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

2 THE COURT: Good morning. You may be seated.

3 All right. Just so you all know, we gave up
4 one batch earlier. But the one that just came up
5 is the ones that are downstairs ready to talk to
6 today.

7 So we're here on the record on the Matos
8 matter. Mr. Matos is here with his lawyers. The
9 State are here.

10 Are there any matters we need to discuss
11 before we continue with jury selection? State?

12 MR. LABRUZZO: No, Your Honor.

13 THE COURT: Defense?

14 MR. LIVERMORE: Not at this time, Your Honor. I
15 finished the proposed instructions for the penalty and
16 I'll get them filed sometime today.

17 THE COURT: Okay.

18 MR. LIVERMORE: It's not anything that needs to
19 be done right away.

20 THE COURT: All right. We'll discuss that after
21 we pick the jury.

22 So if you all want to go through these. The
23 group that just came up is half of the ones that
24 are downstairs. We can bring those people up.
25 Pauline is going to be downstairs. We'll just send

1 a note down and she'll bring those people up. So
2 I'm going to wait until I have five and then bring
3 them all up at one time.

4 MR. LIVERMORE: Is that the one that begins with
5 Lanzone?

6 THE COURT: Yes. Yes.

7 MR. LIVERMORE: So we need to go through those
8 now?

9 THE COURT: Yes, please. Those are the ones that
10 are actually downstairs ready to go.

11 The first five, I'm good to go bringing them
12 up.

13 MR. LABRUZZO: Yes, Judge. If you want to go
14 ahead.

15 THE COURT: We can call down and tell Pauline to
16 bring -- this is all last names -- those five people.

17 It will be Lanzone, Timothy Lanzone; Dimitrios
18 Carty; Justin Miholics; Carolyn Dix; and John
19 Reilly.

20 I think we need to talk to all of them,
21 especially Mr. Miholics.

22 MR. LABRUZZO: Yes. I would think, Your Honor.

23 THE COURT: While they bring them up, can I have
24 Mr. Livermore and one of the State lawyers, it doesn't
25 matter which one. Mr. Livermore, can you come up for

1 a second.

2 This is off the record.

3 (Off the record.)

4 THE COURT: Are we ready?

5 THE BAILIFF: Yes, Your Honor.

6 THE COURT: All right. Is everyone ready? We're
7 going to bring in Timothy Lanzone.

8 MR. LABRUZZO: Yes, Judge.

9 THE COURT: All right. We'll bring him on in.
10 Good morning. Is it Lanzone?

11 PROSPECTIVE JUROR LANZONE: Yes.

12 THE COURT: How are you, sir? If you can stand
13 in the first pew or stand there. It doesn't matter.

14 Thank you for filling out the questionnaire.
15 I know it's kind of early in the morning. The
16 first thing I saw on your questionnaire that we
17 wanted to talk to you about was that you did not
18 feel you would be able to sit for the amount of
19 time that I talked to you all about this morning.

20 And is that work or personal? Or what have we
21 got going on?

22 PROSPECTIVE JUROR LANZONE: It's work.

23 THE COURT: Where do you work?

24 PROSPECTIVE JUROR LANZONE: Bill Currie Ford.

25 THE COURT: Okay. And what do you do for them?

1 PROSPECTIVE JUROR LANZONE: Commission-based
2 sales.

3 THE COURT: You're in sales?

4 PROSPECTIVE JUROR LANZONE: Yes.

5 THE COURT: So if you sat as a juror, you would
6 be missing out on commissions, correct?

7 PROSPECTIVE JUROR LANZONE: (Indicating.)

8 THE COURT: Is that "yes"?

9 PROSPECTIVE JUROR LANZONE: "Yes".

10 THE COURT: My court reporter needs to write down
11 yes and no. I see your head nodding, I understand
12 what you're saying, but we just have to have it on the
13 record.

14 So if you had to sit here and you weren't able
15 to work, would that be a significant hardship on
16 your family and yourself?

17 PROSPECTIVE JUROR LANZONE: Yes, it would.

18 THE COURT: All right. And do you think that
19 would affect your ability to pay attention in this
20 trial because you'd be thinking about all the money
21 you're not making?

22 PROSPECTIVE JUROR LANZONE: Yes.

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

25 MR. LABRUZZO: No, Your Honor.

1 THE COURT: Defense?

2 MR. LIVERMORE: No.

3 THE COURT: All right, sir. We're going to have
4 you step out into the hallway. We'll be right back
5 with you.

6 After Mr. Lanzone will be Dimitrios Carty,
7 C-a-r-t-y.

8 State, what do you say on Mr. Lanzone?

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

10 THE COURT: Any objection?

11 MR. LIVERMORE: No, ma'am.

12 THE COURT: All right. We'll take his badge, and
13 he's going to be released. Make sure that they get
14 paid. I'm not sure if they've done that yet this
15 morning.

16 THE BAILIFF: Take him down to the jury pool
17 room?

18 THE COURT: Yeah. Down to the jury pool room.
19 Mr. Lanzone is excused.

20 And then we'll take Mr. Dimitrios Carty.

21 Good morning, sir. How are you?

22 PROSPECTIVE JUROR CARTY: I'm all right.

23 THE COURT: Do you pronounce it Carty?

24 PROSPECTIVE JUROR CARTY: Yes, ma'am.

25 THE COURT: Okay. Sir, if you can just stand or

1 sit in the first row, I'd really appreciate it.

2 Thank you so much for coming and filling out
3 your form. You said that you did not feel that
4 you'd be able to sit for the amount of time this
5 trial would take; is that correct?

6 PROSPECTIVE JUROR CARTY: Yes, ma'am.

7 THE COURT: What do you have going on?

8 PROSPECTIVE JUROR CARTY: I'm actually in a PTI
9 program.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR CARTY: So I have to meet with
12 her on the 8th, I think.

13 THE COURT: All right. Is that for here in
14 Pasco?

15 PROSPECTIVE JUROR CARTY: Yes, ma'am.

16 THE COURT: And is it a misdemeanor or a felony?

17 PROSPECTIVE JUROR CARTY: Misdemeanor.

18 THE COURT: Okay. And so other than the PTI
19 program, do you have anything else going on?

20 PROSPECTIVE JUROR CARTY: No, ma'am.

21 THE COURT: So that's the only thing you have
22 going on that would stop you from being able to sit
23 for the jury trial?

24 PROSPECTIVE JUROR CARTY: Yes, ma'am.

25 THE COURT: And you have transportation to get

1 here and all that kind of thing?

2 PROSPECTIVE JUROR CARTY: Yes, ma'am.

3 THE COURT: Because I can probably deal with the
4 PTI. I can probably talk to your supervisor, whoever
5 it is, and make sure they understand that you're on
6 the jury. Okay?

7 PROSPECTIVE JUROR CARTY: Yes.

8 THE COURT: But both sides might have some
9 questions for you. Okay?

10 State, do you have any questions?

11 MR. LABRUZZO: How long have you been on the PTI
12 program?

13 PROSPECTIVE JUROR CARTY: Since May.

14 MR. LABRUZZO: And were you represented by
15 counsel or did you have an attorney when you filled
16 that out?

17 PROSPECTIVE JUROR CARTY: No, sir.

18 MR. LABRUZZO: Okay. Anything about that
19 application process? Do you think that you were
20 treated fairly by the law enforcement officers that
21 were involved in the case?

22 PROSPECTIVE JUROR CARTY: Oh, yes.

23 MR. LABRUZZO: And the court system, do you think
24 that you were treated fairly by the courts in the
25 case?

1 PROSPECTIVE JUROR CARTY: Yes, sir.

2 MR. LABRUZZO: And I'm sure that involved the
3 State Attorney's Office as well. Were you treated
4 fairly by the State Attorney's Office?

5 PROSPECTIVE JUROR CARTY: Yes.

6 MR. LABRUZZO: Okay. It is Pasco County,
7 correct?

8 PROSPECTIVE JUROR CARTY: Yes.

9 MR. LABRUZZO: All right. What was the charge
10 that you applied for PTI on?

11 PROSPECTIVE JUROR CARTY: I had possession of
12 marijuana.

13 MR. LABRUZZO: Okay.

14 THE COURT: How did I guess that.

15 MR. LABRUZZO: All right. I don't have any other
16 questions. Thank you, sir.

17 PROSPECTIVE JUROR CARTY: Thank you.

18 THE COURT: Mr. Livermore, any questions?

19 MR. LIVERMORE: No, ma'am.

20 THE COURT: All right, sir. We're going to have
21 you step outside. And we'll let you know if we can
22 release you or you'll go back downstairs. Just follow
23 my deputy's instructions.

24 State, where do we stand on Mr. Carty?

25 MR. LABRUZZO: Judge, the State's not asking the

1 Court to take any action.

2 THE COURT: Defense?

3 MR. LIVERMORE: No, ma'am. No motion.

4 THE COURT: The only thing I'm concerned about --
5 if both sides are fine. I mean, the rules say if
6 they're under prosecution. PTI is a Pretrial
7 Intervention Program, so they're technically still
8 under prosecution. But if both sides are fine. It's
9 a misdemeanor marijuana case. It's the same thing as
10 a withhold, as far as I'm concerned. But it's up to
11 you all. If you guys are good with it, I'm fine.

12 MR. SARABIA: All right. Judge, we'll move for
13 cause.

14 THE COURT: I mean, I thought he'd be a great
15 juror, but the rules say under prosecution, and I
16 think PTI still would fall under that category. So we
17 can tell Mr. Carty that he's released, and we'll go
18 ahead and send him downstairs. Let them know that
19 he's been released.

20 And next is Justin Michailos [sic].

21 MR. LIVERMORE: Michailos?

22 MR. PURA: Miholics.

23 THE COURT: Miholics. Are we pronouncing it
24 wrong? Is it way too close to his name?

25 THE BAILIFF: Can you tell me again, Judge.

1 THE COURT: It's Justin Miholics, M-i-h-o-l-i-s.

2 MR. PURA: -c-s.

3 THE COURT: -c-s. Is there a C in there? Oh,
4 -l-i-c-s.

5 Good morning, sir. How are you? How do you
6 pronounce your last name?

7 PROSPECTIVE JUROR MIHOLICS: Miholics.

8 THE COURT: Miholics. Sorry about that.

9 We're going to go ahead and have you stand
10 right there.

11 Mr. Miholics, you filled out your form and I
12 appreciating that. On it you said that you did not
13 feel you would be able to sit for the timeframe
14 that this trial is going to take.

15 PROSPECTIVE JUROR MIHOLICS: Yes.

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

18 PROSPECTIVE JUROR MIHOLICS: It's more like an
19 anxiety thing.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR MIHOLICS: It's the same
22 courtroom that I had my -- I sued the Boy Scouts of
23 America, and this where I did it.

24 THE COURT: Okay. So in this courtroom?

25 PROSPECTIVE JUROR MIHOLICS: Yes.

1 THE COURT: Okay. And so the whole idea, since
2 you were the victim in that case and the plaintiff,
3 the whole idea of sitting for a trial and all that is
4 quite upsetting to you, is that what you're saying?

5 PROSPECTIVE JUROR MIHOLICS: Yes.

6 THE COURT: And you feel that that anxiety would
7 cause you to have a hard time sitting to be a fair and
8 impartial juror.

9 PROSPECTIVE JUROR MIHOLICS: Agreed.

10 THE COURT: Okay. State, any questions?

11 MR. SARABIA: No, Judge.

12 THE COURT: Defense, any questions?

13 MR. LIVERMORE: No, Your Honor.

14 THE COURT: All right, sir. You can go ahead and
15 step outside and we'll let you know what's going to
16 happen. Okay?

17 MR. SARABIA: The State would move for cause.

18 THE COURT: Defense?

19 MR. LIVERMORE: No objection.

20 THE COURT: Okay. He can be released.

21 And next we have Carolyn Dix.

22 After Carol Dix will be John Rilley, just so
23 you know.

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

25 PROSPECTIVE JUROR DIX: Okay.

1 THE COURT: We're just going to have you come up
2 to the first pew and step in there. We just have a
3 couple of questions for you. Okay, ma'am?

4 Thank you so much for coming this morning and
5 filling out your questionnaire. You said that you
6 did not feel based on work, your job, that you
7 would be able to sit for the amount of time it
8 would be necessary to be a juror in this case; is
9 that correct?

10 PROSPECTIVE JUROR DIX: That's correct. I am a
11 surgical nurse. I'm the only one at that facility.

12 THE COURT: And I couldn't really tell what you
13 did. So thank you for filling me in. So you're the
14 surgical nurse.

15 PROSPECTIVE JUROR DIX: Yes.

16 THE COURT: At a facility. And what facility is
17 that?

18 PROSPECTIVE JUROR DIX: Florida Hospital at
19 Connerton.

20 THE COURT: Okay. And right now they have
21 someone filling in or they're not having any
22 surgeries?

23 PROSPECTIVE JUROR DIX: They have no one. We are
24 canceling surgery.

25 THE COURT: So because you had to come here, they

1 had to cancel surgery for people?

2 PROSPECTIVE JUROR DIX: They can't schedule
3 anything as long as I'm not there.

4 THE COURT: So if you're sick, no one gets
5 surgery that day?

6 PROSPECTIVE JUROR DIX: No, ma'am.

7 THE COURT: Okay. And let's say, for lack of a
8 better term, I forced you to be on the jury. Would
9 that cause you so much stress, the fact that people
10 aren't getting treatment at your facility, that you'd
11 have a hard time concentrating on this trial?

12 PROSPECTIVE JUROR DIX: I wouldn't say it would
13 -- I would have -- I would have some concerns.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR DIX: I open the facility.
16 It's my facility.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR DIX: And I have a 94-year-old
19 mother who has Alzheimer's. I have her on Hospice at
20 my house.

21 THE COURT: You got a lot going on?

22 PROSPECTIVE JUROR DIX: I got a lot going on.

23 THE COURT: And you'd love to serve, but this
24 isn't the right time for you?

25 PROSPECTIVE JUROR DIX: Not the right time.

1 THE COURT: You got too much stuff, you think you
2 might not be --

3 PROSPECTIVE JUROR DIX: Yes, ma'am.

4 THE COURT: -- you'd be able to give it your full
5 attention?

6 PROSPECTIVE JUROR DIX: Yes.

7 THE COURT: Okay. State?

8 MR. SARABIA: The situation with your mother, if
9 that situation changes at all, is that something that
10 could suddenly take your focus and if you were to sit
11 on the trial?

12 PROSPECTIVE JUROR DIX: I don't understand what
13 you're asking me.

14 MR. SARABIA: Your mother is currently on Hospice
15 at your home?

16 PROSPECTIVE JUROR DIX: Yes.

17 MR. SARABIA: Is her situation --

18 PROSPECTIVE JUROR DIX: She's been on Hospice at
19 my home now for a year.

20 MR. SARABIA: Okay. If her situation
21 deteriorates, is that something that you would have to
22 end whatever is going on elsewhere and go assist her
23 or deal with that?

24 PROSPECTIVE JUROR DIX: Yes.

25 MR. SARABIA: Okay. And you don't know if that

1 could happen quickly or a long time from now?

2 PROSPECTIVE JUROR DIX: She's 94 years old.

3 THE COURT: So anything is possible; is that
4 right?

5 PROSPECTIVE JUROR DIX: Anything is possible.

6 MR. SARABIA: I don't have any more questions,
7 Judge.

8 THE COURT: Defense, any questions?

9 MR. LIVERMORE: No further questions.

10 THE COURT: Ms. Dix, thank you very much. I'm
11 going to have you step out into the hallway and we'll
12 let you know. Okay?

13 State?

14 MR. SARABIA: We'd move for cause, Judge.

15 THE COURT: Defense?

16 MR. LIVERMORE: No objection.

17 THE COURT: All right. You can let Ms. Dix go
18 and open her facility. She'll be released as a juror.
19 And we'll take John Rilley.

20 Good morning, Mr. Rilley. How are you?

21 PROSPECTIVE JUROR REILLY: Good morning.

22 THE COURT: If you can come up to the first pew
23 and scoot in a little. We just have a couple of
24 questions for you.

25 Thank you for coming today and thank you for

1 filling out your questionnaire. You indicated that
2 you did not feel -- first of all, there's a couple
3 of questions, but this is number one. You did not
4 feel that you thought you would be available to sit
5 for the amount of time I talked about this morning
6 and that's on this form.

7 PROSPECTIVE JUROR REILLY: Yes.

8 THE COURT: Is it personal? Work? What have you
9 got going on?

10 PROSPECTIVE JUROR REILLY: It's personal. Family
11 business.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR REILLY: I'm kind of moving my
14 mother-in-law up to Tallahassee.

15 THE COURT: Okay. And is she getting elderly and
16 you're trying to move her into a facility up there?

17 PROSPECTIVE JUROR REILLY: Correct. She's 89.

18 THE COURT: And you have that all set up and
19 you're ready to go?

20 PROSPECTIVE JUROR REILLY: Yeah. I'm the driver.

21 THE COURT: Okay. And when are you all leaving.

22 PROSPECTIVE JUROR REILLY: Thursday.

23 THE COURT: All right. And so I assume you got
24 the room ready for her and you need to go ahead and
25 bring her up there?

1 PROSPECTIVE JUROR REILLY: Correct.

2 THE COURT: Is it an assisted living facility?

3 PROSPECTIVE JUROR REILLY: She's going to be
4 staying with my sister-in-law.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR REILLY: At their home. And
7 Hospice will be involved later?

8 THE COURT: Okay. So theres's also some illness
9 going on along with it?

10 PROSPECTIVE JUROR REILLY: Yes.

11 THE COURT: And so I would assume that that's
12 something that's weighing on you? You just need to
13 take care of that family matter?

14 PROSPECTIVE JUROR REILLY: Yes, Your Honor.

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

17 MR. LABRUZZO: No, Your Honor.

18 THE COURT: Defense?

19 MR. LIVERMORE: No.

20 THE COURT: All right. Mr. Reilly, thank you
21 very much. I'm going to have you step out into the
22 hallway and we'll let you know. Okay?

23 PROSPECTIVE JUROR REILLY: Okay. Thank you.
24 State?

25 MR. LABRUZZO: Judge, the State would move for

1 cause.

2 THE COURT: Any objection?

3 MR. LIVERMORE: No, ma'am.

4 THE COURT: All right. Mr. Reilly can be
5 released.

6 There's the next five ready to come. They're
7 going to be brought up. It's going to be Selina
8 Llewellyn. It's L-l-e-w-e-l-l-y-n, Llewellyn.
9 Okay. John Storminger. Laura, no last name. Greg
10 Milliman. And Anne Marie Gutierrez.

11 First one will be Llewellyn.

12 Are we ready?

13 MR. LABRUZZO: Yes, Your Honor.

14 THE COURT: All right. We have Selina Llewellyn.
15 Good morning, ma'am. How are you?

16 PROSPECTIVE JUROR LLEWELLYN: Good morning.

17 THE COURT: Is it Llewellyn?

18 PROSPECTIVE JUROR LLEWELLYN: Yes.

19 THE COURT: All right. We're going to have you
20 scoot into the first few right there. We just have a
21 couple of questions.

22 Thank you for coming this morning and filling
23 out the form for me. You said, first of all, that
24 you did not believe that you can sit for the entire
25 time that it's going to take to do this trial.

1 PROSPECTIVE JUROR LLEWELLYN: I'm a teacher.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR LLEWELLYN: English Language
4 Learners.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR LLEWELLYN: And three weeks
7 would be a long time. It's just me and a
8 para-professional, and there's 83 students that we
9 serve.

10 THE COURT: Eighty-three?

11 PROSPECTIVE JUROR LLEWELLYN: Yes.

12 THE COURT: Wow.

13 PROSPECTIVE JUROR LLEWELLYN: So that would be a
14 long time.

15 THE COURT: So where do you teach?

16 PROSPECTIVE JUROR LLEWELLYN: Carrollwood
17 Elementary.

18 THE COURT: Okay. So that's in Tampa?

19 PROSPECTIVE JUROR LLEWELLYN: Yes, it is.

20 THE COURT: And so are they younger children?

21 PROSPECTIVE JUROR LLEWELLYN: Elementary.

22 THE COURT: Elementary.

23 I know they sometimes use those facilities to
24 teach adults. So I was trying to figure out.

25 PROSPECTIVE JUROR LLEWELLYN: K through 5.

1 THE COURT: Got you. K through 5. And you're
2 the only instructor and you just have a
3 para-professional with you?

4 PROSPECTIVE JUROR LLEWELLYN: Right.

5 THE COURT: So there would be someone who can
6 fill in, but it would be more like a sub than a real
7 teacher?

8 PROSPECTIVE JUROR LLEWELLYN: They don't usually
9 get a substitute for me.

10 THE COURT: Okay. So let's say I forced you to
11 sit on the jury. I've been using that word. I know
12 it's kind of mean. Would you be distracted from the
13 proceedings because you'd be thinking about the little
14 ones not getting their teaching and they'll fall
15 behind? And I assume they'll have some ramifications
16 for their statewide testing and things like that?

17 PROSPECTIVE JUROR LLEWELLYN: Yes. My evaluation
18 depends how well they do.

19 THE COURT: So it would personally affect you and
20 your evaluation, but it would also affect them and
21 their ability to take these tests that the government
22 makes them take at the end of the year?

23 PROSPECTIVE JUROR LLEWELLYN: Yes, ma'am.

24 THE COURT: And who that be extremely distracting
25 for you?

1 PROSPECTIVE JUROR LLEWELLYN: Maybe not
2 extremely, but it would be a thought in the back of my
3 mind.

4 THE COURT: Okay. And that might take your focus
5 away from the trial?

6 PROSPECTIVE JUROR LLEWELLYN: Yes.

7 THE COURT: Okay. State?

8 MR. LABRUZZO: No questions, Your Honor.

9 THE COURT: Defense?

10 MR. LIVERMORE: Ma'am, when you mentioned there
11 was a substitute, have you contacted your school and
12 see about getting a substitute?

13 PROSPECTIVE JUROR LLEWELLYN: Well, they don't
14 usually get a substitutes for long or short -- you
15 know, a day or two, I don't usually get a substitute.

16 MR. LIVERMORE: Right.

17 PROSPECTIVE JUROR LLEWELLYN: Long-term, I don't
18 know if they would. I've never been long-term.

19 MR. LIVERMORE: And is that something that you
20 can contact the school and see if there is one
21 available?

22 PROSPECTIVE JUROR LLEWELLYN: I could contact my
23 principal and ask them what they would do in that
24 situation.

25 MR. LIVERMORE: Okay.

1 THE COURT: Would you like us to have her do
2 that?

3 MR. LIVERMORE: Yes.

4 THE COURT: All right. Ma'am, what we're going
5 to have you do is we're going to have you step back
6 downstairs in the jury room. You have your phone.

