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

2 THE COURT: All right. Are there any other  
3 people that you needed to speak to that we didn't go  
4 over before we broke for lunch?

5 MR. LABRUZZO: Yes, Judge. There was Nicole  
6 Long?

7 THE COURT: She's on the list.

8 MR. LABRUZZO: Okay. I'm sorry, Judge, I  
9 missed that one.

10 THE COURT: No. That's okay. I want to make  
11 sure. I'd rather hear it twice than not have them  
12 at all.

13 MR. LABRUZZO: Kimberly Staton.

14 THE CLERK: She's already gone. We already  
15 dismissed her.

16 THE COURT: We struck her.

17 MR. LABRUZZO: Okay. The last one was David  
18 Robart.

19 THE COURT: No, we haven't spoken to him.

20 THE CLERK: No.

21 THE COURT: It's R-o-b-a-r-t. Let me find his.  
22 He was near the bottom.

23 Defense, is there anybody else that you need  
24 that isn't on the list?

25 MR. LIVERMORE: I don't think so.

1 THE COURT: Okay. Deputy Cleaver.

2 THE BAILIFF: Yes, Your Honor.

3 THE COURT: Robart will be 36. I believe  
4 that's what number we let off, 35. So he'll be 36.

5 All right. So we need Michael Darner, Pamela  
6 Ortega, and Linda Ackerman. Those three.

7 MR. LABRUZZO: Ackerman, Ortega --

8 THE COURT: And Michael Darner.

9 MR. LABRUZZO: Thank you, Judge.

10 THE COURT: Darner is the one that we're  
11 concerned about because he was on a Hillsborough  
12 jury. Other than that, there's no real concern  
13 about him. D-a-r-n-e-r.

14 And Ortega says she has to be out of here by  
15 2:00, because she has a drug screening today. So  
16 we're trying to get her out of here by 2:00.

17 And Ackerman says that her son was murdered.  
18 So that's what we're talking about, those three.

19 Mr. Darner, how are you?

20 PROSPECTIVE JUROR DARNER: Good. How are you?

21 THE COURT: If you can scoot in the first pew  
22 at the front so we can talk to you for just a  
23 moment, sir.

24 Did you get lunch?

25 PROSPECTIVE JUROR DARNER: Yes.

1           THE COURT: Okay. Great. Mr. Darner, what we  
2           are concerned about on your questionnaire is that  
3           you were a prospective juror in Hillsborough County  
4           in June of 2017.

5           PROSPECTIVE JUROR DARNER: That is correct.

6           THE COURT: So I'm trying to figure out if you  
7           live within the jurisdiction of Pasco County  
8           currently?

9           PROSPECTIVE JUROR DARNER: At that time I was  
10          in Hillsborough County. My mother has passed away,  
11          so I moved back to Pasco County.

12          THE COURT: Okay. So you currently are a  
13          resident of Pasco County?

14          PROSPECTIVE JUROR DARNER: (Indicating.)

15          THE COURT: Okay. Defense, do you have any  
16          questions?

17          MR. LIVERMORE: I do not, Judge. However, he  
18          is statutorily allowed to opt out because he's been  
19          a juror.

20          THE COURT: Because he's been a juror.

21          MR. LIVERMORE: Yes.

22          THE COURT: Right. That's right. Thank you.  
23          It says you were a prospective juror. Did you  
24          actually sit on a jury panel?

25          PROSPECTIVE JUROR DARNER: No.

1 MR. LIVERMORE: Oh, okay.

2 THE COURT: So I hate to tell you but you're  
3 going back in the big room.

4 State, do you have any other questions?

5 MR. LABRUZZO: I have no questions.

6 THE COURT: If you are chosen as a juror, that  
7 gives you an exemption for a year. So since you  
8 didn't actually sit as a juror, you're still going  
9 to be in our big group. Okay?

10 PROSPECTIVE JUROR DARNER: How does that work  
11 out, because I was in Hillsborough and now I'm a  
12 Pasco County.

13 THE COURT: Well, you're a Pasco County juror  
14 now since you live in Pasco County. So if you would  
15 have sat in that jury panel in Hillsborough, I could  
16 have excused you.

17 PROSPECTIVE JUROR DARNER: Right.

18 THE COURT: But because you didn't sit, you're  
19 still a member of our big group. You still might  
20 get struck, but it's not an automatic. Okay? So  
21 we're going to have you go on back. Thank you, sir.

22 PROSPECTIVE JUROR DARNER: Thank you.

23 THE COURT: And then we're going to have Pamela  
24 Ortiz [sic]. Pamela Ortiz -- Ortega. Sorry. I  
25 keep saying that. Ortega. What do you think her

1 last name is now?

2 MR. LIVERMORE: Zurita.

3 THE COURT: Zurita.

4 MR. LABRUZZO: Zurita.

5 THE COURT: Zurita. Okay.

6 Good afternoon, ma'am.

7 PROSPECTIVE JUROR ORTEGA: Good afternoon.

8 THE COURT: Is it Zurita now or is it --

9 PROSPECTIVE JUROR ORTEGA: Ortega.

10 THE COURT: Okay. It's Ortega currently?

11 PROSPECTIVE JUROR ORTEGA: It's Ortega-Zurita.

12 THE COURT: Okay. It's hyphenated. Okay. I  
13 apologize. I couldn't tell.

14 How are you this afternoon?

15 PROSPECTIVE JUROR ORTEGA: Good. How are you?

16 THE COURT: Great. You had said on the bottom  
17 of your form that you're starting a new job and you  
18 have a drug screening scheduled for today at 2:00.

19 PROSPECTIVE JUROR ORTEGA: Yes, ma'am.

20 THE COURT: And I do not want you to miss that.  
21 I assume if you don't do that, then they're not  
22 going to give you the job, right?

23 PROSPECTIVE JUROR ORTEGA: Correct.

24 THE COURT: Where is the job?

25 PROSPECTIVE JUROR ORTEGA: It's Neo Genomics.



1 THE COURT: Where?

2 PROSPECTIVE JUROR ORTEGA: It's called Neo  
3 Genomics. It's in 301 and Falkenburg.

4 THE COURT: Okay. If you were able to go and  
5 do the drug test, where do you have to go?

6 PROSPECTIVE JUROR ORTEGA: LabCorp on Sheldon.

7 THE COURT: And how long would that take you?

8 PROSPECTIVE JUROR ORTEGA: That appointment is  
9 at 2:00. It takes me about maybe 35 minutes to ride  
10 over there.

11 THE COURT: And so that same equal to get back.  
12 So you'd have to leave here by 1:15, and you  
13 wouldn't be back until 3:30?

14 PROSPECTIVE JUROR ORTEGA: Correct.

15 THE COURT: Is that about right?

16 PROSPECTIVE JUROR ORTEGA: Yeah.

17 THE COURT: Let's say I can get you over there  
18 and get you back, with this new job could you sit as  
19 a juror?

20 PROSPECTIVE JUROR ORTEGA: I mean, I would have  
21 to tell my job. But I mean do I have an option?

22 THE COURT: How do you think they'd take that?

23 PROSPECTIVE JUROR ORTEGA: Do I have an option?

24 THE COURT: Well, what I'm concerned about is  
25 it is a brand-new job. I assume you've only been

1           there a couple of weeks or a day?

2                   PROSPECTIVE JUROR ORTEGA: I haven't started.  
3           I start November 14th.

4                   THE COURT: Okay. So you don't even start  
5           until November 14?

6                   PROSPECTIVE JUROR ORTEGA: Correct.

7                   THE COURT: And then I would keep you an extra  
8           week. So you wouldn't start until November 22nd.  
9           What are you doing now for income?

10                   PROSPECTIVE JUROR ORTEGA: I work for Moffit  
11           Cancer Center.

12                   THE COURT: Okay. And would they let you off  
13           or would they let you sit as a juror and pay you?

14                   PROSPECTIVE JUROR ORTEGA: I think so.

15                   THE COURT: Okay.

16                   PROSPECTIVE JUROR ORTEGA: I really don't know.

17                   THE COURT: All right.

18                   PROSPECTIVE JUROR ORTEGA: Because I gave my  
19           resignation, so I'm in my two weeks.

20                   THE COURT: You're in your two weeks right now.  
21           You're still working, but you're on your two weeks  
22           notice?

23                   PROSPECTIVE JUROR ORTEGA: Correct.

24                   THE COURT: State, do you have any questions?

25                   MR. LABRUZZO: I do not.

1 THE COURT: All right. Defense?

2 MR. LIVERMORE: I do.

3 THE COURT: Sure.

4 MR. LIVERMORE: Ma'am, since you gave your  
5 notice, do you know if they're going to let you skip  
6 your last week after you after you --

7 PROSPECTIVE JUROR ORTEGA: I know for sure I'm  
8 not allowed -- the policy says that I'm not allowed  
9 to call out or be out. But if it's government  
10 related, I don't know what it would be like.

11 MR. LIVERMORE: And you don't know whether  
12 they're going to pay you?

13 PROSPECTIVE JUROR ORTEGA: Right.

14 MR. LIVERMORE: Is that going to be an issue if  
15 it ends up they're not paying you?

16 PROSPECTIVE JUROR ORTEGA: Yeah. Yeah. I  
17 mean, that's my income.

18 THE COURT: So if you're not paid, do you think  
19 you'd have a hard time sitting as a juror in this  
20 case?

21 PROSPECTIVE JUROR ORTEGA: Yes.

22 THE COURT: Okay. And you have no idea because  
23 it's a new job and an old job?

24 PROSPECTIVE JUROR ORTEGA: Correct.

25 THE COURT: Okay. All right. Thank you. You

1 can step outside and we'll let you know in just a  
2 minute. Okay? I promise you'll get to your drug  
3 testing by 2:00 either way.

4 PROSPECTIVE JUROR ORTEGA: Okay. Thank you  
5 very much.

6 THE COURT: No problem.  
7 State, where do you stand?

8 MR. LABRUZZO: Judge, I would defer to the  
9 Defense on this for cause.

10 MR. LIVERMORE: I think I would challenge for  
11 cause.

12 THE COURT: Okay. We'll release her. Tell her  
13 she can go.

14 And then we'll have Ms. Ackerman come in.

15 Yeah, that one is a hard one. You're on your  
16 old job and you're new job. Both are probably  
17 okay, but you're not in either/or.

18 Good afternoon, Ms. Ackerman. How are you?

19 PROSPECTIVE JUROR ACKERMAN: Fine. Thank you.  
20 How are you?

21 THE COURT: Good. If you come up to the first  
22 pew in the front there. Yes, ma'am.

23 Thank you for filling out your questionnaire.

24 PROSPECTIVE JUROR ACKERMAN: You're welcome.

25 THE COURT: I can only imagine you thought that

1 we would come in and ask you about the one thing  
2 that's on the front. And it indicates that your son  
3 was a victim of murder.

4 PROSPECTIVE JUROR ACKERMAN: Yes.

5 THE COURT: I'm sorry for your loss.

6 PROSPECTIVE JUROR ACKERMAN: Thank you.

7 THE COURT: This is a murder case. I would  
8 think that that would be difficult for you, but only  
9 you can speak for yourself. So this is a murder  
10 case. You're the mother of a murder victim. Do you  
11 think that you would have a hard time being a fair  
12 and impartial juror in this case?

13 PROSPECTIVE JUROR ACKERMAN: No. Not at this  
14 time because it was 22 years ago. I understand from  
15 both sides how people feel.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR ACKERMAN: What to look for,  
18 how to react and find the exact cause why it  
19 happened.

20 No, I have no problem with dealing with that.

21 THE COURT: Okay. And my question to you is do  
22 you believe that you can sit as a juror finding that  
23 Mr. Matos is innocent until the State meets their  
24 burden to prove beyond a reasonable doubt that he's  
25 guilty?

1 PROSPECTIVE JUROR ACKERMAN: Yes, I could.

2 THE COURT: You believe you could hold the  
3 State to their burden?

4 PROSPECTIVE JUROR ACKERMAN: Yes. I could at  
5 this time, yes.

6 THE COURT: Okay. State, do you have any  
7 questions?

8 MR. LABRUZZO: I do.

9 Good afternoon, ma'am. You keep saying at  
10 this time.

11 PROSPECTIVE JUROR ACKERMAN: In the past, like  
12 the first five years or something, because I did go  
13 through another trial in Pinellas County and I  
14 couldn't do it. But now, since it's a longer time,  
15 I understand, things have passed, I put my grief  
16 aside when I go through things like this now.

17 MR. LABRUZZO: Did it happen in Pinellas?

18 PROSPECTIVE JUROR ACKERMAN: No. It happened  
19 in Georgia.

20 MR. LABRUZZO: Okay. Was that case --  
21 ultimately was someone arrested? Charged? Was  
22 there a trial in that case?

23 PROSPECTIVE JUROR ACKERMAN: Yes.

24 MR. LABRUZZO: All right. Did you participate  
25 in that case?

1           PROSPECTIVE JUROR ACKERMAN: I was a character  
2 witness for my son.

3           MR. LABRUZZO: Okay. So you testified?

4           PROSPECTIVE JUROR ACKERMAN: Yes.

5           MR. LABRUZZO: All right. And you say that as  
6 time has passed, you've been able to put it in its  
7 place, I guess, mentally?

8           PROSPECTIVE JUROR ACKERMAN: Yes.

9           MR. LABRUZZO: Can you set aside all the  
10 experiences that you had related to the trial and  
11 listen only to the facts of this case?

12          PROSPECTIVE JUROR ACKERMAN: I can, yes.

13          MR. LABRUZZO: All right. If a person were to  
14 testify that's a relation to one of the victims, is  
15 that going to be emotional for you?

16          PROSPECTIVE JUROR ACKERMAN: I have compassion.

17          MR. LABRUZZO: All right. Well, the question  
18 is would your compassion affect your ability to  
19 listen to the facts of the case?

20          PROSPECTIVE JUROR ACKERMAN: No.

21          MR. LABRUZZO: All right. If you were called  
22 upon to view photographs of a case that involves  
23 victims, is that something that's going to be  
24 emotional for you?

25          PROSPECTIVE JUROR ACKERMAN: No.

1 MR. LABRUZZO: All right. In your mind is  
2 there anything that can you think of that may affect  
3 your ability to listen to it? If you were to hear  
4 something, say something?

5 PROSPECTIVE JUROR ACKERMAN: No.

6 MR. LABRUZZO: Okay.

7 PROSPECTIVE JUROR ACKERMAN: I'm fine.

8 MR. LABRUZZO: All right.

9 PROSPECTIVE JUROR ACKERMAN: I'm good with  
10 everything.

11 MR. LABRUZZO: All right. Thank you, ma'am.

12 PROSPECTIVE JUROR ACKERMAN: You're welcome.

13 THE COURT: Hold on. No, you're not done yet.

14 PROSPECTIVE JUROR ACKERMAN: Oh.

15 THE COURT: Defense, do you have any questions?  
16 We give both sides an opportunity, if they wish.

17 PROSPECTIVE JUROR ACKERMAN: I'm sorry.

18 THE COURT: That's okay.

19 MR. PURA: Good afternoon, ma'am. Just one  
20 question. How old was your son when he was killed?

21 PROSPECTIVE JUROR ACKERMAN: He was 37.

22 MR. PURA: Thank you.

23 PROSPECTIVE JUROR ACKERMAN: Thank you. You're  
24 welcome.

25 THE COURT: All right. You may step out.



1 We'll let you know in just one moment. Okay?

2 PROSPECTIVE JUROR ACKERMAN: Thank you.

3 THE COURT: State?

4 MR. LABRUZZO: I don't think she rises to the  
5 level of a cause challenge.

6 THE COURT: Defense?

7 MR. LIVERMORE: I agree.

8 THE COURT: Okay. So she'll remain. You can  
9 have her go back over.

10 The next three I have is Ronak Patel, Alpheus  
11 Rogers, and Holly McKelvey.

12 My bailiff already has a list, so he knows  
13 exactly who I need.

14 So I have Patel, Rogers, and McKelvey.

15 MR. PURA: We might have a language issue on  
16 Mr. Patel.

17 THE COURT: Okay. He speaks Hindu and some  
18 other language I've never heard of.

19 MR. LABRUZZO: Judge, you said Rogers, Patel --  
20 and what was the third?

21 THE COURT: McKelvey. She's the one we added.  
22 M-c-K-e-l-v-e-y, Holly.

23 MR. PURA: He didn't fill out anything as far  
24 as a schedule or 1 to 10.

25 THE COURT: Correct. He said that he was

1 available, but he didn't say whether he's heard  
2 anything about, and he did not fill out anything  
3 about the death penalty. But he did say, "Have you  
4 held these views on the death penalty? No." So I'm  
5 not sure if he --

6 MR. PURA: -- understood the question.

7 THE COURT: Is Mr. Patel ready?

8 THE BAILIFF: Mr. Patel is ready, Your Honor.

9 THE COURT: Mr. Patel, come on in.

10 Ms. Patel. I'm sorry. Ms. Patel, how are  
11 you?

12 PROSPECTIVE JUROR PATEL: Good. How are you?

13 THE COURT: Good. If you can stand right there  
14 in the first row. I have a few questions.

15 Number one is you said that you read or speak  
16 a language other than English, and you said Hindi  
17 and another language.

18 PROSPECTIVE JURY PANEL: Gujuaradi.

19 THE COURT: Where is that from?

20 PROSPECTIVE JUROR PATEL: That's from India.

21 THE COURT: Oh, it's also an Indian dialect?

22 PROSPECTIVE JUROR PATEL: Yes.

23 THE COURT: Okay. Are born in the United  
24 States?

25 PROSPECTIVE JUROR PATEL: No. I born in India.

1           THE COURT: Okay. And how long have you been  
2 here?

3           PROSPECTIVE JUROR PATEL: Twenty-four years.

4           THE COURT: So do you have any problem  
5 understanding the English language?

6           PROSPECTIVE JUROR PATEL: I understand, but I  
7 don't speak like fluently. Like it's very, you know  
8 --

9           THE COURT: Okay. Well, as a juror you're not  
10 called on to testify, but you need to listen to  
11 testimony of witnesses and some expert witnesses,  
12 perhaps. Do you believe that you could do that?

13          PROSPECTIVE JUROR PATEL: Yeah.

14          THE COURT: Okay. And the question at the back  
15 said, "Did you know anything about this case?" Do  
16 you know anything about this case?

17          PROSPECTIVE JUROR PATEL: I just know about it  
18 a little bit.

19          THE COURT: Okay. And what little bit do you  
20 know?

21          PROSPECTIVE JUROR PATEL: The person murdered  
22 four people.

23          THE COURT: Okay.

24          PROSPECTIVE JUROR PATEL: And that's all I  
25 know. Because I'm working nights, during the day I

1 sleep, so I don't watch the TV that much.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR PATEL: So that's my excuse.

4 THE COURT: Now, where did you hear the part  
5 about murdering four people?

6 PROSPECTIVE JUROR PATEL: I just heard about  
7 discussing with my husband.

8 THE COURT: Okay. Did he see it on TV today?

9 PROSPECTIVE JUROR PATEL: Yeah.

10 THE COURT: Okay. Did he tell you any facts?

11 PROSPECTIVE JUROR PATEL: No. Nothing about  
12 facts.

13 THE COURT: And is there anything that you have  
14 heard from either the TV, your husband, anybody  
15 else, that leads you to believe that the defendant  
16 is guilty or not guilty?

17 PROSPECTIVE JUROR PATEL: Oh, I did not hear  
18 anything about that.

19 THE COURT: So as far as you're concerned, he  
20 sits an innocent man here today?

21 PROSPECTIVE JUROR PATEL: Yes.

22 THE COURT: All right. And you'll make the  
23 State prove the case against him to find him guilty?

24 PROSPECTIVE JUROR PATEL: Yes.

25 THE COURT: All right. And based on your

1           opinions -- you didn't fill it out -- on the death  
2           penalty, if one being you would never impose the  
3           death penalty no matter what you saw or heard or  
4           anything; ten meaning you would always impose the  
5           death penalty if someone has died, do you know where  
6           you might stand on that scale?

7                     Would you follow the law that I set out on  
8           what you should do on that matter? Like, if I told  
9           you here are a set of rules --

10                    PROSPECTIVE JUROR PATEL: Right.

11                    THE COURT: And this is saying you found him  
12           guilty. I'm not saying he is guilty. It's the  
13           second thing. If a jury finds him guilty and you  
14           have to decide whether to give someone the death  
15           penalty or not give someone the death penalty, could  
16           you follow instructions that I gave you to do what  
17           you think is correct?

18                    PROSPECTIVE JUROR PATEL: Yes.

19                    THE COURT: All right. And you believe that  
20           based on my instructions, you will make a decision  
21           once you get the instructions?

22                    PROSPECTIVE JUROR PATEL: Yes.

23                    THE COURT: And you could follow those?

24                    PROSPECTIVE JUROR PATEL: Yes.

25                    THE COURT: All right. State, do you have any

1 questions?

2 MR. LABRUZZO: No, Your Honor.

3 THE COURT: Defense?

4 MR. LIVERMORE: No, ma'am.

5 THE COURT: All right. Ma'am, we're going to  
6 have you go back next door.

7 PROSPECTIVE JUROR PATEL: Okay.

8 THE COURT: And we might have some more  
9 questions for you later, but that was the one  
10 question I had for you. Okay?

11 PROSPECTIVE JUROR PATEL: Thank you.

12 THE COURT: Thank you.

13 Any reason to believe she's a cause at this  
14 time? No?

15 MR. LABRUZZO: No, Your Honor.

16 MR. LIVERMORE: No.

17 THE COURT: Okay. Then we'll have Rogers, I  
18 think it's Alpheus.

19 Mr. Rogers, if you want to come on up. I'm  
20 going to have you stand in the first pew there up  
21 there so I can ask you a few questions.

22 How do you pronounce your first name?

23 PROSPECTIVE JUROR ROGERS: Alpheus.

24 THE COURT: Okay. Mr. Rogers, you have written  
25 down on your form that you filled out -- and thank

1           you for doing that -- that you would be unavailable  
2           because of the amount of time it's going to take to  
3           try this case. What do you have going on?

4           PROSPECTIVE JUROR ROGERS: Well, I'm supposed  
5           to visit my son in Minneapolis.

6           THE COURT: Okay. Have you prepaid tickets for  
7           that?

8           PROSPECTIVE JUROR ROGERS: No.

9           THE COURT: Is there something going on that  
10          you need to get to Minneapolis?

11          PROSPECTIVE JUROR ROGERS: I just hadn't seen  
12          him for a while.

13          THE COURT: Okay.

14          PROSPECTIVE JUROR ROGERS: I didn't expect this  
15          to come.

16          THE COURT: We threw this wrench into your  
17          plans.

18          PROSPECTIVE JUROR ROGERS: Yes.

19          THE COURT: Other than that, is there any  
20          problem with your work or getting time off or  
21          anything like that?

22          PROSPECTIVE JUROR ROGERS: Work doesn't pay for  
23          my time here.

24          THE COURT: Okay. If you don't get paid and  
25          you had to sit here, would that cause you so much

1 financial stress and problems, that you might have a  
2 hard time being a fair and impartial juror?

3 PROSPECTIVE JUROR ROGERS: Yeah. I don't -- it  
4 shouldn't. It shouldn't.

5 THE COURT: Okay. Would you get paid sick time  
6 or vacation or something?

7 PROSPECTIVE JUROR ROGERS: No.

8 THE COURT: You'd just go without pay?

9 PROSPECTIVE JUROR ROGERS: I would have to.

10 THE COURT: Okay. So you would be sitting here  
11 getting whatever we pay, \$15 a day. What do you do  
12 for a living?

