIVE JUROR SNEERINGER: Yes.

12 THE COURT: Have you formed any opinion of  
13 whether the person charged with the murder of these  
14 people is actually guilty of the murder?

15 PROSPECTIVE JUROR SNEERINGER: I would believe  
16 so, yes.

17 THE COURT: Okay. So you feel like you've  
18 already made up your mind that he is, in fact, guilty  
19 of what he's charge with?

20 PROSPECTIVE JUROR SNEERINGER: Yes.

21 THE COURT: Okay. State, any questions?

22 MR. LABRUZZO: No, Your Honor.

23 THE COURT: Defense?

24 MR. LIVERMORE: No.

25 THE COURT: All right. Any objection to

1 releasing her?

2 MR. LABRUZZO: No objection, Your Honor.

3 MR. LIVERMORE: No.

4 THE COURT: All right. Ma'am, what I'm going  
5 to have you do is take off your badge and go ahead  
6 and put it in the box right in front of you.

7 I'm releasing you from the whole panel. You  
8 can go home. Do not discuss anything you read or  
9 saw with anything in the courthouse. Just grab in  
10 your car and go on home. You're good to go.

11 PROSPECTIVE JUROR SNEERINGER: Okay.

12 THE COURT: All right. Thank you very much for  
13 your service. You've already been paid, correct?

14 PROSPECTIVE JUROR SNEERINGER: I'm sorry?

15 THE COURT: You got your money?

16 PROSPECTIVE JUROR SNEERINGER: Yes.

17 THE COURT: Okay. Great. You're good to go.

18 And then I have Robert Pruden, who said he  
19 needs to see the judge. And then I also have -- I  
20 think that's done with that first batch.

21 So next I have Emmanuel Vestas, V-e-s-t-a-s.  
22 Again said, "Talk to judge."

23 So I have two talk to the judge. I have  
24 Robert Pruden and Emmanuel Vestas, V-e-s-t-a-s.

25 MR. LIVERMORE: Judge, I'm a little messed up

1 here with my files.

2 THE COURT: That's okay.

3 MR. LIVERMORE: Diana Jaks.

4 THE COURT: Okay. I don't think I've gotten  
5 there yet.

6 MR. LIVERMORE: Oh, I thought that was in the  
7 batch with Pruden.

8 MR. PURA: Right after Pruden. Two after  
9 Pruden.

10 THE COURT: Not mine.

11 MR. PURA: Is Pruden at the end of the first  
12 batch?

13 THE COURT: Yes. Pruden is at the end of the  
14 first batch. I bet you guys flipped your batches.

15 MR. LIVERMORE: Yes. They keep coming in.

16 THE COURT: Oh, you know what? I tell you  
17 wrong. Diana Jaks is on there. Yes, yes, yes.

18 MR. LIVERMORE: Number 12, "Yes, but, no".

19 THE COURT: Okay. So you want to talk to her.

20 MR. LIVERMORE: Yes, please.

21 THE COURT: All right. So we'll take Robert  
22 Pruden and Diana Jaks.

23 And then my next pile starts with Emmanuel  
24 Vestas, V-e-s-t-a-s. And then and Clara Villatoro.  
25 Danielle Severino. That's my next pile.



1 MR. LIVERMORE: Oh, you have it.

2 MR. PURA: That's a whole different stack.

3 THE COURT: I think she's got it.

4 MR. LIVERMORE: Yeah, she's got it.

5 THE COURT: She's got it. So that would be the  
6 next stack that came in. There should be ten. She  
7 was doing them in tens, but I think the clerk may  
8 have gotten ahead of herself.

9 So I have Vestas through Anderson is my next  
10 ten. Just so you know, Vestas only said, "Talk to  
11 Judge".

12 Good morning, Mr. Pruden. How are you?

13 PROSPECTIVE JUROR PRUDEN: Good. How are you?

14 THE COURT: I'm going to have you go to the  
15 very first bench right there. I appreciate you  
16 filling out the form. You can stop right there. It  
17 okay. I appreciate you filling out the form the way  
18 I asked. You said, "Need to see Judge." So what do  
19 you need to see me about?

20 PROSPECTIVE JUROR PRUDEN: I have PTI I'm  
21 dealing with right now. So I don't know how it's  
22 going to work out.

23 THE COURT: You're in PTI?

24 PROSPECTIVE JUROR PRUDEN: Yes, ma'am.

25 THE COURT: Okay. So that's a State run

1 program. And the State Attorney's Office, of  
2 course, is sitting at that table. Is it for a  
3 felony or for a misdemeanor?

4 PROSPECTIVE JUROR PRUDEN: I think it's  
5 misdemeanor.

6 THE COURT: What was the charge?

7 PROSPECTIVE JUROR PRUDEN: Paraphernalia.

8 THE COURT: Okay. And you're currently in that  
9 program?

10 PROSPECTIVE JUROR PRUDEN: Yes.

11 THE COURT: How close are you to being done?

12 PROSPECTIVE JUROR PRUDEN: I just started.  
13 Like a few days ago I just started my program.

14 THE COURT: Okay. And who was the judge that  
15 you were in front of before you did PTI?

16 PROSPECTIVE JUROR PRUDEN: I was over in  
17 Hernando County.

18 THE COURT: Okay. So it's in another circuit  
19 altogether?

20 PROSPECTIVE JUROR PRUDEN: Yes.

21 THE COURT: But you live in Pasco County?

22 PROSPECTIVE JUROR PRUDEN: Yes.

23 THE COURT: All right. State, do you have any  
24 questions?

25 MR. LABRUZZO: Yes, Your Honor.

1           Good morning, sir. So it's the Hernando  
2           County State Attorney's Office, and you obviously  
3           live in Pasco County. That's why you're here,  
4           right?

5           Anything about that experience, your dealings  
6           with that State agency, that might affect your  
7           ability to listen to the facts of the case here  
8           today?

9           PROSPECTIVE JUROR PRUDEN: I honestly don't  
10          think so.

11          MR. LABRUZZO: Well, okay. You kind of -- when  
12          you came here earlier you said you didn't want it to  
13          have it affect your PTI. Did you have the thought  
14          that if you were to maybe make decisions that were  
15          against the State Attorney's Office, that that would  
16          somehow affect you're being placed on PTI?

17          PROSPECTIVE JUROR PRUDEN: I don't think it  
18          would, but I wasn't sure how it worked.

19          MR. LABRUZZO: Okay. All right. I don't have  
20          any other questions. Thank you.

21          THE COURT: Defense, any questions?

22          MR. LIVERMORE: No, Your Honor.

23          THE COURT: All right. Sir, I'm going to have  
24          you step back out into the vestibule and I'll let  
25          you know what we're going to have you do. Okay?

1 PROSPECTIVE JUROR PRUDEN: Thank you, ma'am.

2 THE COURT: I appreciate you you writing that  
3 down for me, though. Good job.

4 State, how do you feel about Mr. Pruden?

5 MR. LABRUZZO: Judge, we're going to ask to  
6 keep him.

7 THE COURT: Defense?

8 MR. LIVERMORE: I'm sorry?

9 THE COURT: They're going to ask to keep him.  
10 Where do you stand?

11 MR. LIVERMORE: They're going to keep him.

12 THE COURT: I believe he's eligible. It's a  
13 misdemeanor. It's not this jurisdiction. So...

14 MR. LIVERMORE: No objection.

15 THE COURT: Okay. Mr. Pruden can go back over  
16 to the big room and wait. Tell him not to talk  
17 about what we talked about.

18 And I'll take Diana Jaks.

19 "Yes but no." I see what you mean. I just  
20 realized it said, "Yes but no." It could be one of  
21 those boot camps that's really, really early in the  
22 morning, and when I tell them they don't have to be  
23 here until 9:30, Ms. Jaks might be available.

24 Good morning, Ms. Jaks. How are you?

25 PROSPECTIVE JUROR JAKS: Hi. I am well.

1           THE COURT: If you can come on up into the  
2 first pew right there. One more. Right there.  
3 Stop. Thanks.

4           I really appreciate you filling out the form  
5 the way I asked you to. The only question we had  
6 on you is we asked if you could serve full time and  
7 full attention. And you said, "Yes but no." So  
8 I'm trying to figure out is it a yes or a no? It  
9 says you run a boot camp.

10          PROSPECTIVE JUROR JAKS: I do. I'm the only  
11 person.

12          THE COURT: Six days a week?

13          PROSPECTIVE JUROR JAKS: Yeah.

14          THE COURT: And my question is is it one of the  
15 early morning boot camps?

16          PROSPECTIVE JUROR JAKS: I do three times a  
17 day.

18          THE COURT: Three times a day.

19          Okay. And if you were chosen to serve on the  
20 jury for this case, we would ask that you be here  
21 at 9:30, and then you would stay until no later  
22 than 6:00. So would that interfere with your boot  
23 camp times?

24          PROSPECTIVE JUROR JAKS: Yes, it would.

25          THE COURT: All right. And based on the fact

1           that you could not -- do you have anybody that can  
2           fill in for you?

3                   PROSPECTIVE JUROR JAKS:   That's the problem.  I  
4           don't.

5                   THE COURT:   And so you have customers that are  
6           going to show up for boot camp, and if you're not  
7           there, you don't make any money and they don't get  
8           boot camp.

9                   PROSPECTIVE JUROR JAKS:   That's correct.

10                   THE COURT:   They might be happy with that, but  
11          I don't know about you?

12                   PROSPECTIVE JUROR JAKS:   No, no.  They would be  
13          very unhappy.

14                   THE COURT:   I know.  They take this very  
15          seriously, the boot campers.

16                   Do you think if you were let's say forced is  
17          the best word I can use, to sit as a juror on this  
18          case, that you would be so distracted by the fact  
19          that you are not being able to perform your boot  
20          camp times, that you could not pay attention to the  
21          case?

22                   PROSPECTIVE JUROR JAKS:   Probably.

23                   THE COURT:   Okay.  And would that be a  
24          significant hardship on your income?

25                   PROSPECTIVE JUROR JAKS:   Yes.

1 THE COURT: Okay. State, any questions?

2 MR. LABRUZZO: No, Your Honor.

3 THE COURT: Defense?

4 MR. LIVERMORE: No.

5 THE COURT: All right. Ma'am, I'm going to  
6 have you step out into the hallway right there with  
7 my bailiff and we'll let you know what's going to  
8 happen. Okay?

9 PROSPECTIVE JUROR JAKS: Thank you.

10 THE COURT: State?

11 MR. LABRUZZO: No objection, Judge.

12 THE COURT: Cause challenge?

13 MR. LABRUZZO: Cause challenge.

14 THE COURT: Defense?

15 MR. LIVERMORE: No objection.

16 THE COURT: All right. We'll take her badge,  
17 and she can be released to go home and run boot  
18 camp. Okay? I was hoping she was one of those  
19 6:00 AM boot campers so we could have her.

20 The next one I have is Emmanuel Vestas,  
21 V-e-s-t-a-s. Says he needs to talk to the judge.

22 And then I have Clara Villatoro, I think.  
23 When it says, "Can you serve?" She wrote, "no".  
24 Villatoro.

25 So I have Villatoro and I have Vestas. Is

1 everybody ready for those two?

2 MR. LABRUZZO: I have Vestas. Villatoro, I'm  
3 going to grab in a second.

4 THE COURT: Okay. She'll be second, and the  
5 only reason is because she said in Number 12, "No,"  
6 meaning she can't serve.

