

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY  
CASE NO. 2014CF5586CFAXWS

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STATE OF FLORIDA,	:
	:
Plaintiff,	:
-VS-	:
	:
ADAM MATOS,	:
	:
Defendant.	:

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PROCEEDINGS: JURY TRIAL  
JURY SELECTION

BEFORE: HONORABLE MARY HANDSEL  
Circuit Judge

DATE: October 30, 2017

PLACE TAKEN: Pasco County Government Center  
7530 Little Road  
New Port Richey, FL 34654

REPORTED BY: Maria A. Fortner, RPR  
Notary Public  
State of Florida at Large

VOLUME III  
Pages 316 - 415

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

2 THE COURT: The defendant is here, his lawyer,  
3 the State is here.

4 State, what were the things that you needed to  
5 discuss?

6 MR. LABRUZZO: Judge, I just wanted to get some  
7 clarification based on some comments on Friday  
8 where, I guess, I had brought to the Court's  
9 attention about instruction of law as it relates to  
10 the death penalty and what, if anything, the Court  
11 was going to cover.

12 THE COURT: Yes.

13 MR. LABRUZZO: So I was just following up based  
14 on that comment on Friday, if the Court was going to  
15 discuss any of the procedure or have any instruction  
16 of law for the jury on that matter.

17 THE COURT: Are you asking me to?

18 MR. LABRUZZO: I think it would be helpful,  
19 Judge, to have at least an understanding, for the  
20 jury to understand what the law is relating to the  
21 death penalty, as to the proof of an aggravator, the  
22 sufficiency of the aggravator, the eligibility, and  
23 as to a unanimous verdict for death.

24 THE COURT: Defense?

25 MR. LIVERMORE: Well, it probably would be

1 helpful. We do have a couple of objections to the  
2 standard instructions, which probably should be at  
3 least resolved ahead of time. I've done a written  
4 motion. I finished it over the weekend, but I  
5 haven't filed it yet.

6 THE COURT: Well, this is what I had printed  
7 out earlier today based on our conversations. Under  
8 921.141, the Supreme Court promulgated or approved,  
9 I guess, the instruction, the preliminary  
10 instruction in penalty proceedings --

11 MR. LIVERMORE: Right.

12 THE COURT: -- in a capital case. And it's  
13 affective April 28th of 2016. So the one I'm  
14 reading is the most recent one that's on-line.

15 And it says, "Members of the jury, you have  
16 found the defendant guilty of how many counts of  
17 murder in the first degree. The punishment for  
18 this crime is either life in prison without the  
19 possibility of parole or death.

20 "The attorneys will have an opportunity, if  
21 they wish, to make opening statements. The opening  
22 statements give the attorneys," I'm not sure I need  
23 to read that part about opening statements.

24 "And during the penalty consideration, it is  
25 providing your verdict on the appropriate sentence

1       to the Court." And then it talks about reasonable  
2       doubt, mitigating circumstances, aggravating  
3       factors.

4               So I'm not exactly sure, based on that  
5       instruction, what part you wish me to give. If you  
6       want me to give it all or none or --

7               MR. LABRUZZO: Judge, are you looking at the  
8       preliminary instructions?

9               THE COURT: I'm looking at the instruction. I  
10      mean, this is the second, this is the final  
11      instruction in penalty proceedings. I can read  
12      that, which is a little different. The question I  
13      have is do you want me to give kind of a hybrid of  
14      the two, talking about what they are supposed to do  
15      and giving them a definition of an aggravating  
16      factor or mitigating factor?

17              Because the two instructions together, I'm not  
18      going to read them verbatim, but this one says,  
19      "Members of the jury, you've heard all the evidence  
20      and the arguments of counsel. It is now your duty  
21      to make a decision as to the appropriate sentence  
22      that should be imposed upon the defendant for the  
23      crime of first-degree murder. There are two  
24      possible penalties, life in prison without the  
25      possibility of parole or death.

1           In making this decision you must first  
2           unanimously determine whether the aggravating  
3           factors alleged by the State have been proven  
4           beyond a reasonable doubt. An aggravating factor  
5           is a circumstance that increases the gravity of a  
6           crime or the harm to a victim. No facts other than  
7           proven aggravating factors may be considered in the  
8           support of a death sentence."

9           MR. LIVERMORE: Are we talking about what we're  
10          going to tell them right now?

11          THE COURT: Yes. That's my point. I don't  
12          want to really read like a jury instruction.

13          MR. LIVERMORE: Right.

14          THE COURT: I can tell them that to make that  
15          decision, there's two -- it's a second phase, and if  
16          we get there, then there will be two possibilities  
17          of punishment, life in prison without parole or  
18          death; and that their decision will be unanimous, it  
19          must be unanimous; whether the aggravating factors  
20          alleged by the State have been proved beyond a  
21          reasonable doubt.

22          I get a little worried about giving them  
23          instructions now about cold and calculating and  
24          aggravating factors and mitigating circumstances.  
25          I mean, this instruction is seven pages long.

1           MR. LABRUZZO: Is there a preliminary  
2 instruction?

3           THE COURT: No. There is no preliminary  
4 instruction to give to the jury panel in jury  
5 picking. There is nothing that the Supreme Court or  
6 anyone else has ever talked about or promulgated to  
7 read to the jury.

8           MR. LIVERMORE: And I'm not sure that we want  
9 that. I think we're better off not.

10          THE COURT: I have always told the jury that  
11 there is two phases. There is the original phase to  
12 determine guilt or innocence. And that if, only if  
13 after the jury has returned a verdict of guilty,  
14 there would be a second phase. And that phase would  
15 be after the trial is all over and now it would be  
16 that that decision would have to be another  
17 unanimous vote of the jury and it would be based on  
18 instructions given to them, weighing aggravating and  
19 mitigating circumstances.

20          What an aggravating circumstance is and what a  
21 mitigating circumstance is I don't think is  
22 appropriate, because you're getting into a lot of  
23 detail. I might as well read them the entire  
24 seven-page jury instruction.

25          What is it that you want me to tell them?



1           MR. LABRUZZO: Judge, I'm okay with what the  
2           Court's described thus far. I would just want to  
3           lay out for the jury panel the process to reaching a  
4           unanimous verdict for death.

5           THE COURT: And what process are you talking  
6           about?

7           MR. LABRUZZO: That the State has to prove that  
8           there is the existence of one or more aggravators  
9           beyond a reasonable doubt.

10          THE COURT: Okay.

11          MR. LABRUZZO: That the next set of questions  
12          is to the sufficiency of the aggravators. Does this  
13          aggravator, is it sufficient to warrant death in  
14          this case.

15          The next question of inquiry is as to the  
16          eligibility to the death, and that's where the  
17          State has proven the existence of an aggravator  
18          beyond a reasonable doubt.

19          And then the language is what I'm looking for  
20          is it is weighed against the mitigating  
21          circumstances that have been presented and proven.  
22          And I'm sure that's where their issue is going to  
23          be, and to what level of proof we're going to  
24          assign to that.

25          And then finally, after they've decided that

1       the aggravator outweighs the mitigator, and then  
2       there's eligibility. Finally there's the  
3       determination of whether or not death is the  
4       appropriate sentence in this case by a unanimous  
5       verdict.

6           THE COURT: Well, as long as what you say is  
7       the proper legal definition of that, which is, you  
8       must weigh the aggravating factor or factors found  
9       that you find that exists.

10       MR. LABRUZZO: Right.

11       THE COURT: Sufficient to justify the death  
12       penalty.

13       MR. LABRUZZO: Right.

14       THE COURT: And whether the aggravating factors  
15       outweigh any mitigating circumstances found by the  
16       jury, and based on all the consideration pursuant to  
17       the instructions that I will give them, whether the  
18       defendant should be sentenced to life in prison  
19       without parole or death.

20       MR. LABRUZZO: Okay.

21       THE COURT: So it's tough when you get into the  
22       nuances of mitigating circumstances and aggravating  
23       circumstances, since, one, we haven't had the  
24       hearing to decide what the Defense may raise as  
25       mitigating circumstances. And so, you know, it

1           could be one, it could be a hundred.

2           And, number two, it's difficult to get into  
3           aggravating factors when we haven't heard all the  
4           facts in the case. So we're talking about  
5           aggravating factors, but there's been no finding  
6           that the evidence was sufficient to substantiate  
7           any of the aggravating factors listed by the State.

8           So I don't have a problem if you want to talk  
9           to the jury about the second phase and it being a  
10          weighing situation versus first they have to find  
11          aggravating factors exist that would justify giving  
12          someone the death penalty, and then whether those  
13          aggravating circumstance or circumstances would  
14          outweigh any mitigating circumstances they find  
15          exist, and then make a consideration based on the  
16          instruction. It's really asking the jury if they  
17          can find aggravating circumstances and mitigating  
18          circumstances.

19          So I can read that part of the instruction, if  
20          you wish, that, you know, what they're going to  
21          have to do is weigh an aggravating factor, and I'll  
22          give them a definition of what that is. And  
23          they'll have to find that one exists and they'll  
24          have to find that it exists sufficient to justify  
25          the death penalty; and then whether that

1       aggravating factor, if found, outweighs any  
2       mitigating circumstance they find exists; and then  
3       based on that consideration, pursuant to the  
4       instructions that I would give them, the defendant  
5       should be sentenced to life in prison without  
6       parole or death.

7               I can read them that part of the instruction  
8       that's kind of short and sweet and it doesn't go  
9       into too much detail and it's pretty clear and  
10      concise. I think most people can hear that and  
11      then discuss rationally whether they're able.  
12      Because I mean it says find the death penalty, so  
13      if they're not going to be able to find for death  
14      or they're always going to find for death.

15             The Defense can ask questions too, like if you  
16      find an aggravating circumstance that in your mind  
17      would justify imposing the death penalty, after you  
18      hear all the instruction, would you even listen to  
19      any mitigating circumstance? I mean, I'm telling  
20      them they have to weigh aggravating versus  
21      mitigating. First they have to find they exist and  
22      then they have to weigh them. I think that would  
23      allow them to have some reasonable discussion on  
24      their position.

25             Any problem with reading that instruction.

1           MR. LABRUZZO: No, Judge. That's really all  
2 I'm looking for.

3           MR. LIVERMORE: No.

4           THE COURT: Okay. I will tell them there's two  
5 phases. I will tell them that we don't get to the  
6 second phase until and after there's a verdict of  
7 guilty; and if there's no verdict of guilty, you  
8 know, we're never going to get there, but we have to  
9 discuss it now because we can't discuss it later.

10          And I'll tell them there's instructions and  
11 there's law and I would give them all that and we  
12 don't intend to make them do this -- you know, make  
13 up the rules as they go along. These are all  
14 things that are predetermined, what the  
15 instructions are.

16          And then if anybody else wants to bring up the  
17 issue and talk about it a little more, if there's  
18 any objection, I can go further and read further  
19 specific instructions. Would that be fair?

20          MR. LIVERMORE: I think so.

21          THE COURT: Okay. So right now the jury  
22 foreperson is downstairs quickly and diligently  
23 putting people's name into a chart. The chart I  
24 have is for a hundred people, but we don't have a  
25 hundred. So that's great.

1           But it's going to go 1 to 8, 9 to 16. So your  
2           chart will be 8 here, 8 there, 8 here, 8 there.  
3           But I'm making them do it random. So that's what's  
4           taking us so long. So they're taking the 53 names  
5           we have left and randomly putting them into the  
6           chart. So the way we brought them in to talk to  
7           them has absolutely no effect on where they sit.  
8           Whether it's the first row or the last row, it's  
9           going to be random from here on out.

10           MR. LIVERMORE: And how far do you expect to go  
11           today?

12           THE COURT: I do not expect that I'll go past  
13           5:00.

14           MR. LIVERMORE: Because we're probably not  
15           going to get through.

16           THE COURT: No. Now, I've already told them  
17           next door that I expected that all of them, barring  
18           some reason for cause -- I didn't say that but to  
19           you guys -- but they will be back here at 10:30  
20           tomorrow morning, and they're not going to be able  
21           to talk about the case.

22           I did tell them at 5:00 I'm going to take a  
23           quick break and take them outside in the hallway.  
24           If there's any jurors that we can both agree, both  
25           sides agree, to release, I will do that tonight.

1       Because I don't want to bring anybody back that  
2       everybody goes, well -- you know, I mean, if one  
3       person raises them and the other objects, they're  
4       coming back. If one person raises them and the  
5       other says fine, we'll release them tonight. So  
6       that way we can get rid of as many as we can.

7               I am going downstairs and speaking to the  
8       remaining 50, 70 jurors that are downstairs. They  
9       are filling out the questionnaires now, and they  
10      are to be released to come back tomorrow at 10:30.

11             MR. LIVERMORE: And do we have another panel  
12      coming in?

13             THE COURT: At 7:30. All we're doing with the  
14      panel that's downstairs and the other that's coming  
15      in tomorrow is literally prescreening them. We're  
16      prescreening. That's it.

17             I would have the jurors downstairs come back,  
18      but they've been through jury selection in three  
19      different courtrooms. So I think you guys would  
20      rather have a new group to be number two behind the  
21      leftovers from today.

22             So we will start again at 8:30 tomorrow  
23      talking with the jurors that show up tomorrow,  
24      doing the same thing we're doing here but just  
25      keeping them over there.

1           So we're going to prescreen them in the  
2 morning for not being able to sit or read or heard  
3 anything. You're going to have a lot more that  
4 read or heard something tomorrow than you are  
5 today, because it's on a loop on Bay News 9, and  
6 there's nothing we can do about that.

7           But given how many people showed up today,  
8 I'll be lucky if 50 people show up tomorrow. I'm  
9 hoping we get our panel out of this 53.

10          MR. LABRUZZO: Half the list was dead.

11          THE COURT: Uh?

12          MR. LABRUZZO: Because half the list was dead.

13          THE COURT: Uh-huh. Well, we've cleaned the  
14 list off. Hopefully we'll get the jury out of this  
15 53.

16          All right. I'm going to go downstairs and  
17 talk to the other jurors and I'll come back up and  
18 we'll begin.