13 PROSPECTIVE JUROR ROGERS: I'm a drafter for  
14 Tesinc. A CAD, Computer Aided Drafter --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR ROGERS: -- for Tesinc, LLC.  
17 We do fiberoptics. Draft like routes for Verizon  
18 and different contractors.

19 THE COURT: Okay. And you work for a company  
20 that contracts with Verizon or those kind?

21 PROSPECTIVE JUROR ROGERS: Yeah.

22 THE COURT: Okay. State, any questions?

23 MR. LABRUZZO: Good afternoon, sir.

24 PROSPECTIVE JUROR ROGERS: Good afternoon.

25 MR. LABRUZZO: You said that you had intentions



1 to go visit your son. When were you planning on  
2 doing that?

3 PROSPECTIVE JUROR ROGERS: It's from the  
4 17th of November.

5 MR. LABRUZZO: Okay. And you have not  
6 purchased plane tickets. Were you planning on  
7 driving or flying?

8 PROSPECTIVE JUROR ROGERS: Flying.

9 MR. LABRUZZO: How long do you think you are  
10 going to be gone?

11 PROSPECTIVE JUROR ROGERS: Probably because --  
12 we have it set for a weekend visit.

13 MR. LABRUZZO: When you say "we," are you  
14 talking about --

15 PROSPECTIVE JUROR ROGERS: My wife.

16 MR. LABRUZZO: Your wife.

17 Is that something that you feel like you could  
18 move if you had to, if you had to move it to  
19 another weekend? Is that something that would  
20 affect --

21 PROSPECTIVE JUROR ROGERS: Moving it, probably  
22 not, because his schedule doesn't -- this weekend he  
23 called us and told us, okay, he would be available  
24 from this time to this time. So it's like, okay, we  
25 could meet on this weekend.

1 MR. LABRUZZO: Okay.

2 PROSPECTIVE JUROR ROGERS: That's how that was  
3 set.

4 MR. LABRUZZO: What does he do?

5 PROSPECTIVE JUROR ROGERS: He works for Delta.

6 MR. LABRUZZO: Okay. So that's the only  
7 weekend, the weekend of November the 17th, that  
8 you're available?

9 PROSPECTIVE JUROR ROGERS: Or that he's  
10 available.

11 MR. LABRUZZO: Right. Okay. All right. Thank  
12 you, sir.

13 THE COURT: Defense, do you have any questions?

14 MR. LIVERMORE: Just a couple. I gather you've  
15 already taken time off from your work to do this  
16 trip?

17 PROSPECTIVE JUROR ROGERS: Well, not yet. But  
18 I haven't scheduled -- like I said it's mostly on  
19 the weekend. So we basically fly in -- leave Friday  
20 after work and get back on the day before work. It  
21 was 17th, 18th and 19th, that weekend. But you  
22 said that you -- I believe that paper said that you  
23 have to be available up until the 22nd. So I knew I  
24 fell in that space of time and that's why I put it  
25 there.

1           MR. LIVERMORE: And has your wife also taken  
2 off work?

3           PROSPECTIVE JUROR ROGERS: Well, like I said,  
4 it's a weekend kind of trip, so we basically will be  
5 scheduling from Friday afternoon to get back Sunday  
6 night.

7           MR. LIVERMORE: And you're going to fly, I  
8 assume?

9           PROSPECTIVE JUROR ROGERS: Yes.

10          THE COURT: Do you get to fly free because he  
11 works for Delta?

12          PROSPECTIVE JUROR ROGERS: Yes.

13          THE COURT: So you would fly in the afternoon  
14 on the 17th, coming back on Sunday?

15          PROSPECTIVE JUROR ROGERS: That's the plan.

16          THE COURT: So Friday afternoon after 5:00, go  
17 to work that day, and then get back by work on  
18 Monday?

19          PROSPECTIVE JUROR ROGERS: Yes.

20          THE COURT: Okay. Either side have any  
21 questions?

22          MR. LIVERMORE: No.

23          MR. LABRUZZO: No, Your Honor.

24          THE COURT: All right. Sir, we'll just have  
25 you step out in the hallway, okay, and then my

1           bailiff will tell you what's going on.

2           State?

3           MR. LABRUZZO: I don't believe he rises to the  
4 level of cause.

5           THE COURT: Defense?

6           MR. LIVERMORE: I agree.

7           THE COURT: All right. He's going to go back  
8 to the big pool.

9           And then I'll have Holly McKelvey come in.

10          MR. SARABIA: And, Judge, how do you spell that  
11 last name?

12          THE COURT: It's M-c-K-e-l-v-e-y. She was the  
13 one that they gave us in the last minute. I know I  
14 handed each side one of these forms. You might want  
15 to just flip to the back page.

16          Good afternoon, ma'am.

17          PROSPECTIVE JUROR MCKELVEY: Hello.

18          THE COURT: How do you pronounce your last  
19 name?

20          PROSPECTIVE JUROR MCKELVEY: McKelvey.

21          THE COURT: McKelvey. I got it right. That's  
22 the only one I probably will ever get right.

23          PROSPECTIVE JUROR MCKELVEY: Thank you. I  
24 appreciate that.

25          THE COURT: No problem.

1           Ma'am, on your questionnaire that you filled  
2           out -- I appreciate that -- you wrote if you're  
3           unsure if work would be okay with this, number one;  
4           and number two, that you heard about it on news  
5           sources, and this is the part, "Spoke with Bay News  
6           9 media." Would this be in the parking lot?

7           PROSPECTIVE JUROR MCKELVEY: Yes.

8           THE COURT: Quote, "Busy night?" Quote,  
9           "Murder trial. Oh".

10          PROSPECTIVE JUROR MCKELVEY: It was like a back  
11          and forth.

12          THE COURT: Okay.

13          PROSPECTIVE JUROR MCKELVEY: Yeah. It was  
14          like, "Hey, busy night?" And he goes, "Yeah. And,  
15          you know, murder trial starting up today." And I  
16          said, "Oh".

17          THE COURT: So he didn't tell you anything  
18          about the murder trial.

19          PROSPECTIVE JUROR MCKELVEY: No, but I -- you  
20          know, normally I get up and turn on TV.

21          THE COURT: Okay. Did you do that this  
22          morning?

23          PROSPECTIVE JUROR MCKELVEY: Yes.

24          THE COURT: And so did you hear it this  
25          morning?

1 PROSPECTIVE JUROR MCKELVEY: Yes.

2 THE COURT: Did you watch the Bay News 9 feed?

3 PROSPECTIVE JUROR MCKELVEY: I don't know. I  
4 was getting ready and I heard stuff. And I was,  
5 like, "Oh, jury duty".

6 THE COURT: What did you hear, if you recall?

7 PROSPECTIVE JUROR MCKELVEY: I don't recall.

8 THE COURT: All right. Is there anything about  
9 what you heard that you formed any fixed or definite  
10 opinion on the merits of the case?

11 PROSPECTIVE JUROR MCKELVEY: Well, murder, you  
12 know, you're going to jail.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR MCKELVEY: You know what I  
15 mean? You're going to be sentenced.

16 THE COURT: Okay. As a juror you would have to  
17 determine if the defendant was guilty or not guilty  
18 of the charge of murder. He would sit here, you  
19 know, innocent until proven guilty by the State.  
20 That's what a trial is all about. So the question  
21 is could you hold the State to that burden? Or from  
22 just seeing it on TV, you think you formed an  
23 opinion of his guilt or innocence?

24 PROSPECTIVE JUROR MCKELVEY: I think if you  
25 commit murder, then you're done.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR MCKELVEY: I'm sorry. It's  
3 my beliefs.

4 THE COURT: No. That's okay. But do you  
5 understand in this trial you're a juror to decide  
6 that if he did it? So you think that because he  
7 already is charged, he's guilty?

8 PROSPECTIVE JUROR MCKELVEY: Yes.

9 THE COURT: Okay. State, any questions?

10 MR. LABRUZZO: No, Your Honor.

11 THE COURT: Defense?

12 MR. LIVERMORE: No.

13 THE COURT: All right, ma'am. I'm going to  
14 have you step out into the hallway with my bailiff  
15 and then I'll let you know what we're going to do.

16 PROSPECTIVE JUROR MCKELVEY: The other thing  
17 with work is I've already missed seven weeks of  
18 surgery.

19 THE COURT: I don't think that's going to be  
20 problem. I think we're going to excuse you in just  
21 one minute.

22 PROSPECTIVE JUROR MCKELVEY: Okay.

23 THE COURT: Okay. I promise.

24 PROSPECTIVE JUROR MCKELVEY: Sorry.

25 THE COURT: That's okay.

1           PROSPECTIVE JUROR MCKELVEY: I already missed  
2 so much. They're not happy with me.

3           THE COURT: Cause challenge?

4           MR. LIVERMORE: Oh, yeah.

5           THE COURT: State, any objection?

6           MR. LABRUZZO: No objection.

7           THE COURT: She can be released. We'll just  
8 take her badge, and she can go down if she hasn't  
9 been paid.

10           Next I have Susan Springfield, Robert  
11 Ledbetter, and Richard Valdez. So I have  
12 Springfield, Ledbetter, and Valdez.

13           Good afternoon, Ms. Springfield. How are you?

14           PROSPECTIVE JUROR SPRINGFIELD: Good. Thank  
15 you.

16           THE COURT: If you can come on up to the first  
17 pew right there and step in.

18           Ma'am, we were looking at your form. And  
19 thank you for filling that out. There was two  
20 things that we wanted to talk to you about. First  
21 of all, you said about the timing of the trial that  
22 you might possibly be available. So what does  
23 "possibly" mean?

24           PROSPECTIVE JUROR SPRINGFIELD: I do have my  
25 dad, who just had surgery. My mom is needing help



1 taking care of him.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR SPRINGFIELD: He just had  
4 neck surgery. But I think there is a way I would be  
5 able still to do this as well.

6 THE COURT: Okay. I can tell you that if you  
7 are chosen as a juror, we would start about 9:30 in  
8 the morning and we'd go to no later than 6:00. So I  
9 don't know if your mom needs help all day long or  
10 it's more in the evening hours or the morning hours.

11 PROSPECTIVE JUROR SPRINGFIELD: It's more in  
12 the evening hours. But I think that is doable, yes.

13 THE COURT: So if we were out of here by 6:00,  
14 you believe that you could make arrangements to  
15 still help your mom and dad?

16 PROSPECTIVE JUROR SPRINGFIELD: Correct.

17 THE COURT: Okay. And then the other thing is  
18 you said that, "The name case does sound familiar.  
19 I do not think I have heard or seen anything  
20 regarding this case".

21 PROSPECTIVE JUROR SPRINGFIELD: Sorry. I meant  
22 does not sound familiar.

23 THE COURT: Okay. Does not. There is no "did  
24 not".

25 PROSPECTIVE JUROR SPRINGFIELD: I was just kind

1 of rushing through it a little bit.

2 THE COURT: So you were in there this morning  
3 when I went in there and talked about that it was on  
4 the TV today. And so you didn't see anything on the  
5 TV this morning?

6 PROSPECTIVE JUROR SPRINGFIELD: I didn't turn  
7 on the TV this morning.

8 THE COURT: All right. Great. We appreciate  
9 that.

10 And based on the facts, the little bit of  
11 facts that we told you, is not ringing any bells?

12 PROSPECTIVE JUROR SPRINGFIELD: No.

13 THE COURT: Okay. State, do you have any  
14 questions?

15 MR. LABRUZZO: I do not.

16 THE COURT: Defense, any questions?

17 MR. LIVERMORE: No, ma'am.

18 THE COURT: All right. Ms. Springfield, we're  
19 going to have you go back into the big room. We  
20 probably have more questions for you and everyone  
21 else when we bring you in here, but that's all we  
22 have for this questionnaire. Okay?

23 PROSPECTIVE JUROR SPRINGFIELD: Okay.

24 THE COURT: Thank you.

25 And we'll bring in Mr. Ledbetter.

1 Good afternoon, Mr. Ledbetter. How are you?

2 PROSPECTIVE JUROR LEDBETTER: Good.

3 THE COURT: On the first pew right there.

4 We're going to just have you slide in. I've got a  
5 couple of questions for you. Okay?

6 PROSPECTIVE JUROR LEDBETTER: Yes, ma'am.

7 THE COURT: And so do the lawyers.

8 On your form, the biggest issue that we had,  
9 you said that you may be able to serve, you're not  
10 sure.

11 PROSPECTIVE JUROR LEDBETTER: Yes.

12 THE COURT: Because you have four children that  
13 you have to pick up from the school bus around  
14 4:00 P.M.

15 PROSPECTIVE JUROR LEDBETTER: Yes, ma'am.

16 THE COURT: Is that every day?

17 PROSPECTIVE JUROR LEDBETTER: That's every day.

18 THE COURT: Is there anyone else that could do  
19 that for you?

20 PROSPECTIVE JUROR LEDBETTER: I can ask my mom,  
21 but she works also.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR LEDBETTER: She works for  
24 Medical Center of Trinity.

25 THE COURT: Okay. And so you don't know that

1 she could do it for that amount of time that we're  
2 talking about?

3 PROSPECTIVE JUROR LEDBETTER: I'm not sure.  
4 I'd have to speak with her.

5 THE COURT: All right. And today you have  
6 nobody to fill in for you?

7 PROSPECTIVE JUROR LEDBETTER: Today, no.

8 THE COURT: All right. And at the bottom you  
9 wrote, "I have my own beliefs that may not be  
10 suitable as a juror. I have racial issues".

11 PROSPECTIVE JUROR LEDBETTER: Yes, ma'am. I  
12 had my own stuff back when I was growing up. So I  
13 don't know anything what's going on, as far that or  
14 anything. But...

15 THE COURT: Okay. So when you said you had  
16 your own things going on. Were you a victim or a  
17 defendant?

18 PROSPECTIVE JUROR LEDBETTER: Both, I would  
19 say.

20 THE COURT: You were both?

21 PROSPECTIVE JUROR LEDBETTER: Yes.

22 THE COURT: All right.

23 PROSPECTIVE JUROR LEDBETTER: At one point in  
24 time. At different times, yes.

25 THE COURT: Okay. And based on that, do you

1 think you'd have a hard time being a juror in any  
2 case?

3 PROSPECTIVE JUROR LEDBETTER: I would if it was  
4 something that fell along the line that happened to  
5 me.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR LEDBETTER: I don't want -- I  
8 don't want to -- how do I say it? Say, I'll give  
9 them -- I want to have at least a chance of having  
10 the right answer coming out of my mouth.

11 THE COURT: Okay. So you don't want to be  
12 responsible for doing something that you -- if you  
13 were the defendant --

14 PROSPECTIVE JUROR LEDBETTER: Yes.

15 THE COURT: -- you wouldn't want you sitting on  
16 the jury?

17 PROSPECTIVE JUROR LEDBETTER: Yes. That's  
18 exactly it.

19 THE COURT: Okay. State?

20 MR. LABRUZZO: No questions, Judge.

21 THE COURT: Defense?

22 MR. LIVERMORE: No.

23 THE COURT: All right. Mr. Ledbetter, I'm  
24 going to have you step out into the hallway where  
25 you were standing and my bailiff will let you know

1           what we're going to do. Okay?

2           PROSPECTIVE JUROR LEDBETTER: Okay. Thank you.

3           THE COURT: Thank you.

4           State?

5           MR. LABRUZZO: Judge, we'd move for cause.

6           THE COURT: Defense?

7           MR. LIVERMORE: No objection.

8           THE COURT: Mr. Ledbetter can give you back his  
9 badge and he's released.

10          And then we have Richard Valdez.

11          Good afternoon, Mr. Valdez. How are you?

12          PROSPECTIVE JUROR VALDEZ: How are you doing?

13          THE COURT: Great. If you can come on up to  
14 the first pew just so you can hear me.

15          A couple of things. I got your questionnaire.  
16 Thank you for filling it out. It said, "Do you  
17 have any health issues?" And you said, "I need to  
18 talk to the judge."

19          PROSPECTIVE JUROR VALDEZ: Yes.

20          THE COURT: So what do we have going on?

21          PROSPECTIVE JUROR VALDEZ: Well, I have a lot  
22 of issues. I have a spinal fusion.

23          THE COURT: Okay.

24          PROSPECTIVE JUROR VALDEZ: Two hip replacement,  
25 a knee replacement. I have a bad heart valve.

1           THE COURT: Are you taking a lot of medication  
2 for it?

3           PROSPECTIVE JUROR VALDEZ: Well, I'm not taking  
4 any pain meds.

5           THE COURT: Okay.

6           PROSPECTIVE JUROR VALDEZ: I'm just taking my  
7 usual medications to try to keep the --  
8 anti-inflammatories, aspirins, and stuff like that,  
9 to keep my heart in check.

10          THE COURT: Is sitting for a long period of  
11 time hard for you?

12          PROSPECTIVE JUROR VALDEZ: Yes. It has been.

13          THE COURT: Okay. I'm sorry about that.  
14 You're more than welcome to stand and move around in  
15 the courtroom over there.

16          PROSPECTIVE JUROR VALDEZ: Okay.

17          THE COURT: Also it says you're not available  
18 to sit because of the timeframe of the jury trial.

19          PROSPECTIVE JUROR VALDEZ: Right.

20          THE COURT: And is that because of the health  
21 issues?

22          PROSPECTIVE JUROR VALDEZ: That's because I get  
23 very antsy sitting in the chair.

24          THE COURT: Okay.

25          PROSPECTIVE JUROR VALDEZ: And I have to keep

1 moving. My job title, I'm able to move up and down.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR VALDEZ: Keep kind of moving.  
4 But as far as long periods of time, it kind of gets  
5 me defocused on what's going on.

6 THE COURT: You become focused on all the aches  
7 and pains and not what's going on?

8 PROSPECTIVE JUROR VALDEZ: Yeah.

9 THE COURT: Okay. State, any questions?

10 MR. LABRUZZO: One moment. Good afternoon,  
11 sir. You said that if you sit down for long periods  
12 of time that you get distracted or the pain  
13 increases. How long is a long period of time?

14 PROSPECTIVE JUROR VALDEZ: Well, for me it  
15 varies. Sometimes I have good days and some bad  
16 days. Some of them are -- like today wasn't too bad  
17 because I had the weekend to kind of relax. But  
18 sometimes during the week, with my job and  
19 everything like that, I get very stressed out. I  
20 get very tight. I get very tight right in here.

21 MR. LABRUZZO: Right.

22 PROSPECTIVE JUROR VALDEZ: Right where my  
23 fusion's at.

24 MR. LABRUZZO: I guess what I'm asking, if the  
25 Court said that it takes a break every hour and a



1 half and allows you to walk around every hour and a  
2 half?

3 PROSPECTIVE JUROR VALDEZ: Like I said, that  
4 varies. That varies too. It depends.

5 MR. LABRUZZO: Okay.

6 THE COURT: So you can't say whether, if I  
7 broke every hour and a half, that would help?

8 PROSPECTIVE JUROR VALDEZ: Well, like I said,  
9 it depends on the day.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR VALDEZ: Like today the cool  
12 weather is kind of keeping me very stiff.

13 THE COURT: Okay.

14 MR. LABRUZZO: All right. No further  
15 questions, Judge.

16 THE COURT: Defense, any questions?

17 MR. LIVERMORE: With that kind of stiffness and  
18 I guess there's pain involved too, it's distracting?

19 PROSPECTIVE JUROR VALDEZ: Uh-huh.

20 MR. LIVERMORE: How about stress, does that  
21 affect you too?

22 PROSPECTIVE JUROR VALDEZ: Stress?

23 MR. LIVERMORE: Yes.

24 PROSPECTIVE JUROR VALDEZ: Well, yeah, the  
25 stress is like dealing with -- like I said I get --

1           it varies from day-to-day when I get up out of bed  
2           and it's distracting. It does add a little bit to  
3           the stress because I'm having to deal with some  
4           things more than other times.

5           MR. LIVERMORE: It gives you a lot of trouble  
6           paying attention.

7           PROSPECTIVE JUROR VALDEZ: Of course, you know,  
8           when you get -- I don't know. There's probably a  
9           little bit older people in here, but the thing about  
10          it is when you're my age, you wake up with a  
11          different ailment almost every day.

12          THE COURT: So you can't tell us what you might  
13          have tomorrow?

14          PROSPECTIVE JUROR VALDEZ: Yeah.

15          THE COURT: I got you. All right. Thank you,  
16          sir. If you'll step out in the hallway. We'll let  
17          you know what's going to go.

18          PROSPECTIVE JUROR VALDEZ: Thank you.

19          THE COURT: Thank you. And feel free to stand  
20          and move around in there all you want. Okay?

21          PROSPECTIVE JUROR VALDEZ: I appreciate it.  
22          Thank you.

23          MR. LIVERMORE: Why does he look at me?

24          THE COURT: It's the white beard.

25          State, where do you stand on Mr. Valdez?

1 MR. LABRUZZO: I would defer to the Defense.

2 MR. LIVERMORE: We'd move for cause.

3 THE COURT: All right. He'll be  
4 cause-challenged. You can release him.

5 Next I have Samuel Schambeau,  
6 S-c-h-a-m-b-e-a-u; Barbara Vliet; and Allen  
7 Holsinger. So Schambeau, Vliet, and Holsinger.

8 THE BAILIFF: Yes, Your Honor.

9 MR. LABRUZZO: Judge, may I go to the bathroom  
10 real quick?

11 THE COURT: Sure. Are we waiting for you or  
12 can they go without you?

13 MR. LABRUZZO: No. They got it.

14 THE COURT: Okay. Good afternoon, sir. Is it  
15 Schambeau?

16 PROSPECTIVE JUROR SCHAMBEAU: Yes, ma'am.

17 THE COURT: All right. Come on up to the first  
18 podium or the first pew right there and step in.

19 Sir, thank you for filling out your  
20 questionnaire. We just have one thing to go over.  
21 Originally when you filled it out, when we talked  
22 about the amount of time that you would have to sit  
23 as a juror, you wrote, "Yes," and then you  
24 scratched it out and you wrote, "No." Is it a yes  
25 or a no?

1 PROSPECTIVE JUROR SCHAMBEAU: It's a no.

2 THE COURT: Okay. What have you got going on?

3 PROSPECTIVE JUROR SCHAMBEAU: I've got to be in  
4 Tustin, Michigan the 10th.

5 THE COURT: Okay. You've got to be in Michigan  
6 on the 10th?

7 PROSPECTIVE JUROR SCHAMBEAU: Yes.

8 THE COURT: For work?

9 PROSPECTIVE JUROR SCHAMBEAU: Yes, ma'am.

10 THE COURT: And who do you work for?

11 PROSPECTIVE JUROR SCHAMBEAU: International  
12 Ship Management. And I'm fully partnered with a  
13 company up in the Great Lakes. I'm taking care of  
14 that company up there.

15 THE COURT: And had they already scheduled like  
16 your flight and everything to go?

17 PROSPECTIVE JUROR SCHAMBEAU: Not the flight.  
18 We've got to drive. I'm scheduled for a tugboat  
19 that I take care of up there.

20 THE COURT: Okay. So you drive up and then you  
21 get on a tugboat?

22 PROSPECTIVE JUROR SCHAMBEAU: No. I manage the  
23 job.

24 THE COURT: Oh, okay. So you drive up and then  
25 you manage the job?

1           PROSPECTIVE JUROR SCHAMBEAU: Yeah. I'll be  
2 actually flying up there and then staying up there  
3 for like two to three weeks, depending how long it  
4 takes us to get the job done.

5           THE COURT: Okay. But this is something that  
6 you're scheduled to do? They can't do the job if  
7 you don't fly up there?

8           PROSPECTIVE JUROR SCHAMBEAU: I'm actually  
9 supposed to be running the job. The partnership  
10 that we just took over, that's my position exactly  
11 to take care of the mechanics on this, I manage the  
12 whole job.