7 MR. LIVERMORE: She also said, "I have to pick  
8 up my son".

9 THE COURT: Where did she write, "I have to  
10 pick up my son"?

11 MR. LIVERMORE: Line 5. On the bottom.

12 THE COURT: Oh, there it is. Sorry. Okay.  
13 Thank you. I didn't get that far.

14 Can we have Emmanuel Vestas and Clara  
15 Villatoro.

16 After that I have Susan Brooks.

17 Good morning, sir. How are you?

18 PROSPECTIVE JUROR VESTAS: Good morning.

19 THE COURT: Can you pronounce your last name  
20 for me?

21 PROSPECTIVE JUROR VESTAS: Vestas.

22 THE COURT: All right. We're going to have you  
23 in the first row there, Mr. Vestas.

24 You indicated on your form -- I appreciate you  
25 filled it out. You said you need to talk to the



1 Judge.

2 PROSPECTIVE JUROR VESTAS: Yes.

3 THE COURT: So about whether you can serve from  
4 October 30th to November 22nd.

5 PROSPECTIVE JUROR VESTAS: Yes, ma'am.

6 THE COURT: What would you like to tell me?

7 PROSPECTIVE JUROR VESTAS: I have a vacation  
8 planned on this Friday through Sunday.

9 THE COURT: So it would be Friday until when?

10 PROSPECTIVE JUROR VESTAS: Sunday. This coming  
11 Sunday. Two and a half days.

12 THE COURT: Okay. So what time would you -- is  
13 it all day Friday?

14 PROSPECTIVE JUROR VESTAS: No. I think my  
15 flight leaves like 2:30.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR VESTAS: And I come back  
18 Sunday night.

19 THE COURT: All right. And I assume prepaid  
20 tickets? Ready to go?

21 PROSPECTIVE JUROR VESTAS: Yes.

22 THE COURT: Where are we going?

23 PROSPECTIVE JUROR VESTAS: Louisiana.

24 THE COURT: Okay. So other than that, you  
25 would be available if we could get you out of here

1 at noon on Friday to get to your flight?

2 PROSPECTIVE JUROR VESTAS: Yes, ma'am.

3 THE COURT: And then if you came back, you'd be  
4 good to go for the rest of the time?

5 PROSPECTIVE JUROR VESTAS: Yes.

6 THE COURT: Okay. State?

7 MR. LABRUZZO: Are you going to the Bucs game?

8 PROSPECTIVE JUROR VESTAS: I wasn't thinking  
9 about it yet, but it's not why we were going out  
10 there.

11 MR. LABRUZZO: No further questions.

12 THE COURT: And maybe you'll think again after  
13 the game yesterday, but that's okay.

14 Defense, any questions?

15 New Orleans is always a good time, that's for  
16 sure.

17 PROSPECTIVE JUROR VESTAS: Me and my wife is  
18 going.

19 THE COURT: Any questions?

20 MR. LIVERMORE: No, Your Honor.

21 THE COURT: All right. Sir, I'm going to have  
22 you step into the ante way, and we'll let you know  
23 what we're going to do.

24 PROSPECTIVE JUROR VESTAS: Thank you.

25 THE COURT: This one has more to do with how

1 the State is calling their witnesses. I don't know  
2 if we're going to be done by noon on Friday.

3 MR. LABRUZZO: I do not think we'll be done by  
4 noon on Friday.

5 THE COURT: Okay. So you think that you have  
6 witnesses going through Friday afternoon?

7 MR. LABRUZZO: Most definitely, Your Honor.

8 THE COURT: Okay. So what's your position on  
9 this?

10 MR. LABRUZZO: Judge, I would have to say cause  
11 challenge. We can't ensure his departure at that  
12 time.

13 THE COURT: Defense?

14 MR. LIVERMORE: I agree.

15 THE COURT: Okay. He can take his badge back  
16 and he can be released. Don't talk about it.

17 And then we'll bring in Clara Villatoro.

18 Good morning, Ms. Villatoro. How are you?

19 PROSPECTIVE JUROR VILLATORO: I'm good.

20 THE COURT: Come on up. We're going to have  
21 you stand in the first pew up there at the front.

22 The reason you're here, we read your  
23 questionnaire. It says, "The trial is going from  
24 October 30th to November 22nd. Can you give it  
25 your full attention?" You said, "No." And then

1           you said, "I have to pick up my son before 5:00  
2           today."

3                    So you followed my instructions. I appreciate  
4           that. Is the reason that you cannot do it is  
5           because of your childcare issues?

6                    PROSPECTIVE JUROR VILLATORO: (Indicating  
7           affirmatively).

8                    THE COURT: Is that a "yes"?

9                    PROSPECTIVE JUROR VILLATORO: "Yes".

10                   THE COURT: The nice lady in front of me, she  
11           writes down yes and no. She can't write down head  
12           nods. So sorry if I'm badgering you.

13                   So what time does your child get off the bus?

14                   PROSPECTIVE JUROR VILLATORO: He get's off at  
15           3:00, but he's going to be with somebody else.

16                   THE COURT: Okay.

17                   PROSPECTIVE JUROR VILLATORO: I have to get him  
18           from his father.

19                   THE COURT: And how old is he?

20                   PROSPECTIVE JUROR VILLATORO: He's 12.

21                   THE COURT: He's 12. And so you're separated  
22           or divorced from your husband?

23                   PROSPECTIVE JUROR VILLATORO: I'm going through  
24           that process.

25                   THE COURT: And so he has him until 3:00, but

1           you have to pick him up by 5:00.

2           PROSPECTIVE JUROR VILLATORO: It's just between  
3 me and him, but I pick him up before 5:00, yes.

4           THE COURT: Okay. Is there any way that you  
5 can make arrangements for the time period that we're  
6 talking about that he stay with his dad until let's  
7 say 7:00, and you picked him up at 7:00?

8           PROSPECTIVE JUROR VILLATORO: I don't know. I  
9 need to talk to him. I have no idea.

10          THE COURT: Okay. It's kind of a not really  
11 good divorce you're going through?

12          PROSPECTIVE JUROR VILLATORO: Yeah. I think it  
13 would be best for me to pick him up, because too  
14 much drama.

15          THE COURT: And if that drama was going on, you  
16 think you'd have a hard time listening to the  
17 evidence when it got to be 3:00 or 4:00, because  
18 you're thinking about what might happen when you  
19 pick him up at 7:00?

20          PROSPECTIVE JUROR VILLATORO: Yes. I feel it  
21 would be best for me just to pick him up on the  
22 times that me and him agreed.

23          THE COURT: Okay. And if you had to pick him  
24 up at a different time, that would cause you stress  
25 and you wouldn't be able to concentrate on the

1 trial?

2 PROSPECTIVE JUROR VILLATORO: No.

3 THE COURT: You would concentrate on the trial?

4 PROSPECTIVE JUROR VILLATORO: I think I would  
5 concentrate on the trial.

6 THE COURT: Okay. So you believe there is  
7 another option, but it's not one that you would want  
8 to take?

9 PROSPECTIVE JUROR VILLATORO: Right now, yes.

10 THE COURT: Right now?

11 PROSPECTIVE JUROR VILLATORO: Yes.

12 THE COURT: Okay. State, any questions?

13 MR. LABRUZZO: No, Your Honor.

14 THE COURT: Defense?

15 MR. LIVERMORE: If I understand what you said,  
16 ma'am, this is somewhat contentious and if you're  
17 late you're going to be thinking about it and worry  
18 about what's going to happen; is that right?

19 PROSPECTIVE JUROR VILLATORO: Yes. I just  
20 don't want the drama. I just want everything to be  
21 peaceful.

22 MR. LIVERMORE: And if you're sitting here,  
23 you're going to be thinking about what's going to  
24 happen if you're late?

25 PROSPECTIVE JUROR VILLATORO: Yes.

1 MR. LIVERMORE: Yes. Thank you.

2 THE COURT: All right. Thank you, ma'am. I'm  
3 going to have you step out into the hallway. We'll  
4 let you know.

5 State, what's your position?

6 MR. LABRUZZO: I mean, I don't really think  
7 she's a cause challenge because she said she'd pay  
8 attention. She just doesn't want the drama with her  
9 ex-husband or soon to be.

10 THE COURT: She'll pay attention but then she's  
11 going to be distracted.

12 MR. LABRUZZO: That's just assuming there is  
13 drama. But I would defer to the Defense on this  
14 one.

15 THE COURT: Defense?

16 MR. LIVERMORE: Judge, challenge for cause.

17 THE COURT: All right. Go ahead and take her  
18 badge and tell her she's free to go. Okay?

19 MR. LIVERMORE: Judge, can I do the old guy  
20 prerogative and ask for a break?

21 THE COURT: Okay. Before we break, let me just  
22 make sure I have -- the next person I have is Susan  
23 Brooks and Anthony New.

24 MR. SARABIA: We don't have the questionnaire.

25 MR. LABRUZZO: Yes, Judge. We don't have the

1 supplemental questionnaire for Ms. Brooks. We do  
2 have her E questionnaire, we just need the  
3 supplemental questionnaire.

4 THE COURT: Okay. I can give you mine. You're  
5 more than welcome. I have the originals. It say,  
6 "Yes. News media".

7 You can read it and give it back. It's not a  
8 big deal.

9 MR. LIVERMORE: We're having trouble locating  
10 it too.

11 THE COURT: All right. While we are down, I'll  
12 take it and make copies. Okay? So we'll be on a  
13 five-minute recess. Don't go too far. But if the  
14 defendant needs to use the restroom, this is good  
15 time. And we'll be back at 10:05.

16 THE BAILIFF: All rise. The Court's in recess  
17 until 10:05.

18 (Recess Taken.)

19 THE COURT: So we're going to do Susan Brooks  
20 and Anthony New.

21 MR. LABRUZZO: Yes, Your Honor.

22 THE COURT: And just so you know, Mr. New is my  
23 clerk's ex-father-in-law. And she will be seated as  
24 my clerk the entire trial. So I will ask him if  
25 that's a problem for him.



1 MR. LABRUZZO: Sure.

2 THE COURT: She is my assigned clerk for the  
3 entire trial.

4 Has everybody got Brooks and New?

5 MR. LIVERMORE: Yes.

6 THE COURT: Brooks said, "News media. Knew  
7 before." So I'm guessing she knew before and then  
8 she saw it on TV this morning.

9 And then on Anthony New, he said, "Very little  
10 a while ago".

11 MR. LIVERMORE: Brooks has a schedule problem  
12 too.

13 THE COURT: She has a schedule problem? Oh, it  
14 does say no up there. I see.

15 MR. LIVERMORE: New is blank.

16 THE COURT: On whether he can or can't? You're  
17 right.

18 MR. LIVERMORE: Right.

19 THE COURT: Okay. We'll talk about that too.  
20 Ms. Brooks.

21 THE BAILIFF: Yes, Your Honor.

22 THE COURT: Good morning, Ms. Brooks. How are  
23 you?

24 PROSPECTIVE JUROR BROOKS: Cold.

25 THE COURT: I know. We're going to have you

1 stand in the first pew right there. Just stop right  
2 there.

3 Ms. Brooks, I appreciate you filling out the  
4 form the way I asked you to.

5 You said that how long the trial would last.  
6 Could you give it your full attention for a trial  
7 lasting that long? And you said, "no"?

8 PROSPECTIVE JUROR BROOKS: No.

9 THE COURT: What have you got going on?

10 PROSPECTIVE JUROR BROOKS: I own my own  
11 business.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR BROOKS: I work my own store  
14 daily.