19 (Recess Taken.)

20          THE COURT: You may be seated. I just made a  
21 bunch of people really happy. They filled out the  
22 forms, and Pauline will make a copy and give them to  
23 you tonight for tomorrow.

24          MR. LABRUZZO: Okay.

25          THE COURT: Okay. Do we have the seating chart



1           yet?

2           THE CLERK:  No.  No one has brought anything up  
3           to me.

4           THE COURT:  I did release a few of the people  
5           that were down there because they had prepaid  
6           airline tickets to the Congo.  And one guy started  
7           crying because he can't pay his mortgage payment if  
8           he's here.  So I hope both sides are okay with me  
9           releasing him?

10          MR. LABRUZZO:  No objection from the State.

11          MR. LIVERMORE:  That's fine.

12          THE COURT:  I mean, he cried.  Everybody else  
13          was actually very nice.  Everybody was nice, he was  
14          just upset, so I didn't think you wanted to bring  
15          him up here.  He asked if I would pay his mortgage  
16          payment.  I told him, no.

17          MR. PURA:  So, Judge, the plan is that at 8:30  
18          tomorrow we prescreen the people that you just --  
19          that just gave -- or filling out their  
20          questionnaires?

21          THE COURT:  No.  Tomorrow at 8:30, you will get  
22          the people that are coming in tomorrow on the second  
23          day.

24          MR. PURA:  Brand-new people?

25          THE COURT:  Right.  The people that are down

1           there, I'm bringing back at 10:30 as a double backup  
2           to the people that -- first of all, with what happen  
3           today, I don't know how many people are going to  
4           show up tomorrow.

5           MR. PURA: We'll be prescreening the new people  
6           tomorrow just as we've done so far today?

7           THE COURT: Yes. But in the meantime you'll  
8           have some paperwork, if you want to look at the ones  
9           from downstairs, you'll have some more time to look  
10          at that.

11          I did tell them not to look at anything on TV,  
12          but a couple of them said they already saw it on  
13          TV. So I told them, that's fine, we understand you  
14          might have seen it on TV, just write down on that  
15          one paragraph that you saw it. Don't watch it  
16          again in slow motion.

17          MR. LABRUZZO: And, Judge, do you have a  
18          witness list? It is long.

19          THE COURT: No. Because you're going to read  
20          it. Why would I need it?

21          MR. LABRUZZO: Well, I'm just letting the Court  
22          know.

23          THE COURT: Oh, okay.

24          MR. LABRUZZO: It's longer than a normal list.

25          THE COURT: I saw that. I ran it a little bit.

1           MR. LABRUZZO: I just wanted the Court to be  
2           aware.

3           THE COURT: Everything is longer than normal.

4           I need to put one thing on the record, though.  
5           For the record, so everyone knows, this panel as a  
6           whole was sworn. I don't believe we did it on the  
7           record. I will do it again with the people that  
8           come back. But the hundred that we already talked  
9           to were sworn by Dr. O'Neil before I spoke to them  
10          this morning.

11          So just for the record, everybody knows,  
12          they've already taken the oath for the panel as a  
13          whole. Just so everybody knows that. I don't  
14          believe that was on the record.

15          MR. LABRUZZO: Thank you, Judge.

16          THE COURT: There's two jurors that are in that  
17          panel downstairs that are asking to be excused. So  
18          my JA is bringing up the reasons for that right now.  
19          I said, okay, as long as she continues to work on my  
20          seating chart.

21          MR. SARABIA: The panel of people they're  
22          bringing up now?

23          THE COURT: No, no, no. These are the people  
24          that are downstairs from the holdovers from the  
25          other people.

1 MR. SARABIA: Okay.

2 THE COURT: Not the people in there.

3 When I went over next door and talked to the  
4 panel, they wanted to know what about the people  
5 who we hadn't brought over? I told them that makes  
6 them, A, number one jurors. They didn't like that.

7 MR. LABRUZZO: Judge, I have a quick question.

8 THE COURT: Okay.

9 MR. LABRUZZO: Tomorrow being Halloween, does  
10 the Court have any idea what time you're going to  
11 let us finish for Halloween, in case that comes up  
12 with one of the jurors. If they ask us a question  
13 about that, I wouldn't want to speak out of turn.

14 THE COURT: I would think that we'll be out of  
15 here by 5:00 tomorrow to go trick-or-treating. Does  
16 anybody need to be out earlier than 5:00?

17 MR. LABRUZZO: Not me, no.

18 THE COURT: Ms. Garrett, is 5:00 okay for you?

19 MS. GARRETT: Yes, Your Honor.

20 THE COURT: Okay. I'm trying to ask anybody  
21 that might have children they have to take  
22 trick-or-treating.

23 MR. LABRUZZO: I'm going. I get there when I  
24 get there.

25 THE COURT: Does anybody have any problem with

1 me reading the Indictment?

2 MR. LABRUZZO: Not from the State.

3 THE COURT: Defense, it's the one that was just  
4 filed September 7th. I'm not going to read when it  
5 was filed.

6 MR. LIVERMORE: No, ma'am.

7 THE COURT: Okay. Do you want me to call it an  
8 Indictment or do you want me to call it an  
9 Information?

10 MR. SARABIA: Not Information. We worked very  
11 hard for that Indictment.

12 THE COURT: I know. Really.

13 MR. LIVERMORE: Charging document.

14 THE COURT: Okay. Charging document it is.

15 Just so both sides know there's no reason to  
16 stand up when the jury comes in. There's too many  
17 people to be standing and sitting and standing and  
18 sitting. We'll all just sit.

19 MR. LIVERMORE: Judge, if I may?

20 THE COURT: Sure.

21 MR. LIVERMORE: I just want to preserve the  
22 record with a renewal of all my motions.

23 THE COURT: Okay. No problem. Is there any  
24 ones that I haven't already done?

25 MR. LIVERMORE: No. Those are all the ones I

1           could find that we've already argued.

2           THE COURT: Okay. And I'll stand on my  
3           previous rulings. He refiled all his previous  
4           motions and I'm standing on all my previous rulings.

5           Are you ready?

6           THE BAILIFF: We are, Your Honor.

7           THE COURT: All right. Bring the jury in.  
8           Just for the record, the defendant, his lawyers, and  
9           the State are present.

10          THE BAILIFF: Prospective jurors entering the  
11          hearing of the Court, Your Honor.

12          THE COURT: Thank you.

13          THE BAILIFF: Prospective jurors present and  
14          seated, Your Honor.

15          (Prospective Jury Present.)

16          THE COURT: All right. Nice to see you all  
17          again. How are you? Good?

18          THE BAILIFF: Can I approach?

19          THE COURT: Yes.

20          (Staff Conversation.)

21          THE COURT: Yes. Give me one moment. For the  
22          smaller rows we're going to bring a couple of chairs  
23          out because you all are stuffed together like  
24          sardines and that's really not necessary. So we're  
25          going to bring some chairs out.

1           While we do that, I need to have you sworn as  
2           the panel, now that we've kind of squished you down  
3           a little. So if you can all stand up, raise your  
4           right hand, and my clerk is going to swear you  
5           again.

6           THE CLERK: Do you solemnly swear or affirm  
7           that you will answer truthfully all questions asked  
8           of you as prospective jurors?

9           PROSPECTIVE JURY PANEL: Yes.

10          (Prospective Jury Sworn.)

11          THE COURT: All right. You may be seated.

12          Give me a second. We're going to bring these  
13          chairs out for you all. So everybody at the end of  
14          those three rows can scoot over in the chair, give  
15          everybody else a little bit more room. Some of you  
16          have a comfy chair, now we're all going to be  
17          jealous.

18          All right. Normally you're all in here to  
19          begin with. We've done things a little different  
20          because we had such a big group.

21          Again, I'm Circuit Court Judge Mary Handsel.  
22          We're here on the case of State of Florida versus  
23          Adams Matos.

24          State, are you ready to proceed?

25          MR. SARABIA: Yes, Judge.

1           THE COURT: All right. Defense, are you ready  
2 to proceed?

3           MR. PURA: Yes, Your Honor.

4           THE COURT: All right. Ladies and gentlemen,  
5 some of you we brought over earlier to answer some  
6 of the preliminary questions on the additional  
7 questionnaire.

8           We did not introduce ourselves other than  
9 myself. So I'm going to go ahead and let both  
10 sides introduce themselves so you know who they are  
11 and who they work for.

12          For the State Attorney, they are elected  
13 official, Bernie McCabe. If you want to go ahead  
14 and rise and introduce yourself.

15          MR. SARABIA: My name is Bryan Sarabia. This  
16 is Chris LaBruzzo. This is Joseph Lawhorne. All  
17 three of us work for the Office of Bernie McCabe, as  
18 Judge Handsel said, the elected State Attorney.

19          THE COURT: All right. Gentlemen, thank you.

20          And does anyone know any one of the three  
21 individuals at the table, Mr. Sarabia, Mr. Lawhorne  
22 or Mr. LaBruzzo? If you do, please raise your  
23 hand.

24          PROSPECTIVE JURY PANEL: (No audible response.)

25          THE COURT: I see no hands raised.



1 Does anyone know anyone who works at the State  
2 Attorney's Office here in Pasco County, whether it  
3 is a lawyer or somebody who works in the office?  
4 An investigator? Anyone that works in that office?  
5 If you do, please raise your hand.

6 PROSPECTIVE JURY PANEL: (No audible response.)

7 THE COURT: All right. I see no hands raised.  
8 If you're raising your hand and I don't see it.

9 Okay. Right in front of you is my court  
10 reporter. She's taking down everything you say,  
11 and that would indicate that you would actually  
12 answer out loud.

13 So does anyone know anyone that works at the  
14 State Attorney's Office?

15 PROSPECTIVE JURY PANEL: No.

16 THE COURT: All right. Thank you.

17 All right. For the Defense, if you want to  
18 rise and introduce yourself. I don't know who  
19 wants to take the lead on that. Mr. Pura, do you  
20 want to take the lead?

21 MR. PURA: Sure, Judge.

22 THE COURT: All right. Go ahead.

23 MR. PURA: Good afternoon, everybody. My name  
24 is Willie Pura. And my colleagues will include this  
25 gentleman to my immediate left, Dean Livermore; the

1       young lady to my far left is Catherine Garrett; and  
2       the gentleman next to her is Nicholas Michailos; and  
3       we have one more colleague sitting in the back row,  
4       Dillon Vizcarra. And my colleagues and I will be  
5       during the course of this trial representing this  
6       gentleman, Adams Matos.

7               THE COURT: All right. Thank you all. You may  
8       be seated.

9               Again, at this table -- Mr. Vizcarra is in the  
10       back, but at the table Ms Garrett, Mr. Livermore,  
11       Mr. Michailos, Mr. Pura, Mr. Matos. Does anybody  
12       recognize any of them? If you do, please raise  
13       your right hand.

14               PROSPECTIVE JURY PANEL: (No audible response.)

15               THE COURT: All right. I see no hands raised.

16               The next thing I'm going to go over is there  
17       is a list, a very long list of witnesses in this  
18       case; and we talked a little bit about that with  
19       some of you and others who have been released about  
20       knowing people involved in the case.

21               We're going to read the list of possible  
22       witnesses to you. Now, I will tell you just  
23       because their name is on the witness list that does  
24       not mean that they will be called as a witness. It  
25       is necessary under the rules that every person that

1       has any information about this case has to be  
2       listed.

3             If you do recognize anybody's name, please  
4       raise your hand and we'll go through how you know  
5       them, how well you know them, and if that makes you  
6       have a conflict. You may not even know that  
7       they're related to this case.

8             Some people have similar names, Smith, Jones  
9       that type of thing. If you believe you might know  
10      the person, just raise your hand and we'll work  
11      through it.

12            State, is it also possible when you read the  
13      list, you can give the agency that they work for,  
14      if there's different agencies, so that way we'll  
15      talk a little bit -- you may know them from their  
16      agency work. All right.

17            State, are you ready for the list?

18            MR. SARABIA: Yes, Judge.

19            THE COURT: All right. You may proceed.

20            MR. SARABIA: Edward Barbieri, he's with the  
21      forensics lab in Largo. Denise Fernandez-Roton,  
22      forensic lab in Largo. Steven Stark with FDLE,  
23      Florida Department of Law Enforcement. Martha  
24      Scholl with the ME's office, Medical Examiner's  
25      Office. Dr. Noel Palma with the ME's office.

1       Jaclyn Angelo with FDLE.   Dena Allen with FDLE.  
2           Anna Cox.   Nicholas Leonard.   Megan Brown.  
3       Margaret Brown.   Gregory Brown.   Emilio Clifton.  
4       Jamie Defelice.   Kimberly Zaino.   George Sullivan.  
5       Angelo Markopoulos.   Sherry Almond.   Charles Fiet.  
6       Jamie Cook.   Patrick Petriarca.   David Dascher.  
7       Becky Johnson.   David Crivelli.   Dennis Shaw.  
8           Gary Griffin.   Ellen Adams.   Jim Adams.   Trish  
9       Gutierrez.   Ernest Graf.   Ken Huff.   Larry  
10      Chuderwicz.   Brian Conroy.   Yvette Conroy.   Rocco  
11      Ambrogio.   Kayla Wilkins.   James Thomas.   Michelle  
12      Stinson.   Terry Roskowski.   Salvatore Pizzo.   Lance  
13      Miller.  
14           Shandra Haskell.   Michael Hall.   Jed Jose.  
15      Michael Pelletier.   Carol Mulherin.   Toshi Rumph.  
16      Patrick Duarte.   Ryan Kirby.   Joe Mann.   Benjamin  
17      Gifford.   Russell Howard.   Susan Goodman.   John  
18      Foley.   Sabrina Solesky.   Louise Galeano.  
19           Debbie Wooten.   David Wise.   Sandy Skrzypek.  
20      Robert Anderson.   Jamie Baclawski.   Mat Sharp, and  
21      I believe he is formerly with the Sheriff's Office.  
22      Kristen Anderson.   Justin Okins.   Christopher  
23      Williams.   William Lusk.   Sarah Young.   Ron  
24      Pratser.   Dan Miller.   Robert Cardinal.   Frank  
25      Tomkow.

