





1	INDEX TO PROCEEDINGS - CONTINUED	
2		PAGES
3	VOLUME V	
4	(OCTOBER 31, 2017)	
5		
6		
7	VOIR DIRE EXAMINATION	585
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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

2 THE COURT: And next is Shalah Thomas.

3 MR. PURA: Shalah.

4 THE COURT: Shalah.

5 MR. PURA: Maybe Shalah. I don't know. I'm not  
6 going to commit myself.

7 THE COURT: Good morning, Ms. Thomas. How are  
8 you?

9 PROSPECTIVE JUROR THOMAS: Okay.

10 THE COURT: If you can step on up here to that  
11 first row right there in front of these gentlemen and  
12 scoot in just a little bit for me. Okay?

13 Thank you so much for coming this morning and  
14 filling out the form. There's a couple of things  
15 on your form that we wanted to talk about.

16 First and foremost, you said that you did not  
17 feel that you could sit as a fair and impartial  
18 juror because of the length of time that the trial  
19 will take. Is it work? School? Kids? Vacations?  
20 What have you got?

21 PROSPECTIVE JUROR THOMAS: Work and school.

22 THE COURT: Okay. I saw you were in a doctorate  
23 program. Are you currently in a doctorate program?

24 PROSPECTIVE JUROR THOMAS: No. My kids' school,  
25 and I completed that.

1           THE COURT:  So you have work and then you also  
2           are responsible for getting your children to and from  
3           school?

4           PROSPECTIVE JUROR THOMAS:  Yes.

5           THE COURT:  Okay.  And what kind of work do you  
6           currently do?

7           PROSPECTIVE JUROR THOMAS:  I'm a nurse  
8           practitioner.

9           THE COURT:  All right.  And who do you work for?

10          PROSPECTIVE JUROR THOMAS:  The VA.  I work in the  
11          pain clinic.

12          THE COURT:  Would they pay you to sit as a juror?

13          PROSPECTIVE JUROR THOMAS:  Yes.

14          THE COURT:  So that part you would be paid, but  
15          you would have to be out of work for three weeks, so  
16          you wouldn't be, you know --

17          PROSPECTIVE JUROR THOMAS:  Yeah.

18          THE COURT:  -- working with your clients?

19          PROSPECTIVE JUROR THOMAS:  Yes.

20          THE COURT:  All right.  And if I said that you  
21          had to come, I forced you to come, would you be able  
22          to concentrate on this trial and put aside any  
23          thoughts of work while you're here?

24          PROSPECTIVE JUROR THOMAS:  Honestly, yes.

25          THE COURT:  Okay.  Well, appreciate that.

1           Now we're going to get on to the children,  
2           because, you know, we all have children. So what  
3           is the arrangement that you have with the children  
4           and is there any way you could get someone to fill  
5           in for you for the time if you were chosen as a  
6           juror?

7           PROSPECTIVE JUROR THOMAS: Honestly, I could  
8           probably get my husband to pick her up.

9           THE COURT: Okay.

10          PROSPECTIVE JUROR THOMAS: He starts a new job on  
11          Monday.

12          THE COURT: Okay.

13          PROSPECTIVE JUROR THOMAS: He already put in his  
14          two weeks' notice, and he hasn't been on his current  
15          job for that long. So the two weeks was more of a  
16          convenience thing.

17          THE COURT: Okay.

18          PROSPECTIVE JUROR THOMAS: And drop her off -- my  
19          eight-year-old starts a new school tomorrow.

20          THE COURT: Okay.

21          PROSPECTIVE JUROR THOMAS: So I have to drop her  
22          off there.

23          THE COURT: What time do they go in?

24          PROSPECTIVE JUROR THOMAS: School starts at 9:30.

25          THE COURT: Okay. So what time do you usually

1 drop off?

2 PROSPECTIVE JUROR THOMAS: Well, tomorrow is an  
3 exception. I'm going to be walking her in.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR THOMAS: So I'll be dropping  
6 her off at 9:15.

7 THE COURT: Okay. So other than tomorrow, which  
8 you would be a little later -- where is the school?  
9 How far away from here?

10 PROSPECTIVE JUROR THOMAS: I live in  
11 Land O' Lakes. Pineview Middle School -- I'm sorry.  
12 Pineview Elementary.

13 THE COURT: Thirty minutes? Forty-five?

14 PROSPECTIVE JUROR THOMAS: Maybe about 30.

15 THE COURT: Okay. So because she's starting a  
16 new school, you're going to have to walk her in, make  
17 sure they got all the forms filled out, the 15 million  
18 pages that you have to fill out when you start a new  
19 school?

20 PROSPECTIVE JUROR THOMAS: Yes.

21 THE COURT: And then would you walk her to her  
22 class?

23 PROSPECTIVE JUROR THOMAS: Yes.

24 THE COURT: And then after tomorrow, would she  
25 take a bus? Or would you have to drop her off at like

1 9:00, 9:15 every day?

2 PROSPECTIVE JUROR THOMAS: No. Because I work,  
3 at 7:30, I would have to drop her off at before care  
4 at 6:30.

5 THE COURT: Okay. What I'm trying to figure out,  
6 so if you were picked as a juror, you would be able to  
7 drop her off let's say at 8:30 for before care?

8 PROSPECTIVE JUROR THOMAS: Yes.

9 THE COURT: And come here and be a juror?

10 PROSPECTIVE JUROR THOMAS: Yes.

11 THE COURT: And then you would have someone able  
12 to pick her up, because we'd be done by 6:00, no later  
13 than 6:00? Would someone not only be able to pick her  
14 up, but be at home with her? Because I don't want any  
15 children left alone that are small children. We can't  
16 do that.

17 PROSPECTIVE JUROR THOMAS: Yes.

18 THE COURT: Okay. So you could make arrangements  
19 to fit into being a juror at this point?

20 PROSPECTIVE JUROR THOMAS: Yes.

21 THE COURT: Okay. And then you said that you saw  
22 something about this case yesterday on Bay News 9 and  
23 Fox?

24 PROSPECTIVE JUROR THOMAS: Yes.

25 THE COURT: Now, do you know exactly what you



1 heard? Or is it just a murder case, jury summons,  
2 that kind of stuff?

3 PROSPECTIVE JUROR THOMAS: Yeah. It's jury, that  
4 the case is coming up for the guy that allegedly  
5 killed his family members. I don't remember which  
6 family members.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR THOMAS: I don't remember the  
9 details.

10 THE COURT: Now, based on what you've heard from  
11 yesterday, did you form any fixed or definite opinions  
12 on his guilt or innocence on the person who's charged  
13 with the crime?

14 PROSPECTIVE JUROR THOMAS: No.

15 THE COURT: And do you believe, if you were  
16 picked as a juror, you could sit here, listen to the  
17 witnesses and look at the evidence and make a decision  
18 on whether he was guilty or not guilty?

19 PROSPECTIVE JUROR THOMAS: Yes.

20 THE COURT: You would hold the State to their  
21 burden of proof? Because he sits here as an innocent  
22 man. The State is the one that has to prove to you  
23 that he's guilty. Do you think you could hold the  
24 State to that burden?

25 PROSPECTIVE JUROR THOMAS: Yes.

1           THE COURT: All right. State, do you have any  
2 questions?

3           MR. LABRUZZO: I do, Your Honor.

4           Good afternoon, ma'am. You also made note on  
5 one of your questions that someone close to you had  
6 been a victim of a crime. You made note that a  
7 family member had been previously murdered. Can  
8 you kind of give us some of the details, if you  
9 feel comfortable in the setting. Was it a local  
10 case? Is this something that happened here in  
11 Florida?

12          PROSPECTIVE JUROR THOMAS: No. It was in the  
13 Virgin Islands. It was my cousin. And actually he  
14 and a guy got into an altercation, then he went to  
15 jail. And then they held him for a while, and then  
16 when they let him out, he killed my cousin. And they  
17 probably took them a year to build a case.

18          MR. LABRUZZO: Okay.

19          PROSPECTIVE JUROR THOMAS: I don't know if it  
20 went to trial. I know he was arrested.

21          MR. LABRUZZO: All right. It seems like you have  
22 a pretty good knowledge about that?

23          PROSPECTIVE JUROR THOMAS: Yes.

24          MR. LABRUZZO: Okay. Anything about that, the  
25 fact that this is a murder case and a family member of

1           yours had been a victim of murder, that from the  
2           outset makes you think that you would not be able to  
3           sit on a case like this? Can you set aside your  
4           experiences with your cousin and listen to the facts  
5           of this case?