7 PROSPECTIVE JUROR LLEWELLYN: Yes.

8 THE COURT: So if you could call the principal or
9 whoever is in charge of your school and find out what
10 they would do if you were picked as a juror on this
11 case. Okay?

12 PROSPECTIVE JUROR LLEWELLYN: Yes.

13 THE COURT: And then when we're done talking to
14 most of the people, we'll call you back. Okay?

15 PROSPECTIVE JUROR LLEWELLYN: Okay.

16 THE COURT: We won't leave you down there
17 lingering. We'll find out the answer. Okay?

18 PROSPECTIVE JUROR LLEWELLYN: Okay.

19 THE COURT: You're in our maybe pile.

20 PROSPECTIVE JUROR LLEWELLYN: Okay.

21 THE COURT: All right?

22 PROSPECTIVE JUROR LLEWELLYN: Thank you.

23 All right. Next up would be John Storminger?

24 MR. LABRUZZO: Judge, just as a note, we'd also
25 like to inquire about her media when she returns.

1 THE COURT: Sure. I will. But this is, number
2 one, if she's not available for some reason, there's
3 no reason to get to that.

4 MR. LABRUZZO: No. I understand.

5 THE COURT: So we'll keep her in the
6 still-need-to-talk-to pile. And we'll bring her back
7 before we put her in any big group.

8 Good morning, sir. How are you?

9 PROSPECTIVE JUROR STORMINGER: Okay.

10 THE COURT: I'm going to have you come into the
11 first pew. And I have a couple of questions for you.

12 Thank you very much for coming this morning,
13 and I appreciate you filling out the questionnaire.
14 It makes things go a little quicker. I know you
15 don't think so, but I guarantee you it does.

16 You said that you believe you could couldn't
17 sit for the amount of time this trial will take,
18 correct?

19 PROSPECTIVE JUROR STORMINGER: Yeah. I may be
20 inconvenienced, but I could do it, yes.

21 THE COURT: Okay. And I'm sure it would be an
22 inconvenience for anyone. So I appreciate that you're
23 willing to make that sacrifice. But you also said as
24 to hearing about the case, you said, "The name Matos
25 is vaguely familiar, but I do not recall a reason. I

1 may have heard something, but I know no specifics".

2 PROSPECTIVE JUROR STORMINGER: Yeah. The name
3 Matos could simply be a more common name that I'm
4 familiar with.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR STORMINGER: I know, as a
7 driver for the Pasco County School District, you know,
8 when information comes on over to radio about areas
9 we're avoiding when driving home, those kinds of
10 things, certain -- you know, within a couple of days
11 news comes out about what's happened in the area, why
12 it's been closed down. But even downstairs I'm trying
13 to rack my brain where Matos came from. And, again,
14 I'm thinking it just could have been a common surname.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR STORMINGER: And I do not know
17 an Adam Matos at all.

18 THE COURT: All right. So I have a question for
19 you. Since you don't really think that you know
20 anything about this case, can you put aside anything
21 that might come to your mind, listen to what the
22 evidence is in the case, if you're picked as a juror,
23 things that are said in the courtroom and only rely on
24 them to make a decision in this matter?

25 PROSPECTIVE JUROR STORMINGER: Since I have

1 absolutely no information, you know, outside of this
2 courtroom about it, then, yes, I feel like I can make
3 a decision, yes.

4 THE COURT: Okay. State, do you have any
5 questions?

6 MR. LABRUZZO: I do not.

7 THE COURT: Okay. Defense, do you have any
8 questions at this time?

9 MR. LIVERMORE: No, ma'am.

10 THE COURT: All right. Sir, we're going to send
11 you back downstairs. Thank you very much. And we'll
12 keep you in the big pool for a little while. Okay?

13 PROSPECTIVE JUROR STORMINGER: Okay.

14 THE COURT: Thank you.

15 Then we have Laura, no last name.

16 MR. LABRUZZO: What juror?

17 THE COURT: Juror Number 64. Did we figure out
18 what her last name is?

19 MR. LABRUZZO: No.

20 THE CLERK: Satterly is her last name.

21 THE COURT: Satterly.

22 THE CLERK: She's the only Laura on the panel.

23 MR. PURA: What's her last name?

24 THE COURT: Satterly.

25 MR. LABRUZZO: S?

1 THE COURT: Yes. It's Ms. Satterly?

2 PROSPECTIVE JUROR SATTERLY: (Indicating.)

3 THE COURT: Yes. You can just stand right there,
4 ma'am. How are you this morning? Thank you for
5 coming. Are you okay? Are you feeling all right?

6 PROSPECTIVE JUROR SATTERLY: No. I got a head
7 cold.

8 THE COURT: Oh, okay. You got a head cold.

9 In your little form you said you need the
10 Judge. So I wasn't exactly -- when you talk about
11 has your family and friends been a victim of a
12 crime.

13 PROSPECTIVE JUROR SATTERLY: Yeah. My daughter.

14 THE COURT: Okay. And what happened with your
15 daughter?

16 PROSPECTIVE JUROR SATTERLY: A gentleman thought
17 it would be a good idea to mix prescription medicine
18 with alcohol and proceeded to do pound on my child.

19 THE COURT: Okay. Was she hurt very badly?

20 PROSPECTIVE JUROR SATTERLY: Yeah.

21 THE COURT: All right. And how long ago was
22 that?

23 PROSPECTIVE JUROR SATTERLY: Three days ago.

24 THE COURT: Okay. And so we're here in the
25 criminal justice system. And was he arrested for

1 that?

2 PROSPECTIVE JUROR SATTERLY: No.

3 THE COURT: Okay. So does that cause you to have
4 some concern about your ability to be a fair and
5 impartial juror, if somebody didn't arrest somebody
6 you thought should --

7 PROSPECTIVE JUROR SATTERLY: Exactly.

8 THE COURT: Okay. Was that here in Pasco?

9 PROSPECTIVE JUROR SATTERLY: Yes.

10 THE COURT: All right. And so you think just
11 based on that, you'd have a hard time being a fair and
12 impartial juror?

13 PROSPECTIVE JUROR SATTERLY: Oh, I definitely
14 would.

15 THE COURT: Okay. State, any questions?

16 MR. LABRUZZO: No, Your Honor.

17 THE COURT: Defense, any questions?

18 MR. LIVERMORE: No, ma'am.

19 THE COURT: All right. Ms. Satterly, we're going
20 to go ahead, if you want to take your badge right
21 there and leave it in that box. And, ma'am, you're
22 excused as a juror. Have you been paid?

23 PROSPECTIVE JUROR SATTERLY: Yes, ma'am.

24 THE COURT: Okay. Then you're good to go.

25 You're more than welcome to go on home. Okay? I hope

1 you feel better.

2 PROSPECTIVE JUROR SATTERLY: All right.

3 THE COURT: All right. Thank you.

4 Then we have Jeff Milliman.

5 MR. LABRUZZO: Jeff Milliman.

6 THE COURT: Milliman or Milliman. He saw it
7 briefly on the news yesterday. We'll find out what he
8 briefly saw yesterday.

9 MR. LIVERMORE: And what he did. And he also has
10 a backache.

11 THE COURT: Is it Milliman or Milliman?

12 PROSPECTIVE JUROR MILLIMAN: Milliman.

13 THE COURT: Okay. Mr. Milliman, if you can go
14 ahead, you can stand in the front row if you want.

15 Sir, I have two questions for you: One you
16 said that you have issues with your back?

17 PROSPECTIVE JUROR MILLIMAN: Yes.

18 THE COURT: You said that you could serve if
19 called upon for the timeframe. These are the chairs
20 that you would be sitting in. They're pretty comfy.
21 But I don't have a back problem, so I'm not the one to
22 judge. Are you taking medication at this time?

23 PROSPECTIVE JUROR MILLIMAN: Just Ibuprofen.

24 THE COURT: Okay. And if I was able to let you
25 stand up and move around in your seat, if you need to,

1 and take a break every hour and a half, do you believe
2 that your back problems would have any affect on your
3 ability to serve as a juror in this case?

4 PROSPECTIVE JUROR MILLIMAN: No.

5 THE COURT: Okay. And you did say that you saw
6 about the story. I went over it a little bit this
7 morning. I told you it was on the news. So we made
8 sure that we got everybody to tell us what they knew.

9 What did you see and on what channel do you
10 believe you saw it?

11 PROSPECTIVE JUROR MILLIMAN: It was WFLA.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR MILLIMAN: It was right when I
14 moved down here actually when I saw it on the news.

15 THE COURT: Okay. Are we talking about 2014,
16 when it happened?

17 PROSPECTIVE JUROR MILLIMAN: Yes.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR MILLIMAN: You know, I didn't
20 really follow it that much. I knew the basics of it.

21 THE COURT: Okay. And what you believe the
22 basics of it are?

23 PROSPECTIVE JUROR MILLIMAN: That he committed a
24 heinous crime.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR MILLIMAN: And it was -- you
2 know, I don't remember that much of it. I saw a bit
3 of it yesterday on the news.

4 THE COURT: All right. And did that remind you
5 that you had read about it or heard about it back in
6 2014?

7 PROSPECTIVE JUROR MILLIMAN: Yeah. It was right
8 when I moved down here, it was like one of the, you
9 know --

10 THE COURT: First things?

11 PROSPECTIVE JUROR MILLIMAN: Yeah.

12 THE COURT: Okay. And I know on the news
13 yesterday they were showing footage from 2014, when it
14 originally happened. So what you saw was consistent
15 with what you remember from 2014?

16 PROSPECTIVE JUROR MILLIMAN: Yes.

17 THE COURT: Now, I'm going to ask you a question.
18 What you saw in 2014, and what you saw yesterday, did
19 those affect your ability to make a decision on
20 whether the defendant is guilty or innocent of the
21 crime? Have you made up your mind?

22 PROSPECTIVE JUROR MILLIMAN: It seems pretty
23 clear to me, at least --

24 THE COURT: Okay. And what is clear to you?

25 PROSPECTIVE JUROR MILLIMAN: That he's guilty.

1 THE COURT: All right. And you believe that
2 based on what you saw and what you saw yesterday?

3 PROSPECTIVE JUROR MILLIMAN: From what I saw,
4 yeah, in 2014 and from yesterday.

5 THE COURT: All right. And do you believe that
6 there's any way that you would be a fair juror on this
7 case and presume him innocent to start the trial?

8 PROSPECTIVE JUROR MILLIMAN: Yeah. Everything --
9 I mean, it's possible, yes.

10 THE COURT: Okay. So it's possible for you,
11 although you believe that he committed the crime, to
12 be fair to him and can presume him innocent and make
13 the State prove to you that he committed these crimes?
14 I know that's a little convoluted, but I'm sure the
15 Defense is going to ask this.

16 PROSPECTIVE JUROR MILLIMAN: Yes.

17 THE COURT: So, you know, everyone in the
18 criminal justice system is presumed innocent.

19 PROSPECTIVE JUROR MILLIMAN: Yes.

20 THE COURT: And they walk in here as an innocent
21 person, and it's up to the State to prove to you that
22 he committed the crime. Do you start out with that
23 presumption of innocence or do you think you're a
24 little bit more towards guilty, and they'd have to
25 really convince you he didn't do it?

1 PROSPECTIVE JUROR MILLIMAN: I would probably
2 lean towards that.

3 THE COURT: Okay. So they'd have to convince he
4 didn't do it as opposed to convincing you he did do
5 it?

6 PROSPECTIVE JUROR MILLIMAN: Yeah. I mean, it's
7 like -- it's like in between. I'm sorry. It's the
8 first time doing this.

9 THE COURT: No, no, no. And I'm not trying to
10 pick on you. And it's fine if you feel that way.
11 These are the things that we need to know.

12 And so when you walked in here and were
13 talking about the case, in your mind you're, like,
14 okay, I think he's guilty, but I guess I could hear
15 something to make me think that he's not; is that a
16 fair understanding of your mindset?

17 PROSPECTIVE JUROR MILLIMAN: Yeah.

18 THE COURT: Okay. All right. That's fair.
19 State, any questions?

20 MR. LABRUZZO: No, Your Honor.

21 THE COURT: Defense, any questions?

22 MR. LIVERMORE: No, ma'am.

23 THE COURT: All right. Sir, thank you very much.
24 We're going to have you step outside and we'll let you
25 know. Okay?

1 PROSPECTIVE JUROR MILLIMAN: Thank you.

2 THE COURT: Defense?

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

4 THE COURT: That wasn't a difficult one. All
5 right. I appreciate that he was honest.

6 MR. LIVERMORE: Yes.

7 THE COURT: We can let Mr. Milliman go. We'll
8 just take his badge.

9 And we need Gutierrez.

10 Is it Gutierrez?

11 PROSPECTIVE JUROR GUTIERREZ: Yes.

12 THE COURT: All right. Good morning, ma'am. How
13 are you?

14 PROSPECTIVE JUROR GUTIERREZ: Fine.

15 THE COURT: We're going to have you step into the
16 first pew there in the front. I appreciate you coming
17 this morning. I know you have lots of things going
18 on, as we all do. And I appreciate you filling out
19 this form.

20 You indicated that you, first of all, did not
21 feel that you would be available for the timeframe
22 that the trial would take. Is it personal or
23 business or both?

24 PROSPECTIVE JUROR GUTIERREZ: Yes. Actually,
25 it's work. I just started a new job a month and a

1 half ago. I just moved to Florida.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR GUTIERREZ: So I live on my
4 own. I pay my mortgage. And there was a lot of
5 things going on moving from New York here.

6 THE COURT: Okay. Where do you work?

7 PROSPECTIVE JUROR GUTIERREZ: I work at Power
8 Design in St. Pete.

9 THE COURT: Okay. And do they pay you for jury
10 duty?

11 PROSPECTIVE JUROR GUTIERREZ: I'm not sure. My
12 boss is going to find out if they pay or not.

13 THE COURT: Okay. So when you went to your boss
14 about this, your boss says, I don't know. So there's
15 somebody else for your boss to talk to? Is it
16 corporate?

17 PROSPECTIVE JUROR GUTIERREZ: Yes. Somebody else
18 to talk to. She just said, I have to find out if they
19 pay or not.

20 THE COURT: Okay. And if they did pay you, would
21 that affect -- would you be able to sit?

22 PROSPECTIVE JUROR GUTIERREZ: I don't think so.

23 THE COURT: Okay. And that would be why?

24 PROSPECTIVE JUROR GUTIERREZ: Yes. Because of
25 all -- because of this job, I'm learning so many

1 things and there's a lot of things going on. Plus, I
2 have so much going on since I moved here.

3 THE COURT: Okay. And so do you think all of
4 that, with the new job and trying to learn the new
5 job, and the move, that you would have a hard time
6 paying attention to the trial as it was going on?

7 PROSPECTIVE JUROR GUTIERREZ: Kind of.

8 THE COURT: Okay. You'd be thinking about the
9 job and all the things you're not getting done?

10 PROSPECTIVE JUROR GUTIERREZ: Yes.

11 THE COURT: All right. And also you indicated
12 that a friend or a family member was the victim of a
13 crime, and you indicate that your father's friend son
14 was killed in Colombia?

15 PROSPECTIVE JUROR GUTIERREZ: In Colombia, yes.

16 THE COURT: Thirty years ago.

17 PROSPECTIVE JUROR GUTIERREZ: Yes.

18 THE COURT: And this is murder case. So would
19 that affect your ability to be fair and impartial? I
20 mean, that sounds like that's more of a family story
21 than it is something that you were personally was
22 involved with?

23 PROSPECTIVE JUROR GUTIERREZ: Right. It was a
24 family story, yes.

25 THE COURT: Okay. State, do you have any

1 questions?

2 MR. LABRUZZO: I do, Judge. Good morning, ma'am.

3 PROSPECTIVE JUROR GUTIERREZ: Good morning. How
4 are you?

5 MR. LABRUZZO: I also noticed on one of the
6 answers you referenced that you became a Christian and
7 that's somehow affected your thought process on the
8 death penalty.

9 PROSPECTIVE JUROR GUTIERREZ: Kind of.

10 MR. LABRUZZO: So I just kind of wanted to ask
11 you a little bit about more about what you meant about
12 that. And I guess the question that I'm asking is,
13 how does your religion your and your religious beliefs
14 --

15 MR. PURA: Judge, I'm objecting. That's not part
16 of this interrogatory. We're confining the two
17 issues. I mean, I'm not prepared to respond to this
18 line of inquiry.

19 THE COURT: All right. We'll leave that for
20 another time for right now.

21 MR. LABRUZZO: All right, ma'am. I will address
22 that with you later. So if you can think about it and
23 I'll be asking that later on.

24 THE COURT: Defense, any questions?

25 MR. PURA: Yes. Thank you. Good morning, ma'am.

1 PROSPECTIVE JUROR GUTIERREZ: Good morning.

2 MR. PURA: Let's say that you call your boss or
3 whomever you need to call about this and they say
4 that, yes, you're going to be paid, compensated the
5 same as if you worked there. Okay?

6 PROSPECTIVE JUROR GUTIERREZ: Okay.

7 MR. PURA: And you found out that this trial was
8 expected to take about three weeks. But if you were
9 chosen as a juror, you would show up here, you'd be
10 asked to show up here at 8:30, 9:00 in the morning,
11 and we wouldn't be going past 5:00 typically, like the
12 same hours as a job. Okay.

13 I mean, you mentioned that you have a lot of
14 things going on and things like that, and if you
15 were picked as a juror this wouldn't take much more
16 of your time than as your regular job would take.
17 So would that factor into your consideration about
18 whether you think you can serve?

19 PROSPECTIVE JUROR GUTIERREZ: Even when I'm done
20 here, I feel like I have to go back to work to finish
21 what we're doing.

22 MR. PURA: So even if they compensated you, you
23 would be concerned that nobody would be covering for
24 you at work?

25 PROSPECTIVE JUROR GUTIERREZ: I think they would

1 cover, because I think they would -- they would cover.
2 So I don't -- I don't know, I just feel like to me I
3 feel responsible when I'm new at some things and I'm
4 learning so many things, and there's so many things
5 going on, that's the reason why I feel like that way.

6 MR. PURA: And we understand. And, you know,
7 we're asking a huge sacrifice of you and everybody
8 else. I understand that that would be on your mind.
9 But if you were picked as a juror, do you think that
10 you can put that aside and pay attention to the
11 proceedings and listen to the facts and the evidence
12 and the instructions from the Judge? Or do you think
13 you would be so distracted, that you wouldn't be able
14 to do that?

15 PROSPECTIVE JUROR GUTIERREZ: I think I would
16 be -- I would pay attention, but I would still be
17 worried about what's going on at my job.

18 MR. PURA: Thank you.

19 THE COURT: I have a follow-up to that.

20 So if I heard you correctly, based on your
21 work ethic -- and we appreciate that around here --
22 that you felt like if you were picked as a juror
23 and you were paid, that at the end of the day you
24 would be going to St. Pete and working? Do I have
25 that right?

1 PROSPECTIVE JUROR GUTIERREZ: I work from home,
2 yes; but maybe finding out what's going on. I know --
3 I know because there's so much going on, and there's a
4 person who's going to be out for three weeks.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR GUTIERREZ: And they've been
7 very extremely busy, and they're trying to hire new
8 people. So I know what's really going on with
9 everyone there, so that's why I feel that way.

10 THE COURT: Okay. And so there's some other
11 person that's already going to be out for three weeks?

12 PROSPECTIVE JUROR GUTIERREZ: Yes.

13 THE COURT: And so the question is: If you were
14 picked as a juror, you would just turn around and go
15 home and work from home or drive down to work? You'd
16 be working at night after this trial is over, do I
17 have that right? I'm not saying you could do all your
18 work. I'm saying that you would be doing extra work
19 at night on top of being a juror?

20 PROSPECTIVE JUROR GUTIERREZ: Kind of.

21 THE COURT: Just to try to keep up?

22 PROSPECTIVE JUROR GUTIERREZ: Kind of. If I can
23 help, I would do it, yes.

24 THE COURT: Okay. And we can only ask you to be
25 as honest as you can. That if you were picked as a

1 juror and you're sitting in the box, there's a little
2 lull, your mind might go to your work, thinking about
3 work and all the things that you're not doing and all
4 the things that aren't getting done, and you might be
5 distracted from what's going on in the trial?

6 PROSPECTIVE JUROR GUTIERREZ: Kind of, yes.

7 THE COURT: Okay. And you can't give me a
8 definite, I will not do that or I will do that?
9 You're just not sure?

10 PROSPECTIVE JUROR GUTIERREZ: Right. Yeah. If I
11 was in New York and I had the other job that I had, I
12 think it would be different.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR GUTIERREZ: It would more,
15 like, okay, I think I -- there wouldn't be any problem
16 if missed --

17 THE COURT: But it's just a bad time at the
18 office?

19 PROSPECTIVE JUROR GUTIERREZ: It's a bad time,
20 yes.

21 THE COURT: Okay. All right. Ma'am, we'll have
22 you step into the hallway and we'll let you know.
23 Okay?

24 PROSPECTIVE JUROR GUTIERREZ: Thank you.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR GUTIERREZ: Thank you very
2 much.

3 THE COURT: State?

4 MR. LABRUZZO: Your Honor, based on the Defense
5 and the Court's inquiry, I'd move for cause. It's
6 clear that she can't give us the attention that's
7 required, as much as we tried.

8 THE COURT: Defense?

9 MR. PURA: Well, Judge, I think it's close. She
10 said she would be thinking about it, but she could put
11 it aside and listen. I mean, she seemed like an
12 intelligent young lady.

13 THE COURT: If she could have given me a better
14 answer, I'd agree with you. But I mean I tried to
15 even push her to try to get her to say, yes, and she
16 wouldn't.

17 MR. PURA: I understand, Judge, and I appreciate
18 that. We're just not in a position to agree.

19 THE COURT: All right. I'm going to cause
20 challenge her because she said that she did not feel
21 that right now at this job and this time she could
22 give us a fair attention; but, you know, if she was at
23 a different job at a different time, she would. So I
24 think she's being as honest as she can be at this
25 time. And so the last thing I want is a juror that's

1 not paying attention to both sides.