1           Lieutenant Justin Ross with the Sheriff's  
2           Office, Pasco County Sheriff's Office. Deputy  
3           Jessie Fletcher, currently with the Hernando County  
4           Sheriff's Office. William Kaiser. Luis Basquit.  
5           Valerie Goodman. Yariel Carmenate. Gordon Cole.  
6           Jerry Sweet. Bryan Araniecke. Erin Jacobs.  
7           Michelane Johnson. Alexia McCallister. Ivon  
8           Carmenate. Kimberly Ward. Colton Bell.  
9           Parth Donda. Michelle Kidder. Ann Gaul.  
10          Natalya Casson. Joseph Castro. Hung Truong.  
11          Bailey Thompson. Gordon Cole. And there are, in  
12          fact, two different Gordon Coles. Ronald Burnham.  
13          Israel Rodriguez. Trevor Hill. Michelle Tatum.  
14          Lessee Henry. Estelle Austin. Gina Foley.  
15          Max Austin. Rosalie Justice. Jovanna  
16          Bettancourt. Donald Justice. Darrah Hawver.  
17          Margaret Martin. Ruth Carter. Tracie Lentini.  
18          Betty Sullivan. Ernie Pollock. Laura Maniscalco.  
19          Victoria Pollock. Perry Palumbo. Lucy Howard.  
20          Michelle Douthitt-Barry, and she's with CPT, Child  
21          Protective Team.  
22          Amanda Smith. Debra Colvin. Debra  
23          Bullwinkel. Stephanie Holyak. Amber Robinson,  
24          with the Pasco County Sheriff's Office, CPI unit.  
25          Conner Thomas. Robert Bloom. Ralph Dunlavey.

1       Joan Wojtan.   Andrew Coulstring.   Jamie Smith.  
2       Kayla Jameson.   William Gantt.   Sandra Bloom.  
3       Stephanie Buono.  
4             Ann Coulstring.   Francesca Gall.   David Burge.  
5       Karen Perks.   John Gall.   Dennis Loranger.   Susan  
6       Lorenzo.   Rachel Lorenzo.   David Wright.   April  
7       Ladenthin.   Joseph Rodriguez.   McKinley Hambrick.  
8       Jason Monda.   Lee Hansen.   James Welock.  
9             John Douglas with Pasco Animal Control.  
10       Sherri Magilligan with Pasco Kids First.  
11       Christopher Pope with Pasco CPT, again Child  
12       Protective Team.   SSalvatore Testa.   Jacob  
13       Torres-Rosa.   James Sigler.   Daniel Leonard.   Paula  
14       Rystrom.   James Branham.   Paul Preuss.   James  
15       Spratling.   Robert Capaz.   Charles Smith.   Tina  
16       McCarthy.   Courtney Gantt.  
17             Connie Thomas.   Candance Palcovic.   Brandon  
18       Derry.   Richard Young.   Robert Yost.   Mary Yost.  
19       James Williamson.   Charles Vallas.   Greg Thrasher.  
20       Sandra Speers.   Williams Smith.   Thomas Smith.  
21       Kathy Smith.   James Smith.   Malcomb Simony.  
22             Ralph Shannon.   Gregory Schmitt.   Anthony  
23       Rosati.   Tyler Ridgeway.   Monica Evans.   William  
24       Padgitt.   Carol Padgitt.   Janet O'Hara.   Thomas  
25       Nies.   Connie Nies.   Ronald Mestach.   Debra

1 McGinley. Edward McGinley. Joan McConnell. Ryan  
2 McCann. Darleen May.

3 Michael Marinich. Sharon Mann. David Lyman.  
4 John Logan. Kayla Leggett. Jeri Lamana. Susan  
5 Khristensen. Bradley Kay. Pauline Kallis. Nelson  
6 Kallis. Justin Hatley. Jeffrey Hamilton. Douglas  
7 Gallo. Billie Earls. Tammy Dutton.

8 Grace Dimalanta. Anthony Defronzo. Regina  
9 Cook. Evelyn Contino. Edward Contino. Tonya  
10 Carlson. Audrey Brown-Hall. Deputy Dustin Brooks,  
11 with Pasco County Sheriff's Office. Keith Brock.  
12 Damon Breton with the Medical Examiner's Office.  
13 Michelle Bittaker. Alexis Beitler. Brian Barone.  
14 Marvin Barner.

15 Linda Thomas. Tangela Allison. Brett Steele.  
16 Lemont Marshall. Michael Unsworth. Deputy David  
17 Robarts with the Pasco County Sheriff's Office Chad  
18 Holley. Deputy Melissa Pettipas with the Sheriff's  
19 Office. Richard Furtsch. Robert Dunlavey. Gary  
20 Hitchcox. Danielle Watkins. William Schubert.  
21 Ethan Roy. Romana Grubee.

22 Richard Cox. Shaun Price. James Stinson.  
23 Amber Pyle. [REDACTED] Brown. Brian Owens.  
24 Stephanie DeLong. Luis Martinez. Detective Steven  
25 Olson of the Sedgwick Sheriff's Office. Sarah

1       Rodriguez. Danielle Whitmer. James Ingram. Lori  
2       McCann. Allen McCann.

3             John Earls. Ismael Santisteban. William  
4       Powell. Rose Matos. Tara Cellini. Benvenuto  
5       Cellini. Benjamin Blick of the Sedgwick County  
6       Police Department. Rebecca Thomas. Michael  
7       Monahan. Richard Brown. Aaron Brown. Donna  
8       Papsun. Ayako Chan-Hosokawa. Gerald Findley. Paige  
9       Steele.

10            Erica Gardner. Darren Jenne of the Tampa  
11       Police Department. Malee Vogt of the Tampa Police  
12       Department. Dale Fritz of the Tampa Police  
13       Department. Cate Ruth of the Tampa Police  
14       Department. Wayne Easley of the Tampa Police  
15       Department. Daniel Vasquez of the Tampa Police  
16       Department. Stephen Gady of the Tampa Police  
17       Department. James Valentino of the Tampa Police  
18       Department. Jim Dausch of the Tampa Police  
19       Department. Alexander Moreno of the Tampa Police  
20       Department. Alvin Cruz and Barbara Roberts, both  
21       of the Tampa Police Department.

22            Juan Hernando, Miguel Caballero, and William  
23       Woster, all of the Tampa Police Department.  
24       Detective Aaron Smith and Sergeant Dean Quinlan,  
25       both of the Pasco County Sheriff's Office. Tim



1 Moore with Pasco Sheriff's Office. Charles Moyer  
2 of the Tampa Police Department. Former Detective  
3 Carlo Ocasio and Jessica Hammond, both of the Pasco  
4 County Sheriff's Office. Stephen Delfino. Michael  
5 Kirlangitis of the Tampa Police Department.  
6 Detective David Roque of the Pasco Sheriff's  
7 Office.

8 Officer Patrick of the Tampa Police  
9 Department -- I'm sorry. Patrick Woehlk, currently  
10 of the Tampa Police Department, formerly of the  
11 Pasco Sheriff's Office. John Wierzbowski. Jesse  
12 White, formerly of the Pasco County Sheriff's  
13 Office. Denice Weigand with the Pasco County  
14 Sheriff's Office. Detective Roger Turnbow,  
15 Detective Daniel Toner, Detective Sean Sweeney, all  
16 three from the Pasco County Sheriff's Office.  
17 Nancy Sulinski, formerly with the Pasco County  
18 Sheriff's Office. Richard Stanger, Detective  
19 Sergio Soto, Deputy Thomas Smith, all of the Pasco  
20 County Sheriff's Office. Former Deputy Miguel  
21 Silva, formerly of the Pasco County Sheriff's  
22 Office.

23 Sergeant Michael Shoup, Detective Ryan  
24 Shadrick, Sergeant Richard Scilex, Detective Monte  
25 Schuler, all four of which are from the Pasco

1 County Sheriff's Office. Deputy Scott Schuck of  
2 the Pasco County Sheriff's Office. Lisa Schoneman,  
3 former detective with the Pasco County Sheriff's  
4 Office.

5 Deputy Dustin Roy, Detective Michael Rosa.  
6 Detective David Pugh, Corporal Beverly Phillips,  
7 all of whom are of the Pasco County Sheriff's  
8 Office. Deputy Melissa Pettipas. Deputy Sebastian  
9 Pepenella -- I'm sorry. That's Sergeant Sebastian  
10 Pepenella of the Pasco County Sheriff's Office.  
11 David Peltz of the Pasco County Sheriff's Office.  
12 Dennis Nottoli, formerly of the Pasco County  
13 Sheriff's Office.

14 Deputy Michael Navarra, formerly of the Pasco  
15 County Sheriff's Office. Patrick Moccaldi. Susan  
16 Miller with the Pasco County Sheriff's Office.  
17 Michael Mielke and Kip Mellow, both of the Pasco  
18 County Sheriff's Office. Detective Christopher  
19 Meizo, Detective Stephen McInnes, both of Pasco  
20 County Sheriff's Office.

21 Jamey Martin and Anthony Lokotnicki, Jason  
22 Logue, all three of whom are from the Pasco County  
23 Sheriff's Office. Corporal Rodney Linville,  
24 Sergeant William Lindsey and Deputy Ryan Lennox,  
25 all of whom are from the Pasco County Sheriff's

1 Office.

2 Detective Jennifer Pelletier. Deputy Peter  
3 Knorr, both of the Pasco County Sheriff's Office.  
4 Sean Kennedy, formerly of the Pasco County  
5 Sheriff's Office. Corporal Richard Jones, I  
6 believe that is of the Pasco County Sheriff's  
7 Office. Sharon Ioppolo, Matthew Hutton,  
8 Christopher Holland, all of the Pasco County  
9 Sheriff's Office.

10 Anna Marie Hernandez, Ronald Heinemann, both  
11 of the Pasco County Sheriff's Office. Fred  
12 Heidgerken, formerly of the Pasco County Sheriff's  
13 Office. Daniel Hayse, also formerly of the Pasco  
14 County Sheriff's Office. Deputy David Hatfield,  
15 Sergeant Jason Hatcher, Deputy Anthony Graham,  
16 Sanjuanita Gonzalez, Corporal Norman Gay, all of  
17 whom are from the Pasco County Sheriff's Office.

18 Sergeant Jay Galassi, Deputy Jeff Frazier,  
19 Deputy Jessie Francis, Robert Formoso, Sergeant  
20 Daniel Fenstemacher, all of the Pasco County  
21 Sheriff's Office. Kelly Endricks, James Elders --  
22 I'm sorry. Kelly Endricks is from the Pasco County  
23 Sheriff's Office. James Elders is with the Tampa  
24 Police Department. Szandra Der and Deputy William  
25 Davis, both of the Pasco Sheriff's Office.

1           Giusseppe Cucchirra of the Sheriff's Office.  
2           Fiorella Covais of the Tampa Police Department.  
3           Detective Chet Cougill of the Sheriff's Office,  
4           Pasco. Rocco Corbino, formerly with the Pasco  
5           County Sheriff's Office, currently with Tampa  
6           Police Department.

7           Jeremy Colhouer, Michael Coats. Rhea Clark,  
8           Adam Cinelli, all of whom are from the Pasco County  
9           Sheriff's Office. Chris Bukowiecki, Detective  
10          Anthony Bossone, Hans Bollenbacher, Sergeant  
11          Benjamin Birge, all of whom are from the Pasco  
12          County Sheriff's Office. Tom Bets, Sergeant James  
13          Berberich, Keith Bennett, all of whom are from the  
14          Pasco County Sheriff's Office.

15          Zachary Barr, Ronnie Anzalone, Detective  
16          Samantha Allee, all of the Pasco County Sheriff's  
17          Office. James Babcock, formerly of the Pasco  
18          County Sheriff's Office. Ron Pratser. Also  
19          Billing McCann, Karen Milbradt, Michael Jones, Sr.

20               THE COURT: Are you sure that's all?

21               MR. SARABIA: I believe so, Judge.

22               THE COURT: Just checking.

23               All right. I know Ms. Coleman raised her hand  
24               in the front row. You raised your hand earlier  
25               on. I asked her to put it down just so we can get

1 through the long list. So who is it on that list  
2 that you believe that you know?

3 PROSPECTIVE JUROR COLEMAN: Christopher  
4 Williams.

5 THE COURT: Christopher Williams?

6 PROSPECTIVE JUROR COLEMAN: Yes, ma'am.

7 THE COURT: All right. And how do you know  
8 Mr. Williams?

9 PROSPECTIVE JUROR COLEMAN: My ex-husband, he  
10 had a cousin named Christopher Williams.

11 THE COURT: Okay. And you believe that might  
12 be him?

13 PROSPECTIVE JUROR COLEMAN: I don't know. I  
14 haven't seen him in 15-plus years. So I can't say.  
15 I just recognize the name.

16 THE COURT: All right. Is that someone who  
17 lives in Pasco? Works for the Sheriff's Office? Do  
18 you know where they fit into the case? State?

19 MR. SARABIA: Judge, he is an employee of Winn  
20 Dixie. He is not with one of the law enforcement.  
21 He was in 2014 an employee of Winn Dixie.

22 THE COURT: All right. Anything about the fact  
23 that he is a brother of your family, that you would  
24 have a hard time listening to his testimony if he  
25 was called to testify?

1           PROSPECTIVE JUROR COLEMAN: No. I haven't seen  
2 him probably in 15 years.

3           THE COURT: So you would judge him just like  
4 you would any other witness if called to the stand?

5           PROSPECTIVE JUROR COLEMAN: Yeah. I may not  
6 even recognize him.

7           THE COURT: Okay. Unless we call him by name?

8           PROSPECTIVE JUROR COLEMAN: Right.

9           THE COURT: Okay. All right. Anyone else here  
10 in this first row? I'll go row by row to so it  
11 would make it easier. I saw hand over here. In the  
12 first row?