13          THE COURT: Let's say I forced you to be on the  
14 jury.

15          PROSPECTIVE JUROR SCHAMBEAU: If I'm forced to  
16 be here, I will be here.

17          THE COURT: Okay. But my question really is,  
18 let's say you were forced to be on the jury, would  
19 it cause you such distraction thinking about the job  
20 that you're not doing, that you might have a hard  
21 time paying attention to what's going on in the  
22 trial?

23          PROSPECTIVE JUROR SCHAMBEAU: If I'm forced to  
24 be here, I'll put my head in and do what I need to  
25 do here.

1           THE COURT: Okay. Question: Are you paid for  
2 your jury service?

3           PROSPECTIVE JUROR SCHAMBEAU: No. My work is  
4 paying for me, but the County is not.

5           THE COURT: Well, my question is would they  
6 continue to pay for the entire time?

7           PROSPECTIVE JUROR SCHAMBEAU: Yes.

8           THE COURT: Okay. State?

9           MR. LABRUZZO: No questions, Judge.

10          THE COURT: Defense?

11          MR. LIVERMORE: No.

12          THE COURT: All right. For right now you're  
13 going to be staying in the pool, but that doesn't me  
14 we're going to keep you. Do you think it would be  
15 helpful if you called your company and asked them  
16 what would happen if you were --

17          PROSPECTIVE JUROR SCHAMBEAU: I'm actually  
18 president of the company. I am the company.

19          THE COURT: Oh, so you'll call yourself. So if  
20 you're president of the company and you don't go, is  
21 there people in your company that don't get paid?

22          PROSPECTIVE JUROR SCHAMBEAU: No. I got  
23 another -- a vice-president that would be going up  
24 there to doing the job, but I'm the one that's been  
25 in charge of this job.

1 THE COURT: I got you.

2 PROSPECTIVE JUROR SCHAMBEAU: I've been setting  
3 it up for the last few months.

4 THE COURT: I got you.

5 PROSPECTIVE JUROR SCHAMBEAU: So it's kind of  
6 like my baby.

7 THE COURT: Okay. We're going to have you go  
8 back over next door.

9 PROSPECTIVE JUROR SCHAMBEAU: Thank you.

10 THE COURT: Then we'll take Barbara Vliet.

11 THE BAILIFF: Yes, Your Honor.

12 MR. LIVERMORE: Well, Judge, on Mr. Schambeau,  
13 we're going to move for cause. You know, he danced  
14 around enough.

15 THE COURT: Okay. I'm going to hold off for  
16 one second.

17 We'll bring Ms. Vliet in and then we'll go  
18 back. Okay?

19 Good afternoon, Ms. Vliet. How are you?

20 PROSPECTIVE JUROR VLIET: Good. How are you?

21 THE COURT: Good. I appreciate you filling out  
22 the form. On the form you said that you did watch  
23 this information this morning on Bay News 9.

24 PROSPECTIVE JUROR VLIET: This morning.

25 THE COURT: And anything about the news report

1           that had you think that you wouldn't be a fair and  
2           impartial juror in this case?

3                   PROSPECTIVE JUROR VLIET:  No.

4                   THE COURT:  You think you could put aside  
5           everything you heard this morning --

6                   PROSPECTIVE JUROR VLIET:  Oh, yeah.

7                   THE COURT:  -- and make a decision?

8                   PROSPECTIVE JUROR VLIET:  Yeah.

9                   THE COURT:  Okay.  More importantly than that  
10          is the fact that I know your husband and your son  
11          were defendants in my courtroom.

12                   PROSPECTIVE JUROR VLIET:  Yeah.

13                   THE COURT:  And I believe there are people in  
14          the courtroom on both sides that have represented  
15          and prosecuted one of your family members.

16                   PROSPECTIVE JUROR VLIET:  Yes.

17                   THE COURT:  So I don't know if that would cause  
18          you to have a hard time being a fair and impartial  
19          juror.

20                   PROSPECTIVE JUROR VLIET:  It might.

21                   THE COURT:  Okay.  So based on your feelings  
22          either of the State Attorney's Office, since they  
23          prosecuted both your husband and your son, do you  
24          think that you might lean one way to the other  
25          because of what's going on in your family?



1 PROSPECTIVE JUROR VLIET: Yes.

2 THE COURT: Okay. All right. State, any other  
3 questions?

4 MR. LABRUZZO: No, Your Honor.

5 THE COURT: Defense?

6 MR. LIVERMORE: No.

7 THE COURT: All right. Ms. Vliet, I'm going to  
8 have you wait right outside and we'll let you know  
9 what's going on. Okay?

10 PROSPECTIVE JUROR VLIET: Thank you.

11 THE COURT: Thank you, ma'am.

12 State?

13 MR. LABRUZZO: Judge, we'd move for cause.

14 THE COURT: Defense?

15 MR. LIVERMORE: No objection.

16 THE COURT: All right. Ms. Vliet will be  
17 released.

18 But wait one second because we're going back  
19 on Mr. Schambeau. Defense is now saying they're  
20 moving to cause.

21 State?

22 MR. LABRUZZO: Well, Judge, it appears as  
23 though Mr. Schambeau, although it would cause him, I  
24 guess, some hardship, has a backup plan, has a  
25 vice-president that can handle it. He said he would

1 be here. He said he would be compensated  
2 financially for his time here. I don't necessarily  
3 see the cause.

4 THE COURT: I'm not going to cause him now, but  
5 I will let you readdress the issue when he comes  
6 back. I think he was a little bit dancing, but then  
7 in the end he's, like, I got my vice-president, he  
8 can handle it. But I will let you readdress it.  
9 I'm not going to say, hey, we've already addressed  
10 that. Okay?

11 So Ms. Vliet's badge and she's released.

12 And we'll take Holsinger.

13 Good afternoon, sir. Is it Holsinger?

14 PROSPECTIVE JUROR HOLSINGER: Yes, ma'am.

15 THE COURT: Okay. Mr. Holsinger, come up to  
16 the first pew up there and go ahead and step in.

17 And we just have a couple of questions for  
18 you. Okay? Sir, on your questionnaire -- I  
19 appreciate you filling that out for me -- you  
20 indicated that based on the timeframe of the trial  
21 that you would not be able to serve?

22 PROSPECTIVE JUROR HOLSINGER: Correct.

23 THE COURT: Okay. What do you have going on?

24 PROSPECTIVE JUROR HOLSINGER: What do I have  
25 going on?

1 THE COURT: Yes.

2 PROSPECTIVE JUROR HOLSINGER: I'm losing wages  
3 and can't afford to be off.

4 THE COURT: Okay. So you are not paid for the  
5 time by your employer?

6 PROSPECTIVE JUROR HOLSINGER: No, I'm not.

7 THE COURT: Where do you work?

8 PROSPECTIVE JUROR HOLSINGER: I work as an HVAC  
9 tech.

10 THE COURT: An H Die tech?

11 PROSPECTIVE JUROR HOLSINGER: HVAC.

12 THE COURT: Okay. Got you.

13 PROSPECTIVE JUROR HOLSINGER: It's  
14 air-conditioners.

15 THE COURT: Sorry about that. So if you were  
16 chosen as a juror and not paid by your company,  
17 would it be an extreme financial hardship on you and  
18 your family?

19 PROSPECTIVE JUROR HOLSINGER: Yes.

20 THE COURT: And do you think that would make it  
21 for you to have a hard time paying attention to the  
22 trial because you're thinking about what bills  
23 haven't been paid?

24 PROSPECTIVE JUROR HOLSINGER: Exactly.

25 THE COURT: Okay. And you also you saw it on

1 the news this morning?

2 PROSPECTIVE JUROR HOLSINGER: I just seen them  
3 out front.

4 THE COURT: Oh, okay. So you don't know  
5 anything --

6 PROSPECTIVE JUROR HOLSINGER: No, I didn't  
7 pay -- no, I've seen it in the past.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR HOLSINGER: I mean,  
10 apparently this case has been since 2014, I think.

11 THE COURT: Right.

12 PROSPECTIVE JUROR HOLSINGER: Well, I mean they  
13 put him on the news so you see it.

14 THE COURT: Did you form any opinions of the  
15 guilt or innocence of the defendant based on what  
16 you've seen?

17 PROSPECTIVE JUROR HOLSINGER: I can't pass  
18 that, because I don't know for sure.

19 THE COURT: Okay. All right. State, do you  
20 have any questions?

21 PROSPECTIVE JUROR HOLSINGER: No.

22 THE COURT: I'm asking the nice State Attorneys  
23 over here.

24 MR. LABRUZZO: I do. Mr. Holsinger, good  
25 afternoon.

1           You answered one of the questions when you  
2           were talking about -- the question was pertaining  
3           to whether or not your position of the death  
4           penalty has changed in the last five years. And  
5           you made a comment and wrote an answer that  
6           indicated that falsely accused and put to death for  
7           no reason. I don't necessarily know exactly what  
8           that means. I'm just going to ask you to kind of  
9           explain it a little bit.

10           PROSPECTIVE JUROR HOLSINGER: Just seeing  
11           things on TV, different things where people have  
12           been sentenced to death row and then gone back and  
13           find out that they weren't actually guilty and then  
14           were let back out of prison for what they were, you  
15           know, falsely accused.

16           MR. LABRUZZO: Okay.

17           PROSPECTIVE JUROR HOLSINGER: So basically  
18           that's what I put that down there.

19           MR. LABRUZZO: And that's something that's  
20           affected your views on I would say both criminal  
21           cases as well maybe even the death penalty, correct?

22           PROSPECTIVE JUROR HOLSINGER: Correct.

23           MR. LABRUZZO: Is that something that would  
24           affect your ability to listen to a case like this if  
25           you were -- would that be a thought that you would

1           have in your mind as you're listening to facts that  
2           maybe that this is a false accusation or something  
3           to that effect?

4           PROSPECTIVE JUROR HOLSINGER: Yes.

5           MR. LABRUZZO: Okay. And that would affect  
6           your ability to listen to this case?

7           PROSPECTIVE JUROR HOLSINGER: Yes.

8           MR. LABRUZZO: All right.

9           THE COURT: Defense, any questions?

10          MR. LIVERMORE: No, ma'am.

11          THE COURT: All right. Sir, thank you very  
12          much. If you can step out into the hallway and  
13          we'll let you know where you need to go. Okay?

14          PROSPECTIVE JUROR HOLSINGER: Thank you.

15          THE COURT: State?

16          MR. LABRUZZO: Judge, we'd move for cause.

17          THE COURT: Defense?

18          MR. LIVERMORE: We agree.

19          THE COURT: All right. He'll be released.  
20          Mr. Holsinger can go home. You can take his badge.

21          Michael Hickey after Mr. Holsinger.

22          Mr. Holsinger is free to go home.

23                 So I have Hickey; and then Robert Cashion,  
24                 C-a-s-h-i-o-n; and Nicole Long. Hickey, Cashion,  
25                 and Long.

1           I know you guys had Cashion because you're the  
2           one that wanted him.

3           MR. LIVERMORE: It doesn't mean I didn't put it  
4           somewhere where I can't find it.

5           THE COURT: It didn't mean you put them in the  
6           right pile.

7           Mr. Hickey.

8           Good afternoon, Mr. Hickey. How are you?

9           PROSPECTIVE JUROR HICKEY: Good.

10          THE COURT: I've just got a couple of questions  
11          for you based on your questionnaire. Thank you for  
12          filling that out. Number one is you said that you  
13          would be unable to serve in the trial because of the  
14          length of the trial.

15          PROSPECTIVE JUROR HICKEY: Correct.

16          THE COURT: And what have you got going on?

17          PROSPECTIVE JUROR HICKEY: My father-in-law  
18          died, and we already got the tickets to go to a  
19          memorial service in Cincinnati.

20          THE COURT: Okay. I'm sorry for your loss.

21          And when are you going?

22          PROSPECTIVE JUROR HICKEY: The 8th of November.

23          THE COURT: And you'll be gone until when?

24          PROSPECTIVE JUROR HICKEY: Until the following  
25          Monday.

1           THE COURT: Okay. All right. State, any  
2 questions?

3           MR. LABRUZZO: No, Your Honor.

4           THE COURT: Defense, any questions?

5           MR. LIVERMORE: No, ma'am.

6           THE COURT: All right. Thank you, sir. You  
7 may step out in the hallway and we'll let you know  
8 what we're going to do. Okay?

9           Any objection to him being released?

10          MR. LABRUZZO: No, Your Honor.

11          THE COURT: All right. We'll take his badge  
12 and he's free to go.

13          Then we've got Robert Cashion, C-a-s-h-i-o-n.  
14 I'm having problems with that one.

15          Good afternoon, Mr. Cashion, sir.

16          PROSPECTIVE JUROR CASHION: Hello.

17          THE COURT: Is it Cashion? How do you  
18 pronounce your last name?

19          PROSPECTIVE JUROR CASHION: C-a-s-h-i-o-n.

20          THE COURT: Cashion?

21          PROSPECTIVE JUROR CASHION: Yes.

22          THE COURT: All right. We're going to have you  
23 step right in there. Sir, we were looking at your  
24 questionnaire. Thank you for filling that out. The  
25 one thing that we saw was that you were unable the



1           serve because of the length of the jury trial.

2                   PROSPECTIVE JUROR CASHION: There might be an  
3           issue because my mom is terminally ill. She's got  
4           Stage IV cancer, and my daughter has got a lot of  
5           medical issues too.

6                   THE COURT: Okay.

7                   PROSPECTIVE JUROR CASHION: So that was the  
8           biggest concern that I have.

9                   THE COURT: So at this point there's no way for  
10          you to know what's going to happen in the next three  
11          or four weeks?

12                   PROSPECTIVE JUROR CASHION: My mom's in a rehab  
13          center right now. I don't know if she's going to  
14          last two days or three weeks. I don't know.

15                   THE COURT: And I'm sorry for that. And so to  
16          sit on a jury would be extremely stressful not  
17          knowing what's going on if you need to leave to go  
18          be with your mom or your daughter or things like  
19          that?

20                   PROSPECTIVE JUROR CASHION: Unfortunately.

21                   THE COURT: Okay. State, do you have any  
22          questions?

23                   MR. LABRUZZO: No, Your Honor.

24                   THE COURT: Defense?

25                   MR. LIVERMORE: No.

1           THE COURT: All right. Any objection to his  
2 release?

3           MR. LABRUZZO: No, Your Honor.

4           THE COURT: All right. Sir, thank you very  
5 much. If you can give your badge to my bailiff on  
6 your way out. You are excused. Okay?

7           PROSPECTIVE JUROR CASHION: Thank you.

8           THE BAILIFF: Judge?

9           THE COURT: Yes.

10          THE BAILIFF: Kelly advised me he hasn't been  
11 paid yet. I just want to make sure if I have to  
12 send him downstairs.

13          THE COURT: Yes. You go downstairs and get  
14 paid before you leave the courthouse. We will give  
15 you some money today. Just don't talk about the  
16 case. Okay?

17          PROSPECTIVE JUROR CASHION: Can I get  
18 documentation that I can use for work?

19          THE COURT: Documentation for work, yes.

20          PROSPECTIVE JUROR CASHION: Yes.

21          THE COURT: Can he stop in the jury room?

22          THE CLERK: Yes.

23          THE COURT: Yes. Just stop in the jury room.  
24 You'll get paid, and they'll give you a letter for  
25 today.

1 PROSPECTIVE JUROR CASHION: Thank you.

2 THE COURT: Okay. Will you let them know he's  
3 on his way.

4 THE CLERK: Yes.

5 THE COURT: And then Nicole Long, when you get  
6 a chance.

7 After Long will be Mary Black, Bridget  
8 Polowniak, and Debra Hendley.

9 MR. LIVERMORE: I'm sorry, Judge. What was  
10 that?

11 THE COURT: That's okay. Black, Polowniak, and  
12 Hendley.

13 This is Ms. Nicole Long right now.

14 Good afternoon, Ms. Long. How are you?

15 PROSPECTIVE JUROR LONG: Great. Thank you.  
16 How about yourself?

17 THE COURT: Great. Ma'am, thank you for  
18 filling out your questionnaire. The only part that  
19 we had an issue with was that you said that you did  
20 not believe you could sit because of the length of  
21 the trial.

22 PROSPECTIVE JUROR LONG: True.

23 THE COURT: What do you have going on?

24 PROSPECTIVE JUROR LONG: Just a sciatic nerve  
25 issue.

1 THE COURT: So it's a personal medical issue?

2 PROSPECTIVE JUROR LONG: Yes.

3 THE COURT: And does that kick up when you have  
4 to sit for a long periods of time?

5 PROSPECTIVE JUROR LONG: Yes, ma'am.

6 THE COURT: How long can you usually sit  
7 without it bothering you?

8 PROSPECTIVE JUROR LONG: Probably an hour or  
9 so.

10 THE COURT: Okay. Normally I take a break  
11 about every hour and a half. Would that be pushing  
12 the limits of it?

13 PROSPECTIVE JUROR LONG: It may. Probably. I  
14 don't know.

15 THE COURT: What do you have to do to relieve  
16 it?

17 PROSPECTIVE JUROR LONG: Get up and walk  
18 around.

19 THE COURT: Standing up and sitting down is not  
20 good enough? You have to walk around.

21 PROSPECTIVE JUROR LONG: Yeah. Because it  
22 gets -- it's sort of like a spasm in my leg.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR LONG: So I have to stretch  
25 it.

1 THE COURT: And do you take any medication for  
2 it?

3 PROSPECTIVE JUROR LONG: No. Uh-uh.

4 THE COURT: If I took a break every hour, would  
5 that work for you?

6 PROSPECTIVE JUROR LONG: Possibly. Yeah.

7 THE COURT: Okay. Have you ever had to sit day  
8 after day for long periods of time?

9 PROSPECTIVE JUROR LONG: Yes. At work I do.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR LONG: Yes.

12 THE COURT: All right. And so if you were  
13 picked as a juror -- and these are the nice comfy  
14 chairs right there.

15 PROSPECTIVE JUROR LONG: Uh-huh.

16 THE COURT: They are a little comfy.

17 PROSPECTIVE JUROR LONG: Right.

18 THE COURT: If you were having an issue, could  
19 raise your hand? Would you be embarrassed about  
20 that? Or could you just raise your hand and I can  
21 take a break and let you move around?

22 PROSPECTIVE JUROR LONG: No. I wouldn't be  
23 embarrassed, no.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR LONG: Uh-uh.

1           THE COURT: Because I have no problem with  
2           that. I know that sitting for long periods of time  
3           sometimes can put pressure on anybody's back, not  
4           only yours.

5           PROSPECTIVE JUROR LONG: Right.

6           THE COURT: So other than that, do you believe  
7           that you could sit as a fair and impartial juror in  
8           this case?

9           PROSPECTIVE JUROR LONG: Well, the only thing,  
10          I am out of town. I don't know if --

11          THE COURT: Okay. That might have a problem,  
12          yeah. When are you out of town?

13          PROSPECTIVE JUROR LONG: I'm out of town on a  
14          cruise from the 17th until the 26th.

15          THE COURT: So Friday until after Thanksgiving?

16          PROSPECTIVE JUROR LONG: After Thanksgiving.

17          THE COURT: Already paid for?

18          PROSPECTIVE JUROR LONG: Already paid for, yes.

19          THE COURT: Okay.

20          PROSPECTIVE JUROR LONG: Yes.

21          THE COURT: State, any questions?

22          MR. LABRUZZO: No, Your Honor.

23          THE COURT: Defense?

24          MR. LIVERMORE: No.

25          THE COURT: All right, ma'am. Any objection to

1 releasing her?

2 MR. LABRUZZO: No.

3 MR. LIVERMORE: No.

4 THE COURT: Your cruise got you out of it. If  
5 you can take your badge and hand that to my bailiff.  
6 Have you been paid?

7 PROSPECTIVE JUROR LONG: I'm good.

8 THE COURT: Okay. Then you're free to go.  
9 Just don't talk about the case. Okay?

10 PROSPECTIVE JUROR LONG: Thank you.

11 THE COURT: Next I have Mary Black, Bridget  
12 Polowniak, and Debra Hendley.

13 Mary Black is next.

14 I would have been first with, "I have a cruise  
15 and I'm going". But that was sweet.

16 MR. LABRUZZO: Black, Polowniak, or whatever;  
17 and then --

18 THE COURT: What?

19 MR. LABRUZZO: Polowniak.

20 THE COURT: Yes. Bridget.

21 MR. LABRUZZO: And what was the third one?

22 THE COURT: Debra Hendley.

23 MR. LABRUZZO: Thank you, Your Honor.

24 Ms. Black, how are you?

25 PROSPECTIVE JUROR BLACK: Fine. How are you?

1           THE COURT: If you can come up to the first pew  
2 right in front of the lawyers right there and just  
3 scoot in a little bit. We just have a couple of  
4 questions for you. Okay?

5           PROSPECTIVE JUROR BLACK: Okay.

6           THE COURT: Thank you for filling out your form  
7 for us. You indicated on the second page that the  
8 length of the trial, you said, "Not really with a  
9 pure determination".

10          PROSPECTIVE JUROR BLACK: The issue that I  
11 would have with anything long-term is in the  
12 district where I work, I'm a program coordinator,  
13 and I'm the only person who does that job. And I'm  
14 responsible for students, and they can't call a  
15 substitute for me. I have students out in the  
16 professional work field, so I have to monitor them  
17 because they do internships. I teach them, I grade,  
18 I travel, and there's nobody else who does it.

19          THE COURT: All right. So let me ask you a  
20 question. What school system do you work for?

21          PROSPECTIVE JUROR BLACK: Pinellas.

22          THE COURT: All right. And let me ask you a  
23 question. Let's say I forced you to be on the jury  
24 trial. We'll just go with that. Okay? And you  
25 were sitting here, and the trial is going on week



1 two, you haven't been able to check in with your  
2 students. I assume they're the high school level,  
3 so they get out at 1:30. It's 3:00, you haven't had  
4 days and days of no contact with them. Do you think  
5 you'd be so distracted worrying about your students,  
6 that you might have a hard time concentrating on the  
7 trial here?

8 PROSPECTIVE JUROR BLACK: I'll be perfectly  
9 honest with you.

10 THE COURT: Yes.

11 PROSPECTIVE JUROR BLACK: I am so distracted  
12 today because I know I have a student I have to get  
13 to in the next few days, and it's just that's a  
14 difficult situation.

15 THE COURT: I understand. And you're a true  
16 professional. We appreciate that.

17 PROSPECTIVE JUROR BLACK: I work until  
18 10:00 contacting students working everything out  
19 every day.

20 THE COURT: So let me ask you this: Normally,  
21 if you were chosen as a juror in this case, we would  
22 start at 9:30, and go until 6:00. So I know school  
23 starts at 7:00. Would that arrangement allow you  
24 some flexibility to deal with the students from 7:00  
25 to 8:30, let's say, or 9:00, and then come in after

1           that? Or would it still -- it's an all day 24/7  
2           kind of thing?

3                   PROSPECTIVE JUROR BLACK: I really do have an  
4           all day 24/7 type job. For example, if I have a  
5           student -- example, I have a student right now in  
6           St. Petersburg that I really should be at her  
7           internship and at her school --

8                   THE COURT: Okay.

9                   PROSPECTIVE JUROR BLACK: -- dealing with a  
10          situation, which that has been stressful for me  
11          today.

12                  THE COURT: All right.

13                  PROSPECTIVE JUROR BLACK: I'm doing her a  
14          disservice and the sponsor.

15                  THE COURT: I understand. And I saw that you  
16          saw it on the news today.

17                  PROSPECTIVE JUROR BLACK: I did see it. I  
18          don't remember details. I do remember reading about  
19          it, and, you know, just having a typical normal  
20          visceral response, but I don't remember anything  
21          about it.