6                    PROSPECTIVE JUROR THOMAS: I think so.

7                    MR. LABRUZZO: All right. And when did this -- I  
8           don't see a date.

9                    PROSPECTIVE JUROR THOMAS: 2014.

10                   MR. LABRUZZO: 2014.

11                   Okay. You said it took them some time to  
12           build the case involving this. Did that case ever  
13           go to trial, to your knowledge?

14                   PROSPECTIVE JUROR THOMAS: Not to my knowledge.  
15           It took a while because it's a very small island, and  
16           eventually it got out, people started to talk, he  
17           started to talk about what he did. It was like a  
18           revenge-type thing.

19                   MR. LABRUZZO: All right.

20                   PROSPECTIVE JUROR THOMAS: So eventually it got  
21           out.

22                   MR. LABRUZZO: Okay. If you were to be selected  
23           as a juror in this case and you were to hear testimony  
24           about the cause and manner of death that relates to an  
25           individual, would that strike any cord with you that

1           might prevent you from listening to the facts of this  
2           case?

3                   PROSPECTIVE JUROR THOMAS: I don't think so.

4                   MR. LABRUZZO: No further questions.

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

6                   MR. LIVERMORE: No, ma'am.

7                   THE COURT: All right. Ms. Thomas, thank you  
8           very much. I'm going to have you step out into the  
9           hallway. My bailiff will give you further directions.  
10          Okay? Thank you, ma'am.

11                   State, on Ms. Thomas?

12                   MR. LABRUZZO: Judge, the State's not asking for  
13          any action on Ms. Thomas.

14                   THE COURT: Defense?

15                   MR. LIVERMORE: No, ma'am.

16                   THE COURT: All right. Ms. Thomas will be asked  
17          to step back downstairs and stay in the jury pool for  
18          right now.

19                   I have Wayne Hall coming in next.

20                   Good afternoon, Mr. Hall. How are you?

21                   PROSPECTIVE JUROR HALL: Good, ma'am. And  
22          yourself?

23                   THE COURT: We're going to the first bench right  
24          there and scoot in a little. I appreciate you coming  
25          in today. I know it's taken some time, but we're

1 moving along as fast as we can. I appreciate you  
2 filling out the form.

3 You said that you're responsible for your  
4 mother-in-law, she's 91 years old, and you do the  
5 grocery shopping for her.

6 PROSPECTIVE JUROR HALL: That's right.

7 THE COURT: If you were chosen as a juror in this  
8 case, you would come in about 9:30, leave about 6:00.  
9 Would that still give you the opportunity to handle  
10 that for her?

11 PROSPECTIVE JUROR HALL: Possibly, ma'am.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR HALL: My wife is equal care.  
14 We look on her every day.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR HALL: She's not amble at this  
17 point and not driving at all. She's going to be 92 in  
18 November, at the end of November.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR HALL: It's going to be an  
21 inconvenience to my family, ma'am. I have to drive  
22 back to Zephyrhills.

23 THE COURT: All right. And so that's where  
24 you're from, Zephyrhills?

25 PROSPECTIVE JUROR HALL: Yes, ma'am.

1           THE COURT: All right. That's very important.  
2           But you also said you have a paid company vacation set  
3           in the timeframe that we're talking about?

4           PROSPECTIVE JUROR HALL: Yes, ma'am. That's  
5           correct.

6           THE COURT: Where are you going?

7           PROSPECTIVE JUROR HALL: Well, I actually took  
8           vacation. I support my wife's charity.

9           THE COURT: Okay.

10          PROSPECTIVE JUROR HALL: Which is Operation  
11          Christmas Child. She's a chairperson for western  
12          Pasco County.

13          THE COURT: Okay.

14          PROSPECTIVE JUROR HALL: They're a 501(c) through  
15          Samaritans First. She runs a collection center for  
16          Samaritans First.

17          THE COURT: So the vacation that you're taking is  
18          to take time off work to help the charity?

19          PROSPECTIVE JUROR HALL: Yes, ma'am.

20          THE COURT: Do I have that right?

21          PROSPECTIVE JUROR HALL: Yes. That's exactly  
22          correct, ma'am.

23          THE COURT: And the company is paying you for  
24          that because you're working with a 501(c) corporation?

25          PROSPECTIVE JUROR HALL: I'm sorry, ma'am. You

1 mean my employer?

2 THE COURT: Yes.

3 PROSPECTIVE JUROR HALL: That is a paid vacation,  
4 yes, ma'am.

5 THE COURT: Okay. Maybe I misunderstood. You're  
6 taking vacation time of yours that you've accrued and  
7 with that vacation time you are using to help your  
8 wife's charity?

9 PROSPECTIVE JUROR HALL: As a volunteer, yes,  
10 ma'am.

11 THE COURT: As a volunteer.

12 And is she relying on you to get this together  
13 so that they're ready for the Christmastime?

14 PROSPECTIVE JUROR HALL: If you're not familiar  
15 with Operation Christmas Child, if I may be very  
16 brief, they shipped last year nationwide about 12 and  
17 a half million shoe boxes overseas.

18 THE COURT: I am very familiar with it and I know  
19 how it works. So that's why I'm saying, that week is  
20 very important for the charity to get the things  
21 together to be able to ship so that they arrive for  
22 the Christmastime?

23 PROSPECTIVE JUROR HALL: With all due respect,  
24 ma'am, I'm her muscle.

25 THE COURT: Okay. And without you, it would take

1 a significant hit?

2 PROSPECTIVE JUROR HALL: Yes, ma'am.

3 THE COURT: And, for lack of a better term, if I  
4 forced you to sit on the jury and not be there for her  
5 and her charity, do you think it would be so stressful  
6 for you personally and for your family, that you'd  
7 have a hard time concentrating as a member of this  
8 jury panel?

9 PROSPECTIVE JUROR HALL: I don't know, ma'am.  
10 Just honestly I don't know if I could do that or not.

11 THE COURT: Okay. And that's all we can ask for  
12 is what you think. I can imagine that this is things  
13 you prepare all year for?

14 PROSPECTIVE JUROR HALL: That's correct.

15 THE COURT: You take vacation off your work. You  
16 get everything together. So you could not guarantee  
17 me or the lawyers that your thoughts wouldn't be  
18 somewhere else if you were picked as a juror?

19 PROSPECTIVE JUROR HALL: I would have to say  
20 that's true.

21 THE COURT: Okay. I'm sure you're very  
22 conscientious and you'd try, but you can't guarantee  
23 us that.

24 The other thing is I would be concerned that  
25 you would leave here and then go help her and you'd



1 be up until 2:00, 3:00, 4:00 in the morning doing  
2 it. Do I got that kind of person? Is that the  
3 kind of person you are?

4 PROSPECTIVE JUROR HALL: Yes, ma'am. It is.

5 THE COURT: That's what I was concerned about.  
6 So you would do both because that's the kind of person  
7 you are, but you'd be burning the candle at both ends  
8 and taking care of the 91-year-old mother-in-law?

9 PROSPECTIVE JUROR HALL: Whenever I can, yes,  
10 ma'am.

11 THE COURT: Okay. State, any questions?

12 MR. LABRUZZO: No, Your Honor.

13 THE COURT: Defense, any questions?

14 MR. LIVERMORE: Just one.

15 Sir, in light of the things you told us, you'd  
16 prefer not to sit, especially during this trial?

17 PROSPECTIVE JUROR HALL: If I may be very frank,  
18 sir, I would prefer not to sit.

19 MR. LIVERMORE: Thank you.

20 THE COURT: I pretty much got that. Okay.

21 MR. LIVERMORE: Well, I wasn't sure.

22 THE COURT: Wasn't sure.

23 Okay. All right. Sir, if I can have you step  
24 into the hallway. We'll get right back with you.  
25 Okay?

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

2 THE COURT: State, on Mr. Hall?

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

4 THE COURT: Any objection to that?

5 MR. LIVERMORE: No.

6 THE COURT: Next is Kathleen Mayor or Muir,  
7 M-u-i-r.

8 Do you all want to bring up Mr. Peoples now,  
9 because I was going to be done as soon as I'm done  
10 this five and we were going to go lunch. But I  
11 don't know if you want to bring up Mr. Peoples or  
12 just leave him in the rotation, the normal  
13 rotation.

14 We may not get to him, because if I get ten  
15 jurors downstairs, we're going to keep going with  
16 jury selection.

17 Is it Muir or Mayor?

18 PROSPECTIVE JUROR MUIR: Muir.

19 THE COURT: Muir. Sorry about that.

20 Ma'am, I'm going to have you sit in the front  
21 row there. Thank you so much for coming and  
22 filling out the form.

23 You said on the second page that you would be  
24 unable to participate in this trial because of the  
25 length of the trial because of your work, that

1           you're a teacher for exceptional education.