13          PROSPECTIVE JURY PANEL: (No audible response.)

14          THE COURT: None in the first row.

15          In the second row.

16          PROSPECTIVE JUROR LEAVY: (Indicating.)

17          THE COURT: I think that's Ms. Leavy. Is that  
18 you?

19          PROSPECTIVE JUROR LEAVY: It's Leavy.

20          THE COURT: Yes, Ms. Leavy, who do you know?

21          PROSPECTIVE JUROR LEAVY: James Valentino,  
22 Tampa Police Department.

23          THE COURT: Okay. And how do you know Officer  
24 Valentino?

25          PROSPECTIVE JUROR LEAVY: I've known him since

1           he was a little boy.

2           THE COURT:   Okay.

3           PROSPECTIVE JUROR LEAVY:   He was my neighbor.  
4           And my son works for the Tampa Police Department,  
5           and brought him -- you know, introduced me to him  
6           when he was young.   I worked for his mother in the  
7           Pasco County School System.

8           THE COURT:   Okay.   Let me ask you question.   I  
9           heard a couple of things there.   One is that your  
10          son works for the Tampa Police Department.

11          PROSPECTIVE JUROR LEAVY:   Right.

12          THE COURT:   Does he currently work for the  
13          Tampa Police Department?

14          PROSPECTIVE JUROR LEAVY:   Yes.

15          THE COURT:   As you heard and why I have them do  
16          this, there are multiple people that work for the  
17          Tampa PD that's going to come and testify.   Who's  
18          going to actually take the witness stand, I don't  
19          know.

20          But if you knew that the officer was with the  
21          Tampa Police Department, which your son works for,  
22          is that going to cause you not to be able to judge  
23          their credibility like you judge anyone else?   Or  
24          as long as it's not your son, you'll judge them  
25          like you judge any other witness?   Just because

1           they're Tampa Police Department, you'll give them  
2           more credibility or more credence to what they way?

3           PROSPECTIVE JUROR LEAVY: No. I have multiple  
4           policemen in my family.

5           THE COURT: Okay. But as to Officer Valentino,  
6           obviously you're close with him?

7           PROSPECTIVE JUROR LEAVY: Yes.

8           THE COURT: And if he testified, would you have  
9           a hard time being a fair and impartial juror?

10          PROSPECTIVE JUROR LEAVY: I don't think so.  
11          But we know each other a very long time.

12          THE COURT: Okay.

13          PROSPECTIVE JUROR LEAVY: I worked for his  
14          mother.

15          THE COURT: Right.

16          PROSPECTIVE JUROR LEAVY: I mean, it's a close  
17          relationship. I don't see him now because he's  
18          moved away, but I've known him for over 15 years.

19          THE COURT: So he's a close personal friend of  
20          yours and your family?

21          PROSPECTIVE JUROR LEAVY: I think he's a little  
22          personal.

23          THE COURT: That it be hard for you to not  
24          think that he was --

25          PROSPECTIVE JUROR LEAVY: I'm telling you I



1       don't think so, but I'm trying to be perfectly  
2       honest.

3               THE COURT: Absolutely.

4               PROSPECTIVE JUROR LEAVY: That I've known him a  
5       very long time.

6               THE COURT: No problem. It's not like someone  
7       you used to know maybe a little bit? This is  
8       someone who's been close with your family and you?

9               PROSPECTIVE JUROR LEAVY: Yes.

10              THE COURT: Okay. Anyone else in that second  
11       row? Over here second row?

12              PROSPECTIVE JURY PANEL: (No audible response.)

13              THE COURT: I see no hands.

14              Third row.

15              PROSPECTIVE JUROR BESUGLOW: (Indicating.)

16              THE COURT: I think you're in the way back, but  
17       we'll take you anyway.

18              Sir, your name?

19              PROSPECTIVE JUROR BESUGLOW: Daniel Besuglow.

20              THE COURT: Mr. Besuglow, who do you know?

21              PROSPECTIVE JUROR BESUGLOW: I would like to  
22       speak to you, if it's possible.

23              THE COURT: Do you need to come up to the  
24       bench?

25              PROSPECTIVE JUROR BESUGLOW: Yes.

1           THE COURT: Okay. Can I have the lawyers at  
2           the bench briefly. Sir, come on up.

3           (BENCH CONFERENCE.)

4           THE COURT: Mr. Besuglow, hold on one second.  
5           Everything has to be on the record.

6           Yes, sir. Come on up.

7           PROSPECTIVE JUROR BESUGLOW: I don't know  
8           personally, but my son is incarcerated now.

9           THE COURT: He's in jail now?

10          PROSPECTIVE JUROR BESUGLOW: Yeah. And I  
11          believe you are the judge.

12          THE COURT: Okay.

13          PROSPECTIVE JUROR BESUGLOW: And also I believe  
14          Ocasio and Bossone was one of the --

15          THE COURT: Arresting officers?

16          PROSPECTIVE JUROR BESUGLOW: Yeah. Uh-huh.

17          THE COURT: Okay. Just so you know, he said  
18          that his son is currently being prosecuted.

19          PROSPECTIVE JUROR BESUGLOW: On the 21st we  
20          have a hearing, on the 21st, with you, I believe.

21          THE COURT: So he's in my courtroom this month  
22          and that two of the officers on the list may be the  
23          arresting officers?

24          PROSPECTIVE JUROR BESUGLOW: No, no, no. Not  
25          on this time. Not on the first time he got

1           arrested. This is his second time.

2           THE COURT: So they've arrested him before?

3           PROSPECTIVE JUROR BESUGLOW: Before.

4           THE COURT: Not this time?

5           PROSPECTIVE JUROR BESUGLOW: Not this time.

6           THE COURT: But you know who they are because  
7 of the first time?

8           PROSPECTIVE JUROR BESUGLOW: First. Yes.

9           MR. LABRUZZO: Could I get the names of the two  
10 arresting officers?

11          PROSPECTIVE JUROR BESUGLOW: It was Bossone and  
12 Ocasio.

13          MR. LABRUZZO: All right. What charge, if you  
14 don't mind me asking, was your son arrested on?

15          PROSPECTIVE JUROR BESUGLOW: The first was he's  
16 registered as a sex offender.

17          THE COURT: Okay.

18          MR. LABRUZZO: Okay. All right.

19          PROSPECTIVE JUROR BESUGLOW: This time he's not  
20 in there for that. He did his time.

21          THE COURT: This time what's he in now?

22          PROSPECTIVE JUROR BESUGLOW: Right now for  
23 really bullshit. You know, he has a drug problem.

24          THE COURT: Okay. So it's for drugs?

25          PROSPECTIVE JUROR BESUGLOW: Drugs. And then

1           he has a -- he had a chainsaw accident.

2           THE COURT:   Okay.

3           PROSPECTIVE JUROR BESUGLOW:   And they gave him  
4           a splint.

5           THE COURT:   Okay.

6           PROSPECTIVE JUROR BESUGLOW:   Okay.   And while  
7           he was still working and stuff like that, with the  
8           chainsaw accident, he had an ax and it's his.

9           THE COURT:   Okay.   So they charged him with  
10          carrying a weapon?

11          PROSPECTIVE JUROR BESUGLOW:   Exactly.   But I  
12          have a letter.   Asma Ali is his Public Defender.

13          THE COURT:   Okay.

14          PROSPECTIVE JUROR BESUGLOW:   And she's trying  
15          to get him in a drug rehab.

16          THE COURT:   Okay.

17          PROSPECTIVE JUROR BESUGLOW:   But the points --  
18          I have a letter from his job.

19          THE COURT:   Okay.   We'll talk about that on the  
20          21st.   I do remember who that is, but this is about  
21          something else.

22          PROSPECTIVE JUROR BESUGLOW:   Right.

23          THE COURT:   So do you have any questions?

24          PROSPECTIVE JUROR BESUGLOW:   So I don't know --  
25          I don't want a mistrial for this.

1 MR. LABRUZZO: I do.

2 THE COURT: Okay.

3 MR. LABRUZZO: All right. Sir, so based on  
4 your experiences -- and you've kind of shared some  
5 of your beliefs as to, I guess, the quality of the  
6 criminal charges. Obviously you realize that the  
7 State Attorney's Office are the individuals that are  
8 charging him and prosecuting that case, right?

9 PROSPECTIVE JUROR BESUGLOW: Right.

10 MR. LABRUZZO: That's someone I work for and we  
11 all work for. Are you going to harbor some sort of  
12 resentment towards us or are you going to have  
13 difficulty listening to us if you think that --

14 PROSPECTIVE JUROR BESUGLOW: No, no, no. But,  
15 you know, there's 1 to 10.

16 THE COURT: On the death penalty?

17 PROSPECTIVE JUROR BESUGLOW: I don't believe in  
18 the death penalty.

19 THE COURT: At all?

20 PROSPECTIVE JUROR BESUGLOW: At all. It's  
21 against my religion and stuff.

22 MR. LABRUZZO: Okay. All right. Since we're  
23 here we'll talk about that real quick. What you're  
24 saying to us is is that --

25 PROSPECTIVE JUROR BESUGLOW: Life in prison,

1           it's a different story.

2           MR. LABRUZZO: I understand. Just allow me to  
3           finish my question. That if you were selected as a  
4           juror in this case and then you were asked to listen  
5           to aggravators that may be for the death penalty or  
6           mitigating circumstances on the death penalty,  
7           you're telling us that no matter what's presented,  
8           there's no way you would ever consider or listen to  
9           anything related to the death penalty?

10          PROSPECTIVE JUROR BESUGLOW: (Indicating.)

11          MR. LABRUZZO: You have to answer.

12          PROSPECTIVE JUROR BESUGLOW: No.

13          MR. LABRUZZO: All right. And for the record  
14          you're shaking your head pretty emphatically.

15          PROSPECTIVE JUROR BESUGLOW: Of course.

16          MR. LABRUZZO: Okay.

17          THE COURT: And I believe he also said it's  
18          against his religion.

19          MR. LABRUZZO: Right.

20          THE COURT: Mr. Michailos, Mr. Pura, any  
21          questions of the juror?

22          MR. PURA: About that?

23          THE COURT: About anything?

24          MR. PURA: I know your position is to excuse  
25          him for cause based on that.

1 THE COURT: No, no. I'm talking about his son.

2 MR. PURA: Oh, no. Not about the son, no.

3 THE COURT: No, no, no. I'm just saying do you  
4 have any questions about the son?

5 MR. PURA: No.

6 THE COURT: Okay. Sir, you can go ahead and  
7 sit down for me. Thank you.

8 No, no, no. This is about the son. So he's  
9 currently being prosecuted, his son, and he used  
10 the word "we" are going to be in front of you on  
11 the 21st. So I guess he is involved, let's say, in  
12 his son's case. And that he didn't feel based on  
13 that that he could be fair and he just wanted us to  
14 know that. That's what he said.

15 MR. LABRUZZO: That's how I took it.

16 THE COURT: And he said he didn't want to have  
17 a mistrial because he didn't know if he could be  
18 fair is what he said.

19 MR. PURA: But he didn't say who he could be  
20 unfair against.

21 THE COURT: No, no, no.

22 MR. PURA: And he didn't express any resentment  
23 toward Asma Ali or anything like that. He didn't  
24 say that.

25 THE COURT: No, no, no. He just, you know,

1           basically said that his current charges are a bunch  
2           of hooey.

3           MR. PURA:   Right.

4           MR. LABRUZZO:  Other words, but, yes.

5           MR. PURA:  But he doesn't resent the State for  
6           the fact that they're prosecuting him on hooey  
7           charges.

8           THE COURT:  Well, I don't know.  He didn't say  
9           he resents them.  He just didn't know if he could be  
10          fair.  He didn't say who he could be fair for.  I  
11          wouldn't want him to be fair against the defendant  
12          or the State.  So he just said he couldn't be fair.  
13          I'm just putting that out there.  So we'll keep  
14          going.

15          MR. LABRUZZO:  Judge, I move for cause based on  
16          his statement that he could never consider anything  
17          related to the death penalty in which, in essence,  
18          he's saying he can't follow the law for both  
19          religious reasons and other reasons I would imagine  
20          if we explored further.

21          But he was very clear that under no  
22          circumstances would he consider anything under the  
23          law as it relates to the death penalty.  So at this  
24          time I would move for cause as to Mr. Besuglow.

25          THE COURT:  What do you say about that?



1           MR. PURA: Well, he may be operating under a  
2           misconception that a lot of people are in his  
3           position are operating under, that because of their  
4           religious or moral scruples they're opposed to the  
5           death penalty. That isn't what the law says as far  
6           as being eligible to serve on the jury. He may  
7           think he cannot follow the law, but he has not yet  
8           been instructed on the law as it applies to the  
9           death penalty.

10          THE COURT: Okay. He said unequivocally that  
11          due to his religious beliefs, that he could never  
12          impose the death penalty. So how could he be under  
13          some misconception? Are you going to come and tell  
14          him, explain to him how his religious beliefs would  
15          allow him --

16          MR. PURA: Yes.

17          THE COURT: Are you going to be his priest  
18          today?

19          MR. PURA: Yes. I'm going to tell him that  
20          ultimately it's up to him to decide whether death is  
21          appropriate or not, and that's based on his own  
22          individual moral judgment and nobody will ever tell  
23          him that he has to vote for death. A lot of people  
24          think that they add A plus B plus C, then they're  
25          forced to say it's death. If aggravators outweigh

1           mitigators, then it's death.

2           THE COURT: But the requirement is is that  
3           there is some scenario in which, if instructed  
4           properly, he would impose the death penalty. He  
5           just said under no circumstances could he ever  
6           impose the death penalty. It's against his  
7           religion. That's his moral compass. His moral  
8           compass says never. Never means you're not eligible  
9           to sit on a jury.