22                  THE COURT: You don't think you formed any  
23          opinion on the guilt or innocence of the defendant  
24          at this point?

25                  PROSPECTIVE JUROR BLACK: No. Because I really

1           didn't -- honestly, looking at the paper was just  
2           another, another, another.

3           THE COURT: Okay. I understand.

4           PROSPECTIVE JUROR BLACK: It's one of those  
5           things.

6           THE COURT: Okay. State, do you have any  
7           questions?

8           MR. LABRUZZO: No, Your Honor.

9           THE COURT: Defense?

10          MR. LIVERMORE: No.

11          THE COURT: All right, ma'am. Thank you very  
12          much. I'm going to have you step back into the ante  
13          way there and then we'll let you know. Okay?

14          PROSPECTIVE JUROR BLACK: Okay.

15          THE COURT: State, where do you stand?

16          MR. LABRUZZO: Judge, we'd move for cause.

17          THE COURT: Defense, any objection?

18          MR. LIVERMORE: No.

19          THE COURT: All right. We'll go ahead and  
20          release Ms. Black. She can go home and back to her  
21          students.

22          And we need Bridget Polowniak. I'm taking a  
23          big swing on how we pronounce that last name.

24          MR. PURA: Polowniak.

25          THE COURT: Polowniak.

1 MR. PURA: Let's see if I'm close.

2 THE COURT: I'm just going to have her tell me  
3 what it is. She's got nonrefundable tickets.

4 Good afternoon, ma'am. How are you?

5 PROSPECTIVE JUROR POLOWNIAK: Okay.

6 THE COURT: Can you pronounce your last name  
7 for me.

8 PROSPECTIVE JUROR POLOWNIAK: Polowniak.

9 THE COURT: Oh, they were close. Way closer  
10 than I was.

11 Thank you so much for filling out your form.  
12 I saw that you have several different issues going  
13 on to sit as a juror in this case. Number one is  
14 that you have nonrefundable travel arrangements.

15 PROSPECTIVE JUROR POLOWNIAK: Right.

16 THE COURT: Where are you going?

17 PROSPECTIVE JUROR POLOWNIAK: We're going to an  
18 RV park, and it's in Tarpon Springs.

19 THE COURT: Okay. So you're going to an RV  
20 park in Tarpon Springs?

21 PROSPECTIVE JUROR POLOWNIAK: Uh-huh.

22 THE COURT: Could you do that and still sit as  
23 a juror?

24 PROSPECTIVE JUROR POLOWNIAK: No. Because, I  
25 mean, why would I go?

1 THE COURT: Okay.

2 PROSPECTIVE JUROR POLOWNIAK: You know what I  
3 mean?

4 THE COURT: All right. I got you.

5 PROSPECTIVE JUROR POLOWNIAK: Yeah.

6 THE COURT: Is it one that's on the water? Is  
7 that the one?

8 PROSPECTIVE JUROR POLOWNIAK: Yes.

9 THE COURT: Okay. You also said that you  
10 have -- you saw it on TV, on the news this morning.

11 PROSPECTIVE JUROR POLOWNIAK: Uh-huh.

12 THE COURT: You've read it in the paper, and  
13 I'm quoting you, "I'm a news junky. I would find it  
14 very difficult to not watch the news while you're  
15 home." Were you able to do it at lunch today, not  
16 look at the news?

17 PROSPECTIVE JUROR POLOWNIAK: No. I just sat  
18 in my car and got warm.

19 THE COURT: Okay. So you didn't read the  
20 newspaper or see anything else after lunch?

21 PROSPECTIVE JUROR POLOWNIAK: Oh, no.

22 THE COURT: Okay. But you did watch it this  
23 morning?

24 PROSPECTIVE JUROR POLOWNIAK: Uh-huh.

25 THE COURT: Do you feel like you've formed

1 opinions on the guilt or innocence of the defendant?

2 PROSPECTIVE JUROR POLOWNIAK: Yes, I do.

3 THE COURT: Okay. So you feel like you've  
4 already made up kind of your mind?

5 PROSPECTIVE JUROR POLOWNIAK: Sure. Four  
6 people were killed.

7 THE COURT: Okay. And that you could not put  
8 that aside to be a juror in this case?

9 PROSPECTIVE JUROR POLOWNIAK: Unless somebody  
10 put a gun up to my head, I could see me taking a gun  
11 and killing them.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR POLOWNIAK: Other than that,  
14 this is bullshit.

15 THE COURT: Okay. State?

16 MR. LABRUZZO: No questions, Judge.

17 THE COURT: Defense?

18 MR. LIVERMORE: No questions.

19 THE COURT: All right. Ma'am, you will be  
20 released. We just need your juror badge and you're  
21 good to go. Please don't talk to anybody about  
22 anything until you go home.

23 PROSPECTIVE JUROR POLOWNIAK: Okay.

24 THE COURT: Okay? Just not in the courthouse.  
25 Okay? All right. Thank you very much for coming.

1 PROSPECTIVE JUROR POLOWNIAK: Thank you, Judge.

2 THE COURT: And then Debra Hendley.

3 THE BAILIFF: Yes, Your Honor.

4 THE COURT: As my mother used to say, tell me  
5 how you really feel about this.

6 MR. LIVERMORE: How many no shows do we have;  
7 do you know?

8 THE COURT: We only have 202 jurors out of 700  
9 here today.

10 Ms. Hendley, how are you?

11 PROSPECTIVE JUROR HENDLEY: Fine.

12 THE COURT: We're just going to have you scoot  
13 in that first little pew there. I don't know what  
14 to ever call it.

15 Thank you so much for filling out your  
16 questionnaire. The one thing we had a question  
17 with you is that you said that you would be  
18 unavailable to sit as a juror based on the time it  
19 would take.

20 PROSPECTIVE JUROR HENDLEY: Yes.

21 THE COURT: What do you have going on?

22 PROSPECTIVE JUROR HENDLEY: It's just a  
23 financial reason.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR HENDLEY: Three weeks with no

1 pay.

2 THE COURT: Your employer does not pay?

3 PROSPECTIVE JUROR HENDLEY: Right.

4 THE COURT: And where do you work?

5 PROSPECTIVE JUROR HENDLEY: Air Tech Services  
6 in Zephyrhills.

7 THE COURT: Okay. So if you were here and it  
8 was three weeks and you weren't paid, would that be  
9 a significant financial burden for you and your  
10 family?

11 PROSPECTIVE JUROR HENDLEY: A bit.

12 THE COURT: Okay. I've been using this a lot.  
13 I hate the word. But if I forced you to sit as a  
14 juror on this case, do you think you'd be so  
15 distracted by the lack of income and not paying the  
16 bills that you might have a hard time concentrating  
17 on the jury?

18 PROSPECTIVE JUROR HENDLEY: No.

19 THE COURT: You think you could sit here and  
20 pay attention?

21 PROSPECTIVE JUROR HENDLEY: Yes, ma'am.

22 THE COURT: Do you think you could pay your  
23 mortgage and your electric bill and all that?

24 PROSPECTIVE JUROR HENDLEY: It would be a  
25 stretch, but I could manage.



1           THE COURT: Okay. And if you were picked as a  
2 juror, you would pay attention and listen to the  
3 evidence and do everything you're supposed to do?

4           PROSPECTIVE JUROR HENDLEY: Absolutely.

5           THE COURT: State?

6           MR. LABRUZZO: No questions, Your Honor.

7           THE COURT: Defense, any questions?

8           MR. LIVERMORE: No.

9           THE COURT: All right. Ma'am, I'm going to  
10 have you step out with my bailiff and we'll let you  
11 know. Okay?

12          PROSPECTIVE JUROR HENDLEY: Thank you.

13          THE COURT: After that one, I will have  
14 Coleman, Edwards, and Davis.

15          Where do we stand on Ms. Hendley? State?

16          MR. LABRUZZO: Judge, I don't think she rises  
17 to the level of cause.

18          MR. LIVERMORE: I agree.

19          THE COURT: Okay. Ms. Hendley will stay.

20          And we'll bring over Alice Coleman, Johanna  
21 Edwards, and Thomas Davis. I have jurors coming in  
22 tomorrow too, but I think we'll have 60 by 2:00.

23          MR. PURA: Wasn't it only 500 today, 200  
24 tomorrow?

25          THE COURT: We asked for 700. We sent 700 for

1           today and 500 for tomorrow. We got 202 today. But  
2           when they're all done, we'll have about 75 jurors  
3           left downstairs. When we're done we're going to  
4           have 65 jurors, by my calculations so far. So we  
5           may be able to start questioning today.

6           MR. SARABIA: Judge, how late do you anticipate  
7           going tonight?

8           THE COURT: No later than 6:00, but hopefully  
9           before that. Maybe 5:00 tonight. I have about 20  
10          more jurors to talk to.

11          Good afternoon, Ms. Coleman. How are you?  
12          You can sit in the front row there.

13          Ma'am, thank you for filling out your  
14          questionnaire. The one issue was that you do not  
15          feel that you could sit for the entire time this  
16          jury trial will take; is that correct?

17          PROSPECTIVE JUROR COLEMAN: Yes, ma'am.

18          THE COURT: And why is that?

19          PROSPECTIVE JUROR COLEMAN: Because of my  
20          employment.

21          THE COURT: Okay. And where do you work?

22          PROSPECTIVE JUROR COLEMAN: Habitat for  
23          Humanity.

24          THE COURT: All right. And do they not pay you  
25          when you're here?

1           PROSPECTIVE JUROR COLEMAN: They will pay me,  
2           but some of my duties nobody else can do; for  
3           example, payroll. If I don't get to do payroll this  
4           week, they will not get paid.

5           THE COURT: Okay. I see how that works.

6           PROSPECTIVE JUROR COLEMAN: I'll have to leave  
7           here and go to work regardless of what time it is to  
8           make sure payroll is done.

9           THE COURT: How many hours would you have to  
10          work after hours? And I'll tell you why. I intend  
11          on having the jurors come in at 9:30 every day and  
12          staying no later than 6:00. So it would be 9:30 to  
13          6:00 at the end, 6:00. So my question to you is if  
14          you were chosen as a juror, I didn't let you out,  
15          and you were chosen as a juror and you went to work  
16          at night, how late would you have to work?

17          PROSPECTIVE JUROR COLEMAN: I mean, I wouldn't  
18          be able to do more than an hour, because I live in  
19          Crystal Springs.

20          THE COURT: Okay.

21          PROSPECTIVE JUROR COLEMAN: And that's a good  
22          hour and 15-minute drive.

23          THE COURT: Is that in Pasco County?

24          PROSPECTIVE JUROR COLEMAN: Yes.

25          THE COURT: Okay.

1 PROSPECTIVE JUROR COLEMAN: I'm actually one  
2 street away from Hillsborough County.

3 THE COURT: Okay. So it's so far away, that it  
4 would be an hour and a half home, and then you'd do  
5 an hour of work, and so we're talking about 10:00,  
6 11:00 at night before you get to bed?

7 PROSPECTIVE JUROR COLEMAN: Oh, yeah. Easily.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR COLEMAN: Yeah. I typically  
10 go work a 4/10, so I'm usually -- because my office  
11 is a few streets down from here.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR COLEMAN: So I'm typically at  
14 work at 7:00 and leave at 5:00, Monday through  
15 Thursday.

16 THE COURT: Monday through Thursday.

17 PROSPECTIVE JUROR COLEMAN: Uh-huh.

18 THE COURT: So you could go in at 7:00 and work  
19 7:00 to 9:00, two hours, and then come over here at  
20 9:30?

21 PROSPECTIVE JUROR COLEMAN: Yes.

22 THE COURT: Do you think if that arrangement  
23 was set up, that you would be able to participate as  
24 a juror, if chosen?

25 PROSPECTIVE JUROR COLEMAN: I mean, obviously I

1           wouldn't have any choice. I would have to work it  
2           out, yes.

3           THE COURT: Well, the biggest issue I'm sure  
4           both sides would have is if you're chosen and you're  
5           sitting in there in the comfy chairs and people are  
6           testifying, whether you would give it your full  
7           attention?

8           PROSPECTIVE JUROR COLEMAN: Absolutely.

9           THE COURT: Or whether you would think that the  
10          stress of the things that you have to do and haven't  
11          been done may take your mind away from the trial and  
12          you wouldn't be giving it your full attention?

13          PROSPECTIVE JUROR COLEMAN: I wouldn't allow  
14          that to happen. I mean, obviously I would need time  
15          to make arrangements at my job.

16          THE COURT: Sure.

17          PROSPECTIVE JUROR COLEMAN: I think anybody  
18          would.

19          THE COURT: Okay.

20          PROSPECTIVE JUROR COLEMAN: No, absolutely not.  
21          I would pay attention.

22          THE COURT: Okay. And if you were chosen, it  
23          would probably be tomorrow we would tell everybody,  
24          hey, you're the people that are chosen, maybe  
25          Wednesday at the latest.

1           So you wouldn't have a lot of time to tell  
2           them. You wouldn't give them weeks on end notice.  
3           So do you think that's enough time to arrange  
4           whatever has to be arranged to get it done?

5           PROSPECTIVE JUROR COLEMAN: I can make sure  
6           it's done.

7           THE COURT: Okay. State, any questions?

8           MR. LABRUZZO: I do, Judge.

9           Good afternoon, ma'am. I'd like to ask you  
10          some questions based on the questionnaire just to  
11          maybe get a little bit more of an explanation.

12          So there was a question on there about either  
13          you or someone close to you being a victim of a  
14          crime, and you indicated that you were a victim of  
15          a crime previously.

16          PROSPECTIVE JUROR COLEMAN: A long, long time  
17          ago.

18          MR. LABRUZZO: A long time ago.

19          Well, let's talk about --

20          PROSPECTIVE JUROR COLEMAN: It was 20 years  
21          ago.

22          MR. LABRUZZO: I just want to go over it. It  
23          says "Making a false statement to a law enforcement  
24          officer". Could you kind of give us the --

25          PROSPECTIVE JUROR COLEMAN: I was arrested. I

1           wasn't a victim of that. I was arrested for that.

2           MR. LABRUZZO: Oh, okay. So you were arrested  
3           for making a false statement to a law enforcement  
4           officer. Was that locally?

5           PROSPECTIVE JUROR COLEMAN: Zephyrhills.

6           MR. LABRUZZO: Zephyrhills.

7           And what was the circumstance of that? I  
8           don't want to know the facts of it, but were you  
9           arrested? Do you know if you were prosecuted by  
10          the State Attorney's Office? Did you have to go to  
11          court for that case?

12          PROSPECTIVE JUROR COLEMAN: Yes. I did six  
13          months probation.

14          MR. LABRUZZO: Okay.

15          PROSPECTIVE JUROR COLEMAN: And I wasn't really  
16          arrested. I was never put in handcuffs. I was just  
17          put in a cruiser for a car accident.

18          MR. LABRUZZO: Okay.

19          PROSPECTIVE JUROR COLEMAN: That my ex-husband  
20          was involved in.

21          MR. LABRUZZO: All right. So maybe you were  
22          given a notice to appear where you had to go -- you  
23          had to go to court?

24          PROSPECTIVE JUROR COLEMAN: Yes. I went to  
25          court, and I was sentenced to six months probation,

1 and 25 hours of community service.

2 MR. LABRUZZO: Okay.

3 PROSPECTIVE JUROR COLEMAN: Which I completed.

4 MR. LABRUZZO: Okay. Anything about that  
5 circumstance -- and you said it was a long time  
6 ago -- that would affect your ability to be a juror  
7 in the case?

8 PROSPECTIVE JUROR COLEMAN: No.

9 MR. LABRUZZO: Okay. That statement was --  
10 that charge was prosecuted by the State Attorney's  
11 Office. Do you harbor any ill wills to the State  
12 Attorney's Office for the way you may have been  
13 treated in that case?

14 PROSPECTIVE JUROR COLEMAN: No. I wasn't  
15 treated unfairly. I mean, I was young and I was  
16 dumb. I was involved with somebody that was violent  
17 and abusive.

18 MR. LABRUZZO: Okay.

19 PROSPECTIVE JUROR COLEMAN: And it was just the  
20 circumstances that it was, and I did what I needed  
21 do and moved on.

22 MR. LABRUZZO: Okay. One more question about  
23 that. The law enforcement that was involved in  
24 that, you know, was there any -- and you kind of  
25 already said you didn't harbor any ill will in that,



1 but any issues with how you were dealt with law  
2 enforcement?

3 PROSPECTIVE JUROR COLEMAN: No. Like I said, I  
4 wasn't actually handcuffed. I wasn't arrested. I  
5 spoke to the officer.

6 MR. LABRUZZO: You were treated fairly by the  
7 police?

8 PROSPECTIVE JUROR COLEMAN: Yeah.

9 MR. LABRUZZO: Okay. You also had mentioned  
10 kind of this ex-husband and some abuse that may have  
11 been part of that relationship. You kind of also  
12 make note on here that you know someone who's been  
13 accused of the crime of domestic battery.

14 PROSPECTIVE JUROR COLEMAN: That's my  
15 ex-husband.

16 MR. LABRUZZO: He was the one that was accused?

17 PROSPECTIVE JUROR COLEMAN: Oh, no. I'm sorry.  
18 I was arrested for domestic battery, but the State  
19 Attorney's Office filed no Information.

20 MR. LABRUZZO: No charges against you were  
21 filed?

22 PROSPECTIVE JUROR COLEMAN: Yeah. Yeah.  
23 Nothing ever came of that.

24 MR. LABRUZZO: All right. Anything about that  
25 situation that would affect your ability --

1           PROSPECTIVE JUROR COLEMAN: No. As a matter of  
2 fact, the officer that arrested me, when he took me  
3 into the jail, there was a gentleman in there that  
4 was in the jail and he was making nasty gestures,  
5 and that officer very bluntly put him in his place.

6           THE COURT: Okay.

7           PROSPECTIVE JUROR COLEMAN: So I have a lot of  
8 respect for the officer for doing that.

9           MR. LABRUZZO: Okay. If you were to hear facts  
10 in the case that involved maybe potential domestic  
11 violence, is that something that would affect you in  
12 hearing that?

13          PROSPECTIVE JUROR COLEMAN: I don't know  
14 understand.

15          MR. LABRUZZO: Well, let's just say this is a  
16 case that involves the murder of four people. Okay?  
17 Let's say you hear some evidence that involves  
18 domestic violence.

19          PROSPECTIVE JUROR COLEMAN: There's a lot of  
20 people.

21          MR. LABRUZZO: I get it. And that's all right.  
22 It's okay. It's probably better in this small --  
23 one on one.

24          PROSPECTIVE JUROR COLEMAN: Yeah. It is  
25 private.

1           MR. LABRUZZO: Well, I understand. Better in  
2 here than over there, I would imagine.

3           PROSPECTIVE JUROR COLEMAN: Yeah.

4           MR. LABRUZZO: That if you were to hear some  
5 facts of a case that involves some sort of the  
6 domestic violence. Okay? Threats or abuse between  
7 two people. If you were to hear that, would that  
8 affect your ability to listen to the facts and keep  
9 an open mind as to the facts that you're hearing?

10          PROSPECTIVE JUROR COLEMAN: To be fair, I think  
11 anybody that's experienced violence in their life  
12 could not just say it wouldn't affect me at all.

13          MR. LABRUZZO: Okay.

14          PROSPECTIVE JUROR COLEMAN: That would be a  
15 silly thing to say. I would have to actually hear  
16 it. I mean, I don't know how to answer that.

17          MR. LABRUZZO: It's a tough question because  
18 we're asking you to make a decision in a vacuum  
19 without really giving you all the meat about it.

20          PROSPECTIVE JUROR COLEMAN: Yeah.

21          MR. LABRUZZO: What I guess I'm trying to say  
22 is you're probably right, it would affect anyone.  
23 What we're concerned about is would it affect you to  
24 the extent that you would not be fair, that you  
25 would either prejudice by your previous experiences,

1           that you would shut down and not listen to the  
2           evidence?

3                   PROSPECTIVE JUROR COLEMAN:  No.

4                   MR. LABRUZZO:  Or treat either the defendant or  
5           the State differently because of your previous  
6           experiences?

7                   PROSPECTIVE JUROR COLEMAN:  I don't feel like I  
8           would, no.

9                   MR. LABRUZZO:  Okay.

10                   PROSPECTIVE JUROR COLEMAN:  My experiences were  
11          a very, very long time ago.

12                   MR. LABRUZZO:  Right.

13                   PROSPECTIVE JUROR COLEMAN:  And like I said, I  
14          moved on from that.  I was able to get the proper  
15          counseling, and I don't live anywhere close to that  
16          kind of life anymore.  So it's not that close to me.

17                   MR. LABRUZZO:  Okay.  So I just want to make  
18          sure I'm hearing you correctly.  That it happened a  
19          long time ago?

20                   PROSPECTIVE JUROR COLEMAN:  Uh-huh.

21                   MR. LABRUZZO:  You're in a better spot today?

22                   PROSPECTIVE JUROR COLEMAN:  Much better.

23                   MR. LABRUZZO:  All right.  If you were to hear  
24          testimony that involved domestic violence, you would  
25          be able to separate your experiences from what you

1 hear in the case?

2 PROSPECTIVE JUROR COLEMAN: I believe so.

3 MR. LABRUZZO: Okay. Well, we kind of need a  
4 little bit more -- I need more of a commitment to  
5 that.

6 PROSPECTIVE JUROR COLEMAN: Yes. I'm not going  
7 to lie to you. I mean, I don't feel like I'm going  
8 to look at somebody else's situation and  
9 automatically put my situation together with that.  
10 It's two different scenarios. I don't think I would  
11 do that.

12 MR. LABRUZZO: Okay.

13 PROSPECTIVE JUROR COLEMAN: It's two separate  
14 scenarios.

15 MR. LABRUZZO: All right. And you can separate  
16 the two in your mind?

17 PROSPECTIVE JUROR COLEMAN: Yes.

18 MR. LABRUZZO: And you won't let your situation  
19 affect the facts and testimony you hear in this  
20 case?

21 PROSPECTIVE JUROR COLEMAN: There's different  
22 people.

23 MR. LABRUZZO: All right. Thank you.

24 THE COURT: Defense?

25 MR. LIVERMORE: I'm going to go back to the

1 original thing about your work. Have you done this  
2 before where you spend all day doing something and  
3 then working late at night?

4 PROSPECTIVE JUROR COLEMAN: Oh, yeah. I work  
5 long hours.

6 MR. LIVERMORE: My concern is, even though  
7 you're sitting up there, this can be a very tiring  
8 experience. How do you think you'll be able to deal  
9 with the fatigue of working at night and doing this  
10 during the day? Are you going to be able to keep  
11 your concentration?

12 PROSPECTIVE JUROR COLEMAN: Well, for 17 years  
13 I was a single mother that worked 60 hours a week.

14 MR. LIVERMORE: No more questions. You  
15 answered that.

16 THE COURT: All right. Ma'am, I'm just going  
17 to have you step into the hallway for a moment and  
18 we'll let you know.

19 PROSPECTIVE JUROR COLEMAN: All right.

20 THE COURT: State?

21 MR. LABRUZZO: Judge, I think we'd ask that she  
22 remain.

23 THE COURT: Defense?

24 MR. LIVERMORE: We have no basis for cause.

25 THE COURT: Okay. She'll remain for right now.

1 Ms. Coleman can go next door.

2 And we'll have Johanna Edwards.

3 Good afternoon, Ms. Edwards. Come on up.  
4 We're going to have you sit in the first row of  
5 pews right there. And I just have a couple of  
6 questions for you. Okay?