2 I have the next group.

3 MR. LABRUZZO: Judge, maybe before we call the
4 next one, I would just like some clarification from
5 the Court. Are there particular questions or topic
6 areas that we cannot address during the questionnaire
7 period?

8 THE COURT: Well, no. But right now I don't want
9 to get into whether someone -- we're not cause
10 challenging someone because they can't find for death
11 or they can find for death.

12 MR. LABRUZZO: Okay.

13 THE COURT: The case law is clear we need a full
14 cross-examination on that. We're trying to get
15 through a large group of people. And so at this
16 point, unless we all agree that someone is unavailable
17 because they said, you know, their brother is on death
18 row or their sister was murdered, about the death
19 penalty, we'll leave the death penalty questions for
20 the group as a whole.

21 MR. LABRUZZO: Yes, Your Honor.

22 THE COURT: But I'm not saying that you can't ask
23 the question. I'm not restricting your, you know,
24 questioning of the witness. But if we're going to
25 talk about like in that one, she's a Christian, that's

1 a long conversation.

2 I'm not exactly sure if she could be
3 rehabilitated by the Defense, and we're trying to
4 move through a large group of people before 10:30.
5 So I'm not restricting your questioning, I'm just
6 pushing it to another time. Okay? That's why we
7 filled out these questionnaires so that you'd have
8 the answers, but that doesn't mean we have to
9 address them all right now.

10 All right. Next I have Justina Allen. Jan
11 Wallaesa.

12 MR. PURA: Wallaesa.

13 THE COURT: Wallaesa.

14 The handwriting is kind of -- I can't tell if
15 it's -- yeah, Wallaesa. Kristine Rulo, Joshua
16 Peet, and Kevin Evans.

17 Good morning, Ms. Allen. How are you?

18 PROSPECTIVE JUROR ALLEN: Good. How are you?

19 THE COURT: Great. I'm going to have you come up
20 to the first pew right there and step in.

21 Thank you for coming this morning and filling
22 out my questionnaire. In it you indicated that you
23 did not feel that you would be able to sit for the
24 amount of time necessary to participate as a juror
25 in this trial; is that correct?

1 PROSPECTIVE JUROR ALLEN: Correct.

2 THE COURT: Sorry.

3 PROSPECTIVE JUROR ALLEN: That's okay.

4 THE COURT: State, I just remind you that the
5 person is sitting right in front of you.

6 What do you have going on, ma'am?

7 PROSPECTIVE JUROR ALLEN: As far as why I
8 couldn't?

9 THE COURT: Yes.

10 PROSPECTIVE JUROR ALLEN: It's my job.

11 THE COURT: Okay. Where do you work?

12 PROSPECTIVE JUROR ALLEN: I work in Palm Harbor
13 as a processer for a title company.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR ALLEN: And I don't get paid.
16 They don't pay you for the time that you're out.

17 THE COURT: Got you.

18 PROSPECTIVE JUROR ALLEN: And I don't have enough
19 time built up. I just started the job six months --
20 well, four months ago.

21 THE COURT: All right. So let me just make sure
22 we're clear. Your job does not pay you to sit as a
23 juror?

24 PROSPECTIVE JUROR ALLEN: Correct.

25 THE COURT: So today you're not getting paid as

1 long as you're here?

2 PROSPECTIVE JUROR ALLEN: Correct.

3 THE COURT: And you do not have any sick time or
4 vacation time built up because it's a new job?

5 PROSPECTIVE JUROR ALLEN: Correct.

6 THE COURT: That you could fall back on?

7 PROSPECTIVE JUROR ALLEN: Correct.

8 THE COURT: So if you do not work and I forced
9 you -- that's the word I'm using. I wouldn't do that.
10 So I'm forcing you to be a juror, would that be a
11 significant financial hardship on you personally?

12 PROSPECTIVE JUROR ALLEN: Yes.

13 THE COURT: And based on that, would you have a
14 hard time being a fair and impartial juror and paying
15 attention to the trial because you're not paying your
16 mortgage?

17 PROSPECTIVE JUROR ALLEN: No.

18 THE COURT: All right. You would pay attention
19 to the trial.

20 PROSPECTIVE JUROR ALLEN: I would.

21 THE COURT: But you wouldn't pay your mortgage?

22 PROSPECTIVE JUROR ALLEN: No. I didn't say that.

23 THE COURT: I'm trying to figure out. You said
24 you don't have anything built up. I'm trying to
25 figure out if had to be a juror, could you make ends

1 meet?

2 PROSPECTIVE JUROR ALLEN: Well, yes.

3 THE COURT: Because I told downstairs I'm not
4 going to make anybody miss their mortgage payments to
5 be a juror.

6 PROSPECTIVE JUROR ALLEN: No. I can make ends
7 meet.

8 THE COURT: Okay. But it would be a financial
9 hardship on you.

10 PROSPECTIVE JUROR ALLEN: Yes.

11 THE COURT: Okay. And you have no PTO or
12 vacation or anything to make up for the lost of money?

13 PROSPECTIVE JUROR ALLEN: Correct.

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

16 MR. LABRUZZO: No, Your Honor.

17 THE COURT: Defense, questions?

18 MR. LIVERMORE: No, ma'am.

19 THE COURT: All right. Ma'am, I'm going to have
20 you step outside into the anteroom and we'll let you
21 know what's going on. Okay?

22 PROSPECTIVE JUROR ALLEN: Okay. Thank you.

23 THE COURT: Thank you.

24 State?

25 MR. LABRUZZO: Judge, the State is not asking the

1 Court to take any action.

2 THE COURT: Defense?

3 MR. LIVERMORE: We are not either.

4 THE COURT: Okay. So she'll go back downstairs
5 into the jury pool room and wait for us.

6 And then we've John Wallaesa.

7 Good morning, sir. How are you? How do you
8 pronounce your last name for me?

9 PROSPECTIVE JUROR WALLAESA: Wallaesa.

10 THE COURT: Wallaesa.

11 PROSPECTIVE JUROR WALLAESA: Yes.

12 THE COURT: I didn't get that one right. So I'm
13 glad I asked.

14 Sir, you indicated that you were going to
15 Pennsylvania with your family to see your new
16 grandchild?

17 PROSPECTIVE JUROR WALLAESA: Yes.

18 THE COURT: Congratulations on your grandchild.

19 PROSPECTIVE JUROR WALLAESA: Thank you.

20 THE COURT: When are you intending to leave?

21 PROSPECTIVE JUROR WALLAESA: We're trying to go
22 for Thanksgiving.

23 THE COURT: For Thanksgiving. I talked a little
24 bit about that downstairs.

25 PROSPECTIVE JUROR WALLAESA: Thanksgiving week.

1 THE COURT: That Monday of the --

2 PROSPECTIVE JUROR WALLAESA: That Monday we're
3 going to drive up.

4 THE COURT: So I think that's the 20th.

5 PROSPECTIVE JUROR WALLAESA: Yes.

6 THE COURT: You're going to drive up. And is
7 there any way that can be delayed or would that ruin
8 the whole Thanksgiving?

9 PROSPECTIVE JUROR WALLAESA: Well, it would kind
10 of ruin Thanksgiving, yes.

11 THE COURT: Okay. And how long have you had this
12 planned?

13 PROSPECTIVE JUROR WALLAESA: Oh, a couple months
14 ago.

15 THE COURT: Okay. And so you don't have any
16 prepaid tickets or prepaid --

17 PROSPECTIVE JUROR WALLAESA: No. We drive.

18 THE COURT: You drive.

19 And are you currently employed? Did you
20 already take off work?

21 PROSPECTIVE JUROR WALLAESA: No. I'm retired.

22 THE COURT: So the only person who would be
23 really mad is your wife and your child who has the
24 grandchild?

25 PROSPECTIVE JUROR WALLAESA: Yes.

1 THE COURT: If I pushed it back a little?

2 PROSPECTIVE JUROR WALLAESA: A little girl.

3 THE COURT: Awe, so cute.

4 All right. You saw it on TV yesterday too.

5 What did you see on TV and what channel?

6 PROSPECTIVE JUROR WALLAESA: I just saw about it.

7 I think, it was Channel 8.

8 THE COURT: Okay. And what did you see?

9 PROSPECTIVE JUROR WALLAESA: I didn't really get
10 into the details.

11 THE COURT: Just there's a big murder trial live
12 from the courthouse?

13 PROSPECTIVE JUROR WALLAESA: Yeah. It was a
14 murder trial. That's it.

15 THE COURT: And based on what you saw, the little
16 bit of what you saw, did you form any fixed or
17 definite opinion on the guilt or innocence of the
18 defendant?

19 PROSPECTIVE JUROR WALLAESA: No.

20 THE COURT: So if you were picked as a juror, you
21 would come in here with an open mind and the defendant
22 would be innocent until the State proved him guilty,
23 as far as you're concerned?

24 PROSPECTIVE JUROR WALLAESA: Yes.

25 THE COURT: Okay. State, any questions?

1 MR. LABRUZZO: Yes, Your Honor. If I may.

2 Good morning, sir. I just want some
3 clarification. One of the questions was about
4 health problems that would make it difficult, and I
5 would just like to hear kind of that is. You wrote
6 down you have disorder. I just want to get it on a
7 record so we know how it affects you.

8 PROSPECTIVE JUROR WALLAESA: You mean the nerve,
9 sir.

10 MR. LABRUZZO: Yes.

11 PROSPECTIVE JUROR WALLAESA: I have peripheral
12 neuropathy. When I sit for a long periods of time,
13 then my legs go dead.

14 MR. LABRUZZO: Right.

15 PROSPECTIVE JUROR WALLAESA: That's why we drive.
16 We take like a three-hour ride and stop and then I
17 walk around.

18 MR. LABRUZZO: So a three-hour drive. You're
19 able to sit for three hours, correct?

20 PROSPECTIVE JUROR WALLAESA: Yeah.

21 MR. LABRUZZO: If you were to be selected as a
22 juror in this case and would have to sit for an
23 extended period of time -- I'm sure the Court will
24 take breaks -- if you started to have symptoms from
25 this disorder, the nerve disorder, would that affect

1 your ability to listen to testimony and pay attention
2 to what's going on?

3 PROSPECTIVE JUROR WALLAESA: Well, it's just a
4 lot of pain in the legs and then they swell.

5 MR. LABRUZZO: Right. So I would just assume
6 that you're feeling of discomfort, that may affect
7 your ability to listen to what's going on?

8 PROSPECTIVE JUROR WALLAESA: It may or may not.

9 MR. LABRUZZO: Okay. All right. No questions,
10 Judge. Thank you.

11 PROSPECTIVE JUROR WALLAESA: Defense, any
12 questions?

13 MR. LIVERMORE: Yes, ma'am.

14 Sir, where in Pennsylvania are you from?

15 PROSPECTIVE JUROR WALLAESA: In Pennsylvania.

16 MR. LIVERMORE: Where?

17 PROSPECTIVE JUROR WALLAESA: Palmyra, P.A., right
18 near Hershey.

19 MR. LIVERMORE: Okay. Is that a one-day drive or
20 a two-day drive?

21 PROSPECTIVE JUROR WALLAESA: Oh, it's a two-day
22 drive.

23 MR. LIVERMORE: And do you have reservations in a
24 motel when you arrive?

25 PROSPECTIVE JUROR WALLAESA: No. I'm staying

1 with my son.

2 MR. LIVERMORE: And how long are you planning to
3 stay there?

4 PROSPECTIVE JUROR WALLAESA: We're going to stay
5 a week because the kids are off, that's why.

6 MR. LIVERMORE: Come back like Sunday or Monday?

7 PROSPECTIVE JUROR WALLAESA: Yeah. Yeah. I have
8 three grandchildren. Two are in school and the other
9 one was just born.

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

11 THE COURT: All right, sir. I have a question
12 about the neuropathy.

13 PROSPECTIVE JUROR WALLAESA: Yes.

14 THE COURT: If you are seated, first of all,
15 you're in these other comfy chairs and not in that
16 uncomfortable bench you're sitting on right there,
17 number one. And number two, I take a break about
18 every hour and a half, and you get up and you walk
19 around and leave the courthouse, walk around.

20 PROSPECTIVE JUROR WALLAESA: Yes.

21 THE COURT: Or you can stand up, you know, where
22 you are, if you need to. Would that kind of fit into
23 the --

24 PROSPECTIVE JUROR WALLAESA: Well, the
25 condition -- I have gone on disability because of my

1 condition.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR WALLAESA: That's the whole
4 thing.

5 THE COURT: All right. And so is it something
6 new for you that you're learning to work with or is
7 that something that's --

8 PROSPECTIVE JUROR WALLAESA: Well, I'm trying to
9 work with it as best I can.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR WALLAESA: They give me
12 medication for it too.

13 THE COURT: And are you taking that medication?

14 PROSPECTIVE JUROR WALLAESA: Yes.

15 THE COURT: And so only you can answer this
16 question. Do you think that your medical disorder
17 would cause you to have a hard time sitting as a juror
18 in this case?

19 PROSPECTIVE JUROR WALLAESA: If we'd sit for a
20 long period of time.

21 THE COURT: And what's a long period? That's
22 what I'm asking.

23 PROSPECTIVE JUROR WALLAESA: Well, like I said,
24 we drive for three hours, that's the limit.

25 THE COURT: So an hour and a half if you can get

1 up and walk around, that would fit in to what you've
2 been doing regularly?

3 PROSPECTIVE JUROR WALLAESA: Yes.

4 THE COURT: Okay. All right. Any other
5 questions?

6 All right, sir. I'm going to ask you to go
7 ahead and step out into the anteroom there and
8 we'll let you know.

9 State?

10 MR. LABRUZZO: Judge, we'll move for cause on
11 Mr. Wallaesa.

12 THE COURT: Okay.

13 MR. LABRUZZO: I don't want to ruin Thanksgiving.

14 THE COURT: Defense?

15 MR. LIVERMORE: No objection.

16 THE COURT: All right. Tell Mr. Wallaesa he's
17 fine to be released.

18 And we'll bring in Kristine Rulo.

19 THE BAILIFF: He's released as a juror?

20 THE COURT: Yes. He's released as a juror.

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

22 PROSPECTIVE JUROR RULO: Good. How are you?

23 THE COURT: Is it Rulo?

24 PROSPECTIVE JUROR RULO: Yes, ma'am.

25 THE COURT: Okay. Ms. Rulo, I appreciate you

1 coming in today and I appreciate you filling out the
2 questionnaire.

3 There was a part of the questionnaire where
4 you talked about having -- "I remember hearing
5 about it and seeing it when he was caught".

6 PROSPECTIVE JUROR RULO: Yes, ma'am.

7 THE COURT: Meaning the trial and the defendant,
8 correct?

9 PROSPECTIVE JUROR RULO: Yes, ma'am.

10 THE COURT: And did you see anything about it
11 yesterday in the newspaper or on TV or anything like
12 that?

13 PROSPECTIVE JUROR RULO: No, I haven't.

14 THE COURT: So what you remember is back in 2014,
15 you read something or saw it on TV?

16 PROSPECTIVE JUROR RULO: Yes.

17 THE COURT: And based on what you saw or read,
18 did you form an opinion on whether the defendant is
19 guilty or innocent in this matter?

20 PROSPECTIVE JUROR RULO: No, ma'am.

21 THE COURT: All right. And do you believe that
22 you can put aside anything you may have heard about
23 the case or read about the case because it was three
24 years ago, and listen to the evidence that's presented
25 here in the courtroom and only what's in the

1 courtroom, on making a decision on whether the
2 defendant is guilty or not guilty of the crime?

3 PROSPECTIVE JUROR RULO: Yes, ma'am.

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

5 MR. LABRUZZO: Just briefly.

6 THE COURT: Okay.

7 MR. LABRUZZO: Good morning, ma'am. On the same
8 line of questions the Court asked. Let's just say
9 you're selected as a juror in this case and you start
10 to hear facts and testimony from the witness stand,
11 and let's say you hear something from the witness
12 stand and then you remember reading something
13 different back in 2014.

14 Can you promise us that you'll rely solely on
15 what you hear here in the courtroom or not what you
16 may have heard or read previously?

17 PROSPECTIVE JUROR RULO: Yes, sir.

18 MR. LABRUZZO: Okay. Do you think that's going
19 to be an issue for you, that if you hear something in
20 this case that maybe jog your memory about either what
21 you may have read or seen?

22 PROSPECTIVE JUROR RULO: No.

23 MR. LABRUZZO: Okay. No further questions,
24 Judge.

25 THE COURT: All right. Defense, any questions?

1 MR. LIVERMORE: No, ma'am.

2 THE COURT: All right, ma'am. We're going to
3 have you step out into the anteroom and my bailiff
4 will give you instructions. Okay?

5 State?

6 MR. LABRUZZO: Judge, if the Court is not asking
7 for any action.

8 THE COURT: Defense, are you okay with her?

9 MR. LIVERMORE: Yes.

10 THE COURT: All right. Ms. Rulo will go
11 downstairs with the pool.

12 And then we'll bring in Joshua Peet.

13 Mr. Peat, how are you this morning?

14 PROSPECTIVE JUROR PEET: I'm doing well. Thank
15 you.

16 THE COURT: Thank you so much for coming in this
17 morning and filling out the questionnaire, sir.

18 It says on your questionnaire about the case
19 itself, the little blurb, it says, "I heard about
20 the crime when it occurred. Was just recently
21 informed about the trial coming up from a friend".

22 PROSPECTIVE JUROR PEET: Yes.

23 THE COURT: Why would your friend bring that up
24 to you?

25 PROSPECTIVE JUROR PEET: It was actually my mom's

1 boyfriend who said I had jury duty. They said they
2 were picking a jury for some kind of murder case.

3 THE COURT: Okay. Did he know anything about the
4 case? Does he know anybody involved in the case?

5 PROSPECTIVE JUROR PEET: No, ma'am.

6 THE COURT: May be he just saw it on TV?

7 PROSPECTIVE JUROR PEET: I think so.

8 THE COURT: And you said I jury duty, and he
9 said, well, I saw a big trial in --

10 PROSPECTIVE JUROR PEET: Yeah. He said I might
11 be going for this.

12 THE COURT: Okay. And then you said you heard
13 about it when it occurred. Do you recall what you
14 heard or what you read or you just remember it being
15 back in 2014?

16 PROSPECTIVE JUROR PEET: I heard like the gist of
17 it on the news back in 2014. I'm not exactly sure --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR PEET: -- if it's the same
20 trial or not, but something about, like, it was four
21 murders.

22 THE COURT: Okay. And so you remember four
23 murders. And have you formed any fixed or definite
24 opinions in your mind on the guilt or innocence of the
25 person who was arrested on the crime?

1 PROSPECTIVE JUROR PEET: I don't really know a
2 lot of information on it to give that opinion.

3 THE COURT: Okay. And so would you rely, if you
4 were picked as a juror, on the facts presented in this
5 case, on what you hear here in the courtroom, to hold
6 the State to the burden of proving to you beyond a
7 reasonable doubt that the defendant is guilty to what
8 he's charged with?

9 PROSPECTIVE JUROR PEET: Yes, ma'am.

10 THE COURT: All right. And you could do that?

11 PROSPECTIVE JUROR PEET: Yes, ma'am.

12 THE COURT: And would you put aside anything you
13 may recall, possibly remembering what you heard back
14 in 2014?

15 PROSPECTIVE JUROR PEET: Yes.

16 THE COURT: Okay. Because what you need to rely
17 on is what you hear here. As we all know, people
18 write things in the press or say it on TV.

19 PROSPECTIVE JUROR PEET: Yes.

20 THE COURT: That may not be true.

21 PROSPECTIVE JUROR PEET: Everything gets
22 distorted on TV.

23 THE COURT: Okay. I don't want to say fake news,
24 because we're not saying that. I'm just saying that
25 they don't have all the facts, correct?

1 PROSPECTIVE JUROR PEET: Yes.

2 THE COURT: And you're going to hear the facts
3 here and you'll rely on what you hear here.

4 All right. State, questions?

5 MR. LABRUZZO: No, Your Honor.

6 THE COURT: Defense, any questions?

7 MR. LIVERMORE: No, ma'am.

8 THE COURT: All right, sir. Thank you very much.
9 I'll have you step in the hallway and my bailiff will
10 give you directions.

11 State, are we okay with Mr. Peet?

12 MR. LABRUZZO: We are, Your Honor.

13 THE COURT: All right. Defense?

14 MR. LIVERMORE: No objection.

15 THE COURT: All right. Mr. Peet will go back
16 downstairs to the jury pool room.

17 And we'll take Kevin Evans.

18 Good morning, Mr. Evans. How are you?

19 PROSPECTIVE JUROR EVANS: Good morning.

20 THE COURT: Sir, I'm going to have you scoot in
21 the first pew up there. I appreciate you coming today
22 and for your service on the military.

23 PROSPECTIVE JUROR EVANS: Thank you.

24 THE COURT: And we have some questions for you on
25 your questionnaire. You indicated that based solely

1 on the amount of time that we're asking you to sit as
2 a juror, you did not feel that you would be able to
3 sit.

4 PROSPECTIVE JUROR EVANS: No, ma'am.

5 THE COURT: And what have you got going on? Is
6 it work or home?

7 PROSPECTIVE JUROR EVANS: Well, I have a newborn
8 son, so I can't be missing work.

9 THE COURT: Okay. So you are the only
10 breadwinner in your house?

11 PROSPECTIVE JUROR EVANS: Yes. My wife isn't
12 working right now.

13 THE COURT: All right. And where do you work?

14 PROSPECTIVE JUROR EVANS: Mattress Factory
15 Leggett & Platt down on Hayse.

16 THE COURT: And are you paid if you're a juror?

17 PROSPECTIVE JUROR EVANS: No.

18 THE COURT: So if you were seated as a juror,
19 that would be a significant financial hardship on your
20 family?

21 PROSPECTIVE JUROR EVANS: Yes.

22 THE COURT: And do you feel that, let's say I
23 forced you to sit as a juror, that could cause you not
24 to pay attention to the trial?

25 PROSPECTIVE JUROR EVANS: Yes.

1 THE COURT: Because with a newborn, they're hard
2 enough. Okay. I appreciate that.

3 State, any questions?

4 MR. LABRUZZO: No, Your Honor.

5 THE COURT: Defense?

6 MR. LIVERMORE: No.

7 THE COURT: All right, sir. Thank you very much.
8 If you'll step in the hallway and my bailiff will give
9 you directions from here. Okay?