10          MR. PURA: And that's answering the Judge's  
11          questions. Of course, I'm not criticizing you, of  
12          course, but they tend to say what they think the  
13          Court wants to hear. I still would object to at  
14          this point excusing him for cause and ask that I be  
15          allowed to voir dire him tomorrow.

16          THE COURT: Okay. Well, first of all, he was  
17          not answering my question. He brought that up. I  
18          didn't ask him anything about the death penalty.  
19          He's up here because of his son.

20          MR. PURA: We'll, he's addressing the Court.  
21          He's not addressing me.

22          THE COURT: Well, I understand that. But he  
23          said, quote, "I'm not sure that I would be a good  
24          juror because I would be unfair and I don't want to  
25          cause a mistrial. And by the way, just for good

1       measure, it's against my religious beliefs to ever  
2       impose the death penalty, so I don't want to sit  
3       here."

4               So at this point, taking into consideration  
5       the fact that his son is currently being prosecuted  
6       by this office and that he said he doesn't think  
7       that he can be fair and it could cause a mistrial,  
8       notwithstanding his beliefs on the death penalty,  
9       I'm going to cause challenge him.

10              Because basically he brought it up. He wanted  
11       to come up here. This was not from direct  
12       questioning. This was the two officers that are on  
13       the witness list are officers that arrested his son  
14       for, by the way, some sort of sex charge. So he  
15       said he didn't think he can be fair.

16              MR. PURA: I understand, Judge. I understand  
17       the Court's ruling. I'm simply objecting.

18              THE COURT: Okay.

19              MR. MICHAILOS: With regard not to the death  
20       penalty, but the other side of it -- just for the  
21       record, I couldn't hear exactly what he said -- it  
22       was my understanding that he just wanted to bring to  
23       the Court's attention that there's pending  
24       litigation with regard to his son before the Court  
25       with the State Attorney.

1           I don't recall him saying -- then again I was  
2           behind everybody. So I don't recall him saying he  
3           couldn't be fair. I thought he said in an  
4           abundance of caution he just wanted to tell  
5           everybody, oh, by the way, we are in front of Your  
6           Honor, you know, we're in front of you.

7           THE COURT: My understanding is he said, I came  
8           up here because I don't want to cause a mistrial  
9           because -- and he asked, could you be fair? And he  
10          goes, yes, and by the way, and then he threw in the  
11          death penalty.

12          So I think it's pretty clear he doesn't feel  
13          that he can be a fair and impartial juror in this  
14          case as to those two officers, and he just threw in  
15          the death penalty just to make it positively clear  
16          that he can't sit.

17          MR. MICHAIILOS: I thought he answered to  
18          Mr. LaBruzzo that he could be fair.

19          THE COURT: I thought he said he couldn't.

20          MR. LABRUZZO: I had no questions. I mean, we  
21          didn't get into it any further with that attitude.

22          THE COURT: Mr. Besuglow. I'm sorry. I might  
23          have misunderstood you and so we need clarification.

24          Do you think, based on the fact that your son  
25          is in front of me being charged with a crime that

1       you're not sure he committed, that you could be a  
2       fair and impartial juror and sit in this case?

3               PROSPECTIVE JUROR BESUGLOW: No, no. Not at  
4       all. Not at all.

5               THE COURT: You don't believe you could be  
6       fair?

7               PROSPECTIVE JUROR BESUGLOW: No, no. I could  
8       be fair.

9               THE COURT: Okay. I think you're using, no,  
10       and that's my misunderstanding.

11               PROSPECTIVE JUROR BESUGLOW: No. I could be  
12       fair. But it's against my religion.

13               THE COURT: Okay. We can get to that later. I  
14       misunderstood the no that you said -- never mind.  
15       You can be fair with your son and the charges?

16               PROSPECTIVE JUROR BESUGLOW: Of course.

17               THE COURT: And you'll be fair to the State  
18       even though they're prosecuting your son?

19               PROSPECTIVE JUROR BESUGLOW: Yeah. Because I  
20       have all the proof that my son -- it wasn't a  
21       weapon. He's got a job.

22               THE COURT: Okay.

23               PROSPECTIVE JUROR BESUGLOW: I mean, Asma Ali  
24       has the letter from his boss that he's working.

25               THE COURT: Okay. So you're not going to hold

1           it against them?

2           PROSPECTIVE JUROR BESUGLOW: No.

3           MR. LABRUZZO: Let me ask this question: You  
4           said you have a court date coming up on the 21st of  
5           this month?

6           PROSPECTIVE JUROR BESUGLOW: The 21st of  
7           December, of December.

8           MR. LABRUZZO: Of December.

9           PROSPECTIVE JUROR BESUGLOW: December 21st.

10          THE COURT: Yes.

11          MR. LABRUZZO: I withdraw my question.

12          THE COURT: Okay. You can go ahead and have a  
13          seat.

14          All right. I'll deny it for now.

15          MR. LABRUZZO: Sure.

16          (OPEN COURT.)

17          THE COURT: All right.

18          PROSPECTIVE JUROR ROBART: (Indicating.)

19          THE COURT: I have someone over on this side.  
20          Okay. Yes, sir. If you can stand up and tell me  
21          your name.

22          PROSPECTIVE JUROR ROBART: I'm Dave Robart.

23          THE COURT: Okay. Mr. Robart. I apologize. I  
24          know we did meet earlier. You have the hat on now.  
25          I didn't see that before. Who do you know?

1           PROSPECTIVE JUROR ROBART: Detective Benjamin  
2 Birge.

3           THE COURT: Okay. And how do you know  
4 Detective Birge?

5           PROSPECTIVE JUROR ROBART: He assaulted me  
6 once.

7           THE COURT: Okay. Would you like to come up  
8 here and talk about it?

9           PROSPECTIVE JUROR ROBART: It would probably be  
10 better.

11          THE COURT: Okay. Come on up.

12 (BENCH CONFERENCE.)

13          THE COURT: Mr. Robart, I'm sorry, hold on.  
14 Give me one second. You had some criminal case with  
15 him or is it a neighbor or how did this all come  
16 about?

17          PROSPECTIVE JUROR ROBART: No, no. I'm driving  
18 down Ridge Road, with a lot of the construction.

19          THE COURT: Okay.

20          PROSPECTIVE JUROR ROBART: He was drunk on his  
21 keister. He pulled me over and started to beat on  
22 my truck. He started to beat on me, but my daughter  
23 had her smartphone out and pointed it at him and he  
24 chilled out then.

25          THE COURT: Okay.

1           PROSPECTIVE JUROR ROBART: And he was so drunk,  
2 he locked himself out of his vehicle with it running  
3 and turned around and walked on the other side of  
4 the vehicle and starts barfing his guts out.

5           THE COURT: Okay. And how long ago was this?

6           PROSPECTIVE JUROR ROBART: It's been a couple  
7 of years.

8           THE COURT: All right. So if he was called to  
9 testify, I assume that you would not be able to  
10 judge his credibility like you judge everyone else?

11          PROSPECTIVE JUROR ROBART: He has no  
12 credibility with me whatsoever.

13          THE COURT: Okay. Do we know who this officer  
14 is?

15          MR. LABRUZZO: I do.

16          THE COURT: Okay. All right. Do you have any  
17 questions?

18          MR. LABRUZZO: I do. So he was on duty? I  
19 just want to make sure I understand. He was on duty  
20 at the time?

21          PROSPECTIVE JUROR ROBART: I don't believe he  
22 was.

23          MR. LABRUZZO: Okay.

24          PROSPECTIVE JUROR BESUGLOW: But it was 12:00  
25 in the afternoon and he was wasted.



1 THE COURT: But he was in a company car?

2 PROSPECTIVE JUROR ROBART: No, he wasn't.

3 THE COURT: Oh, okay.

4 PROSPECTIVE JUROR ROBART: He had lights in it,  
5 but it was a four-by-four Dodge truck. He jumped  
6 out yelling at me. Beat on my truck, put a big dent  
7 on my truck, yelling, "Why are you going so damn  
8 slow?"

9 THE COURT: Okay.

10 PROSPECTIVE JUROR ROBART: It was 35  
11 mile-an-hour, and it was under construction, and the  
12 speed limit was 35 mile-an-hour, and that's what I  
13 was doing.

14 THE COURT: How do you know who it was?

15 PROSPECTIVE JUROR ROBART: How do I know who it  
16 was?

17 THE COURT: Yes.

18 PROSPECTIVE JUROR ROBART: Because he actually  
19 gave me a ticket for reckless driving.

20 THE COURT: At that same time?

21 PROSPECTIVE JUROR ROBART: Yes.

22 THE COURT: Okay. And he signed it?

23 PROSPECTIVE JUROR ROBART: Well, he didn't  
24 write the ticket, no. He had to get somebody else  
25 to write the ticket because he locked himself out of

1 his truck and he didn't have no way to write a  
2 ticket.

3 THE COURT: And so the other person --

4 PROSPECTIVE JUROR ROBART: So he called another  
5 person to come out and write me a ticket.

6 THE COURT: Okay. And that's how you got his  
7 name?

8 PROSPECTIVE JUROR ROBART: Yeah. Well, I got a  
9 lawyer to get his name. I had to get a lawyer and  
10 everything because the judge insisted, well, this is  
11 reckless driving, you need a lawyer.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR ROBART: So I had to spend  
14 money for a lawyer just to prove my innocence. And  
15 he never even showed up in court, which I didn't  
16 like that either.

17 MR. LABRUZZO: Okay. So if I can ask you just  
18 a few questions. It doesn't sound like it was a  
19 real positive experience?

20 PROSPECTIVE JUROR ROBART: No.

21 MR. LABRUZZO: Okay. And that experience  
22 involved multiple deputies with the Sheriff's  
23 Office?

24 PROSPECTIVE JUROR ROBART: Well, he did have  
25 somebody else come out, so I guess there was two.

1           MR. LABRUZZO: Right. And then you also were  
2 involved in the court system? You also had to go to  
3 court for it, right?

4           PROSPECTIVE JUROR ROBART: Right.

5           MR. LABRUZZO: I'm sure that also, if it's a  
6 criminal charge, it involved the State Attorney's  
7 Office as well?

8           PROSPECTIVE JUROR ROBART: Right.

9           MR. LABRUZZO: Right.

10          PROSPECTIVE JUROR ROBART: \$1,500 for a lawyer  
11 out of my pocket.

12          MR. LABRUZZO: No, I understand. I guess what  
13 I'm trying to get at, sir, is that this was an issue  
14 that involved multiple people: You, the law  
15 enforcement, the courts, your attorney, the State  
16 Attorney's Office, we're all involved in this in  
17 some way, shape or form, correct?

18          PROSPECTIVE JUROR ROBART: I guess so.

19          MR. LABRUZZO: And it wasn't a real positive  
20 experience for you clearly?

21          PROSPECTIVE JUROR ROBART: Right.

22          MR. LABRUZZO: Do you think that because of  
23 that experience, that you would have difference of  
24 feelings as it relates to the Court or deputies in  
25 general?

1           PROSPECTIVE JUROR ROBART: No. Not in general,  
2 no.

3           MR. LABRUZZO: All right. So you can set aside  
4 your specific opinions as it relates to Mr. Birge?

5           PROSPECTIVE JUROR ROBART: Well, if his  
6 testimony isn't very important to the case, then I  
7 don't think it will make any difference.

8           MR. LABRUZZO: Right.

9           PROSPECTIVE JUROR ROBART: If it is, of course,  
10 that would be your problem, because I'm not going to  
11 believe anything he says.

12          MR. LABRUZZO: Okay. All right. Hold on one  
13 second. Do you remember the name of the other  
14 deputy that was involved?

15          PROSPECTIVE JUROR ROBART: No, I don't.

16          MR. LABRUZZO: Okay. And can you set aside any  
17 of these issues you have and be fair to the  
18 Sheriff's Office as a whole?

19          PROSPECTIVE JUROR ROBART: I think I can.

20          MR. LABRUZZO: You think you can? Okay. What  
21 we're looking for is kind of a little bit more of a  
22 commitment, because this is -- I can't promise you  
23 we won't call Mr. Birge.

24          PROSPECTIVE JUROR ROBART: Well, I can't  
25 promise you either.

1 MR. LABRUZZO: Well, okay. Very good.

2 THE COURT: Any questions?

3 MR. PURA: What was the last part again?

4 THE COURT: He can't promise us anything.

5 MR. PURA: Okay. Well, has your animosity  
6 towards Detective Birge spread to the whole  
7 Sheriff's Office?

8 PROSPECTIVE JUROR ROBERT: Well, no. But  
9 understand my negativity. When you allow somebody  
10 like that to have a gun, who shouldn't have a gun,  
11 and a badge to boot.

12 MR. PURA: So I think you said this earlier.  
13 If you knew that this fellow wasn't going to be  
14 testify --

15 PROSPECTIVE JUROR ROBERT: Then it wouldn't  
16 have no affect on me.

17 THE COURT: I'm not sure I heard the last part.

18 MR. PURA: The question or the answer?

19 THE COURT: The answer.

20 MR. PURA: It would have no affect on him.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR ROBERT: It's only Detective  
23 Birge that I have a problem with.

24 THE COURT: Okay. Thank you, Mr. Robert. You  
25 may have a seat. Thank you.

1 (Open Court.)

2 THE COURT: If anyone needs to use the  
3 restroom, why don't you stand up and go ahead and  
4 use the restroom. Go ahead. We have a few people  
5 that need to use the restroom. Why don't we have  
6 you all stand up and step into the hallway and use  
7 the restroom.

8 THE BAILIFF: The whole panel?

9 THE COURT: No, no. They can stay. Is there  
10 anyone else who knows any of the names that we  
11 called?

12 PROSPECTIVE JUROR SPRINGFIELD: (Indicating.)

13 PROSPECTIVE JUROR RANDALL: (Indicating.)

14 THE COURT: Ma'am, why don't you have come up.  
15 We'll take her first and then you next. I promise.

16 (BENCH CONFERENCE.)