7 PROSPECTIVE JUROR EDWARDS: Yes, ma'am.

8 THE COURT: On your questionnaire you indicated  
9 that, number one, that you did not believe that you  
10 would be available to serve on the jury trial  
11 because of the length of the trial.

12 PROSPECTIVE JUROR EDWARDS: Correct.

13 THE COURT: What do you have going on?

14 PROSPECTIVE JUROR EDWARDS: I work for the  
15 Pasco County school system, and I also have a  
16 district audit going on next week.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR EDWARDS: I have had some  
19 health issues as far as kidney stones, so I never  
20 know when those may flare up.

21 THE COURT: And I see you have a doctor's  
22 appointment today at 4:30.

23 PROSPECTIVE JUROR EDWARDS: Yes, ma'am.

24 THE COURT: Is that in regards to some of the  
25 issues medically that you have?

1           PROSPECTIVE JUROR EDWARDS: I also have back  
2 problems, and I flew from Denver a couple of weeks  
3 ago and got hurt on a flight back here. We went  
4 through clear air turbulence and my back has been  
5 bothering me for the past two weeks. So I've been  
6 seeing a chiropractor at least twice a week.

7           THE COURT: Okay. And so if, let's say, we got  
8 through your problem with your business and working  
9 for the school system and I had you sit as a juror,  
10 do you think your back issues that you have right  
11 now, you'd have a hard time sitting as a juror  
12 paying attention for all day, from 9:30 to 6:00?

13          PROSPECTIVE JUROR EDWARDS: Yes. Yes, right  
14 now I don't sit a whole lot. I try and get up and  
15 move around.

16          THE COURT: Okay. State?

17          MR. LABRUZZO: I would just ask if you -- you  
18 made a note -- good afternoon, ma'am. I'm sorry.

19          PROSPECTIVE JUROR EDWARDS: No problem.

20          MR. LABRUZZO: I apologize. You made note that  
21 you have some or seen some reports on the news maybe  
22 in the last week and the on the Internet regarding  
23 this case.

24          PROSPECTIVE JUROR EDWARDS: Yes.

25          MR. LABRUZZO: Have you had any fixed opinions



1 as to any of the facts of this case?

2 PROSPECTIVE JUROR EDWARDS: Can I say  
3 something?

4 MR. LABRUZZO: Sure.

5 PROSPECTIVE JUROR EDWARDS: I don't know how  
6 it's going to be interpreted.

7 THE COURT: You're by yourself. So you can't  
8 ruin anybody. Go ahead.

9 PROSPECTIVE JUROR EDWARDS: I have seen some  
10 stuff on the Internet. I'm going to get emotional  
11 because three years ago my late father was killed  
12 here.

13 MR. LABRUZZO: Okay.

14 PROSPECTIVE JUROR EDWARDS: And so I try to  
15 watch what I see on the Internet and be bias. But a  
16 lot of people in this area knew my father, and it  
17 was all over the news and stuff.

18 So my sister and I, we lived on a cattle  
19 ranch, and I'll be honest, blood and guts and some  
20 of that stuff I don't handle and can't handle.

21 So, you know, it's been on the Internet. And  
22 I'm being honest.

23 MR. LABRUZZO: All right. Fair enough, ma'am.  
24 Thank you.

25 THE COURT: Defense, any questions?

1 MR. LIVERMORE: No.

2 THE COURT: All right. Ms. Edwards, I'm going  
3 to have you step out into the hallway and we'll let  
4 you know what's going to happen. Okay?

5 PROSPECTIVE JUROR EDWARDS: Yes.

6 THE COURT: Thank you, ma'am.

7 PROSPECTIVE JUROR EDWARDS: Sorry.

8 THE COURT: No, that's okay.

9 State?

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

11 THE COURT: Any objection?

12 MR. LIVERMORE: No.

13 THE COURT: All right. Ms. Edwards can be  
14 excused.

15 And we'll have Mr. Davis step in.

16 After Mr. Davis, I have Elsa Felix, Lianabel  
17 Cardona, and Farrell Thomas.

18 Mr. Davis, how are you this afternoon?

19 PROSPECTIVE JUROR DAVIS: Well, thank you.

20 THE COURT: You can step up to the first pew  
21 right there and slide in.

22 Sir, you had two things on your form that we  
23 wanted to go over with you. Number one is that  
24 you're unavailable for the timeframe that we're  
25 talking about having this trial. Is that because

1 of work?

2 PROSPECTIVE JUROR DAVIS: I'm a plumbing  
3 contractor and I own my own business.

4 THE COURT: You own your own business.

5 So if I forced you to sit as a juror in this  
6 case, would that cause financial hardship to  
7 yourself, your family, and your business?

8 PROSPECTIVE JUROR DAVIS: Yes.

9 THE COURT: And do you think that would by  
10 itself have you have a hard time sitting as a juror  
11 in this case?

12 PROSPECTIVE JUROR DAVIS: That's the only  
13 reason.

14 THE COURT: Okay. And you said that you  
15 watched some news right after it happened and you  
16 read about it in the newspaper. Did you form any  
17 fixed or definite opinions on the guilt or innocence  
18 of Mr. Matos in this case?

19 PROSPECTIVE JUROR DAVIS: I was trying to  
20 think, when I read that, when you told us what this  
21 was about.

22 THE COURT: Right.

23 PROSPECTIVE JUROR DAVIS: The details of it, I  
24 can't even remember those.

25 THE COURT: Okay. So you could put aside

1 anything maybe in the back of your mind, listen to  
2 what the facts are here in trial where actual  
3 witnesses take the actual witness stand and testify,  
4 and rely on that to make a decision of a guilty  
5 verdict or an innocent verdict?

6 PROSPECTIVE JUROR DAVIS: Yes.

7 THE COURT: All right. And so other than the  
8 fact that your business would be severely harmed for  
9 you sitting here, everything else you think you'd be  
10 a fine juror?

11 PROSPECTIVE JUROR DAVIS: I'm the only  
12 employee.

13 THE COURT: So you don't work, nobody gets any  
14 money?

15 PROSPECTIVE JUROR DAVIS: That's right.

16 THE COURT: All right. State?

17 MR. LABRUZZO: No questions, Your Honor.

18 THE COURT: Defense?

19 MR. LIVERMORE: No questions.

20 THE COURT: All right. Sir, I'm going to have  
21 you step in the hallway. We'll let you know. Okay?  
22 Thank you very much.

23 I have Elsa Felix, Lianabel Cardona, and  
24 Farrell Thomas is my next three.

25 How do we feel about Mr. Davis? Strike for

1           cause?

2                   MR. LABRUZZO: I'd defer to the Defense.

3                   MR. LIVERMORE: Cause.

4                   THE COURT: All right. Mr. Davis can be  
5 released, and we'll bring in Ms. Felix.

6                   So it's going to be Felix, Cardona, and  
7 Thomas.

8                   Good afternoon, ma'am.

9                   PROSPECTIVE JUROR FELIX: Good afternoon.

10                  THE COURT: If you step up to the first pew  
11 right there and slide in. This will only take a  
12 moment.

13                  Thank you for filling out your form. When you  
14 were asked about whether you thought you could sit  
15 for the length of the trial, you said, "I guess."  
16 So we wanted just to clarify that with you. Do you  
17 guess that you can or is there something going on  
18 that we need to know about?

19                  PROSPECTIVE JUROR FELIX: The only thing I have  
20 going on is work, but I mean I can be compensated  
21 for that. But I mean I would like to go to work,  
22 though, since this is our busiest time, Christmas,  
23 Black Friday. I would like to be able to go to  
24 work.

25                  THE COURT: Well, we'll get you there for Black

1 Friday. We'll be done before Thanksgiving. Isn't  
2 that Thanksgiving night or the day after  
3 Thanksgiving?

4 PROSPECTIVE JUROR FELIX: I mean, when we have  
5 Black Friday sales, we start like November 3rd.

6 THE COURT: All right. So they will compensate  
7 you for sitting on the jury?

8 PROSPECTIVE JUROR FELIX: I believe so. I'd  
9 have to double-check with my manager, though.

10 THE COURT: And my question to you is although  
11 they might compensate you for your hourly wage, do  
12 you have a commission on top of that that you're not  
13 going to get?

14 PROSPECTIVE JUROR FELIX: No. I'm hourly.

15 THE COURT: Okay. So you would have to check  
16 with your boss?

17 PROSPECTIVE JUROR FELIX: (Indicating).

18 THE COURT: And you said that you don't think  
19 you've heard anything about this case?

20 PROSPECTIVE JUROR FELIX: Uh-huh.

21 THE COURT: Anything talked about over there  
22 that's comes to your attention?

23 PROSPECTIVE JUROR FELIX: Not that I heard, no.

24 THE COURT: All right. And then the last thing  
25 I wanted to say is, they asked you this kind of

1 question at the end of your questionnaire about "If  
2 your views on the death penalty have changed in the  
3 last five years, please tell us what caused the  
4 change." And you said, "The documentary on  
5 Netflix." Would that be the guy that was in prison?  
6 It was like a Podcast? I can't remember what it  
7 was.

8 PROSPECTIVE JUROR FELIX: It was like a series.  
9 It was called, Making of a Murderer. The guy who  
10 had been committed his whole life pretty much and  
11 they found him not guilty.

12 THE COURT: So watching that made you change  
13 your opinion?

14 PROSPECTIVE JUROR FELIX: Like that we  
15 shouldn't be so quick for the death penalty just in  
16 case people are wrong.

17 THE COURT: So my question to you is, based on  
18 that, is there no situation in which you would  
19 impose the death penalty because you're worried  
20 about that maybe you're doing the wrong thing?

21 PROSPECTIVE JUROR FELIX: I don't think I would  
22 ever absolutely say no.

23 THE COURT: Okay. And so, you seem like a  
24 you're a bright person, you think that you would  
25 have to rely on what the facts are in this case and

1 everything you hear in this case and then the  
2 instructions that I give you to make that decision?

3 PROSPECTIVE JUROR FELIX: Yes.

4 THE COURT: All right. And although your  
5 thoughts about it have changed, you believe that  
6 given the right set of circumstances and the law,  
7 there may be a situation where you might impose it?

8 PROSPECTIVE JUROR FELIX: Yes.

9 THE COURT: Or, you know, I shouldn't say  
10 impose it. I should say vote for it?

11 PROSPECTIVE JUROR FELIX: Yes.

12 THE COURT: Okay. And if I gave you an  
13 opportunity to call your boss and find out to make  
14 sure that you're paid, would that help you make a  
15 decision on whether you'd be okay sitting for the  
16 length of time?

17 PROSPECTIVE JUROR FELIX: Yes.

18 THE COURT: All right. State, questions?

19 MR. LABRUZZO: One moment, Your Honor. No  
20 questions, Your Honor.

21 THE COURT: Defense?

22 MR. LIVERMORE: No questions.

23 THE COURT: Either part you want to ask her  
24 about?

25 MR. LIVERMORE: (Indicating).



1           THE COURT: All right. So for right now,  
2           Ms. Felix, what I'm going to ask is -- do you have  
3           your phone with you?

4           PROSPECTIVE JUROR FELIX: Yes. It's turned  
5           off.

6           THE COURT: That's fine. And if I gave you the  
7           opportunity, could you reach your boss now?

8           PROSPECTIVE JUROR FELIX: I can try.

9           THE COURT: Okay. You're going to stay on the  
10          panel for right now. I'm going to have you go  
11          ahead, you can use your phone, and when you step out  
12          I'll let you use it in the hallway to see if you can  
13          clarify with your boss on whether you would be paid,  
14          and we'll bring it up again when we bring the whole  
15          group back. Okay?

16          PROSPECTIVE JUROR FELIX: Okay.

17          THE COURT: All right. Thank you.

18          I assume no one is asking for cause?

19          MR. LABRUZZO: No.

20          THE COURT: All right.

21          Lianabel Cardona, I think it is. Cardona.

22          She says she works for the FBI, by the way.

23          MR. LIVERMORE: Yeah, I saw that.

24          THE COURT: I don't know what she does for the  
25          FBI.

1 MR. LABRUZZO: She's an accountant.

2 THE COURT: What?

3 MR. LABRUZZO: It says she's an accountant.

4 THE COURT: Good afternoon, ma'am. Is it  
5 Cardona?

6 PROSPECTIVE JUROR CARDONA: Yes.

7 THE COURT: All right. We're going to have you  
8 sit in the front row.

9 Ma'am, I just have a couple of questions from  
10 the questionnaire that you filled out. First of  
11 all, you work for the FBI?

12 PROSPECTIVE JUROR CARDONA: Yes.

13 THE COURT: As an accountant?

14 PROSPECTIVE JUROR CARDONA: Yes.

15 THE COURT: All right. And so I would assume  
16 they would pay you if we put on our jury?

17 PROSPECTIVE JUROR CARDONA: Yes.

18 THE COURT: Okay. But when asked if you  
19 thought you could serve, you said, "No. I have  
20 young children that I need to pick up from school".

21 PROSPECTIVE JUROR CARDONA: Yes.

22 THE COURT: What time do you pick them up?

23 PROSPECTIVE JUROR CARDONA: It's 3:45.

24 THE COURT: 3:45?

25 PROSPECTIVE JUROR CARDONA: Uh-huh.

1           THE COURT: Is there anyone who could fill in  
2 for you for the next three weeks?

3           PROSPECTIVE JUROR CARDONA: No.

4           THE COURT: All right.

5           PROSPECTIVE JUROR CARDONA: For today I have  
6 somebody already, yes.

7           THE COURT: Okay. But that person is only for  
8 today. And how old are the children?

9           PROSPECTIVE JUROR CARDONA: Twelve and 13.

10          THE COURT: All right. And how far -- when you  
11 say picked up, I assume you pick them up at the  
12 school?

13          PROSPECTIVE JUROR CARDONA: Yes.

14          THE COURT: Is there any way they could ride  
15 the school bus home?

16          PROSPECTIVE JUROR CARDONA: No.

17          THE COURT: Okay. Are they in a charter  
18 school?

19          PROSPECTIVE JUROR CARDONA: Yes.

20          THE COURT: It's the kind of school that you  
21 agree they can go there, but you've got to get them  
22 there and get them home?

23          PROSPECTIVE JUROR CARDONA: Exactly.

24          THE COURT: Okay. And any after-school place  
25 that they could go attached to it for the three

1 weeks or anything like that?

2 PROSPECTIVE JUROR CARDONA: Not that I know of.

3 THE COURT: Okay. All right. State, any  
4 questions?

5 MR. LABRUZZO: No, Your Honor.

6 THE COURT: Defense?

7 MR. LIVERMORE: No, ma'am.

8 THE COURT: All right. Ma'am, we're going to  
9 have you step in the hallway and we'll let you know.  
10 Okay?

11 PROSPECTIVE JUROR CARDONA: Thank you.

12 THE COURT: Thank you.

13 State?

14 MR. LABRUZZO: I'd defer to the Defense, Judge.

15 THE COURT: Defense?

16 MR. LIVERMORE: We would challenge for cause.

17 THE COURT: All right. We'll go ahead and  
18 release her, we'll take her badge, and we'll bring  
19 Mr. Thomas in.

20 After Thomas is going to be the next very long  
21 name I can't pronounce, Pilaszkieicz.

22 MR. PURA: Pilaszkieicz.

23 THE COURT: Okay. That's right. Whatever you  
24 say.

25 Ms. Thomas, how are you?

1 PROSPECTIVE JUROR THOMAS: Good. How are you?

2 THE COURT: Good. Go ahead on the first row  
3 right there. I have a couple of questions.

4 PROSPECTIVE JUROR THOMAS: Okay.

5 THE COURT: First of all, you said that if you  
6 were chosen, if you had to, you could sit as a juror  
7 for the length of time we're talking about, correct?

8 PROSPECTIVE JUROR THOMAS: If I had to, but I  
9 am concerned obviously about my bills being paid.

10 THE COURT: Okay. We'll get to that. Where do  
11 you work?

12 PROSPECTIVE JUROR THOMAS: I work at Micro Ram  
13 Electronics.

14 THE COURT: And are you paid by your employer?

15 PROSPECTIVE JUROR THOMAS: Yeah. But only for,  
16 I think, two days or three days.

17 THE COURT: Okay. So we're talking about three  
18 weeks. You'd be without pay for that time period?

19 PROSPECTIVE JUROR THOMAS: Correct.

20 THE COURT: And do you believe that you could  
21 pay your bills if you weren't paid for that amount  
22 of time?

23 PROSPECTIVE JUROR THOMAS: I don't think so.  
24 It would be really hard.

25 THE COURT: All right. And do you think that

1 would cause you great -- and you already say you  
2 have anxiety and the some depression. Do you think  
3 that would just make it worse for you if you had to  
4 sit as a juror?

5 PROSPECTIVE JUROR THOMAS: Definitely.

6 THE COURT: All right. And do you take  
7 medication for your mental health issues?

8 PROSPECTIVE JUROR THOMAS: I do.

9 THE COURT: What do you take?

10 PROSPECTIVE JUROR THOMAS: Wellbutrin.

11 THE COURT: All right. And does it become  
12 exaggerated when you're under a lot of stress?

13 PROSPECTIVE JUROR THOMAS: Yes.

14 THE COURT: And is that one of the things that  
15 you're concerned about?

16 PROSPECTIVE JUROR THOMAS: Yes.

17 THE COURT: Okay. State, any questions?

18 MR. LABRUZZO: No, Your Honor.

19 THE COURT: Defense?

20 MR. LIVERMORE: No.

21 THE COURT: All right. Ma'am, thank you very  
22 much. We'll let you know. If you'll step outside.

23 How are you pronouncing this last --  
24 Pilaszekiewicz.

25 MR. PURA: Pilaszekiewicz.

1 THE COURT: Pilaszkieicz.

2 Then I have Jacqueline Koryus and Bruce Rossi.

3 Are we okay releasing Ms. Thomas as a cause  
4 challenge?

5 MR. LABRUZZO: Judge, we'd move for cause.

6 THE COURT: Defense?

7 MR. LIVERMORE: Agreed.

8 THE COURT: All right. Ms. Thomas is released.  
9 We'll take her badge. And then we're having that  
10 really long name that they pronounced correctly for  
11 me. Let's hope we don't have anybody's name like  
12 that as a witness. Pilaszkieicz.

13 Good afternoon, sir. How are you? If you can  
14 step on up to the first pew right there.

15 How do you pronounce your last name?

16 PROSPECTIVE JUROR PILASZKIEWICZ: Pilaszkieicz  
17 .

18 THE COURT: Okay. Sir, on the form you said  
19 that you did not think that you could sit as a juror  
20 in this case because of the amount of time that it  
21 would take; is that correct?

22 PROSPECTIVE JUROR PILASZKIEWICZ: Yes.

23 THE COURT: Do you have work?

24 PROSPECTIVE JUROR PILASZKIEWICZ: Just I don't  
25 understand everything.

1           THE COURT: Okay. Let's start there. Do you  
2 have some problems with the English language?

3           PROSPECTIVE JUROR PILASZKIEWICZ: Not really,  
4 but sometimes is -- you know, it's difficult to --  
5 you know, if you do some correct the answer or  
6 something like that.

7           THE COURT: Now, it says that you speak Polish.  
8 Are you from Poland?

9           PROSPECTIVE JUROR PILASZKIEWICZ: Yes.

10          THE COURT: And how long have you been in the  
11 United States?

12          PROSPECTIVE JUROR PILASZKIEWICZ: Seventeen  
13 years.

14          THE COURT: Okay. So there's still issues,  
15 however, if we talk about big words or medical words  
16 that you may not be able to follow?

17          PROSPECTIVE JUROR PILASZKIEWICZ: Yes.  
18 Sometimes, yes.

19          THE COURT: Do you think if you were chosen as  
20 a juror, you could raise your hand and ask -- say,  
21 "Judge, I don't know what that means?" And I can  
22 just have the person explain it to you?

23          PROSPECTIVE JUROR PILASZKIEWICZ: Yes.  
24 Sometimes I need explained.

25          THE COURT: Okay. And so with work, are you



1 not being paid to be here?

2 PROSPECTIVE JUROR PILASZKIEWICZ: No.

3 THE COURT: And would that cause you financial  
4 hardship?

5 PROSPECTIVE JUROR PILASZKIEWICZ: I don't know.

6 THE COURT: You don't know?

7 PROSPECTIVE JUROR PILASZKIEWICZ: It depends  
8 how many days.

9 THE COURT: Okay. Let's say I have you here 20  
10 days, that you miss about 15 days of work, 10 days  
11 of work, would that be difficult for you?

12 PROSPECTIVE JUROR PILASZKIEWICZ: Yes.

13 THE COURT: Okay. State, do you have any  
14 questions?

15 MR. LABRUZZO: No, Your Honor.

16 THE COURT: Defense?

17 MR. LIVERMORE: No, ma'am.

18 THE COURT: All right. Sir, we're going to  
19 have you step into the hallway. We'll let you know  
20 what we're going to do. Okay?

21 PROSPECTIVE JUROR PILASZKIEWICZ: Yes.

22 THE COURT: Thank you.

23 State?

24 MR. LABRUZZO: Judge, we'd move for cause.

25 THE COURT: Defense, any objection?

1 MR. LIVERMORE: No.

2 THE COURT: All right. He'll be released. And  
3 then we'll have Jacqueline Koryus come in.

4 Good afternoon, Ms. Koryus. How are you?

5 PROSPECTIVE JUROR KORYUS: Fine. Thank you.

6 THE COURT: After Koryus will be Bruce Rossi.

7 Ms. Koryus, if you can come to the first pew  
8 right there and scoot in. We just have a few  
9 questions from your questionnaire. Thank you for  
10 filling it out.

11 PROSPECTIVE JUROR KORYUS: Okay.

12 THE COURT: You indicated that you did remember  
13 about this case from when the story broke?

14 PROSPECTIVE JUROR KORYUS: Yes, ma'am.

15 THE COURT: What do you remember?

16 PROSPECTIVE JUROR KORYUS: That the family was  
17 killed, and I think he was found in a hotel in  
18 downtown Tampa.

19 THE COURT: Okay. Based on what you've read,  
20 did you form an opinion on the guilt or innocence of  
21 the person who was arrested?

22 PROSPECTIVE JUROR KORYUS: I can't recall at  
23 this time.

24 THE COURT: Okay. So would you be able, if you  
25 were chosen as a juror in this case, to put aside

1 anything you may have read, listen to just the facts  
2 that come out in trial from the witness stand, from  
3 the witnesses and pictures and evidence, to form  
4 your decision on the guilt or innocence of the  
5 defendant?

6 PROSPECTIVE JUROR KORYUS: I can't say yes and  
7 I can't say no. Especially if it's going to be  
8 graphic, I probably will have a very hard time with  
9 it.

10 THE COURT: Okay. Let me get into that. As  
11 you know from what we said on our questionnaire that  
12 we're talking about a murder case. And in this  
13 particular case there will be photographs. Now, how  
14 gruesome those photographs are, I can't know for  
15 certain because I haven't seen them. But I can  
16 imagine that we'll have the medical examiner and  
17 he's going to talk about injuries, and there's going  
18 to be some photographs.

19 And so based on that, you think that you would  
20 have a hard time looking at those photographs and  
21 being able to listen to the testimony of, let's  
22 say, the medical examiner about how the injuries  
23 occurred, that would cause you great -- like you  
24 might just cut it off? Like not listen?

25 PROSPECTIVE JUROR KORYUS: I would have a hard

1 time, yeah.

2 THE COURT: All right. And do you think that  
3 you would not listen to that testimony, like not  
4 hear it, not hear any problems with it? Because the  
5 State might put it on, but the Defense might  
6 cross-examine it and, you know, bring up issues with  
7 it. But you think just seeing the blood, you're  
8 just going to not listen to it?