10 State, cause challenge?

11 MR. LABRUZZO: Yes, judge.

12 THE COURT: Defense, any objection?

13 MR. LIVERMORE: No, ma'am.

14 THE COURT: All right. We'll release Mr. Evans.
15 He can give his badge back and he's released.

16 In the group of questionnaires is Amanda
17 Lowman. Does everybody have that questionnaire for
18 me?

19 Ms. Lowman came in and filled out this form,
20 but she didn't actually check in and fill out the
21 other form. She's actually not on our list. I
22 don't know if she just came in and she's hanging
23 around the courthouse. I'm not exactly sure where
24 Ms. Lowman came from.

25 So you have a full questionnaire, but you have

1 nothing else on her name?

2 MR. LABRUZZO: Then I'd say she's not received a
3 summons, Judge.

4 THE COURT: Well, we're not exactly sure. So I
5 just wanted to verify with everybody if you're okay if
6 I just release her.

7 MR. PURA: She's on the master list.

8 THE COURT: Okay. Well, she didn't check in and
9 she didn't fill out another questionnaire. So I can
10 have her fill out the other questionnaire and put her
11 on the list -- not the master list, the list that we
12 just brought up, the alphabetical list.

13 MR. PURA: Yes. That's what we would ask.

14 THE COURT: Okay. So we'll go ahead and have her
15 fill out the forms.

16 MR. LABRUZZO: Can I just get some clarification
17 on that, Judge?

18 THE COURT: Sure.

19 MR. LABRUZZO: She did not fill out the online
20 form prior to coming here today?

21 THE COURT: Correct. But that's not unusual.

22 MR. LABRUZZO: No, I understand. I was just
23 curious if that's what it is.

24 THE COURT: Yes. She did not fill out the online
25 form before she came here, and when she came here she

1 just sat down and took the questionnaire. She didn't
2 go to the front and give her her name and have her,
3 quote, "checked in". They put them in the computer
4 and all that.

5 So I will just have them go ahead and put her
6 in the computer and add her to the list, so that
7 alphabetical list that they brought up for us --
8 this one, it says Alpha list. I don't know if you
9 have it. Her name is not on there. So they're
10 going to add her.

11 Why don't we just bring her up in the next
12 group and then we'll have her put in the computer,
13 because she was actually in my next group of five.

14 I have Ailleen Ebojo, Tiffany Boehmer, Mary
15 Lazzara, Jennifer Arroyo, and Amanda Lowman. Those
16 are my next five. So we're going to have her come
17 on up.

18 Now, I don't know if you guys had kept your
19 first group separate from the next group Pauline
20 brought up, because I'm done. Once these people
21 come up, I'm done with the first set of questions.

22 Is there anybody else that you saw that you
23 wanted to talk to? The only ones I have left that
24 we haven't talked to is Jerome Mixon, Ward
25 Merriman, Jr. Glenn Braasch. It's no big deal.

1 We'll just keep going. And Keith Winterbauer. I,
2 like, have four that we didn't bring up, really.

3 So I'm going to give you these names and let
4 me know if you want me to bring them up. Jerome
5 Mixon.

6 MR. LIVERMORE: Yes.

7 THE COURT: You need him brought up?

8 MR. LIVERMORE: Oh, wait a minute. Wait a
9 minute. No, no, no.

10 THE COURT: Okay. So he's good to stay
11 downstairs.

12 Ward G. Merriman, Jr.

13 MR. LIVERMORE: That's fine.

14 THE COURT: So I'm good.

15 Glenn Braasch, B-r-a-a-s-c-h. Are you guys
16 good with that?

17 MR. LIVERMORE: Yes.

18 THE COURT: You don't need him brought up,
19 correct?

20 MR. LIVERMORE: Correct.

21 THE COURT: All right. And then I have Keith I
22 think it's Winterbauer, W-i-n-t-e-r-b-a-u-e-r.

23 MR. LIVERMORE: No issues.

24 THE COURT: No issues.

25 So those are fine. Plus, the ones we sent

1 down. We have Ms. Llewellyn.

2 MR. LIVERMORE: Llewellyn.

3 THE COURT: Yes. She's calling school. So we've
4 got these last four that I have, Ebojo, Boehmer,
5 Lazzara, Arroyo and Lowman in my first group. After
6 we talk to them, we can take a potty break and then
7 we'll do the second group.

8 MR. LIVERMORE: Did you say Boehmer?

9 THE COURT: Yes.

10 MR. LIVERMORE: Okay. I missed it.

11 THE COURT: Are we ready?

12 THE BAILIFF: No, Your Honor.

13 THE COURT: Okay. With Ms. Lowman, they had a
14 little issue there. So they're delayed for a few
15 minutes.

16 On the second group there is a Charlene
17 Eldridge. You should have her form in that second
18 group. She forgot to write something down on her
19 form, and that is that she has to pick up her
20 boyfriend from work at 6:00 PM. Now, I don't know
21 if that means every day or that just means today.
22 So we're probably going to bring her up and ask her
23 that. But that's not on your form. It's something
24 she told downstairs and they emailed it up to me.

25 Heather Harris -- no, no, no. I'm sorry.

1 Aileen Ebojo.

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

3 PROSPECTIVE JUROR EBOJO: Good morning.

4 THE COURT: Is it's Ebojo?

5 PROSPECTIVE JUROR EBOJO: Ebojo.

6 THE COURT: Okay. Come on up to the first pew
7 there and step in.

8 You indicate that you're currently on
9 maternity leave because you have a one-month-old
10 baby?

11 PROSPECTIVE JUROR EBOJO: Yes.

12 THE COURT: And, is that the reason that you do
13 not feel that you could sit as a juror because you're
14 taking care of the little baby.

15 PROSPECTIVE JUROR EBOJO: Yeah.

16 THE COURT: Okay. State, any objections?

17 MR. LABRUZZO: No, Your Honor.

18 THE COURT: Defense?

19 MR. LIVERMORE: No.

20 THE COURT: All right. Any objection to
21 releasing her?

22 MR. LABRUZZO: Not from the State.

23 THE COURT: Ma'am, if you go ahead and take your
24 badge off and you can put it in the box right there.
25 And you're free to go home if you've been paid. If

1 not, you can go down and get your money and then
2 leave. Okay? Thank you, ma'am.

3 PROSPECTIVE JUROR EBOJO: Sorry.

4 THE COURT: No, no. I understand.

5 Tiffany Lynn Boehmer, I think is next.

6 Is it Boehmer?

7 PROSPECTIVE JUROR BOEHMER: Boehmer.

8 THE COURT: Boehmer. Sorry, Ms. Boehmer. I
9 apologize.

10 Thank you so much for coming this morning and
11 thank you for filling out the form.

12 On the second page you indicated that based on
13 the amount of time it's going to take to do this
14 trial, you did not feel that you would be
15 available.

16 PROSPECTIVE JUROR BOEHMER: Correct.

17 THE COURT: Work? Personal? Both? What have we
18 got going on?

19 PROSPECTIVE JUROR BOEHMER: It would be both.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR BOEHMER: Mainly work.

22 THE COURT: Mainly work.

23 Where do you work?

24 PROSPECTIVE JUROR BOEHMER: Animal Care Center.

25 THE COURT: Animal Care Center?

1 PROSPECTIVE JUROR BOEHMER: Uh-huh.

2 THE COURT: And do they not pay you for jury
3 duty?

4 PROSPECTIVE JUROR BOEHMER: Correct.

5 THE COURT: And if you were not paid, would it be
6 a significant financial hardship on you?

7 PROSPECTIVE JUROR BOEHMER: Yes.

8 THE COURT: And do you think that that would
9 cause you not to be able to be fair and impartial and
10 sit in the jury trial and pay attention?

11 PROSPECTIVE JUROR BOEHMER: I wouldn't be not
12 fair. It's just I have those concerns as far as, you
13 know, paying the bills.

14 THE COURT: Okay. And would that be in your mind
15 when you're trying to -- you know, you'd be thinking
16 about not --

17 PROSPECTIVE JUROR BOEHMER: Possibly.

18 THE COURT: -- being paid and not maybe paying
19 complete attention to the trial?

20 PROSPECTIVE JUROR BOEHMER: A possibility, yes.

21 THE COURT: Okay. State, questions?

22 MR. LABRUZZO: No, Your Honor.

23 THE COURT: I also see you are friends with
24 someone who is with the victim's family?

25 PROSPECTIVE JUROR BOEHMER: I work with a girl

1 who is close friends with the sister of one of the
2 deceased, yes.

3 THE COURT: Okay. And so has she talked about
4 this case with you?

5 PROSPECTIVE JUROR BOEHMER: She actually was
6 picked for jury duty -- well, not picked, but came in
7 for jury duty yesterday also.

8 THE COURT: Oh, yes. I remember. Okay. and so
9 because of that, before when you guys got your
10 summons, were you talking about the case and things
11 like that?

12 PROSPECTIVE JUROR BOEHMER: When we got the
13 summons and then it came up in the media, she said, "I
14 wonder if that's what it's going to be about?"

15 THE COURT: Okay. And so I assume she's kind of
16 had some influence on how you think about the case?

17 PROSPECTIVE JUROR BOEHMER: I would say so, yes.

18 THE COURT: Okay. Defense, any questions?

19 MR. LIVERMORE: No.

20 THE COURT: All right. Thank you, ma'am. You
21 may step out in the hallway. We'll let you know.

22 State?

23 MR. LABRUZZO: Judge, she rises to the level of
24 cause.

25 THE COURT: Defense, any objection?

1 MR. LIVERMORE: No.

2 THE COURT: All right. She'll be cause.

3 Next we have Mary Lazzara.

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

5 PROSPECTIVE JUROR LAZZARA: Good.

6 THE COURT: Come on in. If you can step into the
7 first pew. We just have a couple of questions for
8 you. Thank you for coming today. Thank you for
9 filling out your form.

10 You said that you did not believe based on the
11 amount of time this trial would take, that you
12 would be able to sit as a juror?

13 PROSPECTIVE JUROR LAZZARA: Correct.

14 THE COURT: Is that work? Personal? Or you got
15 prepaid tickets? What have you got going on?

16 PROSPECTIVE JUROR LAZZARA: A wedding next week.

17 THE COURT: Okay. A Wedding next week. Where
18 are you going?

19 PROSPECTIVE JUROR LAZZARA: Chicago.

20 THE COURT: I'm sorry?

21 PROSPECTIVE JUROR LAZZARA: Chicago.

22 THE COURT: Chicago.

23 Already bought the tickets? Big fancy affair?
24 They throw big affairs in Chicago. All right. And
25 so you don't want to miss that?

1 PROSPECTIVE JUROR LAZZARA: No.

2 THE COURT: And you'd lose a lot of money if you
3 had to miss that, correct?

4 PROSPECTIVE JUROR LAZZARA: Correct.

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

6 MR. LABRUZZO: No, Judge -- well, forgive me.
7 Good morning, ma'am. How are you doing?

8 PROSPECTIVE JUROR LAZZARA: Good.

9 MR. LABRUZZO: You wrote down that you had some
10 health problems that may make it difficult. And can
11 you give us an explanation of what health issues that
12 may affect your ability --

13 PROSPECTIVE JUROR LAZZARA: I have throat cancer.
14 I had my thyroid taken out. I'm taking medication.

15 MR. LABRUZZO: Okay. Do those medications affect
16 your ability to listen and perceive? Do they make you
17 are tired? What kind of affect do they have?

18 PROSPECTIVE JUROR LAZZARA: Yes.

19 MR. LABRUZZO: All of the above?

20 PROSPECTIVE JUROR LAZZARA: I had difficulty
21 after the surgery. I was back in the hospital for
22 five days. The anesthetic kind of --

23 MR. LABRUZZO: Still makes you a little woozy?

24 PROSPECTIVE JUROR LAZZARA: Yeah. I take
25 medication after two hours sleep.

1 MR. LABRUZZO: Okay. All right. Thank you,
2 ma'am. I appreciate it.

3 THE COURT: Defense, any questions?

4 MR. LIVERMORE: No.

5 THE COURT: Thank you, ma'am. I'm going to have
6 you step out into the hallway and then we'll let you
7 know what to do from there. Okay?

8 PROSPECTIVE JUROR LAZZARA: Thank you.

9 THE COURT: Thank you.

10 We added Ms. Lowman to your alphabetical list
11 or you can just write her in, whichever you choose.

12 We have Jennifer Arroyo.

13 MR. LIVERMORE: Ms. Lazzara is --

14 THE COURT: Oh, I'm sorry.

15 MR. LIVERMORE: -- cause.

16 THE COURT: Yeah. Ms. Lazzara is released.

17 I'm sorry. Thank you for reminding me to say
18 that.

19 While we're bringing her in, just so you all
20 know, from yesterday is Stacy Randall. She's here
21 early. She has a personal family emergency and she
22 needs to bring it to our attention. So she's on
23 our actual seated panel. So I'm going to go
24 through these two and then we'll bring her in.
25 Okay? I wasn't going to release her without

1 everybody's knowledge.

2 Is it Arroyo?

3 PROSPECTIVE JUROR ARROYO: Arroyo.

4 THE COURT: Okay. I'm sorry I'm mispronouncing.
5 I apologize.

6 Thank you for coming in, ma'am. And thank you
7 for filling out your form.

8 You said that based on the amount of time this
9 trial would take, you do not feel that you would be
10 able to sit as a juror?

11 PROSPECTIVE JUROR ARROYO: Yes.

12 THE COURT: Is it personal? Business? Or a
13 little bit of both?

14 PROSPECTIVE JUROR ARROYO: Work.

15 THE COURT: Okay. Where do you work?

16 PROSPECTIVE JUROR ARROYO: Barnett Outdoors.

17 THE COURT: I'm sorry?

18 PROSPECTIVE JUROR ARROYO: In Tarpon Springs.
19 Barnett Outdoors.

20 THE COURT: Okay. I got you.

21 And do they not pay you for your time for jury
22 service?

23 PROSPECTIVE JUROR ARROYO: I don't think so.

24 THE COURT: And are you on straight salary or
25 commission?

1 PROSPECTIVE JUROR ARROYO: Hourly.

2 THE COURT: Hourly.

3 So if you were forced -- that's that word I'm
4 using -- to be here and sit as a juror and you
5 weren't paid, would that be a significant financial
6 hardship on you?

7 PROSPECTIVE JUROR ARROYO: Yes.

8 THE COURT: And based on that hardship, do you
9 you believe that you would have a hard time
10 concentrating on the trial because you'd be thinking
11 about all the bills that aren't getting paid?

12 PROSPECTIVE JUROR ARROYO: Yes.

13 THE COURT: Okay. State, any questions?

14 MR. LABRUZZO: No.

15 THE COURT: Defense?

16 MR. LIVERMORE: No, ma'am.

17 THE COURT: All right. Thank you, ma'am. If you
18 can step out in the hallway and we'll let you know
19 from here. Okay?

20 PROSPECTIVE JUROR ARROYO: Okay. Thank you.

21 THE COURT: State?

22 MR. LABRUZZO: Judge, the State would move for
23 cause on Ms. Arroyo.

24 THE COURT: Any objection?

25 MR. LIVERMORE: No, ma'am.

1 THE COURT: All right. She'll be released,
2 Ms. Arroyo will be released.

3 And we'll bring in Ms. Lowman. It's Amanda
4 Lowman.

5 MR. LABRUZZO: Judge, did we get the other
6 questionnaire or did she fill that out?

7 THE COURT: I think she's filling that out. I
8 wanted to bring her up because she was already in my
9 group. So I said to bring her up, and then if she is
10 kept, we'll have her fill that out and bring it up to
11 you. Okay?

12 MR. LABRUZZO: Yes, Judge.

13 THE COURT: Good morning, Ms. Lowman. How are
14 you?

15 PROSPECTIVE JUROR LOWMAN: Fine, thank you.

16 THE COURT: I'm going to have you come on up to
17 the first row there, first few, and just step in for
18 just a moment. I appreciate you coming today and
19 filling out the form.

20 You did say that you did not believe you would
21 be available to sit as a juror in this case because
22 of the amount of time that it's going to take.

23 PROSPECTIVE JUROR LOWMAN: Correct.

24 THE COURT: And is that because of work or
25 school?

1 PROSPECTIVE JUROR LOWMAN: Just work.

2 THE COURT: Okay. Where do you work?

3 PROSPECTIVE JUROR LOWMAN: I work for a diversion
4 program. I'm a case manager for child welfare.

5 THE COURT: For child welfare?

6 PROSPECTIVE JUROR LOWMAN: Yes.

7 THE COURT: You work for Eckerd Alternative.

8 PROSPECTIVE JUROR LOWMAN: I work for a company
9 that's contracted by Eckerd.

10 THE COURT: Okay. So you don't work for a
11 government entity?

12 PROSPECTIVE JUROR LOWMAN: Correct.

13 THE COURT: You work for a subcontractor?

14 PROSPECTIVE JUROR LOWMAN: Correct.

15 THE COURT: Who subcontracts to Eckerd.

16 Do they pay you for jury service?

17 PROSPECTIVE JUROR LOWMAN: Yes.

18 THE COURT: So you could be paid if you were a
19 juror?

20 PROSPECTIVE JUROR LOWMAN: Correct.

21 THE COURT: But you feel like based on your
22 workload or your clients or what exactly?

23 PROSPECTIVE JUROR LOWMAN: Yeah. Seeing my
24 families. I make home visits.

25 THE COURT: Okay. And so would there be anyone

1 to fill in for you to make those home visits? How
2 often do you visit the home?

3 PROSPECTIVE JUROR LOWMAN: Once a week or twice a
4 week on some families.

5 THE COURT: Okay. So you have a list of clients
6 that you're responsible for?

7 PROSPECTIVE JUROR LOWMAN: Yes.

8 THE COURT: And at least once a week, if not
9 twice a week, you do a home visit?

10 PROSPECTIVE JUROR LOWMAN: Yes. I have 13 cases
11 right now.

12 THE COURT: Okay. And so you have to go to 13
13 homes a week and sometimes you have to go to 13 homes
14 twice a week?

15 PROSPECTIVE JUROR LOWMAN: Yes.

16 THE COURT: And is there someone who could fill
17 in for you if you were chosen as a juror in this case?

18 PROSPECTIVE JUROR LOWMAN: I probably could find
19 someone.

20 THE COURT: Okay. So you probably could find
21 someone to do your checks while you're here. Would
22 you be so distracted because you're not personally
23 doing these home visits? And I know, you know, from
24 the job that I do, home visits mean that we're in a
25 situation where a family is in crisis?

1 PROSPECTIVE JUROR LOWMAN: Correct.

2 THE COURT: So we're not just talking about, hey,
3 how are you all doing? You're checking on this child
4 to make sure that they are being taken care of
5 properly?

6 PROSPECTIVE JUROR LOWMAN: Correct.

7 THE COURT: And so would you be so distracted on
8 the fact that someone else is checking on your
9 families, that you would not give this trial the
10 attention that is necessary?

11 PROSPECTIVE JUROR LOWMAN: Honestly, I don't
12 know.

13 THE COURT: Okay. And that's what you're
14 concerned about?

15 PROSPECTIVE JUROR LOWMAN: Yeah.

16 THE COURT: Okay. So it's not money?

17 PROSPECTIVE JUROR LOWMAN: I'm not worried about
18 my co-workers taking over for me.

19 THE COURT: Right. It's not money. It's not
20 your coworkers. It's just that you're vested in these
21 families and you're concerned that your concern for
22 them might affect your ability to be a fair and
23 impartial juror?

24 PROSPECTIVE JUROR LOWMAN: Correct.

25 THE COURT: Okay. State, do you have any

1 questions?

2 MR. LABRUZZO: I do. Good morning, ma'am. I
3 just would like to get some clarification who you
4 actually work for.

5 PROSPECTIVE JUROR LOWMAN: I work Gulf Coast
6 Jewish Families and Community Services.

7 MR. LABRUZZO: Okay.

8 PROSPECTIVE JUROR LOWMAN: We get our referrals
9 from the Pasco County Sheriff's Department.

10 MR. LABRUZZO: All right. Thank you.

11 PROSPECTIVE JUROR LOWMAN: You're welcome.

12 THE COURT: Any other questions from the State?

13 MR. LABRUZZO: No, Judge. I'm sorry.

14 THE COURT: That's okay.

15 Defense, do you have any questions?

16 MR. PURA: Yes. Thank you.

17 THE COURT: No problem.

18 MR. PURA: Good morning, ma'am.

19 PROSPECTIVE JUROR LOWMAN: Good morning.

20 MR. PURA: If you were selected as a juror in
21 this case, would you be able to get reports from your
22 work from the people who would be covering for you?

23 PROSPECTIVE JUROR LOWMAN: Yes.

24 MR. PURA: So you would kind of be able --

25 PROSPECTIVE JUROR LOWMAN: I would come here and

1 do this and then I would go home and do my other job.

2 MR. PURA: That would be monitoring the people
3 who are covering for you?

4 PROSPECTIVE JUROR LOWMAN: Yes.

5 MR. PURA: Would this help alleviate your concern
6 about them doing their job --

7 PROSPECTIVE JUROR LOWMAN: Oh, I'm not worried
8 them doing their job. I'm just worried about if my
9 family has a crisis and I wouldn't be able to help
10 them.

11 MR. PURA: But somebody else would be able to
12 help them?

13 PROSPECTIVE JUROR LOWMAN: They could, but I know
14 my families and they don't.

15 MR. PURA: And you said you would be distracted
16 during the course of this trial thinking about it?

17 PROSPECTIVE JUROR LOWMAN: I would hope not.

18 MR. PURA: You'd try not to be distracted?

19 PROSPECTIVE JUROR LOWMAN: Yes.

20 MR. PURA: You would do your best and listen to
21 the evidence and pay attention during the trial?

22 PROSPECTIVE JUROR LOWMAN: Yes.

23 MR. PURA: Thank you.

24 THE COURT: Ms. Lowman, I have a question for you
25 based on what you just said. You said that you would

1 go home and start working. So I'm always concerned
2 that my jurors are here, it would be from 9:30 to
3 6:00 at the latest, then they go home and their job
4 again, and then they're up to 2:00 or 3:00 in the
5 morning and then they're tired.

6 So I'm just trying to figure out if you were
7 chosen as a juror and you were going home to relook
8 at the case notes and all the things that go on
9 there, would you be working late into the evening
10 or would you just go home and review them and maybe
11 make a phone call to whoever was there?