17 THE COURT: Ms. Springfield, right? Yes. Come  
18 on up. I've got to wait until all the lawyers come.

19 This is Ms. Springfield. I have to have the  
20 lawyers from both sides here.

21 This is Ms. Springfield.

22 All right. Ma'am, come on up.

23 PROSPECTIVE JUROR SPRINGFIELD: I'm familiar  
24 with Tammy Dutton. Is that with Pasco County?

25 MR. LABRUZZO: Uh-huh.

1           PROSPECTIVE JUROR SPRINGFIELD: I communicate  
2           with her on a regular basis -- not a regular basis,  
3           but for work. I work for Mander Law Group and I do  
4           their records requests. I speak with her pretty  
5           regularly.

6           THE COURT: What do you do for the Mander Law  
7           Group?

8           PROSPECTIVE JUROR SPRINGFIELD: I'm a legal  
9           assistant and their receptionist for right now.

10          THE COURT: Okay. Do you handle cases  
11          criminally?

12          PROSPECTIVE JUROR SPRINGFIELD: Yes.

13          THE COURT: On the criminal side?

14          PROSPECTIVE JUROR SPRINGFIELD: Uh-huh.

15          THE COURT: Okay. So have you ever saw any  
16          cases with the lawyer's names on them that I just  
17          mentioned?

18          PROSPECTIVE JUROR SPRINGFIELD: No. I didn't  
19          recognize any.

20          THE COURT: Either the State or the Defense?

21          PROSPECTIVE JUROR SPRINGFIELD: I just started  
22          working there about three months ago.

23          THE COURT: Okay. So is anything about your  
24          relationship ordering records from her going to  
25          cause any problem for you?

1 PROSPECTIVE JUROR SPRINGFIELD: No.

2 THE COURT: I mean, you know what she does. I  
3 mean, that's what she does, she gives you records.

4 PROSPECTIVE JUROR SPRINGFIELD: I just figured  
5 I should let you know.

6 THE COURT: You ask for them and she gives them  
7 to you.

8 PROSPECTIVE JUROR SPRINGFIELD: Yeah.

9 THE COURT: Any problem with that?

10 PROSPECTIVE JUROR SPRINGFIELD: No.

11 THE COURT: All right. Any questions?

12 MR. LABRUZZO: No questions about that in  
13 particular. But since you're here, you have worked  
14 for Mr. Mander for three years?

15 PROSPECTIVE JUROR SPRINGFIELD: Three months.

16 MR. LABRUZZO: Three months. Excuse me.

17 PROSPECTIVE JUROR SPRINGFIELD: I worked for  
18 him previously for a year and a half and then I came  
19 back, and it's only been three months.

20 MR. LABRUZZO: Okay. He does a lot of criminal  
21 defense work.

22 PROSPECTIVE JUROR SPRINGFIELD: Uh-huh.

23 MR. LABRUZZO: I'm sure he's talked with you  
24 and shared stories or legal conversations about some  
25 of his cases?



1           PROSPECTIVE JUROR SPRINGFIELD: When I worked  
2           for him for the year and a half, it was in the  
3           family law side, so I didn't discuss any of the  
4           criminal stuff.

5           MR. LABRUZZO: Okay.

6           PROSPECTIVE JUROR SPRINGFIELD: So for the last  
7           three months I've been working on the criminal side.

8           MR. LABRUZZO: Okay.

9           PROSPECTIVE JUROR SPRINGFIELD: But it's mainly  
10          just ordering records and whatnot.

11          MR. LABRUZZO: You haven't discussed with him  
12          that you're going to be on jury service today?

13          PROSPECTIVE JUROR SPRINGFIELD: No. I just  
14          discussed it with my supervisor, my HR manager.

15          MR. LABRUZZO: Okay. And I guess my only  
16          question would be that, let's assume you sit on this  
17          jury and you start to hear evidence and you start to  
18          feel one particular way or another as to the  
19          evidence in the case, is your relationship with  
20          Mr. Mander going to affect how you view or think  
21          about the case?

22          PROSPECTIVE JUROR SPRINGFIELD: No.

23          MR. LABRUZZO: Okay. So if in your head,  
24          you're like this is going to be a guilty or a not  
25          guilty verdict, whatever you come to, your

1 relationship with him is not going to affect how you  
2 think about the evidence?

3 PROSPECTIVE JUROR SPRINGFIELD: No.

4 MR. LABRUZZO: Okay.

5 MR. MICHAILOS: Real quick. I missed the first  
6 part. You order records from who?

7 PROSPECTIVE JUROR SPRINGFIELD: Tammy Dutton.

8 THE COURT: Tammy Dutton of the Sheriff's  
9 Office.

10 MR. MICHAILOS: Okay. All right. I got it.

11 THE COURT: The records custodian for the  
12 Sheriff's Office. She just calls her and orders  
13 records. She's not personal friends.

14 PROSPECTIVE JUROR SPRINGFIELD: It's just from  
15 phone or email. It's not like I know her outside of  
16 work.

17 THE COURT: You wouldn't even know what she  
18 looked like until she comes walking in here?

19 PROSPECTIVE JUROR SPRINGFIELD: Yeah. I think  
20 I've only seen her one time.

21 THE COURT: Okay. All right. Thank you.

22 MR. LABRUZZO: Thank you.

23 (Open Court.)

24 THE COURT: Next to Ms. Springfield was  
25 Ms. Randall. Am I pronouncing that right?

1 PROSPECTIVE JUROR RANDALL: Uh-huh.

2 THE COURT: All right. Come on up.

3 (Bench Conference.)

4 MR. LABRUZZO: And, Judge, as she approaches,  
5 there's a witness and there is one of the -- I'll  
6 tell you when we're done.

7 THE COURT: Okay. Hi, Ms. Randall. How are  
8 you?

9 PROSPECTIVE JUROR RANDALL: Good.

10 THE COURT: Who do you know?

11 PROSPECTIVE JUROR RANDALL: I think Dennis  
12 Shaw. I don't know. I know a Dennis Shaw.

13 THE COURT: Okay. Who is Dennis Shaw?

14 MR. SARABIA: I think he lives on Hatteras  
15 Drive or in the area of Sea Pines.

16 PROSPECTIVE JUROR RANDALL: I don't know where  
17 he lives, but I know -- I used to baby-sit his kids.  
18 I knew he worked at a fire department. I don't  
19 know.

20 THE COURT: And if he testified, would you have  
21 a hard time judging his credibility or would you  
22 judge him just like any other witness?

23 PROSPECTIVE JUROR RANDALL: Like he's anybody  
24 else.

25 THE COURT: Okay.

1           MR. SARABIA: Yeah. He lived in the Chelsea  
2 Place Apartments.

3           PROSPECTIVE JUROR RANDALL: I don't know. I  
4 haven't baby-sat his kids in a while. I just know  
5 he was a fire-fighter.

6           THE COURT: So you don't think it would affect  
7 your ability to listen to any testimony he may give?

8           PROSPECTIVE JUROR RANDALL: I don't think so.

9           THE COURT: Okay. Do you have any questions?

10          MR. LABRUZZO: I don't, Judge.

11          THE COURT: Defense, any questions?

12          MR. MICHAIILOS: No, Your Honor.

13          THE COURT: Okay. Thank you, ma'am.

14                 I've got people going to the restroom all  
15 during this.

16          MR. LABRUZZO: Judge, if I could finish what I  
17 was saying.

18          THE COURT: Yes.

19          MR. LABRUZZO: There is a prospective juror who  
20 by virtue of listing her employment, she works at  
21 Wawas as a night supervisor. There are going to be  
22 a number of witnesses that are --

23          THE COURT: Who is she?

24          MR. LABRUZZO: It is Danielle Severino.

25          THE COURT: Do you want me to call her up?

1           MR. LABRUZZO: She works for Wawa at night. We  
2           have two or three night supervisors who are on the  
3           list, and she may not have recognized last names or  
4           may not know, but there's just a high probability.

5           THE COURT: Okay. I'll have her come up.

6           (Open Court.)

7           THE COURT: Ms. Severino, can you step up for a  
8           moment. Okay. Because I always want to call the  
9           last person in the long line.

10          (Bench Conference.)

11          THE COURT: Ms. Severino, I have been told that  
12          you wrote down on your sheet that you're the night  
13          manager of a Wawas.

14          PROSPECTIVE JUROR SEVERINO: Yes.

15          THE COURT: Which one?

16          PROSPECTIVE JUROR SEVERINO: In Brooksville.

17          THE COURT: Okay. Go ahead.

18          MR. LABRUZZO: Okay. So I'm assuming you  
19          didn't recognize any of the names that were read on  
20          the list?

21          PROSPECTIVE JUROR SEVERINO: No.

22          MR. LABRUZZO: Does your store have any  
23          relationship with any of the stores in Pasco County?

24          PROSPECTIVE JUROR SEVERINO: I mean, they're  
25          all connected.

1           MR. LABRUZZO: No, I understand. But as far as  
2           if there was a need for other employees, would you  
3           call on a Pasco County store to come and work shifts  
4           for that kind of thing?

5           PROSPECTIVE JUROR SEVERINO: Oh, yeah.

6           MR. LABRUZZO: Okay. If I were to mention the  
7           name Anne Marie Gaul or Natalya Casson or Michelle  
8           Kidder, do you know those names?

9           PROSPECTIVE JUROR SEVERINO: No, I don't.

10          MR. LABRUZZO: All right.

11          THE COURT: From what I understand, if they are  
12          called, you're going to be told that they work as a  
13          night manager at a Wawas.

14          MR. LABRUZZO: Right.

15          THE COURT: You work as a night manager at  
16          Wawas.

17          PROSPECTIVE JUROR SEVERINO: Yeah, I know.

18          THE COURT: So do you think that would affect  
19          your ability to judge their credibility?

20          PROSPECTIVE JUROR SEVERINO: No.

21          THE COURT: You'll just treat them just like  
22          any other witness --

23          PROSPECTIVE JUROR SEVERINO: Yes.

24          THE COURT: -- as if they worked at Publix,  
25          Wawas, it doesn't really matter?

1 PROSPECTIVE JUROR SEVERINO: Yes.

2 MR. LABRUZZO: Okay.

3 THE COURT: Okay. Defense, do you have any  
4 questions about that?

5 MR. MICHAILOS: No, Your Honor.

6 THE COURT: All right. Thanks. We just wanted  
7 to -- we saw that you were there.

8 PROSPECTIVE JUROR SEVERINO: Okay.

9 THE BAILIFF: All jurors have returned.

10 (Open Court.)

11 THE COURT: Is there anyone else in the jury  
12 panel that thinks they might know somebody of the  
13 names that we've listed?

14 PROSPECTIVE JURY PANEL: (No audible response.)

15 THE COURT: All right. I know it was a long  
16 list and it took a while.

17 You guys can go ahead have a seat. Do you  
18 need to talk?

19 MR. MICHAILOS: We need to add one name.

20 THE COURT: Okay. That's fine. As soon as  
21 Maria has a seat, I'll make sure. I'll let you read  
22 it.

23 On that long list I think we did miss a name  
24 that Mr. Michailos noted. Who is that name?

25 MR. MICHAILOS: Yes, Judge. The State included

1 defense witnesses as well. There's one name,  
2 Jeannie Tate, that wasn't on the record. Jeannie  
3 Tate.

4 THE COURT: Okay. Jeannie Tate. Does that  
5 ring a bell to anyone?

6 PROSPECTIVE JURY PANEL: (No audible response.)

7 THE COURT: No. Okay. Thank you.

8 Sorry about that. We try to read them all at  
9 once so we didn't have to go back and forth.

10 We're going to go just a little bit longer,  
11 ask a couple of my questions, so that when you all  
12 come back tomorrow, the State will be able to begin  
13 their questioning.

14 The way the procedure works is I have some  
15 just small preliminary questions, then the State  
16 gets to ask you questions, and then the Defense  
17 gets to ask you questions.

18 We try not to copy each other, but sometimes  
19 we might follow up on a question. It's very  
20 important. A lot of you have never done this  
21 before; and, therefore, we ask you questions that  
22 you've never heard of before.

23 If I ask you a question, the State or the  
24 Defense, and you do not raise your hand, you do not  
25 answer it, but 15, 20 minutes later, tomorrow



1 morning, whenever, you realized that you should  
2 have raised your hand, that you did have something  
3 come to your mind, please raise your hand and say,  
4 I know that we're not on this subject, but  
5 yesterday or an hour ago we brought this up and I  
6 just remembered something and I need to bring it to  
7 your attention.

8 Can everybody agree to go back, if necessary?  
9 Yes?

10 PROSPECTIVE JURY PANEL: Yes.

11 THE COURT: Yes. Okay.

12 The other thing is is that when I ask you the  
13 question, I'm way up here, and you guys have been  
14 good about keeping your voice up. When the other  
15 lawyers get up, they're going to be a lot closer to  
16 you, but I still need to hear your answers. So  
17 sometimes I might interrupt and ask you to stand up  
18 or speak louder. I'm not trying to, you know, pick  
19 on you. I just actually have to hear the answers  
20 also. Okay?

21 So if I do that, please forgive me. We have a  
22 huge group here on both sides. They tell me I have  
23 supersonic hearing. I'm really good. But  
24 sometimes you're blocked by someone's head or, you  
25 know, you're on a wall and I'm just not hearing it.

1           So I may have to have you stand up.

2           And, again, if you think of those names and  
3           they come to you, will everybody agree -- if for  
4           any reason during the trial if someone walks into  
5           the room to be a witness and you recognize them,  
6           their face, please raise your hand. Can everybody  
7           agree to do that and let us know that you do know  
8           the person who's walking in the room? Can  
9           everybody agree to do that?

10          PROSPECTIVE JURY PANEL: Yes.

11          THE COURT: All right. Again, I told most of  
12          you that came in earlier to speak to me individually  
13          that the way this is going to work is you all are  
14          coming back tomorrow at 10:30. Once we pick the  
15          jury, every day that we have the trial going on, I  
16          will have you come in at 9:30, and we'll be out by  
17          6:00.