2           PROSPECTIVE JUROR MUIR: Yes.

3           THE COURT: And it's the school system, correct?

4           PROSPECTIVE JUROR MUIR: Yes.

5           THE COURT: So they would pay you for jury duty?

6           PROSPECTIVE JUROR MUIR: Yes.

7           THE COURT: But you're concerned about your  
8 children?

9           PROSPECTIVE JUROR MUIR: Yes.

10          THE COURT: Your students?

11          PROSPECTIVE JUROR MUIR: Yes.

12          THE COURT: And you say exceptional education.  
13 Which end of the exceptional education bureau do you  
14 work?

15          PROSPECTIVE JUROR MUIR: I work with middle  
16 school students with learning disabilities and  
17 emotional handicap --

18          THE COURT: So ESL.

19          PROSPECTIVE JUROR MUIR: -- disabilities.

20          THE COURT: Okay. And you're here today. Who is  
21 taking care of the children?

22          PROSPECTIVE JUROR MUIR: Well, hopefully I have a  
23 substitute. There was no one that picked up before I  
24 left.

25          THE COURT: And the substitute is really only

1 watching the children? They're not certified to teach  
2 like you are?

3 PROSPECTIVE JUROR MUIR: They would implement  
4 what I left for them to do.

5 THE COURT: Okay. And so I would assume that if  
6 you were forced, for lack of a better term, to sit as  
7 a juror and you were picked, would you be so concerned  
8 on the fact that the children are being watched by a  
9 substitute, that you may not be able to concentrate  
10 and give this trial your full attention?

11 PROSPECTIVE JUROR MUIR: I would be concerned,  
12 yes.

13 THE COURT: Okay. And is that because of the  
14 individual nature of the kind of teaching that you  
15 give these children?

16 PROSPECTIVE JUROR MUIR: Yes.

17 THE COURT: All right. How many students do you  
18 teach at a time?

19 PROSPECTIVE JUROR MUIR: I'm in a regular  
20 classroom with another teacher.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR MUIR: And I usually have seven  
23 to eight students per period for six periods a day.

24 THE COURT: So they're streamlined or  
25 mainstreamed?

1 PROSPECTIVE JUROR MUIR: Yes.

2 THE COURT: And then you work with them within  
3 their normal class period?

4 PROSPECTIVE JUROR MUIR: Yes.

5 THE COURT: So if you're not there, the sub is  
6 just assisting the teacher and trying to do the work  
7 that you leave for them?

8 PROSPECTIVE JUROR MUIR: Yes.

9 THE COURT: But they don't really have your  
10 knowledge or experience?

11 PROSPECTIVE JUROR MUIR: Correct.

12 THE COURT: Okay. State, any questions?

13 MR. LABRUZZO: Yes, Your Honor.

14 Good afternoon, ma'am. And maybe you answered  
15 this question and I just missed it. How many kids  
16 do you teach on a daily basis?

17 PROSPECTIVE JUROR MUIR: Well, I have six or  
18 seven per period, so it varies.

19 MR. LABRUZZO: Okay.

20 PROSPECTIVE JUROR MUIR: And then I have six  
21 periods a day.

22 MR. LABRUZZO: So it's not just that classroom of  
23 a certain number of kids? How many kids do you affect  
24 on a daily basis?

25 PROSPECTIVE JUROR MUIR: How many kids do I

1           affect on a daily basis? Well, I'm in a classroom of  
2           22 to 30.

3           MR. LABRUZZO: Okay.

4           PROSPECTIVE JUROR MUIR: So I have connections  
5           and contacts with all of the students in the class as  
6           well as the kids with special needs.

7           MR. LABRUZZO: Okay. No further questions, Your  
8           Honor.

9           THE COURT: Defense?

10          MR. PURA: Good afternoon, ma'am. We all  
11          appreciate the dedication to the kids. I'm just not  
12          saying that. But if I told you that one of the things  
13          that the State and the Defense attorneys typically  
14          agree upon is that we'd like to have teachers on our  
15          juries because they're good at paying attention and  
16          they take excellent notes.

17          Having said that, if I told you hypothetically  
18          that both sides would like to have you on this  
19          jury, would that help alleviate any of your  
20          concerns for your children?

21          PROSPECTIVE JUROR MUIR: No. I mean, it would  
22          still -- I would still be concerned for their academic  
23          progress, and that's what my responsibility is.

24          MR. PURA: And you're fairly confident that you  
25          would not be able to get sufficient substitution for

1           you and for all the things that you do?

2           PROSPECTIVE JUROR MUIR: We struggle with getting  
3 substitutes on a regular basis for schools.

4           MR. PURA: Well, I tried. Thank you, ma'am. I  
5 appreciate it.

6           THE COURT: All right. Ma'am, we'll have you  
7 step out into the hallway. Thank you very much. My  
8 bailiff will give you further directions. Okay?

9           PROSPECTIVE JUROR MUIR: Thank you.

10          THE COURT: All right. State?

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

12          THE COURT: Any objection?

13          MR. LIVERMORE: We have no valid basis.

14          THE COURT: All right. She'll be released.

15                 And the last one I have is Savannah, it's  
16 S-i-g-g-e-l-k-o, Siggelko.

17                 Ms. -- is it Siggelko?

18          PROSPECTIVE JUROR SIGGELKO: Yes.

19          THE COURT: Wow. You may be the only one I  
20 pronounced correctly today.

21          PROSPECTIVE JUROR SIGGELKO: You're probably the  
22 first person that pronounced it correctly.

23          THE COURT: Thank you so much for coming today.  
24 We have just a couple of questions for you.

25                 Number one is you said you had a family

1 vacation scheduled in the time period of the trial.

2 PROSPECTIVE JUROR SIGGELKO: Yes. It's my  
3 parents' wedding anniversary.

4 THE COURT: Where are you going?

5 PROSPECTIVE JUROR SIGGELKO: We were planning on  
6 traveling up to New York.

7 THE COURT: Okay. And are they up there and  
8 you're down here?

9 PROSPECTIVE JUROR SIGGELKO: No. We're all down  
10 here. We're just going to go up there and be with  
11 some family members.

12 THE COURT: Okay. And is it prepaid flights, all  
13 that kind of stuff?

14 PROSPECTIVE JUROR SIGGELKO: No. We're going to  
15 drive there.

16 THE COURT: All right. But they're counting on  
17 this?

18 PROSPECTIVE JUROR SIGGELKO: Yes.

19 THE COURT: Have you already taken off work for  
20 this and made arrangements to go?

21 PROSPECTIVE JUROR SIGGELKO: Yes. I've already  
22 called off and everything at work for it. So...

23 THE COURT: Okay. And you also said that you had  
24 a friend who was murdered?

25 PROSPECTIVE JUROR SIGGELKO: Yes.



1 THE COURT: And it was at a community clubhouse?

2 PROSPECTIVE JUROR SIGGELKO: Uh-huh.

3 THE COURT: Was that here in Pasco?

4 PROSPECTIVE JUROR SIGGELKO: Yes, it was. It was  
5 in Wesley Chapel, right near Wiregrass Ranch High  
6 School.

7 THE COURT: How long ago was that?

8 PROSPECTIVE JUROR SIGGELKO: It was 2013.

9 THE COURT: And is the person that was  
10 responsible, were they ever caught?

11 PROSPECTIVE JUROR SIGGELKO: Yes.

12 THE COURT: And was there a trial?

13 PROSPECTIVE JUROR SIGGELKO: Yes.

14 THE COURT: Did you attend the trial?

15 PROSPECTIVE JUROR SIGGELKO: I didn't attend the  
16 trial, no.

17 THE COURT: Did you have anything to do with the  
18 trial? Were you a witness in the trial at all?

19 PROSPECTIVE JUROR SIGGELKO: No. The only thing  
20 that I really, like, put myself, like, part of was,  
21 like, the memorial services and whatnot. That's about  
22 it.

23 THE COURT: All right. And as you know, because  
24 I put it in the questionnaire, this is a murder case?

25 PROSPECTIVE JUROR SIGGELKO: Yes.

1           THE COURT: And do you think the fact that a  
2 friend of yours was murdered would cause you to have a  
3 hard time being a fair and impartial juror to either  
4 side?

5           PROSPECTIVE JUROR SIGGELKO: I'm afraid possibly  
6 just because, like, it was really, like, emotional.  
7 It was, like, the day before my Sweet 16, you know.  
8 So, like, I took it to heart a lot. So I'm not sure  
9 if it would sway my opinion.

10          THE COURT: Was there any relationship between  
11 the person who was your friend and the person who  
12 murdered your friend?