12 PROSPECTIVE JUROR LOWMAN: No. I usually work
13 late into the evening.

14 THE COURT: Okay. What's late into the evening
15 for you?

16 PROSPECTIVE JUROR LOWMAN: 2:00 or 3:00. I was
17 putting case notes in at 4:30 this morning.

18 THE COURT: Okay. And so if you had to do after,
19 we're talking about you might stay up until 3:00,
20 4:00 in the morning?

21 PROSPECTIVE JUROR LOWMAN: Most likely, yes.

22 THE COURT: Okay. All right. Thank you, ma'am.
23 You may step out.

24 All right. State?

25 MR. LABRUZZO: Judge, based on that recent

1 revelation, I'd move for cause. I don't know how
2 somebody can do that.

3 THE COURT: I've done this a pretty long time.
4 People like her tend to go home and do work.

5 Any objection to the cause challenge?

6 MR. LIVERMORE: No.

7 THE COURT: All right. You know, I appreciate
8 there are people out there that are very dedicated to
9 their job and even though they're getting paid,
10 they're worried about their job, but Mr. Matos needs
11 someone who's paying attention to this and not that.

12 All right. That takes care of the first group
13 of people that I had listed. I have another group
14 coming up, but before I do that, I would like to
15 have Ms. Stacy Randall come on in, and then we can
16 take a bathroom break. You all have been here
17 since 8:30, so we're going on two hours now. Any
18 objection to bringing her in? She's actually
19 seated on our panel right now.

20 MR. PURA: And are you intending to bring back
21 Ms. Llewellyn as well?

22 THE COURT: Yes. We will do that after we've
23 gone through everybody. On your seated actual panel
24 it's Juror Number 9, Stacy Randall. So from
25 yesterday, she would have been in the front row right

1 in front of you, Mr. Pura.

2 MR. PURA: Yes.

3 THE COURT: Just so to give you some -- sometimes
4 I can figure out who people are by the face. So she
5 has indicated that her mother was rushed to the
6 hospital and she wants to be excused to go to the
7 hospital to be with her mom. So she's here, I'm going
8 to bring her in, and then we can address that matter.
9 Okay? So he'll bring her in. Because we got rid of
10 Deibra Randall and this is Stacy Randall. We had two.

11 Good morning, Ms. Randall. How are you?

12 PROSPECTIVE JUROR RANDALL: I'm good.

13 THE COURT: You can just scoot right in there.
14 And I did get your note that you showed up this
15 morning and I appreciate that. And you said that your
16 mom got taken to the hospital and that you would like
17 to be excused to be with her?

18 PROSPECTIVE JUROR RANDALL: Yes.

19 THE COURT: Is it serious? You do not know?

20 PROSPECTIVE JUROR RANDALL: She went in for a
21 regular procedure, like an outpatient, and then, I
22 guess, she's not doing too well with oxygen and
23 everything.

24 THE COURT: Okay. And so they took her in. And
25 is she in the emergency room or CCU?

1 PROSPECTIVE JUROR RANDALL: She's in ICU.

2 THE COURT: Okay. So she's in ICU.

3 And so at this point you just would rather be
4 with her than sit here with us?

5 PROSPECTIVE JUROR RANDALL: Right.

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

8 MR. LABRUZZO: No, Your Honor.

9 THE COURT: Defense?

10 MR. LIVERMORE: No, ma'am.

11 THE COURT: All right. Ma'am, I'm just going to
12 have you step out and we'll give you directions from
13 there. Okay? It will just be one minute. All right?

14 PROSPECTIVE JUROR RANDALL: Okay.

15 THE COURT: Based on the family emergency on
16 Juror Number 9, Ms. Randall, any objection to her
17 being excused for cause?

18 MR. LABRUZZO: Not from the State, Judge.

19 THE COURT: Defense?

20 MR. LIVERMORE: No.

21 THE COURT: All right. So you can go ahead and
22 tell Ms. Randall to go downstairs, and she will get
23 paid for today if she's not paid normally from her
24 work, to turn in her badge, and she's excused to go to
25 the hospital. Okay?

1 THE BAILIFF: Yes, Judge.

2 THE COURT: Thank you.

3 And we'll take a ten-minute recess. We'll be
4 back at 10:30. And we'll go through the next
5 group. The next group I have available downstairs
6 that will be coming up.

7 THE BAILIFF: They are outside, Your Honor.

8 THE COURT: Oh, okay. We can have them have a
9 seat. We're going to take a quick break.

10 Just so the lawyers know, Heather Harris, Nick
11 Torrey, Charles Bosswell, Christian Melendez, and
12 Autumn Newsome. Those are the next five I have.
13 Okay?

14 We'll be in recess until 10:30.

15 (Recess Taken.)

16 THE COURT: You may be seated.

17 All right. Are we ready? Mr. Sarabia is not
18 back. Do you want to wait for him?

19 MR. LABRUZZO: No, Judge. We're ready.

20 THE COURT: All right. We have Heather Harris
21 waiting. So we'll bring her in.

22 Good morning, Ms. Harris. How are you?

23 PROSPECTIVE JUROR HARRIS: Good. And yourself?

24 THE COURT: Great. If you can come up to the
25 first set of benches right there for me. I appreciate

1 you coming in this morning and filling out the
2 questionnaire.

3 The one part that was concerning was the fact
4 that you did not feel that you would be able to
5 serve as a juror because of the length of time of
6 the trial.

7 PROSPECTIVE JUROR HARRIS: Yes.

8 THE COURT: Personal? Business? What have you
9 got going on?

10 PROSPECTIVE JUROR HARRIS: Personal.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR HARRIS: I'm working two jobs
13 right now to keep up with my bills.

14 THE COURT: Okay. And so having to sit here
15 would devastate you financially. I would imagine if
16 you're working two jobs, one is not even enough.

17 PROSPECTIVE JUROR HARRIS: Correct.

18 THE COURT: So if you had to sit here, it would
19 be a significant financial hardship on you?

20 PROSPECTIVE JUROR HARRIS: Yes.

21 THE COURT: And based on that, do you feel that
22 you would not be able to give the trial your attention
23 that it deserves?

24 PROSPECTIVE JUROR HARRIS: Correct.

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

1 MR. LABRUZZO: No, Your Honor.

2 THE COURT: Defense?

3 MR. LIVERMORE: No, ma'am.

4 THE COURT: All right. Ma'am, at this time I
5 think we're going to excuse you. We'll go ahead and
6 take your badge and put it in the box. Have you been
7 paid?

8 PROSPECTIVE JUROR HARRIS: Yes.

9 THE COURT: All right. Then you're free to go to
10 your two jobs that you have to do.

11 PROSPECTIVE JUROR HARRIS: Thank you.

12 THE COURT: You're welcome.

13 After Ms. Harris is Nick Torrey.

14 Good morning, Mr. Torrey. How are you?

15 PROSPECTIVE JUROR TORREY: Good. How are you
16 doing?

17 THE COURT: Great. I appreciate you coming in
18 this morning and filling out the form for me.

19 You indicated that based on the amount of time
20 this trial would take, you did not feel that you
21 would be able to sit as a fair and impartial juror;
22 is that correct?

23 PROSPECTIVE JUROR TORREY: Uh-huh.

24 THE COURT: Personal? Business? What do you
25 have going on?

1 PROSPECTIVE JUROR TORREY: I own a business. I'm
2 self-employed.

3 THE COURT: Okay. So being here today is costing
4 you money?

5 PROSPECTIVE JUROR TORREY: I guess, yeah.

6 THE COURT: Okay. Do you have people that work
7 for you?

8 PROSPECTIVE JUROR TORREY: Yes.

9 THE COURT: All right. So you're kind of the
10 company president, for lack of a better term?

11 PROSPECTIVE JUROR TORREY: Yes. But I'm on the
12 job everyday. It's not like I sit home and send them
13 out.

14 THE COURT: I'm sure you don't. My question is
15 if I forced you to be here and sit as a juror, would
16 it financially impact you to the point that you
17 wouldn't be able to pay attention to what's going on?

18 PROSPECTIVE JUROR TORREY: I don't think so.

19 THE COURT: Okay. Do you believe that you would
20 be able to pay attention? Now, I told you all this
21 morning -- I don't know, you know, people talk at
22 you -- it would be 9:30 to 6:00. So I don't know what
23 kind of business you run, but, you know, you wouldn't
24 be sequestered. You could still do business up until
25 being here at 9:30, and then at 5:00, 6:00, you'd be

1 off our time.

2 So based on that, do you think you could work
3 around that if you were picked as a juror?

4 PROSPECTIVE JUROR TORREY: Maybe if it was later
5 in the season. I mow lawns for a living and it's
6 still pretty busy.

7 THE COURT: All right. And so you just think
8 right now based on your business, that you'd have a
9 hard time being a fair and impartial juror because of
10 your business?

11 PROSPECTIVE JUROR TORREY: Uh-huh.

12 THE COURT: All right. State, do you want to ask
13 any questions?

14 MR. LABRUZZO: Yes, Judge. If I may.

15 Good morning, sir.

16 PROSPECTIVE JUROR TORREY: Good morning.

17 MR. LABRUZZO: You indicated that at least back
18 in 2014, you were mowing the yards in that area. Did
19 you see or hear anything about this case back in 2014?

20 PROSPECTIVE JUROR TORREY: Just that the guy
21 murdered the family.

22 MR. LABRUZZO: All right. Did you see that on
23 the news or did you hear that from word of mouth from
24 your customers?

25 PROSPECTIVE JUROR TORREY: Seeing it on the news.

1 And, you know, I mow like four yards down the street
2 from where the scene was.

3 MR. LABRUZZO: All right. Do you remember any
4 details of what you heard back in 2014?

5 PROSPECTIVE JUROR TORREY: Vaguely. I know he
6 worked at a restaurant or something and the girl he
7 was dating got a new boyfriend and I guess he flipped
8 out.

9 MR. LABRUZZO: Okay. And so that, plus you're
10 also familiar geographically with the area that we're
11 talking about?

12 PROSPECTIVE JUROR TORREY: Uh-huh.

13 MR. LABRUZZO: Hatteras and Old Dixie Highway?

14 PROSPECTIVE JUROR TORREY: Right.

15 MR. LABRUZZO: All right. Based on your
16 familiarity with the area and the things that you
17 heard back this 2014, did you develop any type of
18 opinion as to the guiltiness or not guiltiness of the
19 defendant's case?

20 PROSPECTIVE JUROR TORREY: No, not really.

21 MR. LABRUZZO: Okay. Do you think you can set
22 aside all the things that you heard back in 2014 and
23 things that you know?

24 PROSPECTIVE JUROR TORREY: Probably.

25 MR. LABRUZZO: All right. Probably is not

1 necessarily a firm enough commitment.

2 PROSPECTIVE JUROR TORREY: Yes.

3 MR. LABRUZZO: You could?

4 PROSPECTIVE JUROR TORREY: Yes.

5 MR. LABRUZZO: Thank you. No further questions.

6 THE COURT: Defense, any questions?

7 MR. LIVERMORE: No.

8 THE COURT: All right, sir. We're going to have
9 you step out into the hallway and we'll let you know
10 where we're going to go. Okay?

11 PROSPECTIVE JUROR TORREY: Okay.

12 THE COURT: All right. State?

13 MR. LABRUZZO: Judge, I would move for cause.

14 THE COURT: All right.

15 MR. LIVERMORE: We agree.

16 THE COURT: Okay. So Mr. Torrey is excused at
17 this time.

18 And we'll bring in Charles Boswell.

19 Good morning, Mr. Boswell. How are you?

20 PROSPECTIVE JUROR BOSWELL: Good. How are you
21 doing?

22 THE COURT: Great. I appreciate you coming in
23 and filling out the form for me. If we can have you
24 step into that first pew right there.

25 I see you're taking Criminal Justice courses

1 in college.

2 PROSPECTIVE JUROR BOSWELL: Yes, ma'am.

3 THE COURT: And you said that you did not feel
4 that you would be able to sit for the length of time
5 this jury trial would take. Is that because of
6 school?

7 PROSPECTIVE JUROR BOSWELL: No. I'm going to be
8 out of state.

9 THE COURT: And when are you going?

10 PROSPECTIVE JUROR BOSWELL: Georgia.

11 THE COURT: And when are you leaving?

12 PROSPECTIVE JUROR BOSWELL: On the 2nd.

13 THE COURT: The 2nd of November.

14 PROSPECTIVE JUROR BOSWELL: Yes, ma'am.

15 THE COURT: And is that, like, preset, prepaid
16 kind of thing?

17 PROSPECTIVE JUROR BOSWELL: Yes, ma'am.

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

19 MR. LABRUZZO: No, Your Honor.

20 THE COURT: Defense?

21 MR. PURA: Just a couple.

22 THE COURT: Okay.

23 MR. PURA: Good morning, sir. What are you doing
24 up there, if you don't mind me asking?

25 PROSPECTIVE JUROR BOSWELL: Just going on

1 vacation.

2 MR. PURA: You've been planning this for a while?

3 PROSPECTIVE JUROR BOSWELL: Yes, sir. Almost a
4 year.

5 THE COURT: All right. Mr. Boswell, we'll have
6 you step outside. My bailiff will give you
7 directions. Okay?

8 PROSPECTIVE JUROR BOSWELL: Thank you.

9 THE COURT: State?

10 MR. LABRUZZO: Judge, we would move for cause.

11 THE COURT: Defense, any objection?

12 MR. LIVERMORE: No.

13 THE COURT: All right. Mr. Boswell can be
14 released from jury service. We'll take his badge
15 back.

16 And we'll take Christian Melendez.

17 Mr. Melendez, how are you doing today?

18 PROSPECTIVE JUROR MELENDEZ: Good. Thank you.

19 THE COURT: Thank you for coming in, sir. And
20 thank you for filling out your form.

21 We were looking at the part where you did not
22 believe that you could serve as a juror because of
23 the length of time that I talked about this
24 morning?

25 PROSPECTIVE JUROR MELENDEZ: Yes, ma'am.

1 THE COURT: Is it work? Personal? What have you
2 got going on?

3 PROSPECTIVE JUROR MELENDEZ: I have a trip
4 scheduled to Puerto Rican to help my dad.

5 THE COURT: Oh, wow. I'm sure that he needs you.
6 And so you finally have been able to get passage over
7 there? Get a flight and everything?

8 PROSPECTIVE JUROR MELENDEZ: Yeah. I have a
9 flight booked on the 9th of November.

10 THE COURT: All right. And I assume he needs
11 your help greatly?

12 PROSPECTIVE JUROR MELENDEZ: Yes, ma'am.

13 THE COURT: State, any questions?

14 MR. LABRUZZO: No. Good luck.

15 THE COURT: Defense?

16 MR. LIVERMORE: No.

17 THE COURT: All right. Mr. Melendez, we're going
18 to release you, and good luck with your dad. We'll
19 take your badge. If you can leave it in that box
20 right there. And as long as you've been paid, you're
21 free to go. If not, go down and get paid and then you
22 can go. Okay. Thank you. Good luck.

23 PROSPECTIVE JUROR MELENDEZ: Thank you.

24 THE COURT: Then we have Autumn Newsome.

25 MR. LABRUZZO: Judge, we'll move for cause on

1 Melendez.

2 THE COURT: Okay. I thought I said okay.

3 Cause?

4 MR. LIVERMORE: Yes.

5 THE COURT: I'm surprised he's able to get down.

6 They're having problems getting down.

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

8 PROSPECTIVE JUROR NEWSOME: Good. How are you?

9 THE COURT: Great. Thank you for coming in and
10 thank you for filling out the form for me.

11 You said that you did not believe you could
12 serve because of the length of time that it's going
13 to take. What have you got going on? Personal?
14 Work? School?

15 PROSPECTIVE JUROR NEWSOME: My exams to get my
16 cosmetology license is scheduled on the 14th.

17 THE COURT: Okay. And you've already paid for
18 that to take the license?

19 PROSPECTIVE JUROR NEWSOME: Yeah. I paid for it.

20 THE COURT: Is it an all day thing?

21 PROSPECTIVE JUROR NEWSOME: It will take until --
22 it's from, like, 8:00 AM to 2:00, I think.

23 THE COURT: Okay. So it's going to take over the
24 14th all day?

25 PROSPECTIVE JUROR NEWSOME: All day, yeah.

1 THE COURT: Other than that, you would be okay?
2 Or do you still have school every day getting up to
3 that licensing?

4 PROSPECTIVE JUROR NEWSOME: I do have work. I've
5 graduated school, but I do have work every day.

6 THE COURT: Okay. Are you currently working as a
7 cosmetologist waiting on your license?

8 PROSPECTIVE JUROR NEWSOME: Not as a
9 cosmetologist, just as a front desk professional. I
10 can't work as a cosmetologist until I get my license.

11 THE COURT: And I would assume they're not going
12 to pay you to be on jury service?

13 PROSPECTIVE JUROR NEWSOME: Right.

14 THE COURT: So if you had to sit as a juror, if I
15 could, let's say, work around your cosmetology exam,
16 that would be a significant financial hardship on you?

17 PROSPECTIVE JUROR NEWSOME: Yes, ma'am.

18 THE COURT: Okay. State, any questions?

19 MR. LABRUZZO: No, Your Honor.

20 THE COURT: Defense?

21 MR. LIVERMORE: No, ma'am.

22 THE COURT: All right, ma'am. I'll have you step
23 outside into the hallway. My bailiff will give you
24 directions from there. Okay?

25 PROSPECTIVE JUROR NEWSOME: Thank you.

1 THE COURT: Thank you.

2 State?

3 MR. LABRUZZO: Judge, we would move for cause.

4 THE COURT: All right. Defense, any objection?

5 MR. LIVERMORE: No.

6 THE COURT: All right. Ms. Newsome will be
7 released and she can go.

8 Next group I have is Casey Persaud,
9 P-e-r-s-a-u-d. David Tutberidze, it's
10 T-u-t-b-e-r-i-d-z-e. He speaks German and Russian.
11 We may have a language barrier.

12 Then I have Donna Driscoll. Cynthia Duncombe,
13 and Lee Palacio.

14 So are we ready for Casey Persaud?

15 THE CLERK: They're not up yet.

16 THE COURT: They're not up yet? Okay.

17 THE CLERK: They're on their way.

18 THE COURT: I'm about three groups back. But I'm
19 looking at Gary Banks. If you can go to that. It
20 says, "Have you or any family members been a victim of
21 a crime?" Oh, it's a victim of a crime. I thought
22 committed a crime. Never mind. Never mind. I
23 thought he was saying he had a bad check charge there
24 for a second.

25 THE BAILIFF: Ready, Judge?

1 THE COURT: Yes. We have coming up Casey
2 Persaud.

3 Good morning, ma'am. Is it Persaud?

4 PROSPECTIVE JUROR PERSAUD: Yes, ma'am.

5 THE COURT: Okay. We're going to have you come
6 up to the first set of benches right there and scoot
7 in. Thank you so much for coming in this morning and
8 being available.

9 You said about watching -- you saw it on the
10 news vaguely. "I don't watch the news and vaguely
11 remember seeing anything through the media about
12 the case".

13 Just so we're one-on-one and not in front of a
14 big group, do you actually have any recollection
15 about the case itself?

16 PROSPECTIVE JUROR PERSAUD: No, I don't. I don't
17 watch the news because it messes with my head.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR PERSAUD: And then I read the
20 headline and that was it.

21 THE COURT: Okay. So you don't have any personal
22 recollection of any facts or anything? So you would
23 sit here blank slate hearing what's going on and
24 making you decisions based on what you heard, if you
25 were a juror?

1 PROSPECTIVE JUROR PERSAUD: Yes, ma'am.

2 THE COURT: All right. And I just wanted to
3 clarify. You said, "I have children but have child
4 care".

5 PROSPECTIVE JUROR PERSAUD: Yeah. My husband is
6 a realtor, so he has control of the schedule.

7 THE COURT: Okay. So my question to you is if
8 you came in at 9:30 and got out no later than 6:00,
9 would you be okay with the arrangements that you have
10 for child care?

11 PROSPECTIVE JUROR PERSAUD: Yes. Because grandma
12 is also available.

13 THE COURT: Okay. All right. We love the
14 grandmas.

15 All right. State, do you have any questions?

16 MR. LABRUZZO: I do not.

17 THE COURT: Defense, any questions?

18 MR. LIVERMORE: No, ma'am.

19 THE COURT: All right, ma'am. We're probably
20 going to have you go back downstairs. If you haven't
21 been paid, get your money; but we're going to keep you
22 for a little while. Okay?

23 PROSPECTIVE JUROR PERSAUD: Okay.

24 THE COURT: All right. Thank you very much.

25 Next is going to be David Tutberidze. It's

1 T-u-t-b-e-r-i-d-z-e. First name David. I can call
2 him David.

3 Good morning, sir. How are you?

4 PROSPECTIVE JUROR TUTBERIDZE: Fine. Thank you.

5 THE COURT: Can you please pronounce your last
6 name.

7 PROSPECTIVE JUROR TUTBERIDZE: Tutberidze.

8 THE COURT: I'm never going to get that right.

9 Sir, if you can come on up to the first row of
10 benches right there and scoot in a little. You can
11 stop right there.

12 Sir, I see that you speak Georgian and
13 Russian.

14 PROSPECTIVE JUROR TUTBERIDZE: Georgian.

15 THE COURT: Georgian.

16 PROSPECTIVE JUROR TUTBERIDZE: From the Soviet
17 Republic.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR TUTBERIDZE: And Russian.

20 THE COURT: So are those two different languages?

21 PROSPECTIVE JUROR TUTBERIDZE: Totally different.

22 THE COURT: Okay. And were you born in --

23 PROSPECTIVE JUROR TUTBERIDZE: Soviet Union.

24 THE COURT: Okay. How long have you been in the
25 United States?

1 PROSPECTIVE JUROR TUTBERIDZE: Since 1991.
2 Twenty-six years.

3 THE COURT: Do you have any trouble with the
4 English language?

5 PROSPECTIVE JUROR TUTBERIDZE: No trouble.

6 THE COURT: Okay. And in here you said that you
7 would like to sit as a juror, but you have a wife and
8 six children.

9 PROSPECTIVE JUROR TUTBERIDZE: Yes. God gave me
10 a wife and six children, which I have to take care of.

11 THE COURT: And we appreciate that. I'm one of
12 eight. So I completely understand your predicament.
13 Where do you work, sir?

14 PROSPECTIVE JUROR TUTBERIDZE: I just changed my
15 jobs. I work for Publix.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR TUTBERIDZE: And I work there
18 less than three months. I believe, I believe that if
19 you work more than 90 days, they will pay for jury
20 duty, the way I understand.