18          And the only way I'll go past 6:00 is if  
19          there's a witness on the witness stand who just has  
20          a few more questions, because I hate to break  
21          somebody's testimony up if we only have a minute or  
22          two more to go.

23          But I'm pretty good at making sure when I put  
24          somebody on the witness stand, we'll fit them in.  
25          If I don't think I'm going to fit them in, we'll

1 break early and have them come back the next day,  
2 because it's easier for you all to leave earlier  
3 than to stay late.

4 Tomorrow is Halloween. I know some of you  
5 know that that have kids. Some of you don't know  
6 that because you don't have kids. But those of you  
7 who have children, grandchildren, nieces, nephews,  
8 or love to hand out Halloween candy, tomorrow we  
9 will be out of here at 5:00, because I know we have  
10 trick-or-treaters and we have people both in this  
11 trial and in the panel who need to be home to get  
12 the kids out the door for trick-or-treating.

13 So tomorrow we will be out of here by 5:00 to  
14 make sure that you will go to trick-or-treat with  
15 the kids or the grandkids or hand out the candy,  
16 just so if anybody was worried about that or had  
17 any questions about that.

18 The next thing I'm going to do is -- oh, I did  
19 not ask this earlier and it is not on the  
20 supplement questionnaire. Does anybody in the  
21 panel know each other? Do they go to church?

22 PROSPECTIVE JUROR PEOPLES: (Indicating.)

23 THE COURT: Oh, see, I got some.

24 Yes, sir. Who do you know?

25 PROSPECTIVE JUROR PEOPLES: I know Robert.

1 THE COURT: Okay. And Robert, you know him?

2 PROSPECTIVE JUROR PRUDEN: Yes, ma'am.

3 THE COURT: How do you all know each other?

4 PROSPECTIVE JUROR PEOPLES: His ex-girlfriend  
5 is my sister-in-law.

6 THE COURT: I'd have to chart that one. Are  
7 you okay with Robert?

8 PROSPECTIVE JUROR PEOPLES: Yeah.

9 THE COURT: Okay. If you guys were on a panel  
10 together, would that be okay with you?

11 PROSPECTIVE JUROR PEOPLES: Yes.

12 THE COURT: Okay. Robert, how about you?

13 PROSPECTIVE JUROR PRUDEN: Yes, ma'am.

14 THE COURT: You're okay with that?

15 PROSPECTIVE JUROR PRUDEN: Yes.

16 THE COURT: All right. And I saw a hand over  
17 here. Yes, ma'am. Who do you know?

18 PROSPECTIVE JUROR UPDYKE: I know Randi.

19 THE COURT: Okay. Where's Randi?

20 PROSPECTIVE JUROR JORDAN: Right here.

21 THE COURT: All right. Randi, how are you  
22 feeling about that? Are you okay?

23 PROSPECTIVE JUROR JORDAN: Yeah.

24 THE COURT: Okay. Are you all right with  
25 Randi?

1 PROSPECTIVE JUROR UPDYKE: Absolutely.

2 THE COURT: All right. How do you all know  
3 each other?

4 PROSPECTIVE JUROR UPDYKE: She works for the  
5 nursing home, and I work for the Hospice wing.

6 THE COURT: Okay. Not directly connected?

7 PROSPECTIVE JUROR UPDYKE: Two different  
8 organizations.

9 THE COURT: Okay. No problem. So you all  
10 happen to work in the same company?

11 PROSPECTIVE JUROR UPDYKE: Same building.

12 THE COURT: But nobody supervises each other or  
13 anything like that?

14 PROSPECTIVE JUROR UPDYKE: No.

15 THE COURT: All right. Do I have anybody else  
16 that knows each other?

17 PROSPECTIVE JURY PANEL: (No audible response.)

18 THE COURT: I will tell you I've had husbands  
19 and wives, brothers and sisters, bosses and  
20 subordinates, the whole bit. So that's why I ask  
21 that.

22 We did ask this on the questionnaire, but I  
23 want to go over it again. Is anybody having any  
24 trouble following me because English is their  
25 second language? I talk with my hands and I'm

1        loud. I try to not talk too fast. But I just  
2        wanted to double-check. Everybody okay with that?  
3        Yes?

4                PROSPECTIVE JURY PANEL: Yes.

5                THE COURT: All right. Great.

6                Next I'm going to read the charging document  
7        in this case. This is a piece of paper that was  
8        filed by the State Attorney's Office in this  
9        matter. It is merely a piece of paper. It puts  
10       the other side on notice of what the charges are  
11       that they need to be here for.

12               It doesn't have any evidentiary issue and you  
13       should not consider it as evidence in this case,  
14       but it's going to lay out a little bit to you. We  
15       told you that little bit that we had on the  
16       questionnaire. It gives you a little bit more  
17       information about the charges that are before you  
18       as the panel and those who will be sitting on the  
19       jury.

20               It alleges that Adam Matos, in the County of  
21       Pasco, in the State of Florida, on or between  
22       August 20th and September 1st of 2014, in the  
23       County and State, unlawfully and from a  
24       premeditated design to effect the death of Nicholas  
25       Leonard, did cause blunt force trauma to said

1        Nicholas Leonard, and as a direct result thereto,  
2        the said Nicholas Leonard died; contrary to Chapter  
3        782.04 (1) (a) .

4                It alleges in Count II that Adam Matos, in the  
5        County of Pasco, State of Florida, on or between  
6        August 28th and September 1st, 2014, in the County  
7        and State, unlawfully and from a premeditated  
8        design to effect the death of Megan Brown, did  
9        discharge a firearm and shoot the said Megan Brown  
10       with a firearm, and as a direct result thereof, the  
11       said Megan Brown died, and during the commission of  
12       the offense, Adam Matos actually possessed and  
13       discharged a firearm and as a result of the  
14       discharge death was inflicted upon Megan Brown;  
15       contrary to Chapter 782.04(1) (a), Florida Statutes.

16               Count III, it again alleges Adam Matos, in the  
17        County of Pasco, State of Florida, on or between  
18        the 28th day of August and the 1st day of  
19        September, 2014, unlawfully and from a premeditated  
20        design to effect the death of Gregory Brown, did  
21        discharge a firearm and shoot the said Gregory  
22        Brown with a firearm, and as a direct result  
23        thereof, the said Gregory Brown died, and during  
24        the commission of the offense, Adam Matos actually  
25        possessed and discharged a firearm and as a result

1 of the discharge death was inflicted upon Gregory  
2 Brown; contrary to Chapter 782.04(1) (a).

3 Count IV alleges Adam Matos, in Pasco County,  
4 State of Florida, on or between August 28th and  
5 September 1st of 2014, unlawfully and from a  
6 premeditated design to effect the death of Margaret  
7 Brown, did cause blunt head trauma to the said  
8 Margaret Brown, and as a direct result thereof, the  
9 said Margaret Brown died; contrary to Chapter  
10 782.04 (1) (a), of the Florida Statutes.

11 That is the charging document in this case.  
12 And I know, along with the information that we gave  
13 earlier today, is there anybody that we haven't  
14 already spoke to about this believe that they have  
15 some knowledge about this case? Anybody that we  
16 didn't bring in here individually? Does that ring  
17 anybody's bells that we didn't already talk to?

18 PROSPECTIVE JURY PANEL: (No audible response.)

19 THE COURT: All right. I see no hands raised.

20 The next thing I'm going to do is I'm going to  
21 read you a brief introduction about cell phones and  
22 Googling and things like that. We have had some  
23 discussion with some of the jurors about this. But  
24 before I can release you, I have to make sure we're  
25 all on the same page about what you can and can't



1 do once we release you from the courtroom. Okay?

2 In order to have a fair and lawful trial,  
3 there are rules that all jurors must follow. A  
4 basic rule is that jurors must decide the case only  
5 on the evidence presented here in the courtroom.

6 You must not communicate with anyone,  
7 including friends or family members about the case,  
8 the people or places involved in the case, or your  
9 jury service until it is concluded. You must not  
10 disclose your thoughts about this case or ask for  
11 advice on how to decide the case.

12 I want to stress that this rule means you must  
13 not use any electronic devices or cell phones to  
14 communicate about this case, including tweeting,  
15 texting, blogging, emailing or posting information  
16 on websites or chat rooms or any other means at  
17 all.

18 Do not send or accept any messages to or from  
19 anyone about this case or your jury service until  
20 it is concluded. In addition, your cell phone or  
21 electronic device must be turned completely off  
22 while you are here in the courtroom.

23 You must not do any research. Do not look up  
24 any maps, names, words or anything else that has  
25 anything to do with this case. This includes

1 reading the newspaper, watching TV, or using a  
2 computer, the cell phone, the Internet, or any  
3 other electronic device, or any other means at all  
4 to get information related to this case or the  
5 people or places involved in this case. This  
6 applies whether you are here at the courthouse, at  
7 home, or anywhere else.

8 All of us are depending upon you to follow  
9 these rules so that there will be a fair and lawful  
10 resolution to this case. Unlike questions that may  
11 be allowed to be asked here in court, which will be  
12 answered in court in the presence of myself and the  
13 parties, if you investigate, research or make  
14 inquiries of your own outside of the courtroom, I  
15 would have no way to assure that they were proper  
16 or relevant.

17 The parties likewise would have absolutely no  
18 opportunity to dispute the accuracy of what you  
19 find or to provide any rebuttal evidence to it.  
20 That is contrary to our judicial system which  
21 assures every party the right to ask questions  
22 about and rebut the evidence being considered  
23 against it and to present argument with respect to  
24 that evidence.

25 Non-court inquiries or investigations would

1       unfairly and improperly prevent the parties from  
2       having that opportunity our judicial system  
3       promises. Any juror who violates these  
4       restrictions jeopardizes the fairness of these  
5       proceedings and a mistrial could result that would  
6       require the entire trial process to start over. A  
7       mistrial is a tremendous expense and inconvenience  
8       to the parties, the Court, and you the taxpayers.

9               If you violate these rules, you may be held in  
10       contempt of court, face sanctions, serve jail time,  
11       or pay a fine, or both. If you become aware of any  
12       violation of these instructions or any other  
13       instructions I give you in this case, you must tell  
14       me by giving a note to my bailiff who will inform  
15       me at once.

16              We had a conversation earlier today about your  
17       cell phones. Of course, when you leave here, you  
18       can turn them back on. But as we all know in this  
19       day and age, we've already talked about it, you hit  
20       Google, and, I don't know, on your Facebook it  
21       might be trending for all I know right now. So  
22       it's very important -- we've made it this far. You  
23       all have made it this far. It's taken a whole day.  
24       I've a hundred people coming tomorrow -- that you  
25       all not break the rules and look things up and

1 research.

2 I can guarantee you, if you're picked as a  
3 juror for this trial, everything you need to know  
4 about this case will be shown to you here in court.  
5 We will have maps. We will have pictures. We will  
6 have testimony. We will have evidence.

7 If you went out on your own and just looked at  
8 things on the Internet, there would be absolutely  
9 no way for me to know if what you looked at was  
10 true and correct and the parties would have  
11 absolutely no opportunity to dispute the accuracy  
12 of what you find, because we all know that  
13 everything on the Internet is always true. Right?  
14 No, it's not.

15 And as I read the charging document to you,  
16 this happened in 2014. So you would look at a map,  
17 let's say, today you have no way to know if that  
18 map is accurate to what it looked like in 2014.  
19 Things change every day here in Pasco County. They  
20 build things. The roads change. The interactions  
21 change. So if you need to see a map, somebody is  
22 going to show it to you. I can guarantee it.

23 Do I have any bloggers here in the courtroom?  
24 Is anybody a blogger?

25 PROSPECTIVE JURY PANEL: (No audible response.)

1           THE COURT: Okay. I see no bloggers. Do I  
2           have any Facebook users?

3           PROSPECTIVE JURY PANEL: (Indicating.)

4           THE COURT: Everybody. We got some Facebook  
5           users. Big Facebook users. Good.

6           Please do not update your Facebook page with  
7           jury duty. Okay? Because we know what's going to  
8           happen. It's going to be like (indicating), you  
9           know, a hundred people responding. And everybody  
10          knows kind of what's happening in Pasco now because  
11          it's on Bay News 9, it's up on the website. It's  
12          very important. Just don't go to Facebook today.  
13          Okay? Don't update your Facebook page. Or have  
14          someone else look at it and make sure there's  
15          nothing about this before you look at it. Don't  
16          put jury service on there.

17          You can hold all your thoughts, maybe you go  
18          old school and write them down on a piece of paper  
19          and hold them for yourself, and then put them on  
20          your phone on your little memo spot, and then when  
21          you're done, you can update your Facebook page.  
22          Okay? Can everybody agree to do that for me?

23          PROSPECTIVE JURY PANEL: Yes.

24          THE COURT: All right. Because first thing I'm  
25          going to do tomorrow is ask you, hey, did anybody

1 break the rules? Did anybody go on a website? And  
2 nowadays, I mean, we're not -- I'm big into that new  
3 show Bull. Has anybody watched that show Bull?  
4 It's like he's the court person and he's like the  
5 doctor who like looks at the jury and decides what  
6 they're thinking. Has anybody seen that show? I  
7 don't know. But he's got this person who deep-dives  
8 everything. He goes on the Web and looks everything  
9 up.

10 For all I know these lawyers are going to go  
11 on your Facebook pages and make sure you don't put  
12 anything up. Okay? That's how important it is for  
13 them. If you have Facebook, they may be looking at  
14 your Facebook page. Okay? So it's very, very  
15 important that you not do that.

16 I don't have any problem with you having your  
17 cell phone, telling people that you're here at the  
18 courthouse, you're still here tomorrow, but just  
19 don't talk about the case, and don't talk about the  
20 case with each other. Okay?

21 Can I have the lawyers at the bench for a  
22 moment?

23 (Bench Conference.)