13          PROSPECTIVE JUROR SIGGELKO: Yeah. I think they  
14 used to be friends and then there was like a big fight  
15 that had gone on. They never really got to, like, the  
16 bottom of it. But the kid ended up chasing him back  
17 to the clubhouse after and stabbing him.

18          THE COURT: Okay. So they were friends and then  
19 from that friendship caused some sort of fight which  
20 led to the death of your friend?

21          PROSPECTIVE JUROR SIGGELKO: Yes.

22          THE COURT: How old was he?

23          PROSPECTIVE JUROR SIGGELKO: He was 16.

24          THE COURT: Okay. So he was 16. And the person  
25 who killed him?

1 PROSPECTIVE JUROR SIGGELKO: Was 18.

2 THE COURT: Was 18?

3 PROSPECTIVE JUROR SIGGELKO: Yes.

4 THE COURT: And that was done here in Pasco  
5 County in the Dade City side?

6 PROSPECTIVE JUROR SIGGELKO: Yes.

7 THE COURT: Okay. All right. State, any  
8 questions?

9 MR. LABRUZZO: Just one.

10 Ma'am, good afternoon. Could you tell us the  
11 date of your travel?

12 PROSPECTIVE JUROR SIGGELKO: Oh, my travel. It's  
13 from the 9th to the 19th.

14 MR. LABRUZZO: Thank you, ma'am.

15 PROSPECTIVE JUROR SIGGELKO: No problem.

16 THE COURT: Defense, any questions?

17 MR. LIVERMORE: No, ma'am.

18 THE COURT: All right. Ma'am, right now I'm  
19 going to have you step into the hallway and my bailiff  
20 will give you further instructions. Okay?

21 PROSPECTIVE JUROR SIGGELKO: Uh-huh.

22 THE COURT: Thank you very much.

23 State?

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

25 THE COURT: Defense?

1 MR. LIVERMORE: No objection.

2 THE COURT: All right. She'll be released. You  
3 can release her.

4 From the group from this morning I have I  
5 don't know how many more jurors left, but it's now  
6 12:15. I would expect that people want lunch or  
7 maybe not. I don't know.

8 So I have right now eight additional screened  
9 jurors for our panel. So my question to both sides  
10 is, I let my jury from yesterday, the one we had  
11 picked, we screened, go to lunch and they're coming  
12 back at 1:00.

13 MR. LABRUZZO: Okay.

14 THE COURT: They are right now at 50. We have 50  
15 left after the ones we let go this morning and  
16 yesterday.

17 So I did not know how you wanted to handle it  
18 going forward. Do we want to go ahead and start  
19 questioning the 50, or do you want me to bring in  
20 the eight that we have prescreened and -- we didn't  
21 really talk very much to the jury yesterday other  
22 than reading the witness list, which took, I don't  
23 know, 20 minutes.

24 It's not any fault other than -- it is that  
25 long. So I'm not sure we want to reread the

1 witness list to the jurors that heard it yesterday.  
2 We could move forward with the 50 that we have and  
3 see if we can get a jury from that or we could  
4 bring the eight additional jurors that I have up,  
5 read the witness list, do a little questioning,  
6 move them to the back, and bring the 50 in, so we'd  
7 have 58 to pick from.

8 Door number three would be we would finish  
9 prescreening the remaining jurors, including the  
10 ones from yesterday, and leave them downstairs. I  
11 don't know what you guys want to do.

12 MR. LABRUZZO: Judge, the State's preference  
13 would be to continue prescreening. And if it's the  
14 eight, we'll settle for the eight, but we would like  
15 more. I think we would need something north of 60.

16 If we're going to start questioning, we should  
17 start with, you know, a number that we can feel  
18 comfortable we can get a panel out of. I'm not  
19 overly confident that we're going to get a panel  
20 out of the 50. So I would like to add some to the  
21 back. If that's eight or more, that would be our  
22 preference.

23 THE COURT: Defense?

24 MR. PURA: The eight people that you mentioned  
25 supplementing the 50, they have not been read the

1 witness list?

2 THE COURT: Correct. We spoke to them this  
3 morning. I've gone through nine groups of five. So  
4 we've talked to 45 people already this morning, and we  
5 have nine left out of 45.

6 I have 40 from yesterday downstairs that will  
7 be coming back. One, two, three, four, five, six,  
8 seven -- I have 13 that are brand-new for today, 40  
9 from yesterday that we haven't talked to, and eight  
10 that we've already prescreened.

11 MR. PURA: Judge, I think that, you know, with  
12 the 50 that we've got, for one thing, I think that  
13 it's going to take all afternoon to talk to them  
14 sufficiently and we might be able to get a jury out of  
15 them.

16 THE COURT: So do we want to at least bring up  
17 the eight that we have prescreened -- of course, they  
18 would go behind the ones we already have -- read them  
19 the witness list, talk to them, and then they would be  
20 the back side of the 50, so instead of the 50, we'd  
21 have 58?

22 MR. PURA: I mean, that's your call, Judge.

23 THE COURT: The only reason I say that is 58 is  
24 better than 50, and I could probably get that done  
25 fairly quickly.

1           MR. PURA: We would have to sit through the  
2 reading of the witness list again?

3           THE COURT: Yes.

4           MR. LABRUZZO: Well, Judge, if we don't get 50,  
5 we're going to have to do it all over again, we're  
6 going to do the reading of the witness list, both the  
7 State and Defense --

8           THE COURT: I understand. Mr. LaBruzzo, you do  
9 not have to tell us how this is done. We all  
10 understand how this is done. That's why adding eight  
11 to 50 is better starting at 50. But, again, I don't  
12 have any problem continuing to prescreen the  
13 witnesses. But if I do that, we're still going to  
14 have to read the witness list. So one way or another  
15 we're going to have to read the witness list, unless  
16 we can get it from the 50.

17           The State is highly not very enthusiastic that  
18 we're going to get it from the 50. I have no idea.  
19 I haven't looked at the 50. I haven't, you know,  
20 read the other forms. You're optimistic that we'll  
21 get it from the 50.

22           MR. PURA: I'm not.

23           THE COURT: If you are not optimistic, I'd rather  
24 continue to prescreen.

25           MR. PURA: And I'm equally as pessimistic as I am

1           about getting it out of the 50, I'm equally  
2           pessimistic about getting it out of the 58. So I  
3           think it's a waste of time to read the witness list to  
4           eight people and then bring in more and then have to  
5           read it a third time to the next group of people. I  
6           think we just throw the eight people onto back side.

7           THE COURT: All right. Here's the question --

8           MR. SARABIA: Judge, I do have a question.

9           THE COURT: Hold on. Hold on. Here's the  
10          question: I can send my jury panel from yesterday  
11          home -- I already sent them to lunch -- and have them  
12          come back tomorrow.

13          You guys all thought this was going to take  
14          three days. We'll make it take three days.  
15          Because everybody is worried they're not going to  
16          get it out of the 50 and then we're going to be  
17          starting all over again.

18          So at least as to the people who came today  
19          and came back from yesterday, I can get rid of  
20          everybody who we don't need today. And the eight  
21          that I've already prescreened, I can send them home  
22          tomorrow, come back at 9:00. The people that I  
23          have in the room next door, who are the 50 from  
24          yesterday, I can send them home, come back at 9:00.  
25          We'll just keep the unprescreened, finish



1 prescreening them, and we'll be done for the day.

2 MR. SARABIA: I have one question about that,  
3 Judge. Of the eight, those are all the people who  
4 come in and we've spoken to. Are there people whose  
5 questionnaires give us no reason to need to prescreen  
6 that we could include in the eight so that we get  
7 maybe 20 to 25.

8 THE COURT: I believe that there is.

9 MR. SARABIA: Could we do that where we add those  
10 to the eight, maybe get the number a little higher, so  
11 that it may be worth it, and we end up with a panel  
12 that is larger?

13 THE COURT: I have the likes of Richard Smith.  
14 We haven't prescreened him. No reason to talk to him.  
15 If everybody wants to look at that one. I have  
16 Richard Smith. He has got yes, no, yes, no, yes, no.

17 MR. PURA: I agree.

18 THE COURT: But he is over 70. So he would be  
19 able to be released if he wanted to. We can just  
20 release him because he's over 70 now or I could ask  
21 him.

22 MR. LIVERMORE: I believe that it's his choice.

23 THE COURT: So if we could ask Richard Smith to  
24 come upstairs.

25 I know I do have a couple more here. I had

1 Jennifer Riley. I don't believe we've spoken to  
2 her.

3 MR. LIVERMORE: She has health problems.

4 THE COURT: I'm sorry?

5 MR. LIVERMORE: Health problems.

6 THE COURT: But have we spoke to her?

7 MR. LIVERMORE: No.

8 THE COURT: She has health problems. We can talk  
9 to her. Everything else is good other than her health  
10 problem. I could have her brought up.