21 THE COURT: But you're currently in that
22 probation status?

23 PROSPECTIVE JUROR TUTBERIDZE: Right now, yes. I
24 am in that period.

25 THE COURT: And so right now, based on their

1 requirements, and you're a probationer employee, they
2 would not pay for jury duty trial as far as you know?

3 PROSPECTIVE JUROR TUTBERIDZE: As far, yes.

4 THE COURT: And if you did not work and were not
5 paid by Publix, would that be a significant financial
6 hardship for you?

7 PROSPECTIVE JUROR TUTBERIDZE: Yes. Because I
8 mean as far as I have -- my wife is not working. So I
9 am the only one basically who provides for family.

10 THE COURT: So if you were a little further along
11 in your position at Publix, you'd be okay, but because
12 you are not being paid, you don't think you could sit
13 as a juror?

14 PROSPECTIVE JUROR TUTBERIDZE: I think that might
15 be an issue. If they will pay, I mean, I have no
16 problem. But as a citizen of the United States, I
17 want to fulfill my duties in any situation. It's more
18 than money, I understand. But life is life. We have
19 to --

20 THE COURT: Pay our bills.

21 PROSPECTIVE JUROR TUTBERIDZE: The main thing is
22 the main thing, right?

23 THE COURT: Okay.

24 PROSPECTIVE JUROR TUTBERIDZE: Family is very
25 important for me.

1 THE COURT: The gentleman in front of you may
2 have some questions.

3 MR. LABRUZZO: I do.

4 Good morning, sir.

5 PROSPECTIVE JUROR TUTBERIDZE: Good morning.

6 MR. LABRUZZO: Could you just give us the ages of
7 your six children.

8 PROSPECTIVE JUROR TUTBERIDZE: Eighteen, 16, 13,
9 11, 7, 2.

10 THE COURT: Your wife would be very proud.

11 MR. LABRUZZO: Do you have responsibilities as
12 far as taking care of the children in a given day
13 outside of your work?

14 PROSPECTIVE JUROR TUTBERIDZE: My wife really
15 helps. My couple of oldest children, they start
16 working for McDonald's and they don't drive yet.

17 MR. LABRUZZO: Okay.

18 PROSPECTIVE JUROR TUTBERIDZE: So my wife has to
19 take them to work and from work.

20 MR. LABRUZZO: Okay.

21 PROSPECTIVE JUROR TUTBERIDZE: My
22 responsibilities is to teach them, raise them, give
23 them main values of life; but as far as taking them to
24 places, my wife is doing that right now.

25 MR. LABRUZZO: Well, I guess, one of your

1 responsibilities, as you previously said, would be
2 providing financial toward the family?

3 PROSPECTIVE JUROR TUTBERIDZE: Of course.

4 MR. LABRUZZO: And just to make sure we're on the
5 same page. If you were selected as a juror in this
6 case, you would be missing out on paychecks that could
7 affect all the people in the family?

8 PROSPECTIVE JUROR TUTBERIDZE: Yes.

9 MR. LABRUZZO: And is that something that you
10 would be thinking about if you were selected as a
11 juror in this case?

12 PROSPECTIVE JUROR TUTBERIDZE: It's important for
13 me. Very important.

14 MR. LABRUZZO: Thank you.

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

16 MR. PURA: Yes, judge.

17 THE COURT: Okay.

18 MR. PURA: Good morning, sir.

19 PROSPECTIVE JUROR TUTBERIDZE: Good morning.

20 MR. PURA: I believe you said that you weren't
21 quite sure whether you would qualify to get paid by
22 Publix if you were picked as a juror?

23 PROSPECTIVE JUROR TUTBERIDZE: Only way I know
24 because they gave me a booklet when you work as a
25 full-timer, you will qualify for health insurance, for

1 401(k), and a lot of stuff. So I look at it. Today
2 I'm not getting paid. Today is my day off. I asked
3 them to give me day off today.

4 But when I looked at the booklet, it looks
5 like it says jury duty paid after 90 days in
6 Florida. Because different states -- looks like
7 there was a couple of counties in Florida which
8 gets immediate -- you know, you can get paid
9 immediate, but it looks like Pasco County after 90
10 days of being at work.

11 MR. PURA: And you haven't worked 90 days?

12 PROSPECTIVE JUROR TUTBERIDZE: No, I haven't.

13 THE COURT: How long have you been there?

14 PROSPECTIVE JUROR TUTBERIDZE: I started
15 August 12th. So November 12th would become 90 days.

16 THE COURT: Thank you very much.

17 PROSPECTIVE JUROR TUTBERIDZE: Thank you.

18 THE COURT: All right sir. We're going to have
19 you step into the hallway. My bailiff will give you
20 further directions. Okay?

21 PROSPECTIVE JUROR TUTBERIDZE: Thank you.

22 THE COURT: Thank you.

23 State?

24 MR. LABRUZZO: Judge, the State would move for
25 cause on Mr. Tutberidze.

1 THE COURT: Defense, any objection to cause on
2 that juror?

3 MR. LIVERMORE: No, ma'am.

4 THE COURT: All right. He will be released. You
5 can take his badge and tell him he's good to go.

6 And next I have Donna Driscoll.

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

8 PROSPECTIVE JUROR DRISCOLL: Good morning.

9 THE COURT: If you can come up to like the first
10 set of benches and just scoot in just a little bit.
11 Yes, ma'am.

12 Thank you for coming this morning and filling
13 out my form. I know I didn't give you much option,
14 but I do appreciate you being here.

15 You indicated that you thought that based on
16 the time period, that you would be able to sit as a
17 juror, if chosen. But you indicated that you
18 vaguely remember the incident when it happened, but
19 you did see Action News, ABC -- you did exactly as
20 I asked on the form, thank you -- at 6:00
21 yesterday, and that we were going to start jury
22 selection yesterday.

23 Do you remember anything else said or reported
24 other than jury selection was starting in this
25 case?

1 PROSPECTIVE JUROR DRISCOLL: No. Because I was
2 making lunch at the time, so I was half paying
3 attention.

4 THE COURT: Based on what you vaguely remember
5 from back in the day and what you heard yesterday,
6 have you formed any fixed or definite opinions on your
7 feelings on the guilt or innocence of the person
8 charged in this case?

9 PROSPECTIVE JUROR DRISCOLL: No.

10 THE COURT: And would you be able to put aside
11 any vague recollection of what you might have heard
12 way back when on the news, listen to the evidence as
13 it is brought into this case to make a decision on
14 whether the defendant is guilty or not guilty of the
15 charge?

16 PROSPECTIVE JUROR DRISCOLL: Yes.

17 THE COURT: And you can put aside anything -- as
18 we all know, it was a long time ago. So you probably
19 don't remember exactly what was said.

20 PROSPECTIVE JUROR DRISCOLL: Exactly.

21 THE COURT: And we don't even know if it was
22 exactly what the facts are that you would hear in this
23 case. So you'd be able to follow my instructions,
24 listen to the evidence, and make a decision on what
25 happens here in the courtroom if you're a juror?

1 PROSPECTIVE JUROR DRISCOLL: Yes.

2 THE COURT: Okay. Let me see. I think that's
3 all the questions I have.

4 State, any questions?

5 MR. LABRUZZO: Just briefly, Your Honor.

6 Good morning, ma'am. What do you vaguely
7 remember?

8 PROSPECTIVE JUROR DRISCOLL: I just remember
9 hearing about it. It happened in Hudson. And I know
10 it was a big thing at the time. I really didn't
11 follow the story much.

12 MR. LABRUZZO: Okay. Thank you.

13 THE COURT: Defense, any questions?

14 MR. LIVERMORE: No, ma'am.

15 THE COURT: Okay. Ma'am, I'm going to have you
16 step outside into the anteroom where you were. My
17 bailiff will give you further instructions. Okay?

18 PROSPECTIVE JUROR DRISCOLL: Okay. Thank you.

19 THE COURT: Thank you very much.

20 State, are we okay with keeping Ms. Driscoll?

21 MR. LABRUZZO: Yes, Your Honor.

22 THE COURT: Defense, we're okay with keeping
23 Ms. Driscoll?

24 MR. LIVERMORE: Yes, ma'am.

25 THE COURT: She'll go back down to the big jury

1 pool room, and we'll save her.

2 Next is Cynthia Duncombe. Duncombe.

3 Duncombe. I'm not sure exactly if we pronounce the

4 E or don't. Sometimes they do and sometimes they

5 don't. No?

6 MR. LIVERMORE: They don't.

7 THE COURT: You're going with Duncombe?

8 MR. LIVERMORE: Yes.

9 THE COURT: All right. We'll see.

10 MR. LIVERMORE: Okay.

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

12 Is it Duncombe?

13 PROSPECTIVE JUROR DUNCOMBE: Duncombe, yes.

14 THE COURT: Okay. Ma'am, we're going to have you

15 scoot into that first bench just for a few minutes.

16 Okay?

17 PROSPECTIVE JUROR DUNCOMBE: Okay.

18 THE COURT: And thank you for coming today and

19 filling out the questionnaire.

20 You indicated that you did not think that you

21 would be able to serve as a juror because you just

22 started a new job a month ago and your husband is

23 self-employed and your paycheck is really important

24 to the family income?

25 PROSPECTIVE JUROR DUNCOMBE: Correct.

1 THE COURT: Where are you working?

2 PROSPECTIVE JUROR DUNCOMBE: I work in Trinity.
3 Wollinka, Wollinka & Doddridge.

4 THE COURT: Okay. Is that a law firm?

5 PROSPECTIVE JUROR DUNCOMBE: Yes.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR DUNCOMBE: They do estate
8 planning.

9 THE COURT: Estate planning.

10 Do they pay for jury duty?

11 PROSPECTIVE JUROR DUNCOMBE: No.

12 THE COURT: All right. So if I forced you -- I
13 know that's a bad word. I'm just using that -- to be
14 here and be a juror and you were picked as a juror,
15 would that be a significant financial hardship on your
16 family?

17 PROSPECTIVE JUROR DUNCOMBE: Yes.

18 THE COURT: And do you think based on that, you
19 would not be able to concentrate and give this trial
20 the attention it would need because you'd be thinking
21 about all the bills you didn't pay?

22 PROSPECTIVE JUROR DUNCOMBE: Yes.

23 THE COURT: Okay. State, any questions?

24 MR. LABRUZZO: No, Your Honor.

25 THE COURT: Defense?

1 MR. LIVERMORE: No, ma'am.

2 THE COURT: All right, ma'am. Thank you. You
3 can step into the hallway and my bailiff will give you
4 further directions. Okay?

5 PROSPECTIVE JUROR DUNCOMBE: Okay.

6 THE COURT: State?

7 MR. LABRUZZO: Clearly estate attorneys don't go
8 to trial. Judge, we would move for cause.

9 THE COURT: Any objection?

10 MR. LIVERMORE: No.

11 THE COURT: Okay. She'll be a cause challenge.

12 And then we have Leah Palacio. And then we
13 have a juror from yesterday, the second set of
14 panels that we haven't brought up yet, that has an
15 issue that we need to address. They're going to
16 bring her up. What's her name?

17 THE CLERK: Dowell. Heidi Dowell.

18 THE COURT: Heidi Dowell. She is downstairs
19 weeping in the jury room, and it's being a
20 distraction. So we're going to bring her up and see
21 if we can fix whatever is wrong.

22 MR. PURA: Her last name?

23 THE COURT: Dowell is the other person.

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

25 PROSPECTIVE JUROR PALACIO: All right.

1 THE COURT: Can you pronounce your last name for
2 me.

3 PROSPECTIVE JUROR PALACIO: Leah Palacio.

4 THE COURT: Palacio. Okay. I was totally wrong
5 on the pronunciation of that.

6 Ms. Palacio, thank you very much for coming
7 today and filling out the questionnaire. On the
8 questionnaire you indicated that based on the
9 length of time this trial will last, you did not
10 feel that you would be able to sit as a juror. Is
11 it work? School? What have you got going on?

12 PROSPECTIVE JUROR PALACIO: School.

13 THE COURT: Okay. Where are you going?

14 PROSPECTIVE JUROR PALACIO: PHSC.

15 THE COURT: And your classes, if you were forced,
16 for lack of a better term, to sit in as a juror, you
17 would basically miss so much classes that your
18 semester would be gone?

19 PROSPECTIVE JUROR PALACIO: I'm full-time, so I
20 go Monday through Thursday.

21 THE COURT: And you go during the day?

22 PROSPECTIVE JUROR PALACIO: Yeah. And I have
23 some night classes too.

24 THE COURT: But it be the day classes, because
25 you'd be out of here by 6:00, but you still have day

1 classes?

2 PROSPECTIVE JUROR PALACIO: Yeah.

3 THE COURT: And so you would not be able to be
4 here because you'd be missing so many classes?

5 PROSPECTIVE JUROR PALACIO: Yes.

6 THE COURT: And that would be a huge distractions
7 for you?

8 PROSPECTIVE JUROR PALACIO: Yeah.

9 THE COURT: Okay. State, any questions?

10 MR. LABRUZZO: No, Your Honor.

11 THE COURT: Defense?

12 MR. LIVERMORE: No, ma'am.

13 THE COURT: All right, ma'am. Thank you very
14 much. If you'll step out into the hallway and my
15 bailiff will give you further directions. Okay?

16 PROSPECTIVE JUROR PALACIO: Okay. Thank you.

17 THE COURT: Thank you.

18 We have another list of five that's going to
19 be brought up. Kimberly Pistone, Cheryl Rein, Jack
20 Werme, W-e-r-m-e, Christopher Albert, and Karen
21 Gordon.

22 But do we have Ms. Dowell up? Is Heather
23 Dowell out there?

24 THE BAILIFF: We have a new group out there.

25 THE COURT: No, she's not in the group. She's

1 from yesterday.

2 THE CLERK: She should be out there.

3 THE COURT: Her last name is Dowell, right?

4 THE CLERK: Yes.

5 THE COURT: See if there's a Heather Dowell out
6 there.

7 Oh, that one is released. I'm sorry.

8 THE CLERK: Heidi Dowel.

9 THE COURT: Heidi Dowell. Heidi. I wrote
10 Heather. Sorry. Heidi. I hadn't found her form.
11 It's in a stack way over there. I'm going to leave it
12 over there. It's in this stack right over here.

13 THE BAILIFF: You've got a Heidi Dowell?

14 THE COURT: Heidi Dowell. Yeah. I'm sorry.
15 That was my bad. I wrote Heather.

16 Ms. Dowell, come on up. Good morning, ma'am.

17 PROSPECTIVE JUROR DOWELL: Good morning.

18 THE COURT: Thank you for coming back today.
19 They said that you were downstairs very upset. So I
20 wanted to try to get you up here and I was trying to
21 figure out what is upsetting you.

22 PROSPECTIVE JUROR DOWELL: Honestly, the whole
23 thing.

24 THE COURT: What part of it?

25 PROSPECTIVE JUROR DOWELL: I apologize, Your

1 Honor. First and foremost, I am self-employed.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR DOWELL: Commission only. So
4 if I'm not working, I'm not making any money.

5 THE COURT: Okay. I understand that. So why
6 don't we concentrate on that. You're self-employed,
7 so you have nobody paying your jury service. And if
8 you're here, you're missing out on commissions.

9 PROSPECTIVE JUROR DOWELL: Uh-huh.

10 THE COURT: And I can see you're very upset. And
11 so I would assume that if I forced you to stay here as
12 a juror -- I'm just using it as an example -- that it
13 would cause you so much stress, that you don't think
14 you could be a fair and impartial juror? Is that a
15 good way to put it?

16 PROSPECTIVE JUROR DOWELL: That is correct.

17 THE COURT: State, do you have any questions for
18 Ms. Dowell?

19 MR. LABRUZZO: No, Your Honor.

20 THE COURT: Defense?

21 MR. LIVERMORE: No.

22 THE COURT: All right, ma'am. We're going to
23 have you step in the hallway. Okay? Take a deep
24 breath. And my bailiff will give you directions.
25 Okay?

1 PROSPECTIVE JUROR DOWELL: Thank you, Your Honor.

2 THE COURT: All right. Thank you.

3 State, any objection to her being a cause
4 challenge?

5 MR. LABRUZZO: No.

6 THE COURT: Defense?

7 MR. LIVERMORE: No.

8 THE COURT: Okay. Ms. Dowell can be released.
9 She'll go downstairs and get paid and then she can go.
10 The next group to be brought in is Kimberly
11 Pistone.

12 MR. LABRUZZO: Judge, can I ask a question about
13 Ms. Dowell?

14 THE COURT: Sure.

15 MR. LABRUZZO: Where did she come from?

16 THE COURT: She's from yesterday's group that I
17 brought back. Pauline brought it up first thing this
18 morning. It says, "reserved jurors".

19 MR. LABRUZZO: Got it.

20 THE COURT: And there's two packs. She's in that
21 group. They came back as 10:30 this morning.

22 MR. LABRUZZO: The only reason I ask that, Judge,
23 is because it was just my understanding that those
24 jurors from yesterday all had an orange sticker.

25 THE COURT: No. We took the orange sticker off

1 and we put a blue sticker on. So the only people that
2 have an orange sticker now is our panel.

3 MR. LABRUZZO: Got it.

4 THE COURT: We wanted to keep our panel separate
5 from our reserves. So we make sure that every person
6 that's currently in the 50 that was seated yesterday
7 have orange and everybody that's not been through that
8 part not sworn as our panel has blue.

9 Are we ready for Ms. Pistone? Ms. Pistone, is
10 there an E on the end?

11 MR. PURA: There is.

12 THE COURT: Okay. It kind of ran into the date
13 of birth there.

14 MR. LABRUZZO: Is domestic violence a topic we
15 can discuss at this point?

16 THE COURT: Yes. Absolutely. That's pretty
17 private and I don't think they want to discuss that.
18 So if there's any issue on domestic violence, feel
19 free to talk about that.

20 MR. LABRUZZO: Okay.

21 THE COURT: Is it Pistone?

22 PROSPECTIVE JUROR PISTONE: Pistone.

23 THE COURT: Pistone.

24 PROSPECTIVE JUROR PISTONE: Pistone.

25 THE COURT: Okay. Ms. Pistone, thank you for

1 coming this morning. If we can have you step in right
2 there. We have a couple of questions for you.

3 It says here that "I would have to" -- I'm not
4 sure -- "farm out work. Paid that long. I'm a
5 single parent." So you're having problems knowing
6 if you're paid for jury duty for the amount of time
7 we talked about in this trial?

8 PROSPECTIVE JUROR PISTONE: Yes. I'm just not
9 sure. I would have to find out.

10 THE COURT: Who do you work for?

11 PROSPECTIVE JUROR PISTONE: I work for Time, Inc.

12 THE COURT: Time, Inc.

13 PROSPECTIVE JUROR PISTONE: In Tampa.

14 THE COURT: Okay. And so if we gave you time, if
15 necessary, could you call the HR department to find
16 that out?

17 PROSPECTIVE JUROR PISTONE: Yes. I've already
18 sent a text to my boss.

19 THE COURT: And you're waiting on the release?

20 PROSPECTIVE JUROR PISTONE: Yes.

21 THE COURT: Okay. And you indicate that you
22 don't have any personal knowledge about this case?

23 PROSPECTIVE JUROR PISTONE: Correct.

24 THE COURT: That you don't watch TV, and you
25 definitely wouldn't watch anything that talks about a

1 murder case?

2 PROSPECTIVE JUROR PISTONE: Correct.

3 THE COURT: All right. You did say that you were
4 a victim of date rape 30 years ago?

5 PROSPECTIVE JUROR PISTONE: Correct.

6 THE COURT: Do you think that would have any
7 affect on your ability to sit as a fair and impartial
8 juror in a murder case? I don't know if you had to
9 testify. I don't know if you had to be a witness in a
10 trial. That's what I'm trying to find out.

11 PROSPECTIVE JUROR PISTONE: I -- I -- I couldn't
12 -- I don't know. Probably. I just recently was in
13 counseling for it. So I don't think I -- if the case
14 had -- if any of that was part of the case, I would
15 have a hard time with it.

16 THE COURT: Well, I'm not sure there's any part
17 of the rape you're talking about.

18 PROSPECTIVE JUROR PISTONE: Yes.

19 THE COURT: I'm not sure of all the facts. But I
20 know there was a personal relationship between the
21 person charged and one of the victims. And so I
22 didn't know if this is a single issue with you where
23 you went on a one date and it happened or it was
24 somebody that you had some sort of relationship for a
25 little bit of time before it occurred?

1 PROSPECTIVE JUROR PISTONE: Yeah. I -- I -- I
2 really don't know if I can be impartial to that.

3 THE COURT: Okay. And my question to you is, you
4 said you just went into counseling for it. Has it
5 taken you 30 years to actually seek counseling for
6 this? Or have you been on and off throughout to
7 years?

8 PROSPECTIVE JUROR PISTONE: No. It's something I
9 was going through in my life and right now it just
10 kind of triggered it.

11 THE COURT: Okay. So you were currently in a
12 situation that this incident that happened many years
13 ago is coming back at you?

14 PROSPECTIVE JUROR PISTONE: Correct.

15 THE COURT: And to the point that you felt that
16 you needed to seek counseling?

17 PROSPECTIVE JUROR PISTONE: Correct.

18 THE COURT: And is that a reason that you feel
19 that you may not be able to sit in a trial?

20 PROSPECTIVE JUROR PISTONE: Correct.

21 THE COURT: Now, on your case did you report it
22 to the police?

23 PROSPECTIVE JUROR PISTONE: No, I did not.

24 THE COURT: So you did not go to the police, and
25 so you did not have to testify in a trial or anything

1 like that, but I'm sure it was a significantly
2 traumatic event for you?

3 PROSPECTIVE JUROR PISTONE: That's true.

4 THE COURT: And I'm just trying to find out, do
5 you think you could set that aside and listen to these
6 facts and make a decision on the guilt or innocence of
7 someone in this case?

8 PROSPECTIVE JUROR PISTONE: Sorry. I don't think
9 I would be able to, because I'm just getting all
10 choked up now just having to talk to you.