9 PROSPECTIVE JUROR KORYUS: It would be hard for  
10 me. It would be hard for me.

11 THE COURT: Okay. And sitting here with this  
12 type of case, do you think you'd have a hard time  
13 being a fair and impartial juror?

14 PROSPECTIVE JUROR KORYUS: Put it that way,  
15 probably, yeah.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR KORYUS: I would have a hard  
18 time.

19 THE COURT: State, any questions?

20 MR. LABRUZZO: No, Your Honor.

21 THE COURT: Defense, any questions?

22 MR. LIVERMORE: No, ma'am.

23 THE COURT: All right. Ma'am, thank you very  
24 much. We're going to have you wait in the hallway  
25 for just one moment.

1           And then we're going to bring in Bruce Rossi  
2 next.

3           State, Ms. Koryus?

4           MR. LABRUZZO: Judge, we'd move for cause.

5           THE COURT: Any objection?

6           MR. LIVERMORE: (Indicating).

7           THE COURT: All right. She'll be released, and  
8 we'll bring in Mr. Rossi.

9           After Rossi will be Tabitha Dunsford, Pamela  
10 Chamberlain, and Cindy Swan.

11          After Rossi, we'll take a quick break because  
12 it will be two hours for you guys. Okay?

13          MR. LABRUZZO: Thank you, Judge.

14          THE COURT: Good afternoon, Mr. Rossi. How are  
15 you?

16          PROSPECTIVE JUROR ROSSI: Pretty good.

17          THE COURT: All right. If you can step up to  
18 that first pew and just scoot in a little. We have  
19 a couple of questions for you. Okay?

20          Sir, on your questionnaire -- you filled it  
21 out. Thank you very much -- you said that you did  
22 not feel or did not believe that you would be able  
23 to sit as a juror for the amount of time necessary  
24 for this trial.

25          PROSPECTIVE JUROR ROSSI: That's correct.

1 THE COURT: And why is that?

2 PROSPECTIVE JUROR ROSSI: Because I have a  
3 prostate problem.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR ROSSI: I have to keep going  
6 to the restroom.

7 THE COURT: If I broke every hour and a half,  
8 would that be enough?

9 PROSPECTIVE JUROR ROSSI: Sometimes. Sometimes  
10 it wouldn't. I never can tell.

11 THE COURT: Okay. And you would have to get up  
12 and use the restroom and you are afraid that that  
13 would cause you to disrupt the jury in the trial?

14 PROSPECTIVE JUROR ROSSI: Yes.

15 THE COURT: Okay. State, any questions?

16 MR. LABRUZZO: No, Your Honor.

17 THE COURT: Defense?

18 MR. LIVERMORE: No, ma'am. I would ask the  
19 Court to consider number 10.

20 THE COURT: Yes. That's what I'm going to  
21 bring up. Sir, you are 70?

22 PROSPECTIVE JUROR ROSSI: 71.

23 THE COURT: You look good for your age. I  
24 wouldn't have picked that. I'm going to excuse you  
25 as a juror. Your age alone allows me to excuse you.

1           So if you just go ahead and put that badge in that  
2           box right there, and you're good to go.

3                   And I'll tell you that from now on, if you get  
4           a jury summons, just tell them you're over 70, and  
5           you don't have to come unless you want.

6                   PROSPECTIVE JUROR ROSSI: All right. Thank  
7           you.

8                   THE COURT: But, Mr. Rossi, we will pay you for  
9           today. If you step downstairs back to the jury pool  
10          room, they'll give you money for coming today.  
11          Okay? Thank you, sir.

12                   Do you all want to take a quick ten-minute  
13          break?

14                   MR. LABRUZZO: Yes, Judge.

15                   THE COURT: All right. We're going to take a  
16          ten-minute break.

17          (Recess Taken.)

18                   THE COURT: You may be seated.

19                   All right. We have Tabitha Dunsford, Pamela  
20          Chamberlain, and Cindy Swan next. And they're  
21          waiting in the hallway. Dunsford, Chamberlain, and  
22          Swan.

23                   MR. LIVERMORE: I wonder if she qualifies under  
24          eight or not?

25                   THE COURT: Which one is she?

1 MR. LIVERMORE: Dunsford, Tabitha.

2 THE COURT: Under what?

3 MR. PURA: Paragraph eight. Questioning.

4 THE COURT: Oh, I got it. No, she says she  
5 works full time.

6 MR. LIVERMORE: Yeah. But it's at home.

7 (Staff Conversation.)

8 THE COURT: We're going to bring in Ms. Felix.  
9 She's crying. I think she called and they said  
10 that, no, and they'll probably fire her or  
11 something.

12 MR. PURA: Which one is that?

13 THE COURT: Felix. Alicia Felix. She works at  
14 Best Buy. We told her to make a phone call. She  
15 was like our last juror before we broke, or before  
16 Mr. Rossi.

17 Hi, Ms. Felix. Are you okay?

18 PROSPECTIVE JUROR FELIX: I'm a little stressed  
19 out.

20 THE COURT: My bailiff said you were. Is it  
21 anything about the trial?

22 PROSPECTIVE JUROR FELIX: No. It's just I  
23 called my manager and he didn't know. So he called  
24 my GM, my GM didn't know. My GM called my district  
25 manager, he didn't know. Because most the time it's



1           just one or two day-type thing. It's not a  
2           three-week thing.

3           THE COURT: Okay.

4           PROSPECTIVE JUROR FELIX: So they're waiting to  
5           get back to me.

6           THE COURT: All right. And so you're stressing  
7           out because you've had to talk all the way up to the  
8           district manager?

9           PROSPECTIVE JUROR FELIX: Pretty much, yeah.  
10          No one could give me a definite answer. And I'm  
11          kind of stressing out because, like, if I don't get  
12          compensated for being off of work, I can't afford to  
13          pay my portion of the bills.

14          THE COURT: Okay. So if they don't compensate  
15          you, that would be an extreme hardship on you?

16          PROSPECTIVE JUROR FELIX: Yes. An extreme  
17          hardship. I have a lot of bills. I live paycheck  
18          to paycheck.

19          THE COURT: Okay. And my question to you is  
20          how long do they think it will be before they can  
21          give you that answer?

22          PROSPECTIVE JUROR FELIX: I don't know. They  
23          said they were going to text or call me.

24          THE COURT: Okay. And you're hoping for today,  
25          right?

1           PROSPECTIVE JUROR FELIX: Yeah. They said  
2 today, but they didn't know if it would be in the  
3 next couple of minutes or the next hour.

4           THE COURT: All right. So do you mind waiting  
5 in the room? Don't stress out. It's okay. I  
6 promise. We won't do anything until we get an  
7 answer for you. Okay? That's very important to you  
8 and to the lawyers. If you were all stressed out in  
9 the jury panel, that wouldn't help their case.  
10 Okay? So at this point we just need you to get an  
11 answer, but there's no reason for you to stress  
12 about it. Okay?

13          PROSPECTIVE JUROR FELIX: Okay.

14          THE COURT: All right. So you can go ahead and  
15 leave your phone on so if they text you, you get us  
16 an answer.

17          PROSPECTIVE JUROR FELIX: Okay.

18          THE COURT: And we'll ask you when we bring you  
19 back. Okay?

20          PROSPECTIVE JUROR FELIX: Thank you.

21          THE COURT: Hold on. Why don't we have you  
22 wait right into the hallway right there and we'll go  
23 ahead and talk about it.

24          MR. LABRUZZO: I was just going to suggest when  
25 she gets an answer, she could let the deputies know.

1 THE COURT: Okay. Remember when you were over  
2 there we asked you to raise your hand? Raise your  
3 hand and tell the clerk. She will email my clerk.  
4 Okay?

5 PROSPECTIVE JUROR FELIX: Okay.

6 THE COURT: All right. Thank you. We don't  
7 actually have a bailiff in there. So she'll have to  
8 let the clerk that's in there know.

9 MR. LABRUZZO: Okay.

10 THE COURT: So Ms. Felix is a yes until we hear  
11 otherwise.

12 We'll have Ms. Dunford, Chamberlain, and Swan.

13 Good afternoon. It's Ms. Dunford, right?

14 THE BAILIFF: Yes, Judge.

15 THE COURT: All right. Ma'am, if we could have  
16 you step up here. We just have a few questions for  
17 you. Okay?

18 You said that you work full time at home with  
19 a six-month-old child.

20 PROSPECTIVE JUROR DUNFORD: Yes.

21 THE COURT: And I would assume that you do not  
22 have a sitter for the full length of the trial is  
23 what you wrote on the bottom here?

24 PROSPECTIVE JUROR DUNFORD: Yes.

25 THE COURT: And so my guess is that is your

1 issue with sitting as a juror?

2 PROSPECTIVE JUROR DUNFORD: Yes.

3 THE COURT: So there's no one to take care of  
4 your child? You're the full-time caregiver for a  
5 six-month-old?

6 PROSPECTIVE JUROR DUNFORD: Yes, I am.

7 THE COURT: Okay. And right now who is  
8 watching your child?

9 PROSPECTIVE JUROR DUNFORD: I'm paying someone  
10 to watch him.

11 THE COURT: Okay. And you can't be here and  
12 not get paid and pay someone to watch your child?

13 PROSPECTIVE JUROR DUNFORD: Yeah. I'd be  
14 losing money pretty much.

15 THE COURT: Okay. And I would guess that that  
16 would cause you to have a hard time concentrating  
17 when the trial is going on and you're worried about  
18 your child and how you're going to pay for all the  
19 things that are going on?

20 PROSPECTIVE JUROR DUNFORD: Yes. He's a  
21 priority.

22 THE COURT: Okay. State, any questions?

23 MR. LABRUZZO: No, Your Honor.

24 THE COURT: Defense?

25 MR. LIVERMORE: No, ma'am.

1           THE COURT: All right. Ms. Dunford, I'm going  
2 to go ahead and release you. If you want to take  
3 that jury badge and stick it in that box right  
4 there. You're good to go. Just don't talk about  
5 the case, and then you're free to go home and take  
6 care of your child. Okay?

7           PROSPECTIVE JUROR DUNFORD: Thank you.

8           THE COURT: You're welcome.

9           Then we have Pamela Chamberlain and then Cindy  
10 Swan.

11          Ms. Chamberlain, how are you?

12          PROSPECTIVE JUROR CHAMBERLAIN: Good. Thank  
13 you.

14          THE COURT: We're going to go to that first  
15 little area and scoot in. And I just have a couple  
16 of questions for you, and the State and the Defense  
17 might have some.

18          You said that it was on the news this morning  
19 about the case regarding jury selection to begin  
20 today. Which news show were you watching?

21          PROSPECTIVE JUROR CHAMBERLAIN: I was actually  
22 watching the scroll to see what was on TV.

23          THE COURT: Okay.

24          PROSPECTIVE JUROR CHAMBERLAIN: It was Bay News  
25 9. They showed the news at the same time.

1           THE COURT: And when you saw the scroll, were  
2 they live from the front of the courthouse?

3           PROSPECTIVE JUROR CHAMBERLAIN: No. It showed  
4 a picture of the defendant in an orange jumpsuit.

5           THE COURT: Okay.

6           PROSPECTIVE JUROR CHAMBERLAIN: And I figured  
7 that was an old photo.

8           THE COURT: An old picture.

9           Is there anything about the fact that it was  
10 on the news this morning and you saw him in that  
11 orange jumpsuit when he was arrested -- I would  
12 assume, I'm just guessing because I didn't see that  
13 picture -- that you would have formed a fixed or  
14 definite opinion about his guilt or innocence in  
15 this matter?

16          PROSPECTIVE JUROR CHAMBERLAIN: No. I was just  
17 curious if this is what I was going to be here for  
18 today.

19          THE COURT: Lucky you, right?

20          PROSPECTIVE JUROR CHAMBERLAIN: Yeah.

21          THE COURT: And so just hearing what you saw on  
22 the news doesn't affect you in any way if you were  
23 chosen as a juror in this case?

24          PROSPECTIVE JUROR CHAMBERLAIN: No.

25          THE COURT: All right. And my other question

1 for you is that you indicated that you were the  
2 victim of a crime, and I think it says you were  
3 assaulted by your ex-husband.

4 PROSPECTIVE JUROR CHAMBERLAIN: Well, I don't  
5 know if assault is the right word or battery, but  
6 yes, domestic violence.

7 THE COURT: Was he arrested?

8 PROSPECTIVE JUROR CHAMBERLAIN: Twice.

9 THE COURT: Was it here in Pasco?

10 PROSPECTIVE JUROR CHAMBERLAIN: Yes.

11 THE COURT: And how long ago was that?

12 PROSPECTIVE JUROR CHAMBERLAIN: 2002 and 2004.

13 THE COURT: Okay. So it was quite a bit of  
14 time ago?

15 PROSPECTIVE JUROR CHAMBERLAIN: Yes. We've  
16 been divorced since 2006.

17 THE COURT: All right. And so right now you're  
18 not on any witness list or being called as a witness  
19 in any case against him currently?

20 PROSPECTIVE JUROR CHAMBERLAIN: No. Absolutely  
21 not.

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

24 MR. LABRUZZO: I do. Good afternoon, ma'am.

25 PROSPECTIVE JUROR CHAMBERLAIN: Good afternoon.

1           MR. LABRUZZO: I want to ask you some questions  
2 where the Judge left off.

3           PROSPECTIVE JUROR CHAMBERLAIN: Okay.

4           MR. LABRUZZO: You mentioned that your  
5 ex-husband was arrested.

6           PROSPECTIVE JUROR CHAMBERLAIN: Yes.

7           MR. LABRUZZO: Do you know if he was prosecuted  
8 for the crimes that he was arrested for?

9           PROSPECTIVE JUROR CHAMBERLAIN: Well, the first  
10 time I had him arrested because he put a shotgun in  
11 my face and I fled the house and called the Sheriff,  
12 and I dropped the charges after I found out that he  
13 could be serving ten years for that crime.

14          MR. LABRUZZO: Okay.

15          PROSPECTIVE JUROR CHAMBERLAIN: Two years later  
16 he pulled me by the head, and I went to call the  
17 cops and he pulled the phone out of the wall. And  
18 the police had already been dialed, so they sent a  
19 patrol car over and they arrested him for tampering  
20 with a witness.

21          MR. LABRUZZO: Okay. So you said you dropped  
22 the first charges against him?

23          PROSPECTIVE JUROR CHAMBERLAIN: Yes.

24          MR. LABRUZZO: The second charges he was  
25 arrested for, did you participate in the prosecution



1 in that?

2 PROSPECTIVE JUROR CHAMBERLAIN: No, I did not.

3 MR. LABRUZZO: Okay. Your involvement in those  
4 cases, let's just talk about law enforcement. There  
5 were deputies or officers that responded?

6 PROSPECTIVE JUROR CHAMBERLAIN: Yes.

7 MR. LABRUZZO: Anything about your experience  
8 with them that would affect your ability to listen  
9 to other law enforcement officers testify? For  
10 example, an officer, let's say you had a good  
11 experience with them during those investigations and  
12 you were to see the same officer or an officer from  
13 the same agency testify, would you treat the  
14 officers testifying any different because of your  
15 previous experience?

16 PROSPECTIVE JUROR CHAMBERLAIN: I don't see why  
17 I would.

18 MR. LABRUZZO: Okay. So you can separate your  
19 experiences with the law enforcement officers  
20 previously and any testimony that would happen in  
21 this case?

22 PROSPECTIVE JUROR CHAMBERLAIN: Yes.

23 MR. LABRUZZO: Okay. Those cases I would  
24 imagine that at some point you were contacted about  
25 your willingness to participate in prosecution,

1           because you kind of said once you learned what could  
2           happen you dropped your participation?

3                   PROSPECTIVE JUROR CHAMBERLAIN:  Yes.

4                   MR. LABRUZZO:  All right.  That would have  
5           involved either the courts or the State Attorney's  
6           Office.

7                   PROSPECTIVE JUROR CHAMBERLAIN:  I believe I had  
8           to go -- it was in one of these buildings around  
9           here.

10                  MR. LABRUZZO:  With the State Attorney?

11                  PROSPECTIVE JUROR CHAMBERLAIN:  I had a meeting  
12           with somebody.

13                  MR. LABRUZZO:  Okay.

14                  THE COURT:  The buildings looked a little  
15           different back then.

16                  PROSPECTIVE JUROR CHAMBERLAIN:  Yes.  They have  
17           been remodeled since.

18                  MR. LABRUZZO:  All right.  Anything about that  
19           experience, when you met with someone to talk about  
20           the case, that would affect your ability to sit as a  
21           juror in this case?

22                  PROSPECTIVE JUROR CHAMBERLAIN:  No correlation.

23                  MR. LABRUZZO:  Okay.  The overall two arrests  
24           that you talked about involving domestic violence,  
25           okay, if I were to tell you that there may be

1 testimony involving domestic violence in this case,  
2 all right, can you separate in your mind the  
3 experiences that you had in 2002 and 2004 from the  
4 testimony you might hear in this case?

5 PROSPECTIVE JUROR CHAMBERLAIN: Absolutely.

6 MR. LABRUZZO: Okay. So if you were to hear  
7 testimony that would involve domestic violence, you  
8 can completely separate it in your mind and say,  
9 "What I experienced is what I experienced, but this  
10 is different and I'm going to treat it differently"?

11 PROSPECTIVE JUROR CHAMBERLAIN: I guess so.

12 MR. LABRUZZO: Okay. And can you promise us  
13 that you won't let any of the emotions that you may  
14 have had back in 2002 and 2004 affect your ability  
15 to hear, perceive and understand the facts in this  
16 case?

17 PROSPECTIVE JUROR CHAMBERLAIN: A hundred  
18 percent, yes.

19 MR. LABRUZZO: Okay. No further questions,  
20 Judge.

21 THE COURT: Any cross-examination? Questions  
22 from the Defense?

23 MR. LIVERMORE: Ma'am, you said you saw  
24 something today about the case?

25 PROSPECTIVE JUROR CHAMBERLAIN: Yes. Briefly I

1 did.

2 MR. LIVERMORE: Did you see anything in the  
3 past or read anything about it?

4 PROSPECTIVE JUROR CHAMBERLAIN: No.

5 MR. LIVERMORE: Okay. Thank you.

6 THE COURT: All right. Ms. Chamberlain, thank  
7 you very much. I'm going to have you step into the  
8 hallway and we'll let you know.

9 State, is she okay to go back to the big  
10 group?

11 MR. LABRUZZO: Yes, Judge.

12 MR. LIVERMORE: Yes.

13 THE COURT: Okay. Ms. Chamberlain will go back  
14 next door.

15 And we'll have Cindy Swan.

16 After Swan is William Weber; Tammy Muse,  
17 M-u-s-e; and Gina Wharton.

18 Good afternoon, Ms. Swan. How are you?

19 PROSPECTIVE JUROR SWAN: Good.

20 THE COURT: Ms. Swan, we did look at your  
21 questionnaire. Thank you for filling it out. And  
22 you did say that you thought that you would be  
23 unable to serve as a juror because of the length of  
24 time it will take to try this case; is that correct?

25 PROSPECTIVE JUROR SWAN: Yes. I'm going to be

1 out of state from the 10th to the 13th.

2 THE COURT: Okay. Where are you going and what  
3 are you doing?

4 PROSPECTIVE JUROR SWAN: New Orleans. My  
5 mother is having surgery.

6 THE COURT: Okay. So I assume you already  
7 bought your tickets? Your mom is scheduled for  
8 surgery? You're good to go?

9 PROSPECTIVE JUROR SWAN: Yes.

10 THE COURT: Okay. State, any questions?

11 MR. LABRUZZO: No, Your Honor.

12 THE COURT: Defense?

13 MR. LIVERMORE: No.

14 THE COURT: Any objection to releasing her?

15 MR. LIVERMORE: No.

16 THE COURT: All right. Ma'am, I know it's  
17 taken a long time today, but you are released. If  
18 you go ahead and take your juror badge and put it  
19 right in that box in front of you. You are released  
20 from your service and you're free to go home. Thank  
21 you very much for your time today. And just don't  
22 talk about the case. Okay?

23 PROSPECTIVE JUROR SWAN: Okay.

24 THE COURT: Thank you.

25 We're going to have William Weber; Tammy Muse,

1 M-u-s-e; and Gina Wharton. My bailiff has probably  
2 already got them ready to go. Just so you all  
3 know, I gave him a list and we numbered them, so  
4 that's why he knows who to call.

5 All right. Mr. Weber?

6 PROSPECTIVE JUROR WEBER: Yes.

7 THE COURT: Come on up. Sir, thank you for  
8 filling out your questionnaire. The one thing that  
9 came to my attention is you said that you did not  
10 feel that you would be able to serve on the trial  
11 because of the time it's going to take to do the  
12 trial. What do you have going on?

13 PROSPECTIVE JUROR WEBER: I'm currently in a  
14 custody case with my girlfriend.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR WEBER: It's over in Dade  
17 City.

18 THE COURT: All right.

19 PROSPECTIVE JUROR WEBER: It's pretty much  
20 throughout November.

21 THE COURT: So is it scheduled for trial?

22 PROSPECTIVE JUROR WEBER: Yes. The arraignment  
23 I believe is the day before Thanksgiving.

24 THE COURT: And you say a custody battle, but  
25 you called it an arraignment. Were you charged with

1 a crime?

2 PROSPECTIVE JUROR WEBER: No, I wasn't. Her ex  
3 was. Their child, we're getting her transitioned to  
4 our house.

5 THE COURT: Okay. Okay. Just so I understand,  
6 your girlfriend has a child with another man?

7 PROSPECTIVE JUROR WEBER: Yes.

8 THE COURT: He has been charged with a crime?

9 PROSPECTIVE JUROR WEBER: Yes, ma'am.

10 THE COURT: And that is going to go for  
11 arraignment in Dade City starting in a couple of  
12 weeks?

13 PROSPECTIVE JUROR WEBER: Yes, ma'am.

14 THE COURT: Okay. And that's the reason,  
15 because you have to be available for that case?

16 PROSPECTIVE JUROR WEBER: That and visitations.

17 THE COURT: Has DCF been called into this  
18 matter?

19 PROSPECTIVE JUROR WEBER: CPI.

20 THE COURT: CPI. Right. And so they've  
21 awarded temporary custody to you and your girlfriend  
22 at your house?

23 PERSPECTIVE JUROR WEBER: Not yet. We have to  
24 go through a home study.

25 THE COURT: Right. And so based on all that,

1           you're dealing with having to be available to them  
2           whenever it is that they want to come to your house  
3           or be there for visitation and all the things that  
4           go along with that?

5           PROSPECTIVE JUROR WEBER: Yes.

6           THE COURT: Okay. State?

7           MR. LABRUZZO: Good afternoon, sir.

8           PROSPECTIVE JUROR WEBER: How are you doing?

9           MR. LABRUZZO: The things that you just  
10          outlined with the Judge, the home study and all the  
11          visitations, that's stuff that's going to happen  
12          between now and the arraignment date that is before  
13          Thanksgiving?

14          PROSPECTIVE JUROR WEBER: Yes.

15          MR. LABRUZZO: All right. If you were asked to  
16          serve on this jury, would it affect your ability to  
17          listen to the facts and be mentally present here in  
18          the courtroom?

19          PROSPECTIVE JUROR WEBER: Possibly.

20          MR. LABRUZZO: Possibly?

21          PERSPECTIVE JUROR WEBER: Yeah.

22          MR. LABRUZZO: Okay. Well, that's my question.  
23          I mean can you commit to us that if you were  
24          selected as a juror to sit here, that you could put  
25          out all of those things outside of your mind and



1 listen to the facts of this case and give us your  
2 full attention at least during the hours that you're  
3 here?