11 I had Gary Banks. Everything looked good for  
12 him. Are we okay with Gary Banks?

13 MR. SARABIA: I don't see any problem with him.

14 MR. LIVERMORE: I don't see anything.

15 THE COURT: Okay. So that's nine.

16 Then I had Catherine Galloway-Hogan.

17 MR. LIVERMORE: I don't have that one.

18 THE COURT: It says Galloway-Hogan on the top,  
19 and then Catherine underneath.

20 MR. LIVERMORE: Oh, there it is.

21 THE COURT: She seemed okay.

22 MR. SARABIA: We agree.

23 THE COURT: Are we okay?

24 MR. LIVERMORE: Yes.

25 THE COURT: We're up to ten.

1           Then I had Nancy Sieder, S-i-e-d-e-r. Sieder.  
2           I don't see anything wrong with her.

3           MR. LIVERMORE: Agree.

4           THE COURT: Okay. So that's 11. Then I have  
5           Robert, I think it's A-c-k -- I don't have my list  
6           here.

7           MR. SARABIA: A-c-h-a.

8           THE COURT: Yes. A-c-h-a.

9           MR. SARABIA: I don't see any prescreening for  
10          him.

11          THE COURT: Are we okay with him?

12          MR. LIVERMORE: For prescreening, yes.

13          THE COURT: Okay. So he's 12.

14          Matthew Peoples is fine other than his brother  
15          is already on the group. Do you want to bring him  
16          up now and talk to him? I mean, you could want one  
17          Peoples and not the other Peoples. Everything else  
18          about him was fine.

19          MR. PURA: I don't think we need to bring him up,  
20          Judge.

21          THE COURT: We're okay? We can just put him in  
22          the group?

23          MR. PURA: Right.

24          THE COURT: Okay. That's 13.

25          And then we have Dante Rivera. He was a yes

1 and a no. Everything was fine.

2 MR. LIVERMORE: No prescreening issues.

3 THE COURT: Are we okay with him?

4 MR. SARABIA: He was also from this morning?

5 THE COURT: That's from this morning. It's  
6 Denitza Rodriguez Rivera. Ricardo Riviera. I don't  
7 know. It's written across.

8 THE CLERK: It's Rosado.

9 THE COURT: Rosado Rivera. Thanks. It's written  
10 all squished together.

11 MR. SARABIA: The only issue with that is the  
12 answer to Number 8.

13 THE COURT: The answer what?

14 MR. SARABIA: Rosado Rivera has an answer to  
15 Number 8 that may be worth prescreening her later.

16 THE COURT: It says, "Are you an expectant mother  
17 who's not employed full time and who has custody of  
18 child?" And she said, "Part-time job." So she needs  
19 to be prescreened.

20 MR. SARABIA: I believe so.

21 THE COURT: Okay. Wow, that's a lot of stuff  
22 right here.

23 Just so you know, Joshua Lennox is -- Martin  
24 Lesser we let go. I have a Joshua Lennox, he says  
25 he's free until the 22nd. He has a flight on the

1 22nd. Is that cutting it too close?

2 MR. SARABIA: I think that would be all right.

3 The 22nd is a Wednesday, right?

4 THE COURT: Yeah. Does he need to be prescreened  
5 or is he okay?

6 MR. LIVERMORE: I think he needs to be screened.

7 MR. SARABIA: Yeah. I think he needs to be  
8 screened.

9 THE COURT: Okay. And then I have Gail Zacco,  
10 Z-a-c-c-o. I think it's Gail.

11 THE CLERK: Yes.

12 THE COURT: Gail Zacco. Oh, she has lower back  
13 pain, severe arthritis. So you might want to talk to  
14 her.

15 MR. SARABIA: Yes. Let's screen her.

16 THE COURT: So how many are we up to, 13?

17 MR. SARABIA: Thirteen is better than eight.

18 THE COURT: We're up to 16.

19 MR. PURA: Judge, a good point was brought up.  
20 In exercising peremptories, let's say we have a group  
21 of 50, whether it's 58 or 63, in using our  
22 peremptories, we don't know who we're choosing them  
23 against, since we're going to be bringing in another  
24 panel. You know, so we're not really able to  
25 intelligently exercise our peremptories.

1           THE COURT: Well, that's in every trial. I mean,  
2           if we get to the end, you never know. I mean, that  
3           could happen in a grand theft motor vehicle. I mean,  
4           when we pick a jury, we pick a jury. If we end up not  
5           having enough, then we end up having to bring in  
6           another panel.

7           MR. PURA: But we have ten obviously. But I'm  
8           just thinking that a larger panel might be better. I  
9           don't think 50 or 58 or 65 is sufficient. I think we  
10          need more than that. I mean, our preference is to  
11          prescreen everybody and see who we can throw into the  
12          mix at one time.

13          THE COURT: All right. We're still reading the  
14          witness list, though. Just kidding.

15          So I'm going to make an executive decision  
16          because they gave me this big fat robe and I have  
17          to make some decision. So what I will do is for  
18          those -- I am going to send the jury from yesterday  
19          home and tell them to come back at 9:00 tomorrow  
20          morning. We will have all the other jurors come  
21          back at 1:30, and of the nine -- what did we have  
22          eight that we prescreened?

23          THE CLERK: Yes.

24          THE COURT: Of the eight that we've  
25          prescreened --

1 THE CLERK: I'm sorry. Nine. There's nine.

2 THE COURT: Okay. And we'll go through who they  
3 are before we leave. Those nine will also be told  
4 that they can leave and come back at 9:00 tomorrow  
5 morning. We will continue to prescreen whoever else  
6 we have, and anybody left will come back at 9:00  
7 tomorrow morning.

8 At 9:00, we will bring in the new jurors and  
9 read the witness list to them and take any  
10 questions about that. And then they will move  
11 back, and we'll bring in 50 in the front, because  
12 that's the way we have to do it because we've  
13 already picked them.

14 And we'll shuffle whatever is left, and  
15 they'll start 51, and move back, and that's when  
16 we'll do the rest of trial pick, and then we'll be  
17 done. Hopefully we'll be up to 65 or so, and I  
18 think we can get a panel out of 65.

19 I will tell you I have no other jurors. So  
20 once we get done, that's what we have. If we don't  
21 get enough, if we have too many strikes, we don't  
22 have any other jurors to pick. So we'd have to  
23 declare a mistrial because we don't have any other  
24 jurors. We have all the jurors we have. We don't  
25 have any other jurors. So this way at least people

1 can go about their business and, you know, come  
2 back tomorrow and we can do what we can do. Okay?

3 So let's go through the list. We know who the  
4 50 are. They're already picked. So we know them.  
5 And so just need to know who the eight people are  
6 that are also going to be released. These are the  
7 names that I have. I have number one would be  
8 Storminger, correct?

9 THE CLERK: Yes.

10 THE COURT: Ms. Storminger.

11 THE CLERK: It's a mister.

12 THE COURT: Mr. Storminger.

13 And then I have Ms. Allen?

14 THE CLERK: Yes. Ms. Allen.

15 THE COURT: It be Ms. Allen. So we have John  
16 Storminger; Justina Allen; Christina Rulo, R-u-l-o;  
17 Joshua Pete; Casey Persaud, P-e-r-s-a-u-d; Donna  
18 Driscoll; Cheryl Rein, R-e-i-n; and Shalah Thomas.  
19 That's the eight.

20 THE CLERK: There was nine. You have Mary  
21 Childers.

22 MR. SARABIA: I thought we had Childers.

23 THE COURT: Okay. Hold on. And then we had Mary  
24 Childers. So there's nine.

25 We have one other juror that we brought up and



1           that is Mr. Richard Smith, and only because he's  
2           over 70. I was going to try to see if we could  
3           decide whether he wanted to stay since he had the  
4           right to go, we could release him. So he's in the  
5           hallway. Are we okay to talk to Mr. Smith real  
6           quick?

7                     MR. LABRUZZO: Yes, Your Honor.

8                     THE COURT: All right. That's going to be  
9           Richard Smith.

10                    Good afternoon, Mr. Smith. You can have a  
11           seat in one of those nice comfy chairs if you'd  
12           like.