11 THE COURT: Just asking these vague kind of broad
12 questions?

13 PROSPECTIVE JUROR PISTONE: Yeah.

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

16 MR. LABRUZZO: I do, Your Honor.

17 Good morning, ma'am. Just on a different
18 topic. You made a note that your fiance is in law
19 enforcement.

20 PROSPECTIVE JUROR PISTONE: He's retired now,
21 yes.

22 MR. LABRUZZO: Okay. Who did he work for?

23 PROSPECTIVE JUROR PISTONE: He worked for Manatee
24 County.

25 MR. LABRUZZO: Sheriff's Office?

1 PROSPECTIVE JUROR PISTONE: Yes. He was a deputy
2 sheriff, canine division.

3 MR. LABRUZZO: Okay. And were you in a
4 relationship with him while he was still with the
5 sheriff's office?

6 PROSPECTIVE JUROR PISTONE: No.

7 MR. LABRUZZO: No further questions, Judge.
8 Thank you.

9 THE COURT: All right. Defense, questions?

10 MR. LIVERMORE: No, ma'am.

11 THE COURT: All right, ma'am. Thank you very
12 much. If you step out, we'll give you directions. My
13 bailiff will give you directions from here. Okay?

14 PROSPECTIVE JUROR PISTONE: Thank you.

15 THE COURT: Thank you.

16 State?

17 MR. LABRUZZO: Judge, we would move for cause.

18 THE COURT: Defense, any objection?

19 MR. LIVERMORE: No, ma'am.

20 THE COURT: All right. She can be released to go
21 about her personal affairs.

22 And next we have Cheryl Rein, R-e-i-n.

23 Good morning, ma'am. How are you? Is it Rine
24 or Rein?

25 PROSPECTIVE JUROR REIN: Rein.

1 THE COURT: All right. Ms. Rein, come on up and
2 into this first pew right there. We've just got a
3 couple of questions for you based on your
4 questionnaire. Thank you very much for coming this
5 morning and filling out the questionnaire.

6 You indicated that your mate Peter has been
7 gone for five weeks. He'll be home on
8 November 4th for one week and then gone again.

9 PROSPECTIVE JUROR REIN: Right.

10 THE COURT: And he's working a hurricane repair
11 in Saint Thomas?

12 PROSPECTIVE JUROR REIN: Right.

13 THE COURT: So you're thinking that you would not
14 want to serve as a juror because you only get a week
15 with him and then he could be gone five more weeks?

16 PROSPECTIVE JUROR REIN: That was -- but then I
17 thought about it and I'm thinking I would be either at
18 work or here, as long as we got -- you know, once I
19 learned we were out at 6:00 every night.

20 THE COURT: Okay. So based on what I told you
21 this morning, after I gave you a little more
22 information, you wouldn't be here until 9:30, and
23 you'd be out of here by 6:00.

24 PROSPECTIVE JUROR REIN: Right.

25 THE COURT: Do you think based on that that you

1 could sit as a juror if picked?

2 PROSPECTIVE JUROR REIN: Yes. Because I'd either
3 be one place or the other.

4 THE COURT: All right. And where do you work?

5 PROSPECTIVE JUROR REIN: At AKBR.

6 THE COURT: And will they pay you as a juror?

7 PROSPECTIVE JUROR REIN: Yes.

8 THE COURT: All right. So after thinking about
9 it a little longer, you don't think there's any
10 problem, based on the amount of time, that you could
11 sit as a juror?

12 PROSPECTIVE JUROR REIN: Correct.

13 THE COURT: I mean, that may be other reasons,
14 but that one you're okay with.

15 Then you said you had not seen it on TV or
16 read it in the newspaper. So you have no knowledge
17 about this case; is that correct?

18 PROSPECTIVE JUROR REIN: None.

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

21 MR. LABRUZZO: No, Your Honor.

22 THE COURT: Defense, any questions?

23 MR. LIVERMORE: No, ma'am.

24 THE COURT: All right. Ma'am, I'm going to have
25 you go back downstairs. If you haven't been paid, go

1 ahead and pick up your paycheck for today, but we're
2 going to keep you in the pool downstairs. Okay?

3 PROSPECTIVE JUROR REIN: Okay. Thank you.

4 THE COURT: Oh, you're paid by your company.

5 PROSPECTIVE JUROR REIN: Yes.

6 THE COURT: So you don't get it twice. Sorry.
7 Too bad.

8 Jack Werme, W-e-r-m-e. We'll ask him.

9 MR. PURA: I don't know about the last E.

10 THE COURT: Is Mr. Werme ready? Werme, Jack.

11 Good morning, sir. How are you? How do you
12 pronounce your last name?

13 PROSPECTIVE JUROR WERME: Werme.

14 THE COURT: Werme.

15 Okay, sir. Mr. Werme, are you having a hard
16 time hearing me?

17 PROSPECTIVE JUROR WERME: No. I was just walking
18 in.

19 THE COURT: Okay. That's fine. Sir, thank you
20 for coming and filling out the form. You said based
21 on the amount of time this trial would take, that you
22 may not be able to sit because you don't think you can
23 do that. Is it work? Personal? School? What have
24 you got going on?

25 PROSPECTIVE JUROR WERME: Yeah, it's work.

1 THE COURT: Okay. Where do you work?

2 PROSPECTIVE JUROR WERME: I work for Genesis
3 Healthcare.

4 THE COURT: Justis Healthcare.

5 PROSPECTIVE JUROR WERME: Genesis.

6 THE COURT: Genesis Healthcare.

7 PROSPECTIVE JUROR WERME: And it would just -- I
8 work on my -- I have to put in my own hours.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR WERME: And I just can't do it.

11 THE COURT: So you are somewhat of a
12 subcontractor for them?

13 PROSPECTIVE JUROR WERME: Subcontractor, yes.

14 THE COURT: Okay. And so if you're here as a
15 juror, they do not pay you for jury duty?

16 PROSPECTIVE JUROR WERME: Exactly.

17 THE COURT: And if you were not paid for that
18 amount of time, would it be a significant hardship for
19 you?

20 PROSPECTIVE JUROR WERME: Yes.

21 THE COURT: All right. And based on that, let's
22 say I forced you to be here -- just using that word --
23 that you would have a hard time paying attention to
24 the trial and being engaged in the trial because you
25 would be thinking about all the money that you're not

1 making, correct?

2 PROSPECTIVE JUROR WERME: No, ma'am. I'd be
3 okay.

4 THE COURT: Okay. Do you have any reserves?
5 Would you get any PTO or vacation that you could use
6 to cover the costs?

7 PROSPECTIVE JUROR WERME: No, ma'am.

8 THE COURT: So you would just be out all that
9 money for two weeks?

10 PROSPECTIVE JUROR WERME: Yes, ma'am.

11 THE COURT: And would you be able to pay your
12 mortgage, your phone, your rent, those kinds of
13 things?

14 PROSPECTIVE JUROR WERME: No, ma'am.

15 THE COURT: So you work paycheck to paycheck?

16 PROSPECTIVE JUROR WERME: Yes, ma'am.

17 THE COURT: All right. So it would be a
18 significant hardship for you?

19 PROSPECTIVE JUROR WERME: Yes, ma'am.

20 THE COURT: All right. And you think that may
21 cause you, you know, to think about that and not the
22 trial?

23 PROSPECTIVE JUROR WERME: No, ma'am. I would be
24 fully attentive.

25 THE COURT: Okay. All right. State, questions?

1 MR. LABRUZZO: No, Your Honor.

2 THE COURT: Defense, any questions?

3 MR. LIVERMORE: No, ma'am.

4 THE COURT: All right, sir. I'm going to have
5 you step outside and my bailiff will give you further
6 directions. Okay?

7 PROSPECTIVE JUROR WERME: Okay.

8 THE COURT: Thank you, sir.

9 PROSPECTIVE JUROR WERME: All right. Thank you.

10 THE COURT: All right. State, on Mr. Werme?

11 MR. LABRUZZO: Judge, I'm going to move for cause
12 for his own good, because I'm not sure he understands.

13 THE COURT: Do you have any objection?

14 MR. LIVERMORE: No.

15 THE COURT: All right. I'm thinking to myself he
16 really probably can't do this, but I appreciate the
17 fact he didn't want to say that. But I will go ahead,
18 as long as both sides agree, we'll cause challenge
19 him.

20 Then we have Christopher Albert. And after
21 Albert is Karen Gordon.

22 Good morning, Mr. Albert. How are you?

23 PROSPECTIVE JUROR ALBERT: Very good. How are
24 you?

25 THE COURT: Great. If you can come up just to

1 the first set of pews and scoot in just a little bit.
2 I really appreciate you coming today and filling out
3 the form for me.

4 It says that you did not think that you could
5 participate in the trial because of the length of
6 time it's going to take to try this case?

7 PROSPECTIVE JUROR ALBERT: Yes. For my work.

8 THE COURT: Okay. Where do you work?

9 PROSPECTIVE JUROR ALBERT: I manage a Save-A-Lot
10 grocery store.

11 THE COURT: And are you paid for jury duty?

12 PROSPECTIVE JUROR ALBERT: I am for today.

13 THE COURT: For today, but not for that amount of
14 time?

15 PROSPECTIVE JUROR ALBERT: Honestly, I'm not too
16 sure how long they pay me for.

17 THE COURT: Okay. Let me put this way: Let's
18 say they were a great company and would pay you for
19 the entire time that you were here, would you be able
20 to serve as a juror?

21 PROSPECTIVE JUROR ALBERT: Yes.

22 THE COURT: Okay. Would you be able to call
23 somebody in the HR department to find out if they
24 would pay you for this length of time?

25 PROSPECTIVE JUROR ALBERT: I can try, yes. I

1 don't have that name handy, but I can probably get it.

2 THE COURT: Okay. You think you could call the
3 store and see if you could get somebody to figure out
4 who you call?

5 PROSPECTIVE JUROR ALBERT: Yes.

6 THE COURT: Okay. Would both sides like him to
7 try to do that?

8 MR. LABRUZZO: Yes, Your Honor.

9 MR. LIVERMORE: Yes.

10 THE COURT: All right. Sir, we're going to send
11 you back downstairs. And I have a couple of people
12 who are doing the same thing as you. And if you can
13 go ahead and try to reach your office and see what the
14 answer is.

15 As soon as you have an answer for us, let the
16 person in the Clerk's office downstairs know and
17 that way we can bring you back up and get your
18 answer. Okay?

19 So you're in our maybe pile with a phone call
20 to be made. Okay? So I'll send you back
21 downstairs to do that for me. Okay?

22 PROSPECTIVE JUROR ALBERT: Okay. Thank you.

23 THE COURT: Thank you.

24 And then I'll have Karen Gordon come back in.
25 I think she works for the Dade City Police

1 Department as the communications supervisor and
2 records clerk.

3 Good morning, Ms. Gordon. How are you?

4 PROSPECTIVE JUROR GORDON: Fine.

5 THE COURT: I'm going to have you scoot into the
6 first pew there just a little bit. Thank you so much
7 for coming this morning and filling out the form. I
8 know it's a long drive from Dade City.

9 You said that you did not think that you would
10 be able to serve as a juror because of the length
11 of time. And also your agency, along with all the
12 Pasco County agencies, shared shift letters and
13 activities and they were looking for the defendant.
14 I assume you had some information about that when
15 it occurred back in 2014?

16 PROSPECTIVE JUROR GORDON: Yes, ma'am.

17 THE COURT: All right. What's going on that you
18 can't be here? Work? You know, vacation? What have
19 you got going on?

20 PROSPECTIVE JUROR GORDON: No. I've got work,
21 and then I got a depo Thursday.

22 THE COURT: Okay. I could get you on the of the
23 depo. That's not a problem. But how about work, do
24 they not pay you to sit as a juror?

25 PROSPECTIVE JUROR GORDON: No. They pay me, but

1 we're short on communications personnel and I'm
2 filling in for records.

3 THE COURT: Filling in for?

4 PROSPECTIVE JUROR GORDON: Records.

5 THE COURT: Records. Okay.

6 PROSPECTIVE JUROR GORDON: We don't have a
7 records clerk at this time.

8 THE COURT: So it would be hardship to your
9 company, but you would be paid?

10 PROSPECTIVE JUROR GORDON: Yes.

11 THE COURT: Let's say I forced you to come, could
12 you pay attention to the trial and give it your
13 attention or are you thinking about everything at work
14 and wouldn't pay --

15 PROSPECTIVE JUROR GORDON: I'm thinking about
16 everything at work, honestly.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR GORDON: I'll be honest with
19 you.

20 THE COURT: And even more than that, you did, in
21 fact, know something about this case in your position
22 with the agency?

23 PROSPECTIVE JUROR GORDON: Yes. What we read up
24 through the shift activity reports that we share, and
25 we have access to their computer system.

1 THE COURT: And based on what you heard or what
2 you know, have you formed an opinion about the guilt
3 or innocence of the person charged?

4 PROSPECTIVE JUROR GORDON: On this one, no. They
5 get -- I mean, we read through so many of them.

6 THE COURT: So they all kind of run together?

7 PROSPECTIVE JUROR GORDON: They all kind of run
8 together.

9 THE COURT: So if you were chosen as a juror, you
10 would put aside anything you may have filtered through
11 your brain, listen to the facts that are actually
12 before you in this case that you hear in the
13 courtroom, and make a decision on that alone?

14 PROSPECTIVE JUROR GORDON: I can't say a hundred
15 percent that I could be that concentrated on it.

16 THE COURT: Okay. And that's because of work?

17 PROSPECTIVE JUROR GORDON: Yes, ma'am.

18 THE COURT: Not because of what you know outside
19 of work?

20 PROSPECTIVE JUROR GORDON: Just it's because of
21 work.

22 THE COURT: Just because of work.

23 Okay. State?

24 MR. LABRUZZO: No questions, Judge.

25 THE COURT: Defense, any questions?

1 MR. LIVERMORE: No, ma'am.

2 THE COURT: All right. Ma'am, I'm going to have
3 step into the hallway and my bailiff will go ahead and
4 give you further directions. Okay?

5 PROSPECTIVE JUROR GORDON: Thank you.

6 THE COURT: State, on Ms. Gordon, where do you
7 stand?

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

9 THE COURT: Defense, on Ms. Gordon?

10 MR. LIVERMORE: We challenge for cause.

11 THE COURT: All right. Ms. Gordon will be
12 released.

13 The next jurors I have is Michael Perry, Mary
14 Childers, Leah Klasing, Eric Hughes, and Charlene
15 Eldridge.

16 On Eldridge, she's the one I had the note that
17 she has to pick up her boyfriend. So that's not
18 written on here, on Eldridge. You may have not
19 have seen her, but she said she has to pick up her
20 boyfriend at 6:00. So I put her on the list.

21 So it's Perry, Childers, Klasing, Hughes and
22 Eldridge.

23 Are we ready?

24 MR. LABRUZZO: Almost. Who are you calling
25 first?

1 THE COURT: Perry. Michael Perry.

2 Good morning, Mr. Parry. How are you?

3 PROSPECTIVE JUROR PERRY: I'm good.

4 THE COURT: Mr. Perry, give me one second. I
5 have to answer something on my computer here.

6 Sir, I appreciate you coming down today and
7 filling out the questionnaire. You said that based
8 on the length of time this trial would take, that
9 you did not feel that you would be able to sit as a
10 juror in this case; is that correct?

11 PROSPECTIVE JUROR PERRY: Yes, ma'am.

12 THE COURT: Is that work related? Personal? You
13 got vacation? What have you got going on?

14 PROSPECTIVE JUROR PERRY: Work related.

15 THE COURT: All right. Where do you work?

16 PROSPECTIVE JUROR PERRY: I'm a superintendent
17 for the Wastewater Treatment Plant in Zephyrhills.

18 THE COURT: Okay. And are you not paid for time
19 on jury service?

20 PROSPECTIVE JUROR PERRY: I am paid.

21 THE COURT: You are paid?

22 PROSPECTIVE JUROR PERRY: Yes, ma'am.

23 THE COURT: So it's not the money? It's just the
24 time away from your job?

25 PROSPECTIVE JUROR PERRY: Yes, ma'am.

1 THE COURT: And if I forced you to sit on the
2 jury, would you be able to put aside any thoughts
3 about work and listen to the case in this matter? You
4 know, what do you do when you're sick? What do they
5 do?

6 PROSPECTIVE JUROR PERRY: I don't take that much
7 time off. But I mean I will take clear into
8 Thanksgiving, but I would be off for maybe a couple of
9 days.

10 THE COURT: Okay. And do they have someone to
11 fill in for you then?

12 PROSPECTIVE JUROR PERRY: They have the chief
13 plant operator.

14 THE COURT: All right. So you just feel like
15 you'd be letting your company down if you sat as a
16 juror?

17 PROSPECTIVE JUROR PERRY: Yes. I have 18 people
18 that are underneath me that I keep track of everyday.

19 THE COURT: Okay. But do you believe that if I
20 forced you to sit as a juror, you could listen to the
21 evidence and concentrate on the case?

22 PROSPECTIVE JUROR PERRY: I could listen to the
23 evidence.

24 THE COURT: Could you concentrate?

25 PROSPECTIVE JUROR PERRY: I also have ADHD. So I

1 don't have very much attention span.

2 THE COURT: Okay. So sitting for long periods of
3 time causes you to lose focus?

4 PROSPECTIVE JUROR PERRY: Yes, Your Honor.

5 THE COURT: Do you have to take medication for
6 that?

7 PROSPECTIVE JUROR PERRY: Yes, Your Honor.

8 THE COURT: Okay. State, do you have any
9 questions?

10 MR. LABRUZZO: No, Your Honor.

11 THE COURT: Defense?

12 MR. LIVERMORE: No, ma'am.

13 THE COURT: All right. Sir, at this time I'm
14 going to go ahead and have you step outside and my
15 bailiff will give you further directions. Okay?

16 PROSPECTIVE JUROR PERRY: Yes, Your Honor.

17 THE COURT: All right. State?

18 MR. LABRUZZO: Judge, we're not moving for cause.

19 THE COURT: No? You're going to keep him?

20 MR. LABRUZZO: Yes.

21 THE COURT: Defense?

22 MR. LIVERMORE: We challenge him.

23 THE COURT: All right. I'll go ahead and cause
24 challenge him. He'll be released.

25 Then we have Mary Childers.

1 Mr. Perry can go.

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

3 PROSPECTIVE JUROR CHILDERS: Good morning.

4 THE COURT: Can you pronounce your last name for
5 me.

6 PROSPECTIVE JUROR CHILDERS: Childers.

7 THE COURT: All right. Ms. Childers, how are you
8 this morning?

9 PROSPECTIVE JUROR CHILDERS: Good. How are you,
10 ma'am?

11 THE COURT: Great. I really appreciate you
12 coming in and filling out the form. The part that the
13 lawyers may want to talk to you about and I'm going to
14 talk to you about is that you say you lived around the
15 corner and remember being afraid.

16 PROSPECTIVE JUROR CHILDERS: Right.

17 THE COURT: "And I drove by the house".

18 PROSPECTIVE JUROR CHILDERS: Correct.

19 THE COURT: So where this occurred, you
20 specifically know that it is in your neighborhood?

21 PROSPECTIVE JUROR CHILDERS: Yes. We were in the
22 apartment complex around the corner.

23 THE COURT: Okay. And so do you know the people
24 involved in the case?

25 PROSPECTIVE JUROR CHILDERS: No, ma'am.

1 THE COURT: Never met them?

2 PROSPECTIVE JUROR CHILDERS: No, ma'am.

3 THE COURT: Were you asked any questions by law
4 enforcement?

5 PROSPECTIVE JUROR CHILDERS: No.

6 THE COURT: Knocked on your door? Anything like
7 that?

8 PROSPECTIVE JUROR CHILDERS: No, ma'am.

9 THE COURT: And so you know that something
10 occurred at that house?

11 PROSPECTIVE JUROR CHILDERS: Uh-huh.

12 THE COURT: And you know that the people died?

13 PROSPECTIVE JUROR CHILDERS: Uh-huh.

14 THE COURT: Did you form any fixed or definite
15 opinions on the guilt or innocence of the person who
16 was arrested?

17 PROSPECTIVE JUROR CHILDERS: No, ma'am.

18 THE COURT: And if you were chosen as a juror,
19 would you be open-minded listening to the evidence and
20 have the defendant be innocent until proven guilty by
21 the State?

22 PROSPECTIVE JUROR CHILDERS: Yes, ma'am.

23 THE COURT: All right. State?

24 MR. LABRUZZO: You said you remember being
25 afraid. Do you recall what you were being afraid of?

1 What led you being afraid?

2 PROSPECTIVE JUROR CHILDERS: It was just abnormal
3 for the area. I grew up around this area, so it was
4 just abnormal. It was not something that I was used
5 to hearing about.

6 MR. LABRUZZO: Okay. And how long did that fear
7 last?

8 PROSPECTIVE JUROR CHILDERS: Just a couple of
9 days.

10 MR. LABRUZZO: All right. During that period of
11 time, were you following the news maybe more than you
12 would have otherwise?

13 PROSPECTIVE JUROR CHILDERS: No.

14 MR. LABRUZZO: Okay. So at some point your fear
15 is removed, I guess?

16 PROSPECTIVE JUROR CHILDERS: Yes.

17 MR. LABRUZZO: Did that happen at the time of the
18 arrest?

19 PROSPECTIVE JUROR CHILDERS: I didn't even
20 realize there was an arrest made. I mean, that's how
21 -- I mean, it was shocking that it was done.

22 MR. LABRUZZO: Okay. And I'm not going to
23 belittle your sense of fear at the time, but is it
24 fair to say that this fear was based on what you had
25 heard but didn't grow as more information came? You

1 just weren't really feeding your fear?

2 PROSPECTIVE JUROR CHILDERS: No.

3 MR. LABRUZZO: Okay. Did you discuss the facts
4 of the case being involved in the area with anyone
5 maybe -- excuse me. You're married. Did you live
6 with your husband at the time?

7 PROSPECTIVE JUROR CHILDERS: Yes, sir.

8 MR. LABRUZZO: Did you guys discuss it?

9 PROSPECTIVE JUROR CHILDERS: Maybe for an hour.

10 MR. LABRUZZO: Okay. I also see that one of the
11 things you wrote down in your questionnaire is that
12 you've been a victim of I'll call it a violent act in
13 the past?

14 PROSPECTIVE JUROR CHILDERS: Yes.

15 MR. LABRUZZO: All right. Was that an issue that
16 was reported to the police?

17 PROSPECTIVE JUROR CHILDERS: No, sir.

18 MR. LABRUZZO: Was that locally here in Pasco
19 County?

20 PROSPECTIVE JUROR CHILDERS: No, sir.

21 MR. LABRUZZO: And did that come out of a
22 relationship that you had or was it just something
23 that happened that you didn't have a relationship with
24 the person?