15 THE COURT: Okay. And what kind of business do  
16 you run?

17 PROSPECTIVE JUROR BROOKS: A retail store.

18 THE COURT: And where is it?

19 PROSPECTIVE JUROR BROOKS: It's down in the  
20 Sponge Docks in Tarpon.

21 THE COURT: And so today you're here. Do you  
22 have someone filling in for you or did you have to  
23 close the doors?

24 PROSPECTIVE JUROR BROOKS: I do.

25 THE COURT: But if you were here the whole

1 time, you don't believe that you would --

2 PROSPECTIVE JUROR BROOKS: No. I wouldn't.

3 THE COURT: Would it cause you great stress if  
4 I, let's say, forced you to sit on this jury and  
5 you're worrying about work?

6 PROSPECTIVE JUROR BROOKS: Yes.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR BROOKS: I'm worried about it  
9 today.

10 THE COURT: Just having one person fill in for  
11 you today is causing you great stress?

12 PROSPECTIVE JUROR BROOKS: The problem is  
13 because it's a weekday and it's Monday.

14 THE COURT: Okay. And I would assume that the  
15 person that you have, you have a part-time employee?

16 PROSPECTIVE JUROR BROOKS: No, I don't.

17 THE COURT: So who's filling in for you?

18 PROSPECTIVE JUROR BROOKS: A friend of mine.

19 THE COURT: A friend of yours. Not someone  
20 that works there regularly? Just someone that's  
21 doing you a favor?

22 PROSPECTIVE JUROR BROOKS: No. Well, I mean  
23 she works there when I need her.

24 THE COURT: But she's not a full-time employee?

25 PROSPECTIVE JUROR BROOKS: No.

1 THE COURT: Okay. State?

2 MR. LABRUZZO: No questions as to that, Judge,  
3 but as to the other issue.

4 THE COURT: All right. Defense?

5 MR. LIVERMORE: No questions.

6 THE COURT: All right. Do you believe, based  
7 on the questions she did answer, that she would be a  
8 cause challenge?

9 MR. LABRUZZO: I do. I do. I was just going  
10 to ask if she -- you mentioned that you saw the news  
11 media today and before.

12 PROSPECTIVE JUROR BROOKS: Yes.

13 MR. LABRUZZO: Have you had any discussions  
14 with anyone on the jury panel about what you saw  
15 previously?

16 PROSPECTIVE JUROR BROOKS: Well, they were all  
17 discussing it.

18 THE COURT: What are they discussing?

19 MR. LABRUZZO: Yes.

20 PROSPECTIVE JUROR BROOKS: Well, that we've  
21 heard about it. They were talking about because it  
22 was written on that piece of paper.

23 THE COURT: Oh, just what's written on that  
24 piece of paper?

25 PROSPECTIVE JUROR BROOKS: Yes.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR BROOKS: I've seen it on TV.

3 THE COURT: Okay. So you were just saying the  
4 murder that happened at this location, just what you  
5 know from this piece of paper is what they're  
6 talking about?

7 PROSPECTIVE JUROR BROOKS: They only know.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR BROOKS: I mean, I heard  
10 about it on the news and I heard it when it  
11 happened.

12 THE COURT: But you didn't discuss what you  
13 know with them, like, oh, I read it in the St. Pete  
14 Times and here's some more information?

15 PROSPECTIVE JUROR BROOKS: Well, no. Like,  
16 they were just discussing what was on the news, the  
17 girl that was next to me.

18 THE COURT: Okay. And what's her name? Do you  
19 know?

20 PROSPECTIVE JUROR BROOKS: Uh-uh. Because she  
21 heard it on the news this morning too.

22 THE COURT: Okay. All right. Anyone have an  
23 objection to her cause challenge?

24 MR. LIVERMORE: No.

25 MR. LABRUZZO: I don't. But could I just ask

1           one question?

2           THE COURT:   Okay.

3           MR. LABRUZZO:  Are people discussing facts not  
4           in the questionnaire?

5           PROSPECTIVE JUROR BROOKS:  I don't think so.  I  
6           really haven't discussed it with anybody else.

7           MR. LABRUZZO:  Okay.  Thank you.

8           THE COURT:  Ma'am, I'm going to have you put  
9           your badge right there in that box that's in front  
10          of you.  No, the one that's on your lapel, this one.

11          PROSPECTIVE JUROR BROOKS:  Oh, badge.  I  
12          thought you said my bag.

13          THE COURT:  No, no, no.  Your badge.  And  
14          you're excused.  Please do not discuss the case with  
15          anyone.  Okay?

16          PROSPECTIVE JUROR BROOKS:  All right.

17          THE COURT:  She's excused for cause.

18          And then I'll have Anthony New.

19          We're just going to have to ask the panel when  
20          they come back over.  There's no way to know.  And  
21          even if I went in there, there's no way to know.

22          So once we go through everyone when they come  
23          back, as I indicated before, we can talk about this  
24          again.  Okay?

25          Good morning, Mr. New.  How are you?  Come on

1 up to the front row.

2 I appreciate you filling out the form for me,  
3 sir. When we asked if you would be able to serve  
4 on the panel for the timeframe that we think it's  
5 going to last, you didn't write anything.

6 PROSPECTIVE JUROR NEW: Oh. How ever long.

7 THE COURT: So you're good for how ever long?

8 PROSPECTIVE JUROR NEW: Yes. I'm sorry.

9 THE COURT: That's okay. No problem. That's  
10 why you were brought over.

11 Second of all, you said that when I gave you  
12 some brief background about what the case is about,  
13 you said, "Very little a while ago." So you did  
14 hear about the case, but it was a while ago?

15 PROSPECTIVE JUROR NEW: I did hear about it,  
16 but it was a while ago, yes.

17 THE COURT: Do you recall anything other than  
18 what's written on this piece of paper?

19 PROSPECTIVE JUROR NEW: No.

20 THE COURT: No specifics?

21 PROSPECTIVE JUROR NEW: No.

22 THE COURT: Have you formed any opinion on  
23 whether the person charged with the crime is  
24 actually guilty of the crime?

25 PROSPECTIVE JUROR NEW: I couldn't tell you

1 without hearing it.

2 THE COURT: Okay. So my question is do you  
3 presume him innocent as you're supposed to in this  
4 case?

5 PROSPECTIVE JUROR NEW: Yes.

6 THE COURT: All right. And I believe you know  
7 my clerk?

8 PROSPECTIVE JUROR NEW: Hi, Kelly.

9 THE COURT: She is going to be my clerk  
10 throughout this trial. Is there anything about the  
11 fact that she's my clerk that would have you rule  
12 one way or another in this case?

13 PROSPECTIVE JUROR NEW: No.

14 THE COURT: She doesn't really sit for one side  
15 or the other. She's like me, we just sit in the  
16 middle. So I just want to make sure that your  
17 knowledge of her wouldn't affect your decision in  
18 this matter?

19 PROSPECTIVE JUROR NEW: No.

20 THE COURT: All right. State, any questions?

21 MR. LABRUZZO: No, Your Honor.

22 THE COURT: Defense?

23 MR. LIVERMORE: No.

24 THE COURT: And, Mr. New, you've been over in  
25 the big room, correct?



1 PROSPECTIVE JUROR NEW: Uh-huh.

2 THE COURT: Is there any big discussions going  
3 on about this case other than what's written on the  
4 paper?

5 PROSPECTIVE JUROR NEW: Not that I could hear.

6 THE COURT: None that you've been involved  
7 with?

8 PROSPECTIVE JUROR NEW: Right.

9 THE COURT: Okay. All right. Sir, I'm going  
10 to have you step into the hallway right there, and  
11 then my bailiff will tell you what to do. Okay?

12 PROSPECTIVE JUROR NEW: Okay. Thank you.

13 THE COURT: All right. Any objection to him  
14 remaining, State?

15 MR. LABRUZZO: No objection.

16 THE COURT: Defense?

17 MR. LIVERMORE: No.

18 THE COURT: All right. You can tell Mr. New  
19 he'll go over to the big room. Remind him no  
20 talking about the case.

21 THE BAILIFF: Yes, Your Honor.

22 THE COURT: Tell everybody over there no  
23 talking. Okay?

24 All right. Next I have Debora Durso,  
25 D-u-r- -- I think it's --

1 MR. PURA: Durso.

2 THE COURT: Durso. Durso. Debora Durso.

3 "I'm not sure," is not an answer. So I think  
4 we should clarify that.

5 Then I have Heather Perez. Heather Perez. "I  
6 work full time." And she also said that she's the  
7 victim of a crime, on the first page. It's not  
8 exactly the same thing, but it's kind of the same  
9 thing. I mean, it's a big trial, a big important  
10 case. So any problem bringing her over?

11 MR. LABRUZZO: No, Your Honor.

12 THE COURT: All right. So we will bring over  
13 Debora Durso and Heather Perez.

14 I then have Stacy Anderson. That says that  
15 she has a big trip planned, if you guys seen her.

16 MS. GARRETT: For her grandson.

17 THE COURT: Yes.

18 Ms. Durso.

19 THE BAILIFF: Yes.

20 THE COURT: Good morning, ma'am. How are you?

21 PROSPECTIVE JUROR DURSO: Good. How are you?

22 THE COURT: Come on up to the first pew and  
23 just scoot in just a little bit there.

24 I appreciate you filling out the form for me.

25 Ms. Durso, you said that when I asked if you would

1 be available from October 30th to November 22nd,  
2 you said, "I'm not sure." What are you not sure  
3 about?

4 PROSPECTIVE JUROR DURSO: It's because my  
5 husband, he works sometimes in Michigan; and we have  
6 two kids, I have a five and seven years old.

7 THE COURT: Okay. And how often does he go  
8 there?

9 PROSPECTIVE JUROR DURSO: I don't have the  
10 dates. Sometimes he goes like every other week.

11 THE COURT: Do you know if he's scheduled to be  
12 there between now and Thanksgiving?

13 PROSPECTIVE JUROR DURSO: I'm not sure.

14 THE COURT: Okay. And so that's why you wrote  
15 you're not sure?

16 PROSPECTIVE JUROR DURSO: Yeah.

17 THE COURT: So you would have to check with him  
18 on his travel arrangements between now and  
19 Thanksgiving?

20 PROSPECTIVE JUROR DURSO: It's not like that.  
21 Like sometimes they call him the day before and then  
22 he leaves.

23 THE COURT: So there's no way for you to be  
24 sure?

25 PROSPECTIVE JUROR DURSO: No.

1           THE COURT: Except day-to-day, maybe a couple  
2 of days in advance?

3           PROSPECTIVE JUROR DURSO: Yes.

4           THE COURT: And if he was called out of town,  
5 would there be anyone who could watch your children  
6 between 9:30 in the morning and 6:00 at night?

7           PROSPECTIVE JUROR DURSO: Yes. Then I would  
8 have to check with my sister-in-law, who lives in  
9 Brooksville.

10          THE COURT: Okay.

11          PROSPECTIVE JUROR DURSO: But I will find a  
12 way.

13          THE COURT: Okay. And do you think that you  
14 could find a way?

15          PROSPECTIVE JUROR DURSO: Yeah.

16          THE COURT: All right. Would it cause you so  
17 much stress trying to find a way that you would not  
18 be able to pay attention to what's going on in the  
19 trial?