13                    Hi, Mr. Smith. Can you hear me now?

14                    PROSPECTIVE JUROR SMITH: No.

15                    THE COURT: No? We're going to get you some  
16           headphones. Okay?

17                    PROSPECTIVE JUROR SMITH: (Indicating  
18           affirmatively.)

19                    THE COURT: Mr. Smith, can you hear me now?

20                    PROSPECTIVE JUROR SMITH: I can't hear anything.

21                    THE COURT: Mr. Smith?

22                    PROSPECTIVE JUROR SMITH: Oh, there you are.

23                    THE COURT: Okay. Sorry. I didn't want to scare  
24           you.

25                    Sir, I appreciate you coming. You are over 70

1 years of age probably by just a day or so I see,  
2 and because of that, you have an absolute right to  
3 be excused as a juror. Would you like to be  
4 excused?

5 PROSPECTIVE JUROR SMITH: Yes.

6 THE COURT: You are excused, sir. Thank you.  
7 I'm sorry it's taken as long. There's so much  
8 paperwork we're having to go through, we just saw  
9 that. Okay?

10 PROSPECTIVE JUROR SMITH: Thank you.

11 THE COURT: So you're good to go. You'll get  
12 paid for today. If they send you a summons again in  
13 the future, you just tell them, I'm 70 plus one, and I  
14 don't have to come anymore. Okay?

15 PROSPECTIVE JUROR SMITH: Thank you.

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

17 One last issue that we need to address is  
18 there's a gentleman by the last name of Morgan who  
19 was brought back from yesterday. So he's in the  
20 pile that you first got. His last name is Morgan.  
21 Let me find him. I don't know what his first name  
22 is.

23 THE CLERK: Christopher.

24 THE COURT: Christopher Morgan. And this is the  
25 note I just got handed. Mr. Morgan made the statement

1           that he is getting to the point where he cannot wait  
2           any longer. He is one of the reserved jurors from  
3           yesterday that returned today. I told him only the  
4           judge could release him. And he said, "What? I might  
5           have to pay a fine." Should we bring him up and  
6           address him right now? Or should we send him to lunch  
7           and make him come back?

8           MR. LIVERMORE: The court reporter says yes.

9           THE COURT: Lunch it is. Okay. Will you please  
10          let all the jurors who remain downstairs come back at  
11          1:30, 1:45? 1:45, except the eight we just listed  
12          out.

13          So do I need to get Pauline involved and call  
14          out these eight people downstairs and keep them to  
15          the side and then we'll release everybody else?

16          THE CLERK: If you want to. I can email them. I  
17          don't know how you feel about that.

18          THE COURT: Okay. Well, you can you email them.  
19          But I'm going to go downstairs and tell Pauline to  
20          call out these eight people and tell them they'll come  
21          back at 9:00. We're going to send them home and  
22          they're going to come back at 9:00. They're not even  
23          back yet. They're not coming back until 1:00. So  
24          they'll be, like, whoo-hoo.

25          And I'll see everybody back here at 1:45.

1           Okay. So we'll be in recess until 1:45.

2           (Recess Taken.)

3           THE COURT: Just so you know, Kelly, all the blue  
4           dots left that we talked to today will be moved next  
5           door.

6           THE CLERK: Right.

7           THE COURT: So that we can move through this list  
8           and the other list that we have as quickly as  
9           possible.

10          I have a couple of things to address on the  
11          record about how this is going to be taken care of  
12          for the rest of the day and tomorrow.

13          First of all, I am bringing all of the  
14          remaining jurors that have not been spoken to for  
15          today up to Courtroom 3-B next door. My thought is  
16          we'll just bring each juror over. I'm just going  
17          to bring them all over and go through all of them  
18          instead of going through their paperwork and trying  
19          to make a list.

20          There's an alphabetical list of the jurors,  
21          and I'm going to tell my bailiff to bring them over  
22          in fives, and we'll just go straight down the list.  
23          And you guys can go through your paperwork and pull  
24          out -- you'll know the next five as we come up.

25          MR. SARABIA: And, Judge, is this a combination

1 of people from yesterday that we haven't done and the  
2 people today?

3 THE COURT: Correct.

4 MR. SARABIA: Okay.

5 THE COURT: The people from today, I can't do it  
6 alphabetically because we've already gotten all out of  
7 whack on that. I'm going to bring them over from the  
8 paperwork that I have left.

9 The jurors from yesterday, I have an  
10 alphabetical list. So I'm just going to read down  
11 the list. That would have been the first paper  
12 that was delivered to you this morning.

13 The first person is, if you're looking for, is  
14 Christopher Abde, A-B-D-E; then Brennan Adley; then  
15 Lynn Alban; then James Allen. So that's this whole  
16 group that Pauline had said reserve jurors 10:30,  
17 that's this group. When I bring them over, I'm  
18 just going to bring them over alphabetically. And  
19 I'm bringing them over, all of them.

20 For the group that's left over from the ones  
21 that we went ahead and were new subpoenas for  
22 today, I'll read out their names and we'll bring  
23 them over like we've been doing.

24 Now, the biggest question I have is once we  
25 prescreen all the jurors and we're done for the day

1 and we have the ones that are coming back for  
2 tomorrow at 9:00, is there any objection to putting  
3 them all in a pot and randomly reselecting them and  
4 putting them in a new seating chart? Anybody have  
5 a problem with that?

6 MR. LABRUZZO: I do.

7 THE COURT: Okay.

8 MR. LABRUZZO: And maybe if I ask a few more  
9 questions, I won't have as much of a problem.

10 THE COURT: Okay.

11 MR. LABRUZZO: Is that something that could be  
12 done before we leave here tonight? I've already  
13 created a seating chart, and maybe it would be easier  
14 if I did it in a list. I just don't want to have to  
15 -- it took me an hour and a half last night to do it,  
16 and if I have to do it more, I can do it. I'm just --

17 MR. SARABIA: Can't we just tack these people on  
18 to the end?

19 THE COURT: I can. It causes its own issues.  
20 That's why I'm trying to figure out -- if both sides  
21 do not agree, then I will tack them on to the end,  
22 because I think the rules require, since they've  
23 already been seated, the 50, that if we bring in  
24 another batch, they go behind the 50 that's already  
25 seated.

1           That's the way it's normally done. That's the  
2           way the rules normally set it up. But since we  
3           didn't really question the people yesterday in any  
4           great length other than here's the list of  
5           witnesses and do you know them, but we did swear  
6           them, I'm not sure if it would technically be  
7           considered necessary.

8           But I'm not going to reshuffle and put them in  
9           a new lineup unless both sides agree. And I don't  
10          care that you don't agree, it's fine. If one side  
11          or the doesn't agree, I will tack on the list on  
12          the back.

13          And I will tell you what I would do is the  
14          jurors will stay the way they are, and the fourth  
15          row over there will only have -- one, two, three,  
16          four -- five jurors in it. And then I would start  
17          the new list. The new list of the first new jurors  
18          would be behind them and then we'd go that way.

19          THE CLERK: A new seating chart.

20          THE COURT: A new seating chart. And you guys  
21          would actually get a second seating chart that said  
22          one through whatever number that we would put behind.  
23          Because if we had to have the clerk put it all in a  
24          new seating chart, they would have to do it by hand  
25          because the IT guy can't get it done.

1 MS. GARRETT: Would that include leaving spaces  
2 for the three that we struck?

3 THE COURT: Yes.

4 MS. GARRETT: Okay.

5 THE COURT: I mean, the 50 that we have in now  
6 would stay exactly like they are. They'd have a  
7 little more room because the people would be gone. I  
8 wouldn't move them at all. They would be in the exact  
9 same place in the exact same row they are when they  
10 left were yesterday.

11 And then we would start with the new people on  
12 the fourth row in the corner, and then we'd do  
13 another chart that you guys could literally just  
14 paste up next to this one.

15 MS. GARRETT: Okay.

16 THE COURT: Okay?

17 MR. LABRUZZO: I'm asking for that.

18 THE COURT: Okay. So that's what we'll be doing.  
19 But you're still going to have to wait a few minutes  
20 because they're going to have to take all the people  
21 who are left and the person downstairs is going to  
22 have to put them in the big machine again, and again  
23 we'll randomize them when we get the list, whoever is  
24 left.

25 All right. We're going to bring Matthew



1 Peoples over right now, because he came with his  
2 brother Christopher Peoples. And so we need to  
3 make a decision on him, and either way he can go  
4 with his brother.

5 My understanding is that Matthew might have  
6 some mental health challenges, but I don't know  
7 that to be a fact. I'll let that be decided by us  
8 when we bring him over.