4 PROSPECTIVE JUROR WEBER: Honestly, I couldn't.

5 MR. LABRUZZO: You couldn't.

6 All right. No further questions, Judge.

7 THE COURT: Defense, any questions?

8 MR. PURA: No, ma'am.

9 THE COURT: All right. Mr. Weber, we're going  
10 to have you step right outside the door and we'll  
11 let you know.

12 PROSPECTIVE JUROR WEBER: Thank you.

13 THE COURT: Thank you.

14 State?

15 MR. LABRUZZO: Judge, we would move for cause.

16 THE COURT: Defense, any objection?

17 MR. LIVERMORE: No, ma'am.

18 THE COURT: All right. Mr. Weber will be  
19 released. We'll take his badge.

20 And we'll bring in Tammy Muse, M-u-s-e, Muse.

21 Good afternoon, ma'am. Come on up. Ma'am,  
22 how do you pronounce your last name?

23 PROSPECTIVE JUROR MUSE: Muse.

24 THE COURT: Muse.

25 PROSPECTIVE JUROR MUSE: Yes.

1           THE COURT: Okay. We were looking over your  
2 questionnaire. Thank you for filling it out. On  
3 the last page you said that you did not feel that  
4 you could serve because of the length of the trial.

5           PROSPECTIVE JUROR MUSE: Yes.

6           THE COURT: What do you have going on?

7           PROSPECTIVE JUROR MUSE: I work.

8           THE COURT: All right. And where do you work?

9           PROSPECTIVE JUROR MUSE: I'm self-employed, and  
10 I work at Panera Bread.

11          THE COURT: Okay. So if you were asked to  
12 serve as a juror in this case, you would not be  
13 getting paid; is that correct?

14          PROSPECTIVE JUROR MUSE: Correct.

15          THE COURT: And if you were not getting paid, I  
16 would assume that that would be a hardship on you  
17 personally?

18          PROSPECTIVE JUROR MUSE: Yes, ma'am.

19          THE COURT: And financially?

20          PROSPECTIVE JUROR MUSE: Yes, ma'am.

21          THE COURT: Do you believe that that hardship  
22 will cause you to have a hard time sitting as a fair  
23 and impartial juror, let's say if you were forced to  
24 sit as a juror?

25          PROSPECTIVE JUROR MUSE: No. But I live over

1           towards Zephyrhills.

2           THE COURT:   Okay.

3           PROSPECTIVE JUROR MUSE:   So it's a good ways  
4           for me.

5           THE COURT:   And so coming over here to sit as a  
6           juror costs you money to get here and back and  
7           forth?

8           PROSPECTIVE JUROR MUSE:   Yes, ma'am.

9           THE COURT:   How are you getting here?

10          PROSPECTIVE JUROR MUSE:   My car.

11          THE COURT:   All right.   And so do you think  
12          that it would be hard for you to sit as a juror  
13          based on the amount of distance that you have to  
14          come and the fact that you would not be paid by your  
15          employer?

16          PROSPECTIVE JUROR MUSE:   Yes.

17          THE COURT:   Okay.   State, any questions?

18          MR. LABRUZZO:   I do, Your Honor.   Thank you.

19          Good afternoon, ma'am.   You mentioned that you  
20          work at Panera Bread, but you're also  
21          self-employed?

22          PROSPECTIVE JUROR MUSE:   Yes.

23          MR. LABRUZZO:   What do you do as far as  
24          self-employment?

25          PROSPECTIVE JUROR MUSE:   I have a dental lab.

1 MR. LABRUZZO: You have a what?

2 PROSPECTIVE JUROR MUSE: A dental lab.

3 MR. LABRUZZO: A dental app.

4 PROSPECTIVE JUROR MUSE: Lab.

5 MR. LABRUZZO: Lab.

6 PROSPECTIVE JUROR MUSE: Yes.

7 MR. LABRUZZO: Thank you. Sorry. And what do  
8 you do in your dental lab?

9 PROSPECTIVE JUROR MUSE: I make retainers.  
10 Dental appliances.

11 MR. LABRUZZO: Okay. Is that something that  
12 you are contracted with particular doctors' offices  
13 or insurance companies?

14 PROSPECTIVE JUROR MUSE: Yes. Doctors'  
15 offices.

16 MR. LABRUZZO: And do you have work that comes  
17 to you on a, I guess, daily or weekly? Do you have  
18 work that comes to you?

19 PROSPECTIVE JUROR MUSE: It comes whenever they  
20 call me.

21 MR. LABRUZZO: Okay. Do you have any pending  
22 orders right now?

23 PROSPECTIVE JUROR MUSE: No, I don't.

24 MR. LABRUZZO: No further questions, Judge.

25 THE COURT: Defense, do you have any questions?

1 MR. LIVERMORE: No questions, Your Honor.

2 THE COURT: All right. Ma'am, I have a  
3 question. You said that you have no orders now.  
4 How would you get those orders?

5 PROSPECTIVE JUROR MUSE: They will phone me.

6 THE COURT: So if you were in the jury -- right  
7 now I'm planning on having the jurors come in at  
8 9:30 and staying until 6:00. Now, I don't know your  
9 business works. Could you work with your personal  
10 business around that schedule?

11 PROSPECTIVE JUROR MUSE: I could. I mean, they  
12 leave me messages. I have an answering machine.

13 THE COURT: Okay. They leave you messages, and  
14 then what do you have to do?

15 PROSPECTIVE JUROR MUSE: Call them back and let  
16 them know when I can come by and pick up the cases.

17 THE COURT: So what I'm saying is if they  
18 called you this afternoon and you got the message at  
19 6:00, could you go by and pick it up in the morning  
20 before 9:30, so that you could work on it later?

21 PROSPECTIVE JUROR MUSE: Yes.

22 THE COURT: Okay. So do you think you could  
23 make arrangements to kind of work around it, but it  
24 might be difficult?

25 PROSPECTIVE JUROR MUSE: Yes.

1           THE COURT: Okay. All right. Thank you,  
2           ma'am. If you can step into the hallway and we'll  
3           let you know what's going to happen.

4           State?

5           MR. LABRUZZO: Judge, we would move for cause.

6           THE COURT: Defense, any objection to causing  
7           Ms. Muse?

8           MR. LIVERMORE: No.

9           THE COURT: Okay. She can be released.

10          And then we'll have Gina Wharton; and then  
11          Valerie Gilkes, G-i-l-k-e-s.

12          This is Gina Wharton. Hi, Ms. Wharton. How  
13          are you?

14          PROSPECTIVE JUROR WHARTON: Good. How are you?

15          THE COURT: Great. I did read your  
16          questionnaire. We all did.

17          PROSPECTIVE JUROR WHARTON: Okay.

18          THE COURT: And it indicates that you wanted to  
19          talk to me. This is our time. That the crime took  
20          place across the street from my sister-in-law and  
21          brother-in-law's house. Both were called as  
22          witnesses. Video available at their house.

23          Are they currently on the witness list for the  
24          trial that's coming up?

25          PROSPECTIVE JUROR WHARTON: Yes, they are.

1 THE COURT: Okay. State, any questions?

2 MR. LABRUZZO: Sure.

3 Good afternoon, ma'am.

4 PROSPECTIVE JUROR WHARTON: Hi.

5 MR. LABRUZZO: Just for the record, could you  
6 state your sister-in-law and brother-in-law's name.

7 PROSPECTIVE JUROR WHARTON: Victoria and Ernest  
8 Polick.

9 MR. LABRUZZO: Okay. And you believe that this  
10 happened across the street from their house?

11 PROSPECTIVE JUROR WHARTON: Yes, it did.

12 MR. LABRUZZO: Because it happened across the  
13 street from their house, did you follow the stories  
14 in the news more closely?

15 PROSPECTIVE JUROR WHARTON: I did.

16 MR. LABRUZZO: All right. Did you read all the  
17 articles at the time?

18 PROSPECTIVE JUROR WHARTON: I did.

19 MR. LABRUZZO: Okay. Did you watch the news  
20 that was associated with this?

21 PROSPECTIVE JUROR WHARTON: Uh-huh.

22 MR. LABRUZZO: Did you participate in  
23 conversations with your brother-in-law and  
24 sister-in-law?

25 PROSPECTIVE JUROR WHARTON: Not really. I just

1 know that they had a video camera at their house and  
2 I know that was confiscated as well.

3 MR. LABRUZZO: Did you ever see any of that  
4 video?

5 PROSPECTIVE JUROR WHARTON: No. No.

6 MR. LABRUZZO: Okay. I guess the ultimate  
7 question I have for you, ma'am, is based on all that  
8 you saw and all that you know, did you come to  
9 develop any fixed opinions about the guilt or not  
10 guiltiness of the defendant in this case?

11 PROSPECTIVE JUROR WHARTON: I don't know that I  
12 really formed an opinion. I don't know that I would  
13 have an unbiased opinion if I was selected, though.

14 MR. LABRUZZO: Okay.

15 PROSPECTIVE JUROR WHARTON: Just because of  
16 having knowledge. Knowing where the bodies were  
17 found. Reading it in the newspaper.

18 MR. LABRUZZO: Okay.

19 PROSPECTIVE JUROR WHARTON: Driving down the  
20 road and seeing spots and knowing the area very  
21 well.

22 MR. LABRUZZO: Well, knowing the area and  
23 knowing what particular spots are on the map  
24 wouldn't necessarily make you more bias. It just  
25 makes you a little more informed.



1 PROSPECTIVE JUROR WHARTON: Uh-huh.

2 MR. LABRUZZO: Because you know where those  
3 things are at, does that affect your ability to  
4 listen to the evidence in this case?

5 PROSPECTIVE JUROR WHARTON: No.

6 MR. LABRUZZO: Okay. If you were to hear  
7 something through the testimony of the case that's  
8 different from something that you may thought you  
9 had known, okay, you hear something from the witness  
10 stand different to what you think you either read,  
11 saw or discussed with someone, would you be able to  
12 put outside of your mind the things that you heard  
13 previously and make your decision based only on the  
14 evidence in this case?

15 PROSPECTIVE JUROR WHARTON: I don't know that I  
16 would be able the put it outside my mind. I would  
17 certainly take it into account.

18 MR. LABRUZZO: Okay. What if the Court  
19 instructed you that you're not allowed to consider  
20 certain facts or opinions, you can only make your  
21 decision based only on things that the witnesses  
22 tell you in this case?

23 PROSPECTIVE JUROR WHARTON: I mean, then I  
24 would have to go with what I'm being instructed to  
25 do.

1           MR. LABRUZZO: All right. If the Court told  
2 you so, you could do that?

3           PROSPECTIVE JUROR WHARTON: Uh-huh.

4           MR. LABRUZZO: All right. Do you live anywhere  
5 near your brother-in-law and sister-in-law, the  
6 address where this occurred?

7           PROSPECTIVE JUROR WHARTON: Not really.

8           MR. LABRUZZO: Okay.

9           PROSPECTIVE JUROR WHARTON: I live probably ten  
10 minutes from there.

11          MR. LABRUZZO: All right.

12          PROSPECTIVE JUROR WHARTON: I work close to the  
13 area.

14          MR. LABRUZZO: Okay. And outside of your  
15 brother-in-law and sister-in-law, have you discussed  
16 this case with anyone else?

17          PROSPECTIVE JUROR WHARTON: Funny you should  
18 say that. Last night I was with friends, and not  
19 knowing what I was going to be selected for, that  
20 was the assumption, and we did discuss a little bit  
21 about the case.

22          MR. LABRUZZO: Okay.

23          PROSPECTIVE JUROR WHARTON: Just about knowing  
24 that it was a quadruple murder case and that was the  
25 only relevant case in Pasco County that I thought it

1           could be, based on the number of jurors that were  
2           called.

3           MR. LABRUZZO: Okay.

4           PROSPECTIVE JUROR WHARTON: We didn't really  
5           discuss it in detail.

6           MR. LABRUZZO: All right. Anything about that  
7           discussion that would -- I mean, again the same type  
8           of questions. Anything about what you discussed in  
9           that that would affect your ability to listen to  
10          this case?

11          PROSPECTIVE JUROR WHARTON: No.

12          MR. LABRUZZO: Based on that discussion and all  
13          the other discussions you may have had, did you  
14          develop any fixed opinions as to the guilt or not  
15          guiltiness of someone in the case?

16          PROSPECTIVE JUROR WHARTON: No.

17          MR. LABRUZZO: Okay. No questions, Judge.

18          THE COURT: Defense, do you have any questions?

19          MR. LIVERMORE: Yes, ma'am.

20          I'm curious. You said last night you were  
21          talking about how many jurors?

22          PROSPECTIVE JUROR WHARTON: Uh-huh.

23          MR. LIVERMORE: Is that listed on the website?

24          PROSPECTIVE JUROR WHARTON: No. When I called  
25          in on Friday to find out if I had to report in, it

1           said all jurors from number 1 and including 750.

2           MR. LIVERMORE: Oh, okay.

3           PROSPECTIVE JUROR WHARTON: So, of course, the  
4           assumption was there was 750 jurors that either  
5           received a summons of which, of course, we didn't  
6           know the number that were going to be here today,  
7           but that's how I knew how many.

8           MR. LIVERMORE: Okay. Okay. I didn't realize  
9           that's how that happened.

10          PROSPECTIVE JUROR WHARTON: Uh-huh.

11          MR. LIVERMORE: Okay. And the sister-in-law  
12          and brother-in-law, they are witnesses?

13          PROSPECTIVE JUROR WHARTON: They are.

14          MR. LIVERMORE: And if they testified in this  
15          case --

16          PROSPECTIVE JUROR WHARTON: Uh-huh.

17          MR. LIVERMORE: -- would you be able to judge  
18          their testimony objectively or do you think you  
19          would be more likely to believe what they had to  
20          say?

21          PROSPECTIVE JUROR WHARTON: No. I don't know  
22          that I would more believe what they had to say  
23          because I don't know how well they knew the people  
24          who were murdered.

25          I mean, they lived across the street. They

1 lived in their house for many, many years. But  
2 from my understanding they were renting the house,  
3 so I don't know how long they were there.

4 MR. LIVERMORE: So the fact that you know them,  
5 have you talked to them about what they are going to  
6 testify about?

7 PROSPECTIVE JUROR WHARTON: Uh-uh. No.

8 MR. LIVERMORE: Have they told you what they  
9 know about what happened?

10 PROSPECTIVE JUROR WHARTON: I don't -- they  
11 just said that they didn't know a whole lot. They  
12 did turn over their video surveillance, but they  
13 didn't think it really showed anything. That was  
14 the extent of the conversation.

15 MR. LIVERMORE: Oh, yes. There was probably  
16 too many negatives for me to process. Did you  
17 indicate that you thought you might be bias in this  
18 case?

19 PROSPECTIVE JUROR WHARTON: I mean, I think  
20 initially when you read all the articles and that,  
21 you definitely form an opinion initially.

22 MR. LIVERMORE: And you did?

23 PROSPECTIVE JUROR WHARTON: Yeah. Definitely.  
24 I mean...

25 MR. LIVERMORE: Thank you.

1           THE COURT: All right. Ma'am, thank you very  
2 much. You may step outside. We'll let you know.  
3           State?

4           MR. LABRUZZO: Judge, I don't think she rises  
5 to the level of cause.

6           THE COURT: Defense?

7           MR. LIVERMORE: Well, in her last comment she  
8 said she was bias when she read it and she is bias.  
9 So I think it is a cause challenge.

10          THE COURT: Well, the biggest reason is she is  
11 related to persons who are on the witness list.

12          MR. LIVERMORE: Right.

13          THE COURT: So the case law is pretty clear  
14 that you can't sit on a trial when there's someone  
15 who you're related to.

16          So at this point I'm going to cause challenge  
17 her because she did say she formed an initial  
18 opinion and she's related to someone who's on the  
19 witness list.

20          So then we have Valerie Gilkes, then Chris  
21 Leyva, Joshua McAdams, and David Robart. So it  
22 will be Gilkes, Valerie Gilkes; Chris Leyva.

23          MR. PURA: What about Ms. Leavy, L-e-a-v-y?

24          THE COURT: I'm pronouncing it wrong. It's  
25 L-e-y-v-a.

1           MR. PURA: No. I'm talking about L-e-a-v-y,  
2           Rosemary. She said she had a question.

3           (Staff Conversation.)

4           THE COURT: Yeah. We said we'd deal with that  
5           as a group. She has a question about the scale, one  
6           to ten.

7           MR. PURA: I see that now. That's fine. Thank  
8           you.

9           THE COURT: Good thing Kelly is here. She's  
10          keeping us all honest.

11          Is it Gilkes? Am I pronouncing it correctly?  
12          How do you pronounce your last name?

13          PROSPECTIVE JUROR GILKES: Gilkes.

14          THE COURT: Gilkes. Ms. Gilkes, come on up to  
15          the first pew right there.

16          All right. Ms. Gilkes, you indicated on your  
17          jury questionnaire that you would not be able to  
18          serve on the trial because of the time, the amount  
19          of time the trial is going to take?

20          PROSPECTIVE JUROR GILKES: Yes.

21          THE COURT: What do you have going on?

22          PROSPECTIVE JUROR GILKES: I live paycheck to  
23          paycheck, and if I don't make a specific amount that  
24          I make on my checks, I won't be able to pay bills, I  
25          won't be able to pay rent, and I have hospital bills

1           that I'm paying back.

2           THE COURT:   Okay.

3           PROSPECTIVE JUROR GILKES:   And also my sister  
4           is starting a new job, and I have to take care of  
5           two out of three of her babies from 5:00 to 11:00 at  
6           night.

7           THE COURT:   Okay.   So you work in the morning  
8           time, and so you couldn't get a second job at night  
9           because you're taking care of the children?

10          PROSPECTIVE JUROR GILKES:   I actually have two  
11          jobs right now.

12          THE COURT:   Okay.   And now you're going to have  
13          three with taking care of the children?

14          PROSPECTIVE JUROR GILKES:   Yes.

15          THE COURT:   You're a busy woman.   So I can see  
16          and I can hear kind of in you voice that the idea of  
17          sitting here and not making the money that you make  
18          paycheck to paycheck is causing you great stress  
19          already.   It's because you're missing out on your  
20          pay today?

21          PROSPECTIVE JUROR GILKES:   Yes.

22          THE COURT:   And if you had to do it for a  
23          couple more days or three weeks, I can hear what  
24          you're saying, you don't believe that you could give  
25          this trial the attention necessary in order to be a



1 fair and unbiased juror; is that correct?

2 PROSPECTIVE JUROR GILKES: Yes, ma'am.

3 THE COURT: Okay. State, questions?

4 MR. LABRUZZO: No, Judge. No questions. Thank  
5 you.

6 THE COURT: Defense, any questions?

7 MR. LIVERMORE: No, ma'am.

8 THE COURT: Any objection to releasing her?

9 MR. LIVERMORE: No, ma'am.

10 MR. LABRUZZO: No.

11 THE COURT: All right. Ma'am, there's a box  
12 right in front of you. You can put your badge  
13 there, and you're excused. Please don't talk about  
14 the case on your way out. Okay?

15 PROSPECTIVE JUROR GILKES: Yes, ma'am. Thank  
16 you very much.

17 THE COURT: Oh, you haven't been paid yet.  
18 It's not a lot, but stop downstairs at the jury room  
19 and they'll give you some money for today.

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

22 THE COURT: It's not going to make up all your  
23 money, but that will make up a little.

24 PROSPECTIVE JUROR GILKES: Thank you, very  
25 much.

1 (Staff Conversation.)

2 THE COURT: Ms. Felix, is she available?

3 THE BAILIFF: I can go get her.

4 THE COURT: Yes. Well, you've got the other  
5 ones, though, right?

6 THE BAILIFF: I have the other ones too.

7 THE COURT: Okay. Why don't we bring her at  
8 the end. We'll bring Ms. Felix back. We have an  
9 answer.

10 So we'll bring in Chris Leyva and then Joshua  
11 McAdams.

12 Is it Leyva?

13 PROSPECTIVE JUROR LEAVY: Leavy. Rosemary  
14 Leavy.

15 THE COURT: Leavy. I went back and forth. I  
16 picked the wrong one.

17 PROSPECTIVE JUROR LEAVY: That's okay.

18 THE COURT: Ms. Leavy, I apologize.

19 PROSPECTIVE JUROR LEAVY: That's fine.

20 THE COURT: Ma'am, we were looking over your  
21 questionnaire. Thank you for filling that out. It  
22 says that you don't believe you could sit as a juror  
23 because of the amount of time.

24 PROSPECTIVE JUROR LEAVY: I said that?

25 THE COURT: You said, "Would you be able to

1 serve in this -- I'm on the wrong person?

2 THE CLERK: It's Christopher.

3 MR. LABRUZZO: It's Rosemary Leavy.

4 PROSPECTIVE JUROR LEAVY: Rosemary Leavy,  
5 L-e-a-v-y.

6 MR. LIVERMORE: It's the wrong one.

7 THE COURT: Do we want to talk about it right  
8 now?

9 MR. LABRUZZO: Sure.

10 THE COURT: Hold on. Hold on. We'll just wait  
11 until the whole panel. Ma'am, you're good. You're  
12 going to go back. We picked the wrong one.

13 PROSPECTIVE JUROR LEAVY: Okay.

14 MR. SARABIA: Judge, she was also on the list,  
15 I think.

16 THE COURT: She is, but they don't want to talk  
17 to her right now.

18 It's Christopher, L-e-y-v-a. Okay. But we'll  
19 take Mr. McAdams if he's out there.

20 THE BAILIFF: McAdams you said?

21 THE COURT: Yes. Joshua McAdams.

22 Out of a hundred people we got one wrong.  
23 That's good.

24 Are you Mr. McAdams?

25 PROSPECTIVE JURY MCADAMS: Yes, ma'am.

1           THE COURT: Okay. Mr. McAdams, thank you very  
2 much for coming in and thank you for filling out  
3 your questionnaire.

4           You had marked that you did not feel that you  
5 could sit on this jury panel because of the amount  
6 of time it will take.

7           PROSPECTIVE JURY MCADAMS: Yes, ma'am.

8           THE COURT: What do you have going on?

9           PROSPECTIVE JURY MCADAMS: Me and my father has  
10 got a small little business going.

11          THE COURT: Okay.

12          PROSPECTIVE JURY MCADAMS: And the business  
13 doesn't make any money if I'm not there to run it.

14          THE COURT: Okay. And is that what pays your  
15 bills day-to-day?

16          PROSPECTIVE JURY MCADAMS: Yes.

17          THE COURT: And if you are not making that  
18 money for the three weeks that you would have to be  
19 here, would that cause you significant financial  
20 hardship?

21          PROSPECTIVE JURY MCADAMS: Yes.

22          THE COURT: Do you think if you were having  
23 that hardship, you'd have a hard time paying  
24 attention and concentrating as a juror in this  
25 trial? You'd be thinking about what's not getting

1 done and that your father or your father-in-law is  
2 have to do all the work?

3 PROSPECTIVE JURY MCADAMS: Yes. It's my  
4 father.

5 THE COURT: Okay. Having to do all the work?

6 PROSPECTIVE JURY MCADAMS: Actually, he's too  
7 old, he doesn't do hardly any of the work. He is a  
8 silent partner. He is a license holder in the  
9 business that we are actually running.

10 THE COURT: Okay.

11 PROSPECTIVE JURY MCADAMS: So I do probably  
12 85 percent of the work. But other than that, I wish  
13 I could be here.

14 THE COURT: Okay. And so it's the money issue  
15 for you?

16 PROSPECTIVE JURY MCADAMS: Yes.

17 THE COURT: And that money issue would cause  
18 you not to be able to concentrate on the trial  
19 because you'd be thinking about all the things  
20 you're not doing?