20          PROSPECTIVE JUROR DURSO: Yeah.

21          THE COURT: You would not be able to pay  
22 attention?

23          PROSPECTIVE JUROR DURSO: I will, but, like,  
24 it's not like a hundred percent. I will find a way,  
25 yes. I will find a way. But...

1           THE COURT: Okay. But would you find a way by  
2 sitting over there thinking about your kids and not  
3 paying attention to the evidence? It's fine if  
4 that's true. We need to know the truth.

5           PROSPECTIVE JUROR DURSO: That's the truth.

6           THE COURT: Okay. So I mean they're young and  
7 I would assume that, you know, you can't just leave  
8 them by themselves. So you think that it could  
9 cause you -- if your husband got called out of town,  
10 which you don't know if he is, it will cause you  
11 great stress thinking about how you were going to  
12 take care of all that?

13          PROSPECTIVE JUROR DURSO: Uh-huh.

14          THE COURT: Okay. State?

15          MR. LABRUZZO: No questions, Your Honor.

16          THE COURT: Defense?

17          MR. LIVERMORE: No questions.

18          THE COURT: All right. Ma'am, I'm going to  
19 have you step right out into the ante way and then  
20 we'll get back with you. Okay?

21          State, your position?

22          MR. LABRUZZO: Judge, I guess we'd move for  
23 cause.

24          THE COURT: Defense?

25          MR. LIVERMORE: We agree.

1           THE COURT: All right. We can go ahead and  
2 tell Ms. Durso that she is free to go, we'll take  
3 her pin, not to talk about the case.

4           And we'll bring in Ms. Perez.

5           Good morning, Ms. Perez.

6           PROSPECTIVE JUROR PEREZ: Good morning.

7           THE COURT: How are you?

8           PROSPECTIVE JUROR PEREZ: Fine.

9           THE COURT: I'm going to have you come up and  
10 stand in the first pew there. It will just take a  
11 few minutes.

12           I appreciate you filling out your form. First  
13 and foremost, it indicates that you were a victim  
14 of a crime, and you went in to the crime on your  
15 piece of paper. Both sides have that. Were you a  
16 victim here in Pasco County?

17           PROSPECTIVE JUROR PEREZ: No.

18           THE COURT: Where was that?

19           PROSPECTIVE JUROR PEREZ: St. Johns.

20           THE COURT: Okay. And your father was  
21 convicted and he's currently serving prison time?

22           PROSPECTIVE JUROR PEREZ: He's deceased now.

23           THE COURT: Okay. But he would have stayed in  
24 prison for this --

25           PROSPECTIVE JUROR PEREZ: He did serve and then

1 he was out.

2 THE COURT: Okay. Did you have to testify in  
3 that case?

4 PROSPECTIVE JUROR PEREZ: No.

5 THE COURT: Is there anything about the fact  
6 that you were a victim of a crime, the crime that  
7 you were a victim of, that would cause you to have a  
8 hard time sitting as a fair and impartial juror  
9 here?

10 PROSPECTIVE JUROR PEREZ: No.

11 THE COURT: I mean we gave you a little  
12 background on the trial, which we don't usually do,  
13 but in this case we did. It's not at all similar to  
14 what you were a victim of. So you don't think that,  
15 you being a victim, your sister being a victim,  
16 would have you have any problem sitting as a fair  
17 and impartial juror?

18 PROSPECTIVE JUROR PEREZ: No.

19 THE COURT: Okay. On the second part you  
20 indicate that the timeframe that we're asking you to  
21 serve as a juror would be a problem.

22 PROSPECTIVE JUROR PEREZ: Uh-huh.

23 THE COURT: And because you're working full  
24 time?

25 PROSPECTIVE JUROR PEREZ: Uh-huh.

1 THE COURT: Where are you employed?

2 PROSPECTIVE JUROR PEREZ: I'm a director of a  
3 preschool that I run in Wesley Chapel.

4 THE COURT: Okay. And so are there other  
5 employees that could handle your position if we  
6 chose you as a juror?

7 PROSPECTIVE JUROR PEREZ: Only the owner.

8 THE COURT: Okay. And so the owner, if you  
9 made a phone call, and let's say I forced you to be  
10 on the jury --

11 PROSPECTIVE JUROR PEREZ: That's fine.

12 THE COURT: -- do you believe that she could  
13 fill in for you?

14 PROSPECTIVE JUROR PEREZ: She would take care  
15 of it.

16 THE COURT: Okay. And having someone fill in  
17 as the owner, I would think you would feel kind of  
18 comfortable about that. But do you think would you  
19 still get paid if you were a juror?

20 PROSPECTIVE JUROR PEREZ: No.

21 THE COURT: And so would the fact that you were  
22 here for this long cause you significant financial  
23 hardship?

24 PROSPECTIVE JUROR PEREZ: Yes.

25 THE COURT: And based on that, do you think



1           you'd have a hard time paying attention and  
2           listening and doing all the things you have to do as  
3           a juror if you were thinking about the money you  
4           were missing?

5           PROSPECTIVE JUROR PEREZ: Yes.

6           THE COURT: So you think it be a distraction?

7           PROSPECTIVE JUROR PEREZ: I mean it could be, I  
8           guess, because I have bills to pay.

9           THE COURT: Okay. And we're asking you pretty  
10          much to take up almost the whole month of November,  
11          given Thanksgiving is in there. So you'd be almost  
12          without pay for a month.

13          PROSPECTIVE JUROR PEREZ: That would be  
14          difficult.

15          THE COURT: You're not independently wealthy in  
16          that?

17          PROSPECTIVE JUROR PEREZ: I am not.

18          THE COURT: Okay. State, any questions?

19          MR. LABRUZZO: No, Your Honor.

20          THE COURT: Defense, any questions?

21          MR. LIVERMORE: No, ma'am.

22          THE COURT: All right. Ma'am, I'm going to  
23          have you step into the ante way there and then we'll  
24          be right back with you.

25          All right. State, cause challenge?

1 MR. LABRUZZO: Yes, Your Honor.

2 THE COURT: Defense?

3 MR. LIVERMORE: Yes.

4 THE COURT: All right. Ms. Perez is dismissed.

5 You can take her badge and tell her she can go.

6 Okay. Next I have Stacy Anderson. And then I  
7 have Laura Hughbanks.

8 MR. LABRUZZO: Anderson and Hughbanks?

9 THE COURT: Yes.

10 MR. LIVERMORE: Laura who?

11 MR. PURA: Huzar-Hughbanks, H-u-z-a-r.

12 THE COURT: Huzar. Yeah. It was Huzar. It  
13 says Huzar-Hughbanks.

14 MR. LABRUZZO: Can you spell the last name?

15 THE COURT: Well, it's on our form as Huzar,  
16 H-u-z-a-r.

17 MR. LABRUZZO: We just put them in  
18 alphabetical, that's why.

19 THE COURT: Sorry. So I have Anderson and  
20 Huzar.

21 All right. Are we ready on Ms. Anderson?

22 THE BAILIFF: Yes, Your Honor.

23 THE COURT: Bring her on in.

24 Good morning, Ms. Anderson. How are you?

25 PROSPECTIVE JUROR ANDERSON: Good. How are

1           you?

2           THE COURT:  If I can have you go to the first  
3           pew and just scoot in a little.

4           I appreciate you filling out the form for us.  
5           On the second page you indicated that you were  
6           unable to serve for the time period that we talked  
7           about because your grandson's birthday is in New  
8           Mexico, it's his first birthday, we get the cake,  
9           the smooch, the whole thing, and that your planned  
10          trip is from November 9th to the 14th.  Have we  
11          prepaid tickets already?

12          PROSPECTIVE JUROR ANDERSON:  Yes.

13          THE COURT:  Okay.  State?

14          MR. LABRUZZO:  No questions, Your Honor.

15          THE COURT:  Defense?

16          MR. LIVERMORE:  None.

17          THE COURT:  All right.  Ma'am, we're just going  
18          to have you step outside.  We'll let you know what  
19          we're going to do.

20          Any objection to cause challenge?

21          MR. LABRUZZO:  No objection, Your Honor.

22          THE COURT:  Defense?

23          MR. LIVERMORE:  None.

24          THE COURT:  All right.  You can tell

25          Ms. Anderson to give you her badge and she's good to

1 go. And we'll have Ms. Huzar step in.

2 Now, on my sheet she wrote in Laura  
3 Huzar-Hughbanks. So I think that she's now been  
4 married. And she says that her husband is a police  
5 officer.

6 MR. PURA: And she has schedule issues.

7 THE COURT: Right. And she has scheduling  
8 issues.

9 Is it Huzar or Hughbanks.

10 PROSPECTIVE JUROR HUGHBANKS: Well, it's  
11 Hughbanks now.

12 THE COURT: Now. Okay. First row for me. We  
13 all had you as Huzar, so I just wanted to check.  
14 You've recently been married?

15 PROSPECTIVE JUROR HUGHBANKS: I recently  
16 changed my name to my married name.

17 THE COURT: Okay. So it's Hughbanks?

18 PROSPECTIVE JUROR HUGHBANKS: Yes.

19 THE COURT: And, ma'am, you indicated that you  
20 were unavailable to serve in the trial for the time  
21 period in which we gave you. What have you got  
22 going on?

23 PROSPECTIVE JUROR HUGHBANKS: I have two  
24 children.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR HUGHBANKS: And I have to  
2 work.

3 THE COURT: How old are they?

4 PROSPECTIVE JUROR HUGHBANKS: Eighteen months  
5 and almost three.

6 THE COURT: Okay. And if you were here between  
7 9:30 and 6:00 every day, could you make arrangements  
8 for childcare?

9 PROSPECTIVE JUROR HUGHBANKS: I mean, I guess,  
10 yes.

11 THE COURT: Okay. And it indicates that your  
12 husband is a police officer.

13 PROSPECTIVE JUROR HUGHBANKS: Yes.

14 THE COURT: Is that here in Pasco County?

15 PROSPECTIVE JUROR HUGHBANKS: He works for the  
16 St. Pete Police Department.

17 THE COURT: He's a St. Pete police. So he has  
18 to travel quite a long time to get to his area?

19 PROSPECTIVE JUROR HUGHBANKS: Yes.

20 THE COURT: And what time in the morning does  
21 he leave?

22 PROSPECTIVE JUROR HUGHBANKS: He works nights.

23 THE COURT: He works night.

24 So does he work midnight shift?

25 PROSPECTIVE JUROR HUGHBANKS: Every day is a

1 little different. But generally he has to leave at  
2 4:00 to be there by 6:00, at night until 4:00 in the  
3 morning.

4 THE COURT: Okay. I got you. So he can't be  
5 the childcare provider because he has to leave the  
6 house before you would get off?

7 PROSPECTIVE JUROR HUGHBANKS: Correct.

8 THE COURT: So who would you have fill in?

9 PROSPECTIVE JUROR HUGHBANKS: It would have to  
10 be my mother-in-law.

11 THE COURT: Okay. And if we had you get your  
12 mother-in-law involved in all of this, do you think  
13 that would cause you so much stress sitting as a  
14 juror, that you would not be able to pay attention  
15 to what's going on in the case in the trial?

16 PROSPECTIVE JUROR HUGHBANKS: Yes.

17 THE COURT: Okay. You would be, like, I wonder  
18 if she fed them the right food, I wonder if she put  
19 them on nap time, and all that stuff we worry about  
20 when we have 18-month-olds.