24 THE COURT: All right. Based on what we've  
25 done this afternoon, is there anybody who you're

1           cause-challenging so far?

2           MR. LABRUZZO: Judge, the State is going to  
3           move for cause on Mr. Robart, based on his flipping  
4           and flopping on the issue of whether or not it would  
5           affect him or not.

6           I mean, I asked him the question specifically  
7           raised to Detective Birge, and then I asked him as  
8           a whole, and he couldn't be definitive. And I  
9           said, listen, I asked him for a commitment and a  
10          promise, and he very quickly said, "I can't  
11          promise," and then within 30 seconds he's making  
12          that promise to someone else. I just think that  
13          that's definitional of an issue and we're moving  
14          for cause on him.

15          THE COURT: Okay.

16          MR. PURA: What did he say? I asked him if his  
17          animosity extended to the Sheriff's Office and he  
18          said, no. He specifically said, no, it did not.  
19          And then he said, "As long as he doesn't testify,  
20          I'm fine".

21          THE COURT: Well, that's what he said to you.  
22          But he also said prior to that that he couldn't make  
23          any guarantees, that he wouldn't hold it against the  
24          Sheriff's Office because they gave that enjoy a  
25          badge and a gun, and so they should think twice

1           about that.

2                       So I think he said enough that he's a cause  
3           challenge. I don't believe he's been rehabilitated  
4           and I don't believe he would have been  
5           rehabilitated the other way around either. I mean,  
6           he definitely has animosity towards the Sheriff's  
7           Office. And he said, "I don't think they should  
8           give that guy a badge and a gun," and it was a  
9           pretty traumatic experience.

10               MR. SARABIA: Yeah.

11                       THE COURT: So we're not talking about, you  
12           know, hey, he gave me a ticket. I mean, he's  
13           alleging the guy was drunk and attacked him on the  
14           road. I mean, it's pretty big. And then he got  
15           another deputy to come and write a false allegation  
16           against him. You know, that's pretty heavy stuff  
17           when you're talking about the Sheriff's Office.

18                       MR. SARABIA: He was shaking when he was up  
19           here too talking about it.

20                       THE COURT: Yes. I mean, he was pretty fired  
21           up. Let's just put it that way. He was pretty  
22           fired up, and he has every right to be. If it was a  
23           case that didn't involve the Sheriff's Office in  
24           such great detail, it would probably be okay. But  
25           at this point I'm going to agree to cause challenge



1 him for that.

2 Anybody else?

3 MR. LABRUZZO: Not from the State.

4 MR. SARABIA: Mr. Besuglow.

5 THE COURT: No. The only thing the Defense  
6 asked to see if they can rehabilitate him on the  
7 issue of the death penalty. So I'm going to give  
8 them every opportunity to do so.

9 Anybody else?

10 MR. PURA: No.

11 THE COURT: Okay. I'm going to release them to  
12 come back here at 10:30 tomorrow. I'm actually  
13 going to have them check in in the jury pool room  
14 tomorrow because we won't have anybody else down  
15 there. So they're going to check in at the jury  
16 pool room and we'll bring them up when we're ready.  
17 Okay?

18 (Open Court.)

19 THE COURT: All right. Ladies and gentlemen,  
20 it's 5:27. So I'm a little late, but I'm not quite  
21 to 6:00. So at this time it's a good place to stop.

22 I'm going to release all of you to come back  
23 tomorrow at 10:30 AM in the jury pool room. Now,  
24 you checked in there this morning, but you didn't  
25 stay long. Tomorrow you get to stay. They got the

1 big TVs and HGTV, and, you know, you can come and  
2 go, coffee and soda and all that stuff until we  
3 bring you back up here. So I need you to check in,  
4 jury pool room, 10:30 tomorrow morning. And we'll  
5 bring you up as soon as we're ready.

6 I will tell you that we're going to be here  
7 7:30 in the morning working with a new batch of  
8 people that are coming in in the morning. So we'll  
9 be here working about three hours before you even  
10 have to be here.

11 I know parking can be an issue. We have a  
12 whole lot less people here today -- I mean,  
13 tomorrow than we did today. Do not get in any  
14 rush. Do not get in any accidents. If you're a  
15 few minutes late, I'm fine with that. Okay?

16 If anything happens, call that number that you  
17 have for the jury pool coordinator so we know  
18 what's going on, that you're just running -- you  
19 know, maybe you got a flat tire or your kid's sick  
20 or whatever.

21 We just need to know where you are or I'll  
22 have to send a deputy to find you. Okay? Because  
23 you are now my panel. My deputies don't want to go  
24 looking for people on Halloween. They've got  
25 enough to do on Halloween, believe me.

1 Does anybody have any questions for me? Jury  
2 pool room, 10:30. Okay? Thank you.

3 Mr. Robart, if you could stay behind for a  
4 minute, sir. Mr. Robart. I'm going to have him  
5 stay.

6 (Prospective Jury Absent.)

7 THE COURT: Mr. Robart, at this point we have  
8 decided to excuse you for cause. So if you have  
9 your jury badge with you, if you can just put it in  
10 that box right up front.

11 You do not have to come back tomorrow. Okay?  
12 But I thank you for your service today. I know  
13 it's been a very long day and I appreciate that.  
14 Okay?

15 PROSPECTIVE JUROR ROBART: All right.

16 THE COURT: So don't talk about the case with  
17 all your new best friends in the parking lot. Okay?  
18 All right. Thank you, sir.

19 Go ahead.

20 THE BAILIFF: Just a couple of insignificant  
21 comments. But Number 42, Ms. Randall, Deidra  
22 Randall.

23 THE COURT: Okay.

24 THE BAILIFF: I told her to remain in the  
25 entryway. She said she doesn't have a babysitter

1           for tomorrow.

2           THE COURT:   Okay.   Did we not address that?

3           MR. LABRUZZO:   She didn't mention it.

4           THE COURT:   All right.   Do we want to bring her  
5           in and address that now?

6           MR. LABRUZZO:   Sure.

7           THE COURT:   Are we okay?   We'll bring  
8           Ms. Randall in.

9           THE BAILIFF:   Yes, Your Honor.

10          THE COURT:   Deidra Randall.

11          Hi, Ms. Randall.   How are you?

12          PROSPECTIVE JUROR RANDALL:   Good.

13          THE COURT:   Ms. Randall, on the form we asked  
14          that the case would last three weeks and would you  
15          be able to serve.   You said, yes.   So now I  
16          understand that that's not correct?

17          PROSPECTIVE JUROR RANDALL:   Yeah.   I messaged  
18          my mother-in-law -- my five-month-old is sick  
19          actually -- and told her I was still here.   And  
20          she's, like, "I already made plans for tomorrow."

21          THE COURT:   Okay.

22          PROSPECTIVE JUROR RANDALL:   And I asked off  
23          tomorrow from work because she's sick.

24          THE COURT:   Okay.   So in the timeframe we're  
25          talking about, you're not available tomorrow?

1 PROSPECTIVE JUROR RANDALL: Not tomorrow.

2 THE COURT: And then you could have the same  
3 issue going forward with your child?

4 PROSPECTIVE JUROR RANDALL: Yeah. She's croup.  
5 She's five months old.

6 THE COURT: Good luck with that.

7 Okay. State?

8 MR. LABRUZZO: No questions, Your Honor.

9 THE COURT: Defense?

10 MR. LIVERMORE: None.

11 THE COURT: All right. Ma'am, I'm just going  
12 to ask you to step outside. We'll be right back  
13 with you in one minute. Okay?

14 All right. What are we going to do with  
15 Ms. Randall?

16 MR. LABRUZZO: Judge, we would move for cause.  
17 She's got a sick child who is under the age of six.

18 THE COURT: My guess is she didn't understand  
19 the question.

20 MR. PURA: Is she Ms. Deidra Randall? We've  
21 got two Ms. Randalls.

22 THE COURT: I have her as Debra Randall.

23 MR. SARABIA: Deidra?

24 THE CLERK: Deidra.

25 THE COURT: Deidra. Deidra Randall. I'm

1           sorry.   Deidra Randall.

2           MR. LABRUZZO:   Forty-two.

3           MS. GARRETT:   There's two Randalls.

4           THE COURT:   There was Stacy Randall and Deidra  
5           Randall.   This is Deidra Randall.   Stacy Randall is  
6           still on the panel, isn't she?

7           MR. SARABIA:   Yes.

8           THE COURT:   Yes.

9           MR. LIVERMORE:   We have no problem, Judge.

10          THE COURT:   Okay.   So on Deidra Randall, Juror  
11          Number 42, she's cause challenge because of her  
12          child.

13          And do we have anybody else out there?

14          THE BAILIFF:   No, Your Honor.

15          THE COURT:   Okay.   Then we can go ahead and let  
16          Ms. Deidra Randall go.   And we've struck Robart, and  
17          we have everybody else is good to go.

18          No problem with Rosemary Leavy.   I keep saying  
19          it wrong.   Defense?

20          MR. LIVERMORE:   Not yet.

21          MR. LABRUZZO:   Okay.   Judge, I want to put  
22          something on the record.   Again, being in here all  
23          day, I can't tell what's going on on the outside  
24          world, but I've received more than one message today  
25          asking about how old was the child victim in this

1 case, and then a potential juror earlier mentioning  
2 about a child victim.

3 I didn't think anything of it this morning,  
4 but now I think that -- I don't know if that's  
5 being put on the news or anything like that, but I  
6 thought the Court should be aware that there's  
7 probably some misinformation flowing out there.

8 THE COURT: I don't think it's misinformation.  
9 It's the way that they're running it on the loop.  
10 They just keep saying that, you know, it's his  
11 child, and then they murder. And you hear child and  
12 murder in the same paragraph, and then people  
13 just -- because they're saying they found him in a  
14 hotel room with his child. So they're saying that  
15 on the news.

16 MR. LABRUZZO: And I understand. I'm just  
17 relaying the information, because I thought it was  
18 just odd the first prospective juror to say it and  
19 then as the day progressed.

20 THE COURT: That's a perfect example why we  
21 have to ask what they know and can they put it  
22 aside, because normally, unless they're paying very,  
23 very close attention, they only hear parts and bits  
24 and pieces.

25 MR. LABRUZZO: And I will also put on the

1 record, Judge, that a State Attorney received a  
2 summons for tomorrow. I would hope that her name  
3 would not make it on any type of list that would  
4 come to us.

5 THE COURT: Everyone summonsed for tomorrow is  
6 for us only.

7 MR. LABRUZZO: Okay.

8 THE COURT: So she needs to ask to be excused  
9 so I can sign off.

10 MR. LABRUZZO: Yes. She does have knowledge of  
11 this case.

12 THE COURT: I'm sure she does.

13 MR. LABRUZZO: She does dependency and she has  
14 participated in --

15 THE COURT: If she would have send in the thing  
16 saying --

17 MR. LABRUZZO: She did.

18 THE COURT: They were supposed to give every  
19 single one of them to me.

20 MR. LABRUZZO: That's okay. It's okay. Maybe  
21 she's not on the list. I just thought I'd make the  
22 Court aware.

23 THE CLERK: She was on the list last week.

24 THE COURT: Well, tell them if she shows up,  
25 that she's excused. Anybody have a problem with



1           that?

2           MR. LIVERMORE:   (Indicating negatively.)

3           THE COURT:   I'm sure she'll just walk down to  
4           the office.   Tell her when she checks in, she's  
5           excused.   If you want to go ahead and give her a  
6           call and tell her I'm excusing her right now.

7           MR. LABRUZZO:   She's coming to work anyway.

8           THE COURT:   She won't talk to the jurors  
9           anyway.

10          MR. LABRUZZO:   No, no, no.   We've already had  
11          that conversation.

12          THE COURT:   Yeah.   She doesn't need to check in  
13          tomorrow.   I'm excusing her.

14          MR. LABRUZZO:   Okay.   I'll let her know.

15          THE COURT:   Just for the record, the defendant  
16          and his lawyers and the State have been here  
17          throughout the entire questioning and everything  
18          we've done today.

19          Is there anything else we need to address at  
20          this point?   I'm sure we'll have lots in the  
21          morning.

22          MR. PURA:   You said 7:30.   You meant 8:30,  
23          right?

24          THE COURT:   Well, I'll be here at 7:30, because  
25          I have to talk to the jurors that are coming in

1 tomorrow. So I again will be here with the jurors  
2 at 7:30.

3 MR. PURA: You expect us in here at 8:30?

4 THE COURT: 8:30.

5 MR. MICHAILOS: Judge, I have a quick question.  
6 Is Judge Matthey covering your calendar tomorrow?

7 THE COURT: Yes.

8 MR. MICHAILOS: So can I go there first? Is  
9 that okay?

10 MS. GARRETT: Is he starting at 8:30 or at  
11 9:00?

12 THE COURT: 8:30. I've been told 8:30.

13 MR. SARABIA: And, Judge, I do want to bring up  
14 the Defense read the name of one witness that I'm  
15 not familiar with. I don't believe they ever listed  
16 the witness.

17 MR. LIVERMORE: Possible penalty.

18 MR. SARABIA: I'm sorry?

19 MR. LIVERMORE: Penalty.

20 MR. SARABIA: Okay. It's not a guilt phase  
21 witness.

22 THE COURT: We haven't listed penalty phase  
23 witnesses yet?

24 MR. LIVERMORE: No.

25 THE COURT: Okay. But it was good to read it

1           because if they knew her.

2                   MR. LIVERMORE:  It's the only local one, that's  
3           why.

4                   THE COURT:  Yes.  That's just as well.  I  
5           usually don't say, you know, Defense witnesses,  
6           State witnesses.  Mr. Michailos said it.  So we're  
7           good.  I'm good with that.

8                   All right.  Anything else?  All right.  We're  
9           good.  We're off the record.

10   (Hearing Adjourned.)

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14                               (CONTINUATION IN VOLUME IV.)

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1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA )

4 COUNTY OF PASCO )

5

6

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

12 DATED this 10th day of March, 2019.

13

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

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