21 PROSPECTIVE JURY MCADAMS: Exactly.

22 THE COURT: Okay. State, any questions?

23 MR. LABRUZZO: No, ma'am.

24 THE COURT: Defense, any questions?

25 MR. LIVERMORE: No, ma'am.

1 THE COURT: Any objection to releasing him?

2 MR. LIVERMORE: No.

3 THE COURT: All right. Sir, there's a box  
4 right in front of you. You can drop your badge in  
5 there, Mr. McAdams. Right in front of you. Right  
6 here. Right there. You are free to go.

7 PROSPECTIVE JURY MCADAMS: Sorry. I wish I  
8 could be here.

9 THE COURT: Thank you. Sorry it's taken so  
10 long.

11 Who do we have out there?

12 THE BAILIFF: I have the correct Mr. Leyva.

13 THE COURT: Okay. Mr. Leyva. And then after  
14 Mr. Leyva, it will be David Robart.

15 Hi, Mr. Leyva. How are you?

16 PROSPECTIVE JUROR LEYVA: Good. It's Leyva.

17 THE COURT: Leyva.

18 Mr. Leyva, thank you for filling out your  
19 questionnaire.

20 PROSPECTIVE JUROR LEYVA: Sure.

21 THE COURT: On question 12, you said that you  
22 did not feel you could sit as a juror in this case  
23 because of the amount of time that the jurors would  
24 have to be available.

25 PROSPECTIVE JUROR LEYVA: Right.

1 THE COURT: What have you got going on?

2 PROSPECTIVE JUROR LEYVA: It's work. I'm an  
3 estimator. We do highway -- large highway, federal  
4 highway projects.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR LEYVA: So my company would  
7 probably -- I mean, I know they have to let me do  
8 it, but they would be extremely disappointed. I'm  
9 one of the four that bid on this project in the  
10 state.

11 THE COURT: All right.

12 PROSPECTIVE JUROR LEYVA: So just me not being  
13 there today, they're pretty upset about it.

14 THE COURT: They would pay you, though, if you  
15 were picked as a juror?

16 PROSPECTIVE JUROR LEYVA: Yes.

17 THE COURT: But if you were seated as a juror,  
18 let's say I made you do it, do you think you'd be so  
19 distracted by the fact that your company is upset  
20 with you and other workers are having to do your  
21 work, that you'd be thinking about that and not the  
22 trial?

23 PROSPECTIVE JUROR LEYVA: I'd be distracted,  
24 yeah. I don't think I'd be able to focus on what's  
25 going on.

1 THE COURT: Okay. State, any questions?

2 MR. LABRUZZO: No, Your Honor.

3 THE COURT: Defense, any questions?

4 MR. LIVERMORE: No, Your Honor.

5 THE COURT: All right. Sir, we'll have you  
6 step out in the hallway and we'll let you know.  
7 Okay?

8 State?

9 MR. LABRUZZO: Judge, we'd move for cause.

10 THE COURT: All right. He'll be released.  
11 We'll take his badge.

12 And we'll bring in Mr. Robart.

13 THE BAILIFF: And I have Ms. Felix in the room  
14 as well.

15 THE COURT: Okay. Great. We had the gentleman  
16 who was in the Army, he's in the National Guard,  
17 works for the electric company. Do we want to bring  
18 him back?

19 Mr. Robart, how are you this afternoon? We're  
20 going to have you sit in the first pew right there  
21 in the front.

22 Sir, I appreciate you filling out your form.  
23 On it you said that you did not feel that you could  
24 serve as a juror in this case because of the amount  
25 of time.



1 PROSPECTIVE JUROR ROBART: I said that?

2 THE COURT: That's what it says. This trial is  
3 scheduled to go from October 30th, 2017, until  
4 November 22nd, 2017. Do you believe that you could  
5 sit for that amount of time?

6 PROSPECTIVE JUROR ROBART: Yeah.

7 THE COURT: Okay. We asked you a lot of  
8 questions and that's why we bring you in here.

9 PROSPECTIVE JUROR ROBART: Yes.

10 THE COURT: Are you currently employed?

11 PROSPECTIVE JUROR ROBART: No. I'm recently  
12 retired.

13 THE COURT: Okay. So right now you don't have  
14 anything better to do than sit in a jury trial?

15 PROSPECTIVE JUROR ROBART: Well, I've got lots  
16 of work to do around my place.

17 THE COURT: I'm sure you do. A honey-do list?

18 PROSPECTIVE JUROR ROBART: I have no problem  
19 with being on the jury.

20 THE COURT: Okay. Did you read anything about  
21 it or hear anything about it this morning on the  
22 news?

23 PROSPECTIVE JUROR ROBART: No, I didn't.

24 THE COURT: All right. State, do you have any  
25 questions for this witness -- this juror? I'm

1           sorry.

2           MR. LABRUZZO: No questions, Your Honor.

3           THE COURT: All right. Anything?

4           MR. LIVERMORE: No.

5           THE COURT: All right. We're going to have you  
6 go back in the big room, and we'll just be a few  
7 more minutes. Okay?

8           And we'll to bring Ms. Felix back. And then  
9 we had the gentleman who worked for the electricity  
10 company who -- what was his name? He's going on  
11 deployment this weekend. Peterson? Peters?

12          THE BAILIFF: Shaffer.

13          THE COURT: Shaffer. All right. We'll bring  
14 Ms. Felix in, and then have Mr. Shaffer come back.  
15 Yes, Shaffer. Joshua Shaffer. He's the one that  
16 was going to call his employer and find out, but  
17 he's also in the National Guard and has some things  
18 going on.

19          I got your note.

20          PROSPECTIVE JUROR FELIX: Thank you. I didn't  
21 know how else to get it to you.

22          THE COURT: That's okay. I got it, but they  
23 don't know what it says. So I'm going to just read  
24 it.

25          PROSPECTIVE JUROR FELIX: Okay.

1           THE COURT: And to make sure I got this right,  
2           it says your manager got back with you.

3           PROSPECTIVE JUROR FELIX: Uh-huh.

4           THE COURT: And the company will reimburse you  
5           for the days that you would be required to be here,  
6           but it would not be until after the case ended and  
7           the paperwork is filed. And then it says, even if  
8           the Court paid me for my participation, I don't  
9           believe I would be able to afford your current bills  
10          and rent, which would be a financial hardship on  
11          you, and your roommate would not be able to help  
12          you.

13          PROSPECTIVE JUROR FELIX: Yes.

14          THE COURT: So the company would pay you, but  
15          it could be months from now? Is that basically what  
16          they said?

17          PROSPECTIVE JUROR FELIX: Yes. Basically I  
18          would have to get a note from you guys saying that  
19          was I absolutely, in fact, here. And then they  
20          would have to send that off. They'd have to look  
21          through all the files, and then they would reimburse  
22          me for it. They didn't give me an exact time, how  
23          long it would be. They said it wouldn't be  
24          instantaneous where I would be able to use it.

25          THE COURT: And they could give you no idea of

1           how long that would be?

2                   PROSPECTIVE JUROR FELIX: They would give me no  
3           idea.

4                   THE COURT: And although you would be paid, the  
5           idea that it could be weeks or months could cause  
6           you to have a lot of stress?

7                   PROSPECTIVE JUROR FELIX: Yeah. I don't have a  
8           lot of savings. And what I do have is going towards  
9           the deposit at my school, my classes that I'm  
10          taking.

11                  THE COURT: Okay.

12                  PROSPECTIVE JUROR FELIX: So I don't want to  
13          have to use that to pay my bills and I can't go to  
14          school.

15                  THE COURT: So if I made you be a juror, you  
16          think that you would be distracted by the fact that  
17          you're not getting a paycheck week to week like you  
18          normally do?

19                  PROSPECTIVE JUROR FELIX: Yes. Because I need  
20          that paycheck.

21                  THE COURT: Okay. And just for the record,  
22          this is Ms. Felix again.

23                  And so do you have any questions for her about  
24          that?

25                  MR. LABRUZZO: No, Your Honor.

1 THE COURT: Defense?

2 MR. LIVERMORE: No.

3 THE COURT: All right. Can we have her step  
4 out and we'll talk about it. Thank you, Ms. Felix.  
5 We'll let you know. Okay?

6 All right. Does that change either side's  
7 position on her?

8 MR. SARABIA: We'd move for cause, Judge.

9 MR. LIVERMORE: We agree.

10 THE COURT: Any objection?

11 MR. LIVERMORE: No.

12 THE COURT: We can release Ms. Felix.

13 And is Mr. Shaffer out there?

14 THE BAILIFF: Yes, Your Honor.

15 THE COURT: All right. We'll have him come in.  
16 We'll put this in the record.

17 And this is going to be Joshua Shaffer. We  
18 had him in earlier. He was also going to call his  
19 employer. And my understanding is he also left a  
20 note that he has -- oh, there's Mr. Shaffer right  
21 there.

22 Thanks for coming back, Mr. Shaffer. Two  
23 things: My understanding is you have to go for the  
24 National Guard this weekend?

25 PROSPECTIVE JUROR SHAFFER: Yes, Your Honor.

1           THE COURT:  And when are you required to  
2           report?

3           PROSPECTIVE JUROR SHAFFER:  Friday at 7:00 A.M.  
4           in the morning.

5           THE COURT:  This Friday at 7:00 A.M.?

6           PROSPECTIVE JUROR SHAFFER:  Yes, Your Honor.

7           THE COURT:  So you could not do this trial  
8           because you're supposed to be there at 7:00 A.M.?

9           PROSPECTIVE JUROR SHAFFER:  Yes, Your Honor.

10          THE COURT:  Or I guess you could get out of it?

11          PROSPECTIVE JUROR SHAFFER:  Yes, Your Honor.

12          THE COURT:  And then you were going to call  
13          your employer?

14          PROSPECTIVE JUROR SHAFFER:  I did.  And he said  
15          he would not be able to pay me.

16          THE COURT:  Okay.  So you would miss your  
17          monthly -- what do they call it?

18          PROSPECTIVE JUROR SHAFFER:  Drill.

19          THE COURT:  Drill.  Which you get paid for?

20          PROSPECTIVE JUROR SHAFFER:  Yes.

21          THE COURT:  And you're going to miss that  
22          money, and you not be paid to sit on the jury.  So I  
23          would assume that missing those two paychecks would  
24          cause significant hardship on your family?

25          PROSPECTIVE JUROR SHAFFER:  Yes, Your Honor.

1 THE COURT: All right. Any questions?

2 MR. LABRUZZO: Not from the State.

3 THE COURT: Defense?

4 MR. LIVERMORE: No.

5 THE COURT: All right. Sir, we're going to  
6 have you step back outside. Thank you for checking  
7 on that.

8 PROSPECTIVE JUROR SHAFFER: You're welcome.

9 THE COURT: As to Mr. Shaffer, where do we  
10 stand?

11 MR. LABRUZZO: Judge, we'd move for cause.

12 THE COURT: Any objection?

13 MR. LIVERMORE: No.

14 THE COURT: All right. Mr. Shaffer can be  
15 released. We'll take his badge back.

16 All right. That's all of the people that I  
17 had that both sides wanted to speak to. Is there  
18 any other jurors, any other questions or anything  
19 we need to bring them back in individually?

20 MR. LABRUZZO: Judge, the only other person  
21 that we identified, and I was just only asking if  
22 the Court wanted to, is Ms. Karyn Stanley.

23 THE COURT: Okay.

24 MR. LABRUZZO: She indicated that she could,  
25 but then she also writes, "But I started a new job

1 two weeks ago."

2 THE COURT: I thought we talked to her, didn't  
3 we?

4 THE CLERK: No.

5 MR. LABRUZZO: I don't know.

6 THE COURT: No, we did not. Okay. All right.

7 MR. LABRUZZO: It not a no, but it is  
8 additional information.

9 THE COURT: No, that's no problem. Karyn  
10 Stanley, please.

11 THE BAILIFF: Yes, Your Honor.

12 MR. LIVERMORE: And I had Randi Jordan. Was  
13 that someone who was supposed to make a call or  
14 something?

15 THE CLERK: Yes.

16 THE COURT: Is he supposed to make a call?

17 THE CLERK: She was, yes.

18 THE COURT: She was. Okay. First of all, who  
19 are we bringing in right now? What's the juror's  
20 name?

21 MR. LIVERMORE: Randi Jordan.

22 THE COURT: All right. We're going to do Karyn  
23 Stanley, and then we're going to be bringing back  
24 Randi Jordan.

25 Ms. Stanley, how are you?



1 PROSPECTIVE JUROR STANLEY: Fine. Thank you.

2 THE COURT: Ms. Stanley, thank you for filling  
3 out your questionnaire. We just wanted to talk to  
4 you a little bit about that -- you know, outside  
5 everybody else. It says that you could serve as a  
6 juror in this trial, but -- it's the "but" that  
7 always concerns us -- I just started a new job two  
8 weeks ago.

9 PROSPECTIVE JUROR STANLEY: Yes.

10 THE COURT: And where are you working?

11 PROSPECTIVE JUROR STANLEY: Regency Park  
12 Library.

13 THE COURT: Are you a librarian?

14 PROSPECTIVE JUROR STANLEY: I am the assistant  
15 youth librarian.

16 THE COURT: Okay. And did you talk to them  
17 about jury duty?

18 PROSPECTIVE JUROR STANLEY: Yes, I did.

19 THE COURT: Do they pay you?

20 PROSPECTIVE JUROR STANLEY: Yes.

21 THE COURT: So if you were chosen, you would be  
22 paid for the entire time?

23 PROSPECTIVE JUROR STANLEY: Yes.

24 THE COURT: So you said "but". I would assume  
25 that just being a new employee, you're concerned

1           about being two weeks in and now I'm going to take  
2           you for three weeks?

3                   PROSPECTIVE JUROR STANLEY:  Yes.

4                   THE COURT:  Is that going to cause you to have  
5           a hard time concentrating on the trial if you're  
6           chosen?

7                   PROSPECTIVE JUROR STANLEY:  No.

8                   THE COURT:  So you'll put that aside and  
9           explain to them it wasn't your choice?  You wouldn't  
10          have chose to do it probably anyway.  No one does.  
11          No one wants to do jury duty.

12                   But you would do your civic duty, highest  
13          service that you can do outside of wartime --

14                   PROSPECTIVE JUROR STANLEY:  I would.

15                   THE COURT:  -- and sit as a juror if we chose  
16          you?

17                   PROSPECTIVE JUROR STANLEY:  Yes.

18                   THE COURT:  And it would be a choice for all of  
19          us.  Okay.

20                   State, do you have any questions?

21                   MR. LABRUZZO:  No, Your Honor.

22                   THE COURT:  Defense, do you have any questions?

23                   MR. LIVERMORE:  No, ma'am.

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

25                   We'll let you know.

1           And then we're going to bring back in Randi  
2           Jordan. I think she had to make a phone call too.

3           MR. LIVERMORE: She also has on number five,  
4           "Possible." I don't know if that's a health issue  
5           or not.

6           THE COURT: We'll discuss that with her. Thank  
7           you for bringing that to our attention.

8           Ms. Jordan, thank you for coming back. I  
9           think we asked if you wanted to go ahead and make a  
10          phone call about serving as a juror. What did you  
11          find out?

12          PROSPECTIVE JUROR JORDAN: I talked to my job.  
13          They never had anybody this long before request.  
14          They were checking with corporate, but they don't  
15          believe it's a problem on our level.

16          THE COURT: Okay. They believe they will pay  
17          you?

18          PROSPECTIVE JUROR JORDAN: Yes.

19          THE COURT: All right. I also see that you  
20          have diabetes or you're a diabetic.

21          PROSPECTIVE JUROR JORDAN: I am.

22          THE COURT: Is that an issue sitting as a  
23          juror?

24          PROSPECTIVE JUROR JORDAN: It all depends on  
25          time, because I take insulin.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR JORDAN: That it could be an  
3 issue and it may not be an issue.

4 THE COURT: Well, when you say it's an issue,  
5 this is the way I usually handle that: Number one  
6 is you're more than welcome to bring some food into  
7 your bag or juice or whatever you need; and number  
8 two is if it's time to go and you need to do it, you  
9 can just raise your hand if you need to take the  
10 insulin, we'll take a break.

11 PROSPECTIVE JUROR JORDAN: Okay.

12 THE COURT: Whatever you need. And if you're  
13 just willing to raise your hand, I'm good to go, or  
14 tell my bailiff.

15 PROSPECTIVE JUROR JORDAN: Okay.

16 THE COURT: They'll just say, you know,  
17 Ms. Jordan needs to a break now, we would break.

18 PROSPECTIVE JUROR JORDAN: I would be allowed  
19 to bring the insulin in?

20 THE COURT: If we made those changes for you,  
21 could you serve?

22 PROSPECTIVE JUROR JORDAN: As far as I know,  
23 yes.

24 THE COURT: Okay. All right. Any questions  
25 from either side?

1           MR. LABRUZZO: Judge, I think she asked if she  
2 could bring her insulin into the courtroom?

3           THE COURT: Oh, absolutely.

4           PROSPECTIVE JUROR JORDAN: Okay.

5           THE COURT: Yes. Just like in the room next  
6 door that you guys are in, that's my jury room. So  
7 if you felt like you needed to, you could just say  
8 "I need a break," walk right in there for privacy  
9 purposes.

10          PROSPECTIVE JUROR JORDAN: Okay. Thank you.

11          THE COURT: Okay?

12          PROSPECTIVE JUROR JORDAN: Okay.

13          THE COURT: Defense, do you have any questions?

14          MR. LIVERMORE: Does it need to be  
15 refrigerated?

16          PROSPECTIVE JUROR JORDAN: Yes.

17          THE COURT: Do you usually keep it in --

18          PROSPECTIVE JUROR JORDAN: I keep mine  
19 refrigerated, yes.

20          THE COURT: When you say you would bring it,  
21 what would you keep it in?

22          PROSPECTIVE JUROR JORDAN: It's a small little  
23 black container like this big.

24          THE COURT: Okay.

25          PROSPECTIVE JUROR JORDAN: And it just sits in

1           there, and then my syringes fit in it.

2           THE COURT: And if you're in here, we don't  
3           have a refrigerator.

4           PROSPECTIVE JUROR JORDAN: It would be okay  
5           long enough, then. Well, I don't understand how it  
6           would work if I was to do this. I mean, do I get to  
7           go home? Do you get to go home?

8           THE COURT: Yes, you would get to go home.

9           PROSPECTIVE JUROR JORDAN: Okay. Then I would  
10          be fine.

11          THE COURT: I would have you come at 9:30 every  
12          day and stay until 6:00 in the afternoon.

13          PROSPECTIVE JUROR JORDAN: Okay.

14          THE COURT: We do have downstairs in the jury  
15          pool room -- now, you weren't down there because we  
16          brought you up here. But when you're a regular  
17          juror, that room is open to you and it has  
18          refrigerators in it.

19          PROSPECTIVE JUROR JORDAN: Okay.

20          THE COURT: So, you know, we can do whatever it  
21          takes to keep it refrigerated. I take breaks every  
22          hour and a half, and we would take an hour for  
23          lunch.

24          So you think based on that timeframe it would  
25          be okay? We're not going to sequester you. We're

1 not making you stay here for two weeks.

2 PROSPECTIVE JUROR JORDAN: Yeah. That's what I  
3 was wondering.

4 THE COURT: No, no.

5 PROSPECTIVE JUROR JORDAN: I didn't understand  
6 all that.

7 THE COURT: You get to sleep in your own bed,  
8 believe me.

9 PROSPECTIVE JUROR JORDAN: Okay. That's good.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR JORDAN: Yeah. No problem.

12 THE COURT: All right. But given those issues,  
13 you think it be okay?

14 PROSPECTIVE JUROR JORDAN: Yes.

15 THE COURT: And you just raise your hand and  
16 say, need to take a break, I'm good with that.

17 PROSPECTIVE JUROR JORDAN: Yes, ma'am.

18 THE COURT: Okay. Any other questions?

19 MR. LIVERMORE: No.

20 THE COURT: Oh, okay. You may go back into the  
21 jury room.

22 Anyone else that we need to talk about?

23 MR. LABRUZZO: The only other person I would  
24 mention, Judge, there was one other juror, Jorge  
25 Navarro. He was one of the first ones we addressed,

1 and whether or not he -- he was going to follow up,  
2 if he was going to have someone to pick up his child  
3 on Mondays and Tuesdays.

4 THE COURT: Oh, that's right. He was going to  
5 call his mom.

6 MR. LABRUZZO: He's the one that needed to be  
7 picked up from school and he had to leave by 2:00.

8 THE COURT: I'm hoping Mr. Navarro found  
9 arrangements. Can we have Mr. Navarro back. I  
10 would think that he would let us know if that wasn't  
11 happening.

12 MR. LABRUZZO: Right. Well, stranger things.

13 THE COURT: Uh-huh.

14 Hi, Mr. Navarro. It's going a little slower  
15 than I had hoped, but we're moving along.

16 PROSPECTIVE JUROR NAVARRO: Yes.

17 THE COURT: I hope you got your mom to pick up  
18 the kids today?

19 PROSPECTIVE JUROR NAVARRO: Just for today.

20 THE COURT: Okay. She can only do it today and  
21 other than that she's unavailable?

22 PROSPECTIVE JUROR NAVARRO: Yeah. And it's her  
23 mom.

24 THE COURT: Her mom.

25 I'm sorry. Your mother-in-law.



1 All right. And so you did make that check.

2 Today was the only day she's available?

3 PROSPECTIVE JUROR NAVARRO: Yes, ma'am.

4 THE COURT: So based on that, you don't believe  
5 that you'd be available to sit as a juror in this  
6 case?

7 PROSPECTIVE JUROR NAVARRO: Yeah. She also has  
8 to work, that's why.

9 THE COURT: Okay. I understand.

10 PROSPECTIVE JUROR NAVARRO: She had to call to  
11 get out of work to go pick up the kids.

12 THE COURT: Okay. State, any questions?

13 MR. LABRUZZO: No, Your Honor.

14 THE COURT: Defense?

15 MR. LIVERMORE: No, ma'am.

16 THE COURT: All right. Sir, we're going to  
17 have you step in the anteroom for just a minute.  
18 Okay?

19 PROSPECTIVE JUROR NAVARRO: Yes, ma'am.

20 THE COURT: State?

21 MR. LABRUZZO: Judge, I would move for cause.

22 THE COURT: Defense, any objection to that?

23 MR. LIVERMORE: No.

24 THE COURT: All right. You can tell

25 Mr. Navarro we'll take his badge. He's good to go.

1           Okay?

2           We have exactly 50 jurors by my count.

3           MR. SARABIA: What, Judge?

4           THE CLERK: I have 53.

5           THE COURT: Uh?

6           MR. SARABIA: What did you say?

7           THE COURT: I have 50. So we've got a problem  
8 here.

9           MR. SARABIA: Fifty left?

10          THE COURT: I have 50 left. Fifty in that room  
11 over there. You guys count yours.

12          You got 53?

13          THE CLERK: Uh-huh.

14          THE COURT: Yes. Fifty-three. She's correct.  
15 Fifty-three. Some stuck together, I guess.

16          So I have 53 jurors left. So my thought, if  
17 there's no one else that you need to individually  
18 voir dire, I will send the list of 53 down to the  
19 jury pool coordinator and ask them to put them in  
20 the computer system and generate a list for us.

21          Let the jurors go downstairs for a break, and  
22 then bring them back up at 3:30, and we'll start  
23 questioning at 3:30. Any problem with that? I  
24 still have some smokers, so they'll want to go  
25 outside.



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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