9 Oh, and Ron Hope, who is one of our 50 jurors,  
10 he's juror number -- I think he's near the back.

11 MR. LABRUZZO: He is.

12 THE COURT: He is Juror Number 34. He would like  
13 to speak to us. He has an issue.

14 MR. SARABIA: We should do that first.

15 THE COURT: So I asked that he be brought up too.

16 MR. LABRUZZO: Sure.

17 THE BAILIFF: Are you ready for Mr. Peoples, Your  
18 Honor?

19 THE COURT: Matthew Peoples, right?

20 You are Matthew Peoples?

21 PROSPECTIVE JUROR PEOPLES: Yes.

22 THE COURT: Are you and your brother twins?

23 PROSPECTIVE JUROR PEOPLES: No.

24 THE COURT: Oh, okay. You guys look alike.

25 Matthew, you came with your brother

1 Christopher?

2 PROSPECTIVE JUROR PEOPLES: No. Actually, my mom  
3 dropped me off.

4 THE COURT: Okay. She dropped you off?

5 PROSPECTIVE JUROR PEOPLES: Uh-huh.

6 THE COURT: And your brother is here too, though.

7 PROSPECTIVE JUROR PEOPLES: No. He done left.

8 THE COURT: He went ahead and left?

9 PROSPECTIVE JUROR PEOPLES: Uh-huh.

10 THE COURT: So you're here to talk about whether  
11 you could sit on this jury. Your brother has already  
12 been prescreened and he has to come back tomorrow.

13 PROSPECTIVE JUROR PEOPLES: Uh-huh.

14 THE COURT: And we don't know if he's going to be  
15 on the jury, but he's still the people possibly to be  
16 on the jury.

17 In your paperwork you said you didn't have any  
18 problem coming back also to sit as a juror; is that  
19 correct?

20 PROSPECTIVE JUROR PEOPLES: No. I don't have a  
21 problem with that.

22 THE COURT: Okay. You're not working? You got  
23 nothing going on right now?

24 PROSPECTIVE JUROR PEOPLES: No.

25 THE COURT: Okay. And how about sitting on a

1 jury where your brother would be?

2 PROSPECTIVE JUROR PEOPLES: I'm fine with that.

3 THE COURT: Okay. You guys get along?

4 PROSPECTIVE JUROR PEOPLES: Oh, yeah.

5 THE COURT: I have lots of brothers. Some get  
6 along. Not some don't get along. So you guys get  
7 along?

8 PROSPECTIVE JUROR PEOPLES: Yes.

9 THE COURT: All right. And so if you were a jury  
10 with him, you wouldn't have any problem?

11 PROSPECTIVE JUROR PEOPLES: No.

12 THE COURT: Who's older?

13 PROSPECTIVE JUROR PEOPLES: I'd say I am.

14 THE COURT: You're older. Okay.

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

16 MR. LABRUZZO: I do.

17 Good afternoon, Mr. Peoples. You mentioned  
18 that you're currently not employed; is that  
19 correct?

20 PROSPECTIVE JUROR PEOPLES: Uh-huh.

21 MR. LABRUZZO: When you do work, what do you do?

22 PROSPECTIVE JUROR PEOPLES: Anything.

23 MR. LABRUZZO: Okay. Where was the last place  
24 that you collected a paycheck from?

25 PROSPECTIVE JUROR PEOPLES: What was the name of

1           that place? It was at a landscaping place and it's --  
2           I can't actually remember it, the name of it.

3                   MR. LABRUZZO: Okay. How long ago was that?

4                   PROSPECTIVE JUROR PEOPLES: It was actually this  
5           year.

6                   MR. LABRUZZO: Okay.

7                   PROSPECTIVE JUROR PEOPLES: And I actually got  
8           let go.

9                   MR. LABRUZZO: Okay. You said you're older than  
10          your brother. How old are you?

11                   PROSPECTIVE JUROR PEOPLES: I'm 30.

12                   MR. LABRUZZO: And how old is your brother?

13                   PROSPECTIVE JUROR PEOPLES: Twenty-five, I think.

14                   MR. LABRUZZO: Okay. Sir, thank you very much.

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

16                   MR. LIVERMORE: No, ma'am.

17                   THE COURT: All right. Mr. Peoples, I'm going to  
18          go ahead and ask you to step out into the hallway and  
19          we'll let you know what we're going to do. Is your  
20          mom going to be able to pick you up?

21                   PROSPECTIVE JUROR PEOPLES: Her or my brother  
22          can, yes.

23                   THE COURT: Okay. Because one way or another,  
24          we're going to be able to let you go home pretty  
25          quick.

1 PROSPECTIVE JUROR PEOPLES: All right.

2 THE COURT: And I just want to make sure you had  
3 a ride home. Okay?

4 PROSPECTIVE JUROR PEOPLES: Uh-huh.

5 THE COURT: All right. Go ahead and step out.  
6 State?

7 MR. LABRUZZO: Judge, the State's not asking the  
8 Court to take any action.

9 THE COURT: Defense?

10 MR. LIVERMORE: I see no basis.

11 THE COURT: Okay. Tell Mr. Matthew Peoples that  
12 he's released to come back tomorrow with his brother  
13 at 9:00. Is that a problem?

14 THE BAILIFF: He told me he suffers from memory  
15 loss.

16 THE COURT: Okay. We need to talk to him about  
17 that. Bring him back in. He didn't mention that.

18 THE BAILIFF: I said they will probably find an  
19 opportunity to ask you some of those sort of  
20 questions.

21 THE COURT: Okay. Bring him back in.

22 Matthew, I'm sorry. My bailiff had said that  
23 you mentioned that you have memory loss issues.

24 PROSPECTIVE JUROR PEOPLES: Yes.

25 THE COURT: Are you on disability?

1 PROSPECTIVE JUROR PEOPLES: Yes, I am.

2 THE COURT: Okay. What's your disability?

3 PROSPECTIVE JUROR PEOPLES: I actually don't even  
4 know all of it because my mom will not tell me.

5 THE COURT: Your mom won't tell you.

6 Do you receive disability payments?

7 PROSPECTIVE JUROR PEOPLES: Yes, I do.

8 THE COURT: And is it for a mental health issue?

9 PROSPECTIVE JUROR PEOPLES: Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR PEOPLES: To the State of  
12 Florida, I'm actually disabled.

13 THE COURT: All right. And you don't know what  
14 the disability is.

15 PROSPECTIVE JUROR PEOPLES: No.

16 THE COURT: Have you been like that your whole  
17 life?

18 PROSPECTIVE JUROR PEOPLES: Yes.

19 THE COURT: Now, if you were seated as a juror,  
20 you'd have to remember some things that's going on in  
21 the trial.

22 PROSPECTIVE JUROR PEOPLES: That's the thing I'd  
23 have a hard time doing.

24 THE COURT: So sometimes you forget things that  
25 people tell you?

1 PROSPECTIVE JUROR PEOPLES: Uh-huh. Yes.

2 THE COURT: And do you think that would be a  
3 problem if you sat as a juror? Are you concerned that  
4 you might not be able to remember everything?

5 PROSPECTIVE JUROR PEOPLES: Actually, yes.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR PEOPLES: I couldn't remember  
8 half the stuff that they said in that room.

9 THE COURT: Okay. So you couldn't be certain  
10 that a long trial like this, that you would remember  
11 what happened on day one at the end?

12 PROSPECTIVE JUROR PEOPLES: No, ma'am. I  
13 probably could not.

14 THE COURT: Okay.

15 All right. State, any follow-up questions to  
16 that?

17 MR. LABRUZZO: This is going to sound like an odd  
18 question, Mr. Peoples. Is that in any way related to  
19 a lawsuit that you may have been a party to? I know  
20 both you and your brother mentioned that you were --

21 PROSPECTIVE JUROR PEOPLES: No.

22 MR. LABRUZZO: An immediate family member was  
23 involved in a settlement of a court lawsuit.

24 PROSPECTIVE JUROR PEOPLES: No.

25 MR. LABRUZZO: It's not related to that?

1 PROSPECTIVE JUROR PEOPLES: No.

2 MR. LABRUZZO: Okay. Do you know what that's  
3 about, the lawsuit? Do you remember that?

4 PROSPECTIVE JUROR PEOPLES: We was in a car  
5 accident.

6 MR. LABRUZZO: Both you and your brother?

7 PROSPECTIVE JUROR PEOPLES: My brother was not in  
8 it.

9 MR. LABRUZZO: Okay. Thank you very much,  
10 Mr. Peoples.

11 THE COURT: Hold on. Defense, do you have any  
12 further questions?

13 MR. LIVERMORE: No.

14 THE COURT: All right. Mr. Peoples, again I  
15 promise we won't call you back in here. If you wait  
16 in the hallway, we'll let you know what's going on.  
17 Okay?