21 PROSPECTIVE JUROR HUGHBANKS: That is correct.

22 THE COURT: Okay. State?

23 MR. LABRUZZO: No questions, Your Honor.

24 THE COURT: Defense?

25 MR. LIVERMORE: No.

1 THE COURT: All right. Ma'am, we'll have you  
2 step outside. We'll let you know what we're going  
3 to do. Okay?

4 State?

5 MR. LABRUZZO: Judge, we'd agree to cause.

6 THE COURT: Defense?

7 MR. LIVERMORE: Agree.

8 THE COURT: All right. You can let  
9 Ms. Hughbanks go. Just grab her badge. Tell her  
10 she's free to go. Okay?

11 The next people I have is Joshua  
12 Shutter [sic], Randi Jordan, Jeffrey Lura, Richie  
13 Vividen [sic].

14 MR. LIVERMORE: I don't have Vividen.

15 THE COURT: Okay. You have Shutter, Jordan and  
16 Lura?

17 MR. LIVERMORE: I have Randi Jordan. Is that  
18 the one you're talking about?

19 THE COURT: Do you have Joshua Shutter?

20 MR. LIVERMORE: I do not see that one.

21 MR. PURA: I don't either.

22 THE COURT: Maybe I'm pronouncing it wrong.

23 MS. GARRETT: Shaffer?

24 THE COURT: Shaffer. I didn't see it as an A.  
25 Sorry. That's why I can't read these people's

1 handwriting. It's an A.

2 Shaffer. Joshua Shaffer, Randi Jordan, and  
3 Jeffrey Lura.

4 MR. LABRUZZO: Shaffer and Lura.

5 MR. PURA: Lura is L-u-r-a?

6 THE COURT: Yes. It's L-u-r-a. Jeffrey L.  
7 Lura.

8 Randi Jordan, I think it's a girl. And those  
9 three let me know.

10 I also have Richie Vividen [sic],  
11 V-i-v-i-d-e-n.

12 MR. SARABIA: That's a J, Judge.

13 THE COURT: Oh, is it J? Jividen,  
14 J-i-v-i-d-e-n. Sorry. I'm reading them off the  
15 actual form.

16 Does somebody have Shaffer over there?

17 MR. PURA: Yes. I have Shaffer.

18 THE COURT: Do you have J-i-v-i-d-e-n, Richie?

19 All right. Bring out Joshua Shaffer, Randi  
20 Jordan, and Jeffrey Lura.

21 I can tell you on Shaffer the problem is is it  
22 said, "The trial lasting so long and can you do  
23 it?" And the answer is, "No." He's in the Army.  
24 Do you want to look at mine? I know what it is.  
25 He says, no, he cannot serve.



1 MR. LABRUZZO: Say that again.

2 THE COURT: It's pretty much, no, no, no, no,  
3 no, no.

4 Are we good? All right. Bring in  
5 Mr. Shaffer.

6 Good morning, Mr. Shaffer. How are you?

7 PROSPECTIVE JUROR SHAFFER: Good, Your Honor.

8 THE COURT: I'm going to have you on the first  
9 pew right there. Stop.

10 And, sir, you filled out the form. I  
11 appreciate it. You said that you would not be able  
12 to serve for the time period that we set out in the  
13 trial.

14 PROSPECTIVE JUROR SHAFFER: Yes, Your Honor.

15 THE COURT: And why don't you think you can  
16 serve?

17 PROSPECTIVE JUROR SHAFFER: I have a wife and  
18 two kids and \$30 a day isn't going to cut it.

19 THE COURT: Okay. Are you not paid if you're  
20 here?

21 PROSPECTIVE JUROR SHAFFER: No, Your Honor.

22 THE COURT: It says that you're in the Army.  
23 Are you in Reserves?

24 PROSPECTIVE JUROR SHAFFER: I'm in the National  
25 Guard now, yes.

1           THE COURT: Oh, okay. So you have a regular  
2 full time job that you get a little bit more money  
3 at than \$30 a day?

4           PROSPECTIVE JUROR SHAFFER: Yes.

5           THE COURT: Where do you work?

6           PROSPECTIVE JUROR SHAFFER: First Class  
7 Electric out in Zephyrhills.

8           THE COURT: Okay. And so if you were here,  
9 they do not pay you?

10          PROSPECTIVE JUROR SHAFFER: Yes.

11          THE COURT: And if you were here for the amount  
12 of time we're talking about, 22 days, that would  
13 cause you great significant financial hardship?

14          PROSPECTIVE JUROR SHAFFER: Yes.

15          THE COURT: And do you think if, let's say, I  
16 forced you to sit on the jury, do you think you'd be  
17 so distracted by the lack of income, that you'd have  
18 a hard time sitting as a fair and impartial juror?

19          PROSPECTIVE JUROR SHAFFER: No, Your Honor.

20          THE COURT: You'd pay attention?

21          PROSPECTIVE JUROR SHAFFER: Yes, ma'am.

22          THE COURT: You just wouldn't pay your bills?  
23 Your wife and children would go without food?

24          PROSPECTIVE JUROR SHAFFER: No, I would figure  
25 it out, Your Honor.

1 THE COURT: You would figure it out?

2 PROSPECTIVE JUROR SHAFFER: Yes.

3 THE COURT: Okay. State?

4 MR. LABRUZZO: I don't have any questions, Your  
5 Honor.

6 THE COURT: Defense?

7 MR. LIVERMORE: No questions.

8 THE COURT: Okay. I have one more question for  
9 you. Is there any way your boss will pay you for  
10 jury duty?

11 PROSPECTIVE JUROR SHAFFER: I can talk to him,  
12 Your Honor.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR SHAFFER: Maybe I can figure  
15 out something with him.

16 THE COURT: Okay. So if we chose you as a  
17 juror, do you think there's a possibility he would  
18 pay you for jury service?

19 PROSPECTIVE JUROR SHAFFER: Yes, Your Honor.

20 THE COURT: If I let you use your phone when  
21 you stepped outside, do you think you could call  
22 your office and speak to the owner?

23 PROSPECTIVE JUROR SHAFFER: Yes, Your Honor.

24 THE COURT: Okay. Tell him it's a big case and  
25 it was on TV, and you might have to sit as a juror.

1           We really need to know if he would pay you if you  
2           sat as a juror. Okay? I just need a yes or a no.  
3           I'm not forcing anybody. Whatever the rules are.  
4           But I think the lawyers would really like to know if  
5           your boss would be willing to pay you if you sat as  
6           a juror. Okay?

7                        PROSPECTIVE JUROR SHAFFER: Yes, ma'am.

8                        THE COURT: So I'll go ahead and let you use  
9           your phone when you step out. And after you make  
10          that phone call, you'll go back into the jury room.  
11          When we bring you in as a panel, we'll reask that  
12          question. Okay?

13                       Just let us know what his answer is. If he  
14          needs to talk to me, or he, she needs to talk to me  
15          about what it is and why I need you, tell them I'd  
16          be more than happy to make that phone call. Okay?  
17          I don't know if you're going to be picked, but I  
18          would hate somebody to not get paid and, you know,  
19          be in a significant hardship. Okay?

20                       PROSPECTIVE JUROR SHAFFER: Yes.

21                       THE COURT: All right. We're going to go ahead  
22          and send you back in, but in the meantime we'll let  
23          you use your phone in the hallway. Okay?

24                       PROSPECTIVE JUROR SHAFFER: Thank you, Your  
25          Honor.

1 THE COURT: All right. Thank you, sir.

2 THE BAILIFF: Your Honor, he left his phone in  
3 his truck. Can he go out to his vehicle and  
4 retrieve it?

5 THE COURT: Yes. Just tell him not to talk to  
6 anybody.

7 You all don't have any problems keeping him?  
8 I mean he answered the question he would pay  
9 attention, so I can't really strike him.

10 MR. LABRUZZO: I agree.

11 THE COURT: I'll see if they'll pay him.

12 Randi Jordan. This is the same thing. It  
13 says, "Depending on my job." So I don't know if  
14 this is one we have to let them make a phone call.

15 Good morning, Ms. Jordan. How are you? I'm  
16 going to have you come up to the first bench right  
17 there and step in just a little bit. I've got a  
18 couple of questions for you.

19 Ms. Jordan, on your form you indicated that  
20 when we talked about serving and the amount of time  
21 it would take and we asked if you could do that,  
22 you said, "Depending on my job"?

23 PROSPECTIVE JUROR JORDAN: Yes.

24 THE COURT: Depending on what about your job?

25 PROSPECTIVE JUROR JORDAN: I'm a unit manager,

1 and I don't know how this works.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR JORDAN: That's all. I just  
4 don't know how it works.

5 THE COURT: Okay. What company do you work  
6 for?

7 PROSPECTIVE JUROR JORDAN: I work for Heather  
8 Hill.

9 THE COURT: Heather Hill?

10 PROSPECTIVE JUROR JORDAN: Uh-huh.

11 THE COURT: And you are a unit manager?

12 PROSPECTIVE JUROR JORDAN: Yes. I'm a nursing  
13 manager, yes.

14 THE COURT: Okay. So what you don't know is if  
15 they will pay you if you sit on the jury service and  
16 how long they will pay you?

17 PROSPECTIVE JUROR JORDAN: Just if I will lose  
18 my job or not. That's the only thing I was  
19 concerned about.

20 THE COURT: Okay. Well, I can guarantee you  
21 they cannot fire you for jury service.

22 PROSPECTIVE JUROR JORDAN: Okay.

23 THE COURT: And I will make that phone call  
24 myself. My problem is is will they pay you?

25 PROSPECTIVE JUROR JORDAN: I don't know.

1           THE COURT: Okay. And so right now let's say  
2 you won't get fired, because that one I can  
3 guarantee you.

4           PROSPECTIVE JUROR JORDAN: Okay.

5           THE COURT: And I can say it on TV, if you'd  
6 like, because I have a camera back there.

7           PROSPECTIVE JUROR JORDAN: Okay.

8           THE COURT: But also if you can make a phone  
9 call and find out. Some places will pay for five  
10 days jury service, some three, some the whole time.

11          So what I need you to do, if I let you use  
12 your phone, is call your HR department.

13          PROSPECTIVE JUROR JORDAN: Okay.

14          THE COURT: And tell them that there's a chance  
15 that you could sit on this jury and that you would  
16 be sitting from October 30th to November 22nd. It's  
17 on the sheet of paper. Just tell them until  
18 Thanksgiving, from now to Thanksgiving, that's the  
19 easiest way to say it, and will they pay you for  
20 your jury service. Okay?

21          PROSPECTIVE JUROR JORDAN: Yes, ma'am.

22          THE COURT: All right. So I'm going to go  
23 ahead and let you step out and use your phone. When  
24 you're done using your phone, go ahead and go back  
25 in the big room. And when you come back, we'll ask

1           you that question later. Okay?

2           PROSPECTIVE JUROR JORDAN: Okay.

3           THE COURT: All right. Any problem with having  
4 her call her boss?

5           MR. LABRUZZO: Not from the State.

6           THE COURT: Okay. So we'll keep her.

7           Next I have Jeffrey Lura. Did everybody find  
8 your form?

9           MR. LABRUZZO: Yes, Judge.

10          THE COURT: And then I have Richie Jividen.  
11 How would you pronounce that? Jividen? It's  
12 J-i-v-i-d-e-n.