25 PROSPECTIVE JUROR CHILDERS: There was a

1 relationship we were in. It was in the military, so
2 we were in the military together.

3 MR. LABRUZZO: Okay. And the reason I ask that
4 is that there may be some discussion in a case like
5 this of some domestic violence. So what I want to
6 make sure is that your situation that happened in
7 1997, won't affect your ability to listen to the facts
8 of this case?

9 PROSPECTIVE JUROR CHILDERS: It would not.

10 MR. LABRUZZO: Okay. So you can set aside your
11 emotions and your experience as to what you might hear
12 in this case?

13 PROSPECTIVE JUROR CHILDERS: Yes.

14 MR. LABRUZZO: All right. There are a few
15 apartment complexes in the area, one in particular, I
16 believe, where the police were at. Which one did you
17 live in?

18 PROSPECTIVE JUROR CHILDERS: We were in -- it was
19 the Sea Pines area right there off of Old Dixie
20 Highway.

21 MR. LABRUZZO: Chelsea Place Apartments?

22 PROSPECTIVE JUROR CHILDERS: Uh-huh.

23 MR. LABRUZZO: Do you currently live in Chelsea
24 Place Apartments?

25 PROSPECTIVE JUROR CHILDERS: No.

1 MR. LABRUZZO: Okay. How long did you live
2 there?

3 PROSPECTIVE JUROR CHILDERS: One year.

4 MR. LABRUZZO: Did this have anything to do with
5 you moving out of the area?

6 PROSPECTIVE JUROR CHILDERS: No, sir.

7 MR. LABRUZZO: Okay. Thank you, ma'am.

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

9 MR. LIVERMORE: No, ma'am.

10 THE COURT: All right, ma'am. I'm going to have
11 you step out into the hallway. We'll give you further
12 directions. Okay?

13 PROSPECTIVE JUROR CHILDERS: Thank you.

14 THE COURT: Thank you.

15 State?

16 MR. LABRUZZO: Judge, the State's not asking for
17 any action.

18 THE COURT: Defense?

19 MR. LIVERMORE: We are not asking either.

20 THE COURT: Okay. So she's to go back downstairs
21 to the jury pool room and will remain.

22 And then we have Leah Klasing, K-l-a-s-i-n-g.

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

24 PROSPECTIVE JUROR KLASING: Good.

25 THE COURT: How do you pronounce your last name?

1 PROSPECTIVE JUROR KLASING: Klasing.

2 THE COURT: Klasing.

3 We're going to have you stop right there on
4 the first little pew there and scoot in just a
5 little bit.

6 PROSPECTIVE JUROR KLASING: Okay.

7 THE COURT: Thank you so much for coming today
8 and filling out the form.

9 You indicate your work only pays for five days
10 of jury service. So if you were picked on this
11 jury panel, it would go beyond what you're paid
12 for?

13 PROSPECTIVE JUROR KLASING: That's correct.

14 THE COURT: And if you were on the panel and
15 after the fifth day not being paid, would that cause a
16 significant financial hardship to you?

17 PROSPECTIVE JUROR KLASING: I believe so.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR KLASING: Because we basically
20 kind of -- well, my husband and I both work two jobs
21 just to afford what we do now.

22 THE COURT: Okay. So on top of everything else,
23 if you were seated as a juror, you'd be paid by one
24 but not your second job?

25 PROSPECTIVE JUROR KLASING: Correct.

1 THE COURT: And so do you believe that if you had
2 to have that significant financial hardship, you'd
3 have a hard time concentrating on the jury trial
4 because you'd be thinking about all the things that
5 aren't getting paid in your household?

6 PROSPECTIVE JUROR KLASING: It's possible.

7 THE COURT: Okay. And you can't let us know
8 definitely that wouldn't come into your mind? You
9 might be thinking about that? You might be concerned
10 or stressed or be concerned about that?

11 PROSPECTIVE JUROR KLASING: I would think it
12 would be on my mind.

13 THE COURT: Okay. All right. State, any
14 questions?

15 MR. LABRUZZO: I do. Good morning, ma'am. How
16 do you say your last name?

17 PROSPECTIVE JUROR KLASING: Klasing.

18 MR. LABRUZZO: Klasing.

19 All right. Ms. Klasing, you indicated two
20 jobs. I see only one place for one. You work as a
21 title agent. Where else do you work?

22 PROSPECTIVE JUROR KLASING: Ferman Automotive.

23 MR. LABRUZZO: Okay. What do you do for them?

24 PROSPECTIVE JUROR KLASING: I'm a receptionist.
25 It's a weekend job.

1 MR. LABRUZZO: Okay. Ma'am, I also see that you
2 made a note as to an existing health problem. Could
3 you explain to us what that might be?

4 PROSPECTIVE JUROR KLASING: I have relapse
5 remitting multiple sclerosis.

6 MR. LABRUZZO: All right. How does that affect
7 you?

8 PROSPECTIVE JUROR KLASING: Mostly with fatigue.
9 You know, and then I take some medications. So, you
10 know, it's one of those that I need restroom breaks, I
11 probably need it, you know.

12 MR. LABRUZZO: Okay. If the Court -- sorry.

13 PROSPECTIVE JUROR KLASING: I'm just saying
14 without being harassed.

15 MR. LABRUZZO: No. That's okay. If the Court
16 were to take breaks in order to give you the
17 opportunity to move around and take your medication,
18 do you think that would affect your ability to sit as
19 a juror or not sit as a juror?

20 PROSPECTIVE JUROR KLASING: I think I would be
21 okay.

22 MR. LABRUZZO: Okay. Thank you, ma'am.

23 THE COURT: Defense?

24 MR. LIVERMORE: No questions.

25 THE COURT: All right. Ma'am, I'm going to have

1 you step out into the hallway and we'll give you
2 further directions. Okay?

3 State?

4 MR. LABRUZZO: Judge, I'll just defer to the
5 Defense.

6 THE COURT: Defense?

7 MR. LIVERMORE: We would challenge.

8 THE COURT: Okay. Ms. Klasing will be released.

9 We'll have Eric Hough, H-o-u-g-h. Just so you
10 all know, I went ahead and sent our actual panel to
11 lunch and told them we'll be back at 1:00.

12 MR. LABRUZZO: Okay.

13 THE COURT: I have two more groups. We're going
14 to break for our lunch and I'm going to leave
15 everybody downstairs. I think we've cleared enough
16 jurors that if we need to backfill, I'm over ten. So
17 I have a group of ten I can bring up. If we have to
18 keep going, we'll keep going. But I think we need to
19 go on with the jury we have right now.

20 Is it Hough?

21 PROSPECTIVE JUROR HOUGH: Hough.

22 THE COURT: Hough.

23 Mr. Hough, I'm sorry, if you can come to the
24 first podium there or the first pew and we're going
25 to ask you a few questions.

1 Thank you so much for coming and filling out
2 the form.

3 PROSPECTIVE JUROR HOUGH: You're welcome.

4 THE COURT: You said that you did not feel that
5 you would be able to sit as a juror in this case
6 because of the length of time.

7 PROSPECTIVE JUROR HOUGH: Correct.

8 THE COURT: Work? School? Vacation? What have
9 you got going on?

10 PROSPECTIVE JUROR HOUGH: I got a back problem
11 and I also take care of my mom.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR HOUGH: So I got to make her
14 breakfast, lunch, dinner.

15 THE COURT: Okay. I saw that on Number 11,
16 you're responsible for someone's care on a daily
17 basis.

18 PROSPECTIVE JUROR HOUGH: Correct.

19 THE COURT: Who's filling in for you today?

20 PROSPECTIVE JUROR HOUGH: Nobody.

21 THE COURT: So she's home and you're trying to
22 get back to get her lunch? You got her breakfast, but
23 now you got to get back for lunch?

24 PROSPECTIVE JUROR HOUGH: Correct.

25 THE COURT: Is that kind of your full-time job

1 right now?

2 PROSPECTIVE JUROR HOUGH: Well, I'm disabled, so
3 that's where I spend all my time.

4 THE COURT: Okay.

5 All right. State, any questions?

6 MR. LABRUZZO: No, Your Honor.

7 THE COURT: Defense, any questions?

8 MR. LIVERMORE: No.

9 THE COURT: All right. Sir, I'm going to have
10 you step outside and my bailiff will give you further
11 directions. Okay?

12 PROSPECTIVE JUROR HOUGH: Okay. Thank you.

13 THE COURT: Thank you.

14 State?

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

16 THE COURT: Any objection?

17 MR. LIVERMORE: No.

18 THE COURT: He'll be released to go about his
19 affairs.

20 And we have Ms. Charlene Eldridge.

21 Good morning, ma'am. Just give me one minute.

22 PROSPECTIVE JUROR ELDRIDGE: Okay.

23 THE COURT: No. You can sit right there.

24 Ms. Eldridge, thank you so much for coming in
25 this morning and filling out your form.

1 And I got your note.

2 PROSPECTIVE JUROR ELDRIDGE: Okay.

3 THE COURT: So it's really the note that I had a
4 question on, because you said that you thought that
5 you could sit as a juror, but then you said you needed
6 to pick up your boyfriend from work at 6:00.

7 PROSPECTIVE JUROR ELDRIDGE: No. I needed to
8 take him to work at 6:00.

9 THE COURT: At 6:00.

10 PROSPECTIVE JUROR ELDRIDGE: We both work at
11 6:00 PM to 4:00 AM. I just thought you needed to know
12 that.

13 THE COURT: Yes, I do.

14 PROSPECTIVE JUROR ELDRIDGE: Okay.

15 THE COURT: Because that's going to affect on
16 whether you can be a juror. Because as I told you
17 this morning, we start at 9:30 in the morning and go
18 until 6:00 at night. So we're very close on your
19 timeframes.

20 PROSPECTIVE JUROR ELDRIDGE: Yes.

21 THE COURT: So my question to you is, number one,
22 if we went past 6:00, is there any way your boyfriend
23 would have another means to get to work?

24 PROSPECTIVE JUROR ELDRIDGE: It be a very slim
25 chance, like either a taxi or something.

1 THE COURT: Okay. So he'd have to put out money,
2 Uber or taxi, whatever, to get to work.

3 PROSPECTIVE JUROR ELDRIDGE: Yes, ma'am.

4 THE COURT: Do you guys work at the same place?

5 PROSPECTIVE JUROR ELDRIDGE: Yes, ma'am.

6 THE COURT: Where do you work?

7 PROSPECTIVE JUROR ELDRIDGE: Taco Bell.

8 THE COURT: Okay. And if you were picked as a
9 juror, would you be going into work after your jury
10 service from 6:00 until 4:30 in the morning?

11 PROSPECTIVE JUROR ELDRIDGE: Yes, ma'am.

12 THE COURT: Okay. State?

13 MR. LABRUZZO: No questions, Judge.

14 THE COURT: Defense?

15 MR. LIVERMORE: No questions.

16 THE COURT: All right, ma'am. Thank you. We're
17 going to have you step out into the hallway and we'll
18 give you further directions. Okay?

19 PROSPECTIVE JUROR ELDRIDGE: Thank you very much.

20 THE COURT: State?

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

22 THE COURT: Defense, any objection?

23 MR. LIVERMORE: No.

24 THE COURT: I love hard working people. They
25 come here, they go to work, 6:00 AM. That's crazy.

1 All right. Those are the old days. 6:00 to 4:30 AM.

2 All right. I believe they're sending
3 Mr. Albert back up. He may be out there. Can you
4 see if Christopher Albert is out there. He's not
5 out yet? I believe he has an answer for us.

6 In the meantime we have Gabriel,
7 C-i-n-c-i-n-a-t-u-s.

8 MR. PURA: Cincinatus.

9 THE COURT: Cincinatus.

10 Matthew Peoples. Now, Mr. Peoples is being
11 brought up because he is the brother of one of our
12 jurors on our panel, Matthew. This is Matthew
13 Peoples. He is brother to Christopher Peoples,
14 who's already in that room with the jurors. So I
15 thought you guys might want to address that.

16 Then I have Joseph Young, William Harvey, and
17 Cheryl Harmon. That will be our last group.

18 Who's out there?

19 THE BAILIFF: Nobody.

20 THE COURT: Nobody? We got nobody?

21 MR. PURA: We skipped over a bunch, didn't we?
22 Kelly Brennan.

23 THE COURT: Oh, yeah. Sorry. Sorry. Sorry.
24 Sorry. Never mind.

25 I have Brennan, Thomas, Hall, Muir, and

1 Siggelko.

2 MR. PURA: Siggelko.

3 THE COURT: See who we have out there. This is
4 the last group, this group of Brennan, Thomas.

5 I have a question on Peoples, since we're all
6 here. Do we want to screen him or do we want to
7 release him? He answers all the questions good,
8 but I don't know if you want brothers on the panel.

9 MR. SARABIA: I think that's something we need to
10 prescreen.

11 THE COURT: Okay. Are we ready to go?

12 THE BAILIFF: We have Christopher Albert.

13 THE COURT: Okay. Christopher Albert. Bring Mr.
14 Albert in. This is our standby. He was going to make
15 a phone call. So he should be sitting off to the left
16 here. And I believe we might have Ms. Llewellyn too.
17 I was trying to get them in and out.

18 Mr. Albert, thank you for coming back.

19 PROSPECTIVE JUROR ALBERT: Thank you.

20 THE COURT: Did you make that phone call for us?

21 PROSPECTIVE JUROR ALBERT: Yes, I did. I only
22 get paid for today.

23 THE COURT: For today only?

24 PROSPECTIVE JUROR ALBERT: Yes. Just eight
25 hours.

1 THE COURT: Okay. So if you were not paid, it
2 would be a significant hardship to you?

3 PROSPECTIVE JUROR ALBERT: Absolutely, ma'am.

4 THE COURT: And if you weren't paid, do you think
5 you'd have a hard time paying attention to the trial
6 because you're not getting paid and things aren't
7 getting paid at home?

8 PROSPECTIVE JUROR ALBERT: Absolutely, Your
9 Honor.

10 THE COURT: Okay. State, any questions?

11 MR. LABRUZZO: No, Your Honor.

12 THE COURT: Defense?

13 MR. LIVERMORE: No.

14 THE COURT: All right. We're going to have you
15 step back out. My bailiff will give you some
16 instructions going on further. Okay?

17 PROSPECTIVE JUROR ALBERT: Thank you for your
18 time.

19 THE COURT: Thank you.

20 Is it Ms. Llewellyn that's out there?

21 THE BAILIFF: Yes, ma'am.

22 THE COURT: Okay. Give me one minute.

23 All right. State, on Albert?

24 MR. LABRUZZO: Judge, we would move for cause.

25 THE COURT: Any objection?

1 MR. LIVERMORE: No.

2 THE COURT: All right. He'll be a cause
3 challenge. He can be released to go home and turn in
4 his badge.

5 And then I need Ms. Llewellyn.

6 It's still morning, ma'am. Thank you for
7 coming back. Did you make that phone call?

8 PROSPECTIVE JUROR LLEWELLYN: I did. And they do
9 not provide a sub for my position.

10 THE COURT: So your children would have nobody
11 supervising other than the paraprofessional?

12 PROSPECTIVE JUROR LLEWELLYN: Exactly.

13 THE COURT: And nobody really teaching them the
14 English language that you teach them?

15 PROSPECTIVE JUROR LLEWELLYN: Just their
16 classroom teacher.

17 THE COURT: Okay. But I assume you give them
18 more advanced? Additional?

19 PROSPECTIVE JUROR LLEWELLYN: I do individual.

20 THE COURT: Okay. And without you, they would
21 fall significantly behind?

22 PROSPECTIVE JUROR LLEWELLYN: I believe so.

23 THE COURT: Because it be three weeks of teaching
24 time?

25 Okay. State, do you have any questions?

1 MR. LABRUZZO: No, Your Honor.

2 THE COURT: Defense, any questions?

3 MR. PURA: Just one.

4 THE COURT: Sure.

5 MR. PURA: Good morning, ma'am.

6 PROSPECTIVE JUROR LLEWELLYN: Good morning.

7 MR. PURA: Just for the sake of argument, if I
8 told you that both sides would like to have you on
9 this jury, would that overcome any kind of concern
10 that you might have sitting here for three weeks
11 without your children?

12 PROSPECTIVE JUROR LLEWELLYN: No. I'm sorry.

13 MR. PURA: Okay. I appreciate it.

14 THE COURT: All right. Ma'am, I'm going to have
15 you step out into the hallway and we'll let you know.
16 Okay? Thank you very much for making that phone call
17 for us.

18 State?

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

20 THE COURT: Defense?

21 MR. LIVERMORE: No objection.

22 THE COURT: All right. Ms. Llewellyn will be
23 released to go back to school.

24 And do we have that other last group up?

25 THE BAILIFF: Yes, Your Honor.

1 THE COURT: Okay. Are we ready? It will be
2 Kelly Brennan. Are you guys ready for that?

3 Okay. Bring in Ms. Brennan.

4 MR. LABRUZZO: Brennan?

5 THE COURT: It's B-r-e-n-n-a-n.

6 Ms. Brennan, how are you?

7 PROSPECTIVE JUROR BRENNAN: Good. Thank you.

8 THE COURT: Thank you so much for coming in today
9 and filling out the forms for us.

10 We were going over your forms and the one part
11 that came to our attention was that you did not
12 feel, based on the length of time this trial will
13 take, that you would not be able to sit as a fair
14 and impartial juror?

15 PROSPECTIVE JUROR BRENNAN: Yes.

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

17 PROSPECTIVE JUROR BRENNAN: I am a mentor for new
18 teachers. So three weeks out of the classroom without
19 a new teacher is difficult. And I have a 7 and an
20 11-year-old that I provide all the transportation to
21 go to middle school.

22 THE COURT: And what time do they get out?

23 PROSPECTIVE JUROR BRENNAN: They get out at 3:00.

24 THE COURT: Okay. So you drop them off in the
25 morning, and then you go work with the teachers in the

1 classroom as a mentor teacher, and then you pick them
2 up at 3:00?

3 PROSPECTIVE JUROR BRENNAN: No. They're in
4 aftercare.

5 THE COURT: Okay. You pick them up at 4:00 or
6 5:00 aftercare, but before 6:00?

7 PROSPECTIVE JUROR BRENNAN: Yes.

8 THE COURT: Or if you are late, they charge you
9 \$5,000 a minute?

10 PROSPECTIVE JUROR BRENNAN: Right.

11 THE COURT: Okay. Is there anyone else who could
12 mentor your teachers, if you were forced, for lack of
13 a better term, to sit as a juror in this case?

14 PROSPECTIVE JUROR BRENNAN: They would probably
15 just put it on pause and have me come back after.

16 THE COURT: Okay. And do they have to go through
17 so many hours of monitoring to get some sort of
18 license or some sort of degree or certificate?

19 PROSPECTIVE JUROR BRENNAN: For their
20 certification in Hillsborough County as a contingency
21 of their employment must complete the program Florida
22 Conflict Practices that I'm responsible for managing
23 for them.

24 THE COURT: And if you were sitting here for
25 three weeks, would that affect their ability to get

1 this certification?

2 PROSPECTIVE JUROR BRENNAN: It could depending on
3 their time schedule, yes.

4 THE COURT: Okay. So depending on how well they
5 move through the program, that three weeks could cause
6 someone else -- not you -- to not get their
7 certification and not be retained as a teacher?

8 PROSPECTIVE JUROR BRENNAN: Correct.

9 THE COURT: And based on that and the fact that
10 you have to get your children from daycare, do you
11 think you'd have a hard time sitting here as a juror
12 in this case concentrating on this trial or do you
13 think your mind might go back to those other matters?

14 PROSPECTIVE JUROR BRENNAN: I think my mind would
15 be mostly on my kids and then my teachers, but, yes.

16 THE COURT: Okay. So you think you'd think more
17 of them and not about the trial?

18 PROSPECTIVE JUROR BRENNAN: Unfortunately, yes.

19 THE COURT: Okay. State, questions?

20 MR. LABRUZZO: Yes.

21 Good morning, ma'am. You do make note that
22 you said that you saw this in the news at the time
23 it occurred.

24 PROSPECTIVE JUROR BRENNAN: I did.

25 MR. LABRUZZO: What do you recall?

1 PROSPECTIVE JUROR BRENNAN: I just remember
2 seeing something about the Old Dixie.

3 MR. LABRUZZO: Are you familiar with that area?

4 PROSPECTIVE JUROR BRENNAN: I am not.

5 MR. LABRUZZO: Okay. And do you remember any
6 other details about the report?

7 PROSPECTIVE JUROR BRENNAN: No.

8 MR. LABRUZZO: Okay. Thank you, ma'am.

9 PROSPECTIVE JUROR BRENNAN: Uh-huh.

10 THE COURT: Defense, any questions?

11 MR. PURA: Good morning.

12 PROSPECTIVE JUROR BRENNAN: Good morning.

13 MR. PURA: What school do your kids go to?

14 PROSPECTIVE JUROR BRENNAN: My kids are at
15 Learning Gate Community School.

16 MR. PURA: And is that also where you work?

17 PROSPECTIVE JUROR BRENNAN: No. I work at D. W.
18 Waters High School.

19 MR. PURA: I don't even know where that is.

20 PROSPECTIVE JUROR BRENNAN: They're in
21 Hillsborough County.

22 MR. PURA: Everything is in Hillsborough County?

23 PROSPECTIVE JUROR BRENNAN: Yes.

24 MR. PURA: If you had to, would you be able to
25 get someone to pick up your kids after aftercare?

1 PROSPECTIVE JUROR BRENNAN: It would be a
2 difficult task.

3 MR. PURA: Who do you think would you be able to
4 rely upon?

5 PROSPECTIVE JUROR BRENNAN: I'd rely upon my
6 parents.

7 MR. PURA: And why would that be difficult for
8 them?

9 PROSPECTIVE JUROR BRENNAN: They live in Sun City
10 Center. They're 80 and 74.

11 MR. PURA: All right. Thanks.

12 THE COURT: All right. Ma'am, thank you very
13 much. You can step out into the hallway and we'll
14 give you further instructions.

15 State?

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

17 THE COURT: Defense?

18 MR. LIVERMORE: No valid objection.

19 THE COURT: All right. Ms. Brennan will be
20 released.

21

22 (CONTINUATION IN VOLUME V.)

23 (HEARING CONCLUDED.)

24

25

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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