13          MR. LABRUZZO: Jividen.

14          THE COURT: Jividen.

15          MR. LABRUZZO: Jividen.

16          THE COURT: And then I also have Rodriguez.  
17 And I'm not sure what the first name is here.

18          MR. PURA: Rogelio.

19          THE COURT: Rogelio. Oh, it's one word.  
20 Rogelio Rodriguez.

21          I have on Lura, no, on not being able to  
22 serve.

23          Jividen, I have, "No, not able to serve."

24          And Mr. Rodriguez I have, "Guilt of sentencing  
25 a person to death." I figured we might as well



1 talk about that now.

2 MR. LIVERMORE: Yes.

3 THE COURT: Any problems with those three?

4 MR. LIVERMORE: No.

5 MR. LABRUZZO: No.

6 THE COURT: So, Rich, do you got those?

7 Rodriguez.

8 THE BAILIFF: I have to go next door to get

9 Rodriguez, but I have Jividen.

10 THE COURT: And Lura?

11 THE BAILIFF: Yes.

12 THE COURT: Okay. Why don't we bring in Lura

13 in, Jeffrey Lura.

14 Good morning, Mr. Lura. How are you?

15 PROSPECTIVE JUROR LURA: Pretty good.

16 THE COURT: I'm going to have you sit on the  
17 first bench right there. Just move in a little bit.

18 I appreciate you filling out the form for us.

19 It says that you would not be able to serve on the

20 trial if it lasted from October 30th to

21 November 22nd. What have you got going on?

22 PROSPECTIVE JUROR LURA: I have doctors

23 appointments and blood work that has to be done, and

24 I have a trip scheduled before Thanksgiving.

25 THE COURT: Okay. The trip, prepaid?

1 PROSPECTIVE JUROR LURA: No.

2 THE COURT: Okay. You're just going on --  
3 where are you going?

4 PROSPECTIVE JUROR LURA: I'm going back home to  
5 Wisconsin.

6 THE COURT: And that's where you live part  
7 time?

8 PROSPECTIVE JUROR LURA: Well, no, I live here  
9 full time now.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR LURA: I'm retired.

12 THE COURT: So you're going back to Wisconsin  
13 for Thanksgiving?

14 PROSPECTIVE JUROR LURA: Well, that and to take  
15 the car back that I have here that has to go back  
16 there.

17 THE COURT: Okay. And is there any way you can  
18 delay that until after Thanksgiving?

19 PROSPECTIVE JUROR LURA: No. Because the car  
20 has to be taken to California.

21 THE COURT: Okay. So you've got to get it  
22 there, then it's got to go to California?

23 PROSPECTIVE JUROR LURA: Correct.

24 THE COURT: And you already had that set up for  
25 a while now?

1           PROSPECTIVE JUROR LURA: Yes. That's been set  
2 up since spring.

3           THE COURT: Okay. And the doctors  
4 appointments, is it one you've been waiting and  
5 waiting for and now -- you got to do blood work to  
6 get to the doctor?

7           PROSPECTIVE JUROR LURA: Yes.

8           THE COURT: And when are they scheduled?

9           PROSPECTIVE JUROR LURA: I'm not sure of the  
10 exact dates, but I know they're fairly early in the  
11 November.

12          THE COURT: Okay. You got that little card on  
13 your refrigerator telling you when to go?

14          PROSPECTIVE JUROR LURA: Yes.

15          THE COURT: Okay. All right. State?

16          MR. LABRUZZO: No questions, Your Honor.

17          THE COURT: Defense?

18          MR. LIVERMORE: No questions.

19          THE COURT: All right. Sir, I'm going to have  
20 you step out in the hallway and we'll get back with  
21 you in just a minute. Okay?

22          State?

23          MR. LABRUZZO: No objection for cause  
24 challenge, Judge.

25          THE COURT: Defense?

1 MR. LIVERMORE: No objection.

2 THE COURT: All right. Mr. Lura, we can take  
3 his badge and release him.

4 And we'll take in Mr. Rich Jividen.

5 Good afternoon, sir. How do you pronounce  
6 your last name?

7 PROSPECTIVE JUROR JIVIDEN: Pardon me?

8 THE COURT: How do you pronounce your last  
9 name?

10 PROSPECTIVE JUROR JIVIDEN: Jividen.

11 THE COURT: All right. Mr. Jividen, if you go  
12 ahead and have a seat right there in the front row.

13 Sir, we were looking over your form. Thank  
14 you for filling it out. You said that you would be  
15 unavailable to sit as a juror because of the  
16 timeframe that we have set up for this trial; is  
17 that correct?

18 PROSPECTIVE JUROR JIVIDEN: Yes.

19 THE COURT: All right. What have you got going  
20 on?

21 PROSPECTIVE JUROR JIVIDEN: I have an  
22 anniversary with my wife. The 9th through the 11th,  
23 we'll be out of town.

24 THE COURT: Okay. Where are you all going?

25 PROSPECTIVE JUROR JIVIDEN: Ormond Beach.

1           THE COURT: And have you already prepaid the  
2 arrangements with the hotel and all that kind of  
3 stuff?

4           PROSPECTIVE JUROR JIVIDEN: Yes.

5           THE COURT: And your wife would never forgive  
6 me if I messed up her anniversary; is that correct?

7           PROSPECTIVE JUROR JIVIDEN: I don't think so.

8           THE COURT: Okay. And you said you might have  
9 read something about this. Would that be in the  
10 St. Pete Times? Did you see anything this morning?

11          PROSPECTIVE JUROR JIVIDEN: I have not seen  
12 anything this morning.

13          THE COURT: Okay.

14          PROSPECTIVE JUROR JIVIDEN: I saw it when it  
15 came out, that would be 2014, I think I may have  
16 seen something.

17          THE COURT: Did you form any opinion one way or  
18 another on the guilt or innocence of the defendant?

19          PROSPECTIVE JUROR JIVIDEN: No, ma'am.

20          THE COURT: All right. And the anniversary, is  
21 it a big one? Twenty?

22          PROSPECTIVE JUROR JIVIDEN: Twenty-seven years.

23          THE COURT: Okay. All right. State?

24          MR. LABRUZZO: No questions, Judge.

25          THE COURT: Defense?

1 MR. LIVERMORE: No questions.

2 THE COURT: All right. Sir, I'm going to have  
3 you step out into the hallway and we'll let you know  
4 what we're going to do. Okay?

5 PROSPECTIVE JUROR JIVIDEN: Yes, ma'am.

6 THE COURT: Thank you.

7 State?

8 MR. LABRUZZO: No objection, Judge.

9 THE COURT: Cause?

10 MR. LABRUZZO: Yes, Judge.

11 THE COURT: Defense, you're okay?

12 MR. LIVERMORE: No objection.

13 THE COURT: He can be released. We'll take his  
14 badge.

15 And then we'll have Mr. Rodriguez step in.

16 After Mr. Rodriguez, I have Larry Dupree,  
17 Daniel Kelley.

18 MR. LABRUZZO: Kelley?

19 THE COURT: Yeah. I have Kelley, Daniel  
20 Kelley.

21 Mr. Rodriguez, how are you this morning?

22 PROSPECTIVE JUROR RODRIGUEZ: Good. How about  
23 yourself, Your Honor?

24 THE COURT: Great. If I can have you slide in  
25 into the first pew up there.

1           Sir, I appreciate you filling out the form for  
2           us. You indicated that you were okay to serve as a  
3           juror for the time period and you knew nothing  
4           about this case.

5           But at the bottom you said, "If your views on  
6           the death penalty have changed in the last five  
7           years, please tell us what caused it." And you  
8           said, "The guilt of sentencing a person to death."

9           I wasn't exactly sure. Are you saying you  
10          used to feel guilty about that but no more? Or  
11          exactly how does that go?

12          PROSPECTIVE JUROR RODRIGUEZ: Before I was  
13          okay, but now I'm not.

14          THE COURT: Okay. And on the scale of one,  
15          never imposing death; and ten, always imposing  
16          death, you said you were a nine?

17          PROSPECTIVE JUROR RODRIGUEZ: Uh-huh.

18          THE COURT: Meaning that you would in a lot of  
19          cases impose the death penalty. So you don't have  
20          any problem, if asked, if the law required, based on  
21          me telling you what the law is, that you would  
22          impose death if the law required you to do that as a  
23          juror?

24          PROSPECTIVE JUROR RODRIGUEZ: No.

25          THE COURT: You could or couldn't?

1 PROSPECTIVE JUROR RODRIGUEZ: I couldn't.

2 THE COURT: You could not?

3 PROSPECTIVE JUROR RODRIGUEZ: No.

4 THE COURT: Okay. So you don't feel no matter  
5 what instructions I give you or the facts of the  
6 case, you would never under any circumstances  
7 believe that you could impose the death penalty?

8 PROSPECTIVE JUROR RODRIGUEZ: No.

9 THE COURT: So you think never, never you could  
10 impose it?

11 PROSPECTIVE JUROR RODRIGUEZ: No.

12 THE COURT: Okay. When you say, no, I don't  
13 know if that's, yes, I would impose it or --

14 PROSPECTIVE JUROR RODRIGUEZ: I will not impose  
15 the death penalty on nobody.

16 THE COURT: Ever?

17 PROSPECTIVE JUROR RODRIGUEZ: No.

18 THE COURT: Okay. I thought that's what you  
19 meant. Sorry. I was just trying to qualify it.

20 State, do you have any questions?

21 MR. LABRUZZO: No, Your Honor.

22 THE COURT: Defense?

23 MR. LIVERMORE: No, ma'am.

24 THE COURT: All right. Mr. Rodriguez, thank  
25 you very much. You may step out and we'll let you



1 know what we're going to do. Okay?

2 PROSPECTIVE JUROR RODRIGUEZ: Okay.

3 THE COURT: Thank you, sir.

4 PROSPECTIVE JUROR RODRIGUEZ: Thank you.

5 THE COURT: So I guess my scale doesn't mean  
6 anything.

7 MR. LABRUZZO: Yes.

8 THE COURT: Okay. Because he made himself a  
9 nine, but he'll never impose death. So that whole  
10 worried about the scale I don't think is a problem.  
11 State?

12 MR. LABRUZZO: Judge, we would move for cause  
13 challenge on him.

14 THE COURT: Defense?

15 MR. PURA: Judge, we don't agree on that one  
16 not based on your questioning. You did say that "If  
17 I instructed you that you must vote for death,"  
18 you'll never instruct them that they must vote for  
19 death. They are never required to vote for death.

20 So I would keep him so that I may be able to  
21 question him further about his knowledge of the law  
22 and whether knowing this, could he possibly, you  
23 know, give meaningful consideration for the death  
24 penalty.

25 THE COURT: Okay. So even though he just said

1 on the record under no circumstances would he ever  
2 impose death, you think you can rehabilitate him?

3 MR. PURA: I think we might be able to, yes.

4 THE COURT: Okay. We'll keep him. He'll go  
5 back into the room.

6 Larry Dupree. And then I have Daniel Kelley,  
7 and Daniel Besuglow, B-e-s-u-g-l-o-w.

8 Dupree says, "I have a question." His son is  
9 a defense attorney. So I figure we might as well  
10 address that now.

11 Then Kelley says, no, on can't sit.

12 And Besuglow says -- no answer to whether they  
13 know anything about the case.

14 Any problem with bringing those three in?

15 MR. LABRUZZO: If you could just give the last  
16 name.

17 THE COURT: Besuglow, B-e-s-u-g-l-o-w.

18 MR. LABRUZZO: There we go. That's all I  
19 needed.

20 THE COURT: So we've got Dupree, Kelley, and  
21 Besuglow. You got those?

22 I asked them if they didn't have an answer for  
23 me, to either put, yes, no, or NA. I think people  
24 got nervous.

25 MR. LABRUZZO: Judge, have we received all the

1 questionnaires, the supplementals?

2 THE COURT: Yes.

3 MR. LABRUZZO: Okay.

4 THE COURT: And we're currently under 85 left  
5 of persons in the other room. I'm trying to get as  
6 many as I can, but I promised them a break at 11:00.

7 MR. LABRUZZO: Okay.

8 THE COURT: So I'll get as many as I can until  
9 11:00. And then I'll go in there and I'll explain  
10 to them they're not allowed to talk about the case,  
11 they're not to look at anything.

12 We have some smokers and some people that want  
13 a soda and a cup of coffee and they're losing their  
14 mind in there. So they've been pretty good. I'll  
15 tell you they've been in there since 7:00 A.M.

16 Larry Dupree.

17 THE BAILIFF: Dupree.

18 THE COURT: Good morning, Mr. Dupree. How are  
19 you?

20 PROSPECTIVE JUROR DUPREE: I'm good. Good  
21 morning.

22 THE COURT: If you can have a seat in the first  
23 pew there.

24 I appreciate you filling out this form for me,  
25 and I also appreciate you writing on the bottom

1 about your son being a criminal defense attorney.

2 PROSPECTIVE JUROR DUPREE: Yes, ma'am.

3 THE COURT: And telling you that you needed to  
4 tell somebody that. Tell him I appreciate that.

5 Where does he practice?

6 PROSPECTIVE JUROR DUPREE: Not in this county.

7 THE COURT: Okay. In Florida?

8 PROSPECTIVE JUROR DUPREE: No. Out of state.

9 THE COURT: Out of state?

10 PROSPECTIVE JUROR DUPREE: Yes.

11 THE COURT: Okay. And so when you got the jury  
12 service letter, you gave him a call?

13 PROSPECTIVE JUROR DUPREE: Well, we talk all  
14 the time. He said, "Dad, you might need to let them  
15 know".

16 THE COURT: Okay. Anything about him being a  
17 defense attorney that it would have you have a hard  
18 time making a decision in a criminal case?

19 PROSPECTIVE JUROR DUPREE: No.

20 THE COURT: All right. He practices as a  
21 defense lawyer, which means he usually is the person  
22 defending the person who's charged with a crime.

23 And so let's say hypothetically you found the  
24 person guilty in this case, if you sat on the jury,  
25 would you have a hard time explaining that to your

1 son?

2 PROSPECTIVE JUROR DUPREE: Uh, no.

3 THE COURT: Okay. You went, "uh." You're dad,  
4 do you think you can explain -- I'm sure he has  
5 clients that have been found guilty before in his  
6 life.

7 PROSPECTIVE JUROR DUPREE: Absolutely, yes.

8 THE COURT: So would it weigh on your  
9 decision-making?

10 PROSPECTIVE JUROR DUPREE: No.

11 THE COURT: All right. And have you ever  
12 talked to him about his cases?

13 PROSPECTIVE JUROR DUPREE: He's talked about to  
14 me about some of his cases, yes.

15 THE COURT: Okay. And based on that, do you  
16 think you'd have a hard time sitting as a juror in a  
17 criminal case?

18 PROSPECTIVE JUROR DUPREE: No.

19 THE COURT: Okay. I'm just trying to think of  
20 questions the State might ask.

21 State, go ahead.

22 MR. LABRUZZO: Good morning, sir.

23 PROSPECTIVE JUROR DUPREE: Good morning.

24 MR. LABRUZZO: You mentioned that he practices  
25 out of state. Where does he practice?

1 PROSPECTIVE JUROR DUPREE: Mississippi now.

2 MR. LABRUZZO: Okay. Is he in private practice  
3 or does he work for a government agency?

4 PROSPECTIVE JUROR DUPREE: A government agency.

5 MR. LABRUZZO: Okay. And how long has he done  
6 that?

7 PROSPECTIVE JUROR DUPREE: For about eight  
8 years.

9 MR. LABRUZZO: Okay. What part of Mississippi?

10 PROSPECTIVE JUROR DUPREE: Jackson now. He was  
11 in Michigan prior to that.

12 MR. LABRUZZO: Okay. Sir, you said you're  
13 close with your son. Is that something you think  
14 that you would be okay not discussing being involved  
15 in the case with him?

16 PROSPECTIVE JUROR DUPREE: Yes.

17 MR. LABRUZZO: Okay. Has he shared experiences  
18 with you about some of the cases that he worked on?

19 PROSPECTIVE JUROR DUPREE: Yeah. He talked  
20 about a few cases.

21 MR. LABRUZZO: All right. Do you think you  
22 have the ability to separate any of the discussions  
23 or any of the things that you may have learned about  
24 either Michigan law or Mississippi law and rely only  
25 on the law the Court gives you in this case?

1 PROSPECTIVE JUROR DUPREE: I have no problem.

2 MR. LABRUZZO: Okay. Thank you, sir.

3 THE COURT: Defense, do you have any questions?

4 MR. LIVERMORE: No questions.

5 THE COURT: All right. Sir, thank you very  
6 much. We're just going to have you step right  
7 outside and we'll tell you what we're going to do.  
8 Okay?

9 PROSPECTIVE JUROR DUPREE: Okay.

10 THE COURT: Thank you, sir.

11 State, are we okay with him?

12 MR. LABRUZZO: Yes, Judge. I don't think he  
13 rises to the level of cause.

14 THE COURT: Defense?

15 MR. LIVERMORE: That's fine.

16 THE COURT: All right. We can have Mr. Dupree  
17 go back into the big group.

18 And we'll have Daniel Kelley come in.

19 Mr. Kelly, how are you, sir?

20 PROSPECTIVE JUROR KELLEY: Wonderful. How are  
21 you?

22 THE COURT: I'm going to have you sit in the  
23 first pew right there. You don't have to sit. You  
24 can stand. Whatever you want.

25 I appreciate you filling out the form for me.

1 In the part where it said whether you would be able  
2 to serve for the length of this trial, you said,  
3 "No." So what have you got going on?

4 PROSPECTIVE JUROR KELLEY: I'm the primary  
5 breadwinner for my family.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR KELLEY: My wife is pregnant,  
8 and I got two kids at home. Pretty much, you know,  
9 paycheck to paycheck.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR KELLEY: I don't think I  
12 would be able to --

13 THE COURT: Where do you work?

14 PROSPECTIVE JUROR KELLEY: I work down at Mease  
15 Dunedin Hospital. I'm a paramedic.

16 THE COURT: Okay. Are you paid if you are on  
17 jury duty?

18 PROSPECTIVE JUROR KELLEY: I don't believe so.

19 THE COURT: Okay. And so you think that if you  
20 were chosen as a juror, that you would have to take  
21 PTO or you'd miss overtime?

22 PROSPECTIVE JUROR KELLEY: Most likely PTO and  
23 overtime.

24 THE COURT: Okay. Do you do a lot of overtime?

25 PROSPECTIVE JUROR KELLEY: I try to.



1 THE COURT: All right. So they don't pay you  
2 for overtime obviously?

3 PROSPECTIVE JUROR KELLEY: No.

4 THE COURT: They just pay you your normal --

5 PROSPECTIVE JUROR KELLEY: Well, I would get --  
6 you know, any hours over 40 would be overtime per  
7 week.

8 THE COURT: Okay. Do you make a lot of  
9 overtime normally week to week?

10 PROSPECTIVE JUROR KELLEY: I generally try to  
11 pick up an extra shift a week if it's available.

12 THE COURT: Okay. And so if you were chosen on  
13 this jury, you would have to take your vacation and  
14 all that PTO time, and then you'd miss a whole seven  
15 hours, eight hours of pay on top of that per week?

16 PROSPECTIVE JUROR KELLEY: Most likely.

17 THE COURT: Would that significantly impact  
18 your take-home pay?

19 PROSPECTIVE JUROR KELLEY: It would.

20 THE COURT: And do you think if that happened,  
21 that you'd have a hard time paying attention to  
22 what's going on here because you'd be worried about  
23 that you're not getting paid?

24 PROSPECTIVE JUROR KELLEY: I'd be worried about  
25 my family, yes.

1 THE COURT: Okay. The only other question,  
2 since you are a paramedic, would you go and work  
3 midnights to make up the difference?

4 PROSPECTIVE JUROR KELLEY: I guess that would  
5 be a possibility. I'd have to trade some shifts.

6 THE COURT: Right. But if you were down money,  
7 is that something you might do?

8 PROSPECTIVE JUROR KELLEY: Yeah.

9 THE COURT: Okay. State?

10 MR. LABRUZZO: No questions, Your Honor.

11 THE COURT: Defense?

12 MR. LIVERMORE: No questions.

13 THE COURT: All right. Mr. Kelley, I'm going  
14 to have you step outside. We'll let you know in  
15 just one minute. Okay?

16 State?

17 MR. LABRUZZO: Judge, we'd move for cause.

18 THE COURT: Defense, are you okay?

19 MR. LIVERMORE: Yes.

20 THE CLERK: All right. Let Mr. Kelley -- we'll  
21 take his badge. He's good to go.

22 We'll bring in Daniel Besuglow. I'm killing  
23 that name. I'll figure it out when he get's in  
24 here.

25 After he comes in, I'm going to go ahead and

1 go next door and let them go ahead and -- what  
2 about an early lunch for them? And that way we can  
3 go through all the rest and see who else we need to  
4 talk to.

5 Good morning, sir. How are you?

6 PROSPECTIVE JUROR BESUGLOW: Good morning.

7 THE COURT: How do you pronounce your last  
8 name?

9 PROSPECTIVE JUROR BESUGLOW: Besuglow.

10 THE COURT: Sir, go ahead and have a seat right  
11 there.

12 We were looking through your form. And at the  
13 bottom, when we talked about the case, you didn't  
14 put anything, that you did not hear anything about  
15 the case or you have heard anything about the case.

16 Do you know anything whatsoever about this  
17 case?

18 PROSPECTIVE JUROR BESUGLOW: No. I never heard  
19 about it.

20 THE COURT: Now, you've been over next door for  
21 a while, probably since 7:00 this morning. You're  
22 probably one of our early guys.

23 Anybody talking about, other than what's  
24 written on this sheet of paper, about this case?

25 PROSPECTIVE JUROR BESUGLOW: No. No, we're not

1 talking. I mean not in my section there.

2 THE COURT: Okay. All right. State, any  
3 questions?

4 MR. LABRUZZO: No, Your Honor.

5 THE COURT: Defense?

6 MR. LIVERMORE: No.

7 THE COURT: All right. Sir, we're going to  
8 have you go back next door and we're going to keep  
9 you over there. But I just needed to clarify that  
10 one question. Okay?

11 PROSPECTIVE JUROR BESUGLOW: Okay.

12 THE COURT: Thank you.

13 All right. So what I'm going to do, it's  
14 11:02, they've been here some of them since 7:00,  
15 they've probably been in the parking lot since  
16 6:30.

17 So I'm going to go ahead and let them go to  
18 lunch, and give them strict instructions they're  
19 not to watch TV, they're not to look up anything on  
20 the Internet, anything like that. They've been  
21 really good about that so far. And have them come  
22 back into the jury pool room at 12:05.

23 After I do that, I don't want you guys to go  
24 anywhere. I'm going to come back and we're going  
25 to go through the stack and pull out anybody else

1           who we need to talk to so I'll have a quick list,  
2           so we can go through it quicker. Okay? So we can  
3           give a list to my bailiff and he can line people up  
4           faster.

5           THE CLERK: Are they going back to 3-B?

6           THE COURT: No. When they go to lunch, they're  
7           going to go back to 3-B. Okay. So they all have --  
8           it's very easy. I'll tell them not to talk to  
9           anybody, not to say anything. But for you guys to  
10          know they have a pink dot. What's they're badge?  
11          Pink?

12          THE CLERK: It's orange.

13          THE COURT: Orange.

14          Okay. So all my jurors have orange dots.  
15          Okay? Orange'ish. So anybody have a problem with  
16          that? They're going to go to lunch sooner or  
17          later, so we might as well send them now.

18          MR. LABRUZZO: I don't have an objection to  
19          lunch now. I just don't know if we'll be done with  
20          enough time. I don't know how long it's going to  
21          take us to do what we're going to do.

22          THE COURT: It's only going to take a few  
23          minutes. So I can guarantee you you'll have plenty  
24          of time for lunch.

25          MR. LABRUZZO: Okay.

1           THE COURT: So you guys look at your forms.  
2           I'm going to go next door and I'll be right back.  
3           Okay?

4           (Recess Taken.)

5           THE BAILIFF: All rise.

6           THE COURT: All right. You may be seated.

7           Okay. Just quickly on my list of jurors that  
8           are left, I have Ronak Patel. I have no answer on  
9           whether he knows anything, so we'll bring him over.

10          I have Alpheus Rogers. She said -- or she  
11          said, no, on whether they can serve.

12          Holly McKelvey has a bunch of stuff, so she's  
13          coming over.

14          Then I have Suzanne Springfield said on  
15          whether she can serve, "Possible."

16          So I have Robert Ledbetter. He said, "Maybe."  
17          So he's got to come over.

18          Richard Valdez, I think it is. It's hard to  
19          read his handwriting.

20          THE CLERK: Yes.

21          THE COURT: Is it Valdez?

22          THE CLERK: It is.

23          THE COURT: All right. Richard Valdez. On the  
24          back, it says he needs to talk to me because of  
25          health issues; and, no, he can't serve.

1 Samuel Schambeau. When I asked could they  
2 serve, "No".

3 Barbara Vliet, which I would believe that the  
4 State would not want. This Barbara Vliet is the  
5 mother --

6 MR. LABRUZZO: I know who Barbara Vliet is.

7 THE COURT: -- of the dad and the son who  
8 Ms. Garrett represented I think on one side.

9 MR. SARABIA: I think I charged one of them  
10 with something. I charged the L and L.

11 MS. GARRETT: The father wanted a trial.

12 THE COURT: Well, we took the son into custody  
13 at the father's trial. So I'll bring her over. I  
14 think she'll know everybody in the courtroom.

15 Allen Holsinger. He saw it on the news.

16 MR. LABRUZZO: Holsinger?

17 THE COURT: It looks like it's H-o- -- it might  
18 be H-a- --

19 THE CLERK: It's Holsinger.

20 THE COURT: Holsinger.

21 THE CLERK: H-o-l-s-i-n-g-e-r.

22 THE COURT: They kind of pushed that all  
23 together on this.

24 Michael Hickey. He said, no, he can't serve  
25 time-wise.

1           Robert Cashion, C-a-s-h-i-o-n. I believe it's  
2           Cashion, C-a-s-h-i-o-n. You got that one?

3           MR. LIVERMORE: I don't.

4           THE COURT: Nicole Long said she can't serve,  
5           timeframe.

6           Mary Black said that "Doesn't know"; and, yes,  
7           she saw it on the news.

8           Bridget, it's P-o-l-o-w-n-i-a-k, Polowniak.  
9           Everybody have that one?

10          MR. PURA: Polowniak. A news junky.

11          THE COURT: Yes.

12          Debra Hendley said she can't serve.

13          Alice Coleman can't serve.

14          Johanna Edwards, on the bottom, says she has  
15          an appointment at 4:30, doctor's appointment for  
16          her back. So the thing is we can release her to  
17          come back. I don't know. We'll just see what  
18          happens. It sounds like she has back problems  
19          anyway.

20          Thomas Davis said he saw it right after it  
21          happened and read it in the newspaper.

22          I have one that has the first name is E-l-s-a.  
23          I don't know if that's the first name or the last  
24          name.

25          MR. SARABIA: Judge, her name was Elsa Felix.



1 Elsa Felix, I believe.

2 THE COURT: Felix?

3 THE CLERK: Elsa Felix.

4 THE COURT: Oh, Felix. Right there. She said,  
5 "Not that I think of," and, "I guess." So do we  
6 want to bring her over?

7 MR. LABRUZZO: Sure.

8 THE COURT: Okay. Then we have Lianabel  
9 Cardona. She said she has small children.

10 And then Farrell Thomas, in the middle, says,  
11 "I do have anxiety and depression and I'm worried  
12 that a murder trial would aggravate it." So we'll  
13 bring that over.

14 Again, I think I have a last name. Pil --

15 MR. LIVERMORE: Pilaszkieicz.

16 THE COURT: Yes. It's Bridget --

17 MR. LABRUZZO: Could you spell it.

18 THE COURT: No, no. I'm not pronouncing that  
19 one right. It's A-r-k-a-d-i-u-s-z. Last name  
20 Pilaszkieicz.

21 MR. LIVERMORE: Pilaszkieicz.

22 THE COURT: Oh, good. I'm going to let you say  
23 that one.

24 MR. LABRUZZO: Could you spell it for me?

25 THE COURT: That one is coming over.

1 MR. LABRUZZO: Can you spell it for me, Dean.

2 MR. LIVERMORE: P-i-l-a-s-z-k-i-e-w-i-c-z.

3 THE COURT: Jacqueline -- it starts with a K.

4 MR. LIVERMORE: K-o-r-y-u-s.

5 THE COURT: Yes. Koryus says, "Yes. Remember  
6 when story broke". So you want her over, right?

7 MR. LABRUZZO: Koryus?

8 THE COURT: Yes. Koryus.

9 I have Bruce Rossi says he can't serve because  
10 of time.

11 Tabitha Dunsford. I think she works full time  
12 and has a six-month-old. So she said that she  
13 can't do it because of that. We'll bring her over.

14 Pamela Chamberlain said she saw it on the news  
15 this morning.

16 MR. LABRUZZO: Chamberlain?

17 THE COURT: Yes.

18 Cindy Swan says she can't do it because of the  
19 timeframe.

20 William Weber says he can't do it because of  
21 the timeframe.

22 Tamara, M-u-s-e, says she can't do it from the  
23 timeframe; and she has no opinion on the death  
24 penalty. That's interesting. That's a clean  
25 slate.

1           Gina Wharton. She says that she needs to talk  
2 to me because the crime took place across the  
3 street from my sister-in-law, brother-in-law. They  
4 might be witnesses.

5           I did tell them when I went over there if they  
6 know anything about the case not to talk to each  
7 other or anyone else about the case. Okay?

8           Then I have Rosemary Leavy, L-e-a-v-y, I think  
9 it is. On the back she says, "I have a question  
10 about the scale." Now, I don't know if you want to  
11 talk about that now or talk about that later.

12           MR. LABRUZZO: I'd rather talk about it later.

13           THE COURT: All right. With her, other than  
14 that, I don't see any reason. We can talk about  
15 that later.

16           MR. LIVERMORE: Rosemary?

17           THE COURT: It's Leavy.

18           MR. LIVERMORE: Oh, okay.

19           THE COURT: Then I have Valerie Gilkes. She  
20 said, "Timeframe. Unavailable".

21           MR. LABRUZZO: Can you repeat the last name?

22           THE COURT: It's G-i-l-k, I think it's -e-r,  
23 Gilker.

24           THE CLERK: It's -e-s.

25           THE COURT: -e-s. Gilkes. Yes. Valerie

1 Gilkes, G-i-l-k-e-s. You got her?

2 Chris Leyva, L-e-y-v-a. Christopher Leyva. I  
3 don't know.

4 MR. LABRUZZO: Leyva.

5 THE COURT: Leyva. Okay. I need to talk to  
6 him because he said, no.

7 And Joshua McAdams. Those would be all the  
8 ones that I would speak to.

9 Does anybody have one that's not in my group?

10 MR. LABRUZZO: Judge, we might.

11 THE COURT: What's the last name?

12 MR. LABRUZZO: We might have one. It's kind of  
13 all mixed up now. I made a note. I think I saw a  
14 name of Ms. Ackerman. I can't remember if it's  
15 Ackerman or not. Yes, Ms. Ackerman.

16 THE COURT: Okay. What did she say?

17 MR. LABRUZZO: She mentions that her son is a  
18 victim of a murder. So I thought maybe that would  
19 be a topic worthy of --

20 THE COURT: Oh, yes. Sorry. Yes. Absolutely.  
21 I got it right here. Son was murdered. I was  
22 flipping to the back.

23 MR. LABRUZZO: And, Judge, I may have more. I  
24 don't really have my -- maybe when we come back I'll  
25 have a quick list. If I can kind of pull these out

1 and kind of cross-reference.

2 THE COURT: Mr. Livermore?

3 MR. LIVERMORE: We have Debra Hendley.

4 THE COURT: Hendley?

5 MR. LIVERMORE: Hendley, H-e-n-d-l-e-y, who  
6 said, no, to the timeframe.

7 THE CLERK: She's on there.

8 THE COURT: She's on there.

9 THE CLERK: She's on the list of people coming  
10 back.

11 MR. LIVERMORE: Oh, okay.

12 THE COURT: That's okay. I'd rather you say it  
13 now.

14 MR. LABRUZZO: Judge, did we speak to  
15 Mr. Navarro, Jorge Navarro?

16 THE COURT: Yes.

17 MR. LABRUZZO: Okay. And then there's a  
18 Ms. Pamela Ortega Zurita, who said that she needed  
19 to leave by 2:00 today.

20 THE COURT: Ortega. First name Pamela?

21 MR. LABRUZZO: Yes, ma'am.

22 Judge, we'd also ask to speak to --

23 THE COURT: Hold on. Let me find Pamela first.

24 MR. LABRUZZO: Sure.

25 THE COURT: All right. Who else?

1 MR. LABRUZZO: Judge, Brian Peters.

2 THE COURT: We talked to Brian Peters.

3 THE CLERK: We did.

4 MR. LABRUZZO: Is that one of the ones we spoke  
5 to?

6 THE COURT: Yes.

7 MR. LABRUZZO: Okay. Forgive me.

8 MR. LIVERMORE: There's a Michael Darner. His  
9 address is Ruskin, and it says he was on a  
10 Hillsborough County jury this year. So I think we  
11 may have a residence issue.

12 THE COURT: All right. So we'll talk to  
13 Michael Darner.

14 MR. LIVERMORE: Do you have Robert Cashion?

15 THE COURT: Yes. He's on the list of who we're  
16 talking to.

17 MR. LIVERMORE: Okay.

18 THE COURT: All right. Anybody else that we  
19 know of right now?

20 MR. LABRUZZO: Not that I can see, Judge.

21 THE COURT: Okay. All right. So we'll see you  
22 guys back at 12:05.

23 (Recess Taken.)

24

25 (CONTINUATION IN VOLUME II.)

1 (HEARING CONCLUDED.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF PASCO )

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

DATED this 10th day of March, 2019.

/S MARIA A. FORTNER  
MARIA A. FORTNER  
Registered Professional Reporter