18 PROSPECTIVE JUROR PEOPLES: Yes, ma'am.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR PEOPLES: You're welcome.

21 THE COURT: How about now, State?

22 MR. LABRUZZO: Yes, Judge, we would move for  
23 cause.

24 THE COURT: Defense?

25 MR. LIVERMORE: No objection.



1           THE COURT: Okay. You can tell Mr. Matthew  
2 Peoples that we'll take his badge, pay him. He does  
3 not have to come back. Okay. His brother does; he  
4 doesn't.

5           And then we have Ron Hope out there who is  
6 from the original panel. Is he ready?

7           THE BAILIFF: Yes, Your Honor.

8           THE COURT: Okay.

9           Hi, Mr. Hope. How are you? I know it's been  
10 a very long day for you. If you want to come up  
11 and go ahead and have a seat in that first row.

12           If you think it's been a long day for you,  
13 it's been a really long day for us. So we are so  
14 sorry that we had you all wait around and not being  
15 able to talk to you today, but my understanding is  
16 you have some things that you need to let us know.

17           What's going on?

18           PROSPECTIVE JUROR HOPE: Well, it's the time  
19 requirement, I guess.

20           THE COURT: Okay.

21           PROSPECTIVE JUROR HOPE: Well, I answered the  
22 question on the questionnaire. I actually left that  
23 one blank and came back to it after I was done.

24           THE COURT: Okay.

25           PROSPECTIVE JUROR HOPE: And I thought I need to

1 do this.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR HOPE: So I said, yes.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR HOPE: But as time has gone on,  
6 these wheels of justice are grinding slowly. And I  
7 have a job. I have responsibilities.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR HOPE: And I'm realizing I just  
10 can't do that.

11 THE COURT: And where are you working?

12 PROSPECTIVE JUROR HOPE: Spectrum.

13 THE COURT: Spectrum?

14 PROSPECTIVE JUROR HOPE: Charter Communications.  
15 It used to be Bright House.

16 THE COURT: Okay. Do they pay you for your time  
17 on jury service?

18 PROSPECTIVE JUROR HOPE: No.

19 THE COURT: And so if you are chosen as a juror  
20 is in this case, you would be without income? Could  
21 you take sick leave or vacation?

22 PROSPECTIVE JUROR HOPE: Yes.

23 THE COURT: You'd have to use that up?

24 PROSPECTIVE JUROR HOPE: Yeah. Vacation is  
25 already gone for the year.

1           THE COURT: Oh, okay. So would they allow you to  
2 use sick leave? You don't even know?

3           PROSPECTIVE JUROR HOPE: Oh, I doubt it. I  
4 talked to my boss this morning.

5           THE COURT: Okay.

6           PROSPECTIVE JUROR HOPE: He's requiring me to get  
7 some paperwork that I was here.

8           THE COURT: Okay. So you would be without income  
9 for that amount of time?

10          PROSPECTIVE JUROR HOPE: Yeah.

11          THE COURT: And would that be a significant  
12 hardship on you?

13          PROSPECTIVE JUROR HOPE: Huge.

14          THE COURT: Okay. And do you think that that  
15 would affect your ability to be a fair and impartial  
16 juror in this case?

17          PROSPECTIVE JUROR HOPE: At some point I'm sure.

18          THE COURT: Okay. And when we originally set it,  
19 we said it would go from the 30th until the 22nd.

20          PROSPECTIVE JUROR HOPE: I know.

21          THE COURT: And, you know, we were trying to be  
22 honest. And I know you were trying, you know, to do  
23 the best you can, but since then you called your boss  
24 and talked to your business and it doesn't look like  
25 you're going to be paid; is that correct?

1           PROSPECTIVE JUROR HOPE: Well, I never thought I  
2 was going to be paid.

3           THE COURT: Okay. But you thought in your mind I  
4 can do this.

5           PROSPECTIVE JUROR HOPE: Yes.

6           THE COURT: But then you went home, looked over  
7 the bills, thought maybe not so much?

8           PROSPECTIVE JUROR HOPE: Yeah. Not so much.

9           THE COURT: Okay.

10          PROSPECTIVE JUROR HOPE: If the time required  
11 wasn't so great, I would bite the bullet and do it.

12          THE COURT: I completely understand that. But  
13 we're talking about not just a couple of days, but  
14 we're talking about three weeks of your life?

15          PROSPECTIVE JUROR HOPE: I have the mortgage.

16          THE COURT: Okay.

17          PROSPECTIVE JUROR HOPE: Yes.

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

19          MR. LABRUZZO: No, Your Honor.

20          THE COURT: Defense?

21          MR. LIVERMORE: No, ma'am.

22          THE COURT: All right. Mr. Hope, we're going to  
23 have you wait outside and we'll give you some  
24 direction from there. Okay?

25          PROSPECTIVE JUROR HOPE: Thank you.

1 THE COURT: Thank you.

2 All right. State, what say you about

3 Mr. Hope?

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

5 THE COURT: Any objection from the Defense?

6 MR. LIVERMORE: No.

7 THE COURT: All right. We can go ahead and tell

8 Mr. Hope we'll take his badge and he can be excused.

9 He does not have to come back tomorrow. Okay?

10 All right. The next people that I have on my

11 list is Martin Lesser. I think we might have let

12 him go.

13 THE CLERK: Yes.

14 THE COURT: Martin Lesser we let go because he's

15 over 70. So he was released because he asked to. He

16 was over 70, so he was released.

17 Deborah Prou, P-r-o-u. Robert Woods. Joshua

18 Lennox. Ryan McCann. Next I have -- it just says

19 on your sheet Christopher. It's Christopher

20 Dominguez. And that would be the fifth.

21 So I had Debra Prou, Robert Woods, Joshua

22 Lennox, Brian McCann, and Christopher Dominguez.

23 Christopher Dominguez. Are we good? Okay.

24 When Deputy Cleaver comes in, I have the next

25 five, so I can give it to him and then he can mark

1 his list.

2 Is it Ms. Prou?

3 THE BAILIFF: Yes, Your Honor.

4 THE COURT: All right. Bring her on in.

5 Good afternoon, ma'am.

6 PROSPECTIVE JUROR PROU: Good afternoon.

7 THE COURT: Is it Prou?

8 PROSPECTIVE JUROR PROU: Prou.

9 THE COURT: Prou.

10 All right. Ms. Prou, we're going to have you  
11 just scoot in the first bench right there. Yes,  
12 ma'am. How are you today? I'm sorry it's taking  
13 as long. I can guarantee you we're working as hard  
14 as we can.

15 You indicated on your questionnaire that you  
16 believe that you could sit as a juror for the  
17 length of time that the trial might take; is that  
18 correct?

19 PROSPECTIVE JUROR PROU: Yes.

20 THE COURT: Okay. But you did hear and see  
21 pictures yesterday on Bay News 9 about Adam Matos,  
22 that he would be tried for murdering four people, and  
23 that jury selection would begin yesterday, correct?

24 PROSPECTIVE JUROR PROU: Yes. Yes, ma'am.

25 THE COURT: All right. Other than that, had you

1           ever read or seen anything about the Matos case  
2           before?

3                   PROSPECTIVE JUROR PROU:  No.  Just what I saw  
4           yesterday.

5                   THE COURT:  All right.  And based on what you  
6           saw, since I don't know exactly how much and there's  
7           different clips and they show different things at  
8           difficult times, did you form a fixed or definite  
9           opinion on the guilt or innocence of Mr. Matos?

10                   PROSPECTIVE JUROR PROU:  I thought that when I  
11           heard the amount of people that he murdered, that it  
12           went through my mind that he's probably guilty.

13                   THE COURT:  Okay.  So that's your first thought?

14                   PROSPECTIVE JUROR PROU:  Yes.

15                   THE COURT:  And do you believe that if you were  
16           picked as a juror, you could put that thought aside,  
17           listen to the evidence in this case, and make a  
18           decision whether the State can prove to you that he's  
19           guilty of these crimes?

20                   PROSPECTIVE JUROR PROU:  Yes.

21                   THE COURT:  Okay.  So in all criminal cases a  
22           defendant is presumed innocent.  And I know you see it  
23           on TV and they say that he is accused of killing four  
24           people, and your first thought is, oh, well he's  
25           guilty.

1           But my question to you is whether you can put  
2           that thought aside as a juror and really believe in  
3           your mind that he's innocent and the State would  
4           have to prove that he's guilty? If you don't think  
5           that you can, that's fine, but we need to know.

6           PROSPECTIVE JUROR PROU: I'm not sure.

7           THE COURT: Okay. If that's the best answer as  
8           you can give, I appreciate that.

9           State, do you have any questions?

10          MR. LABRUZZO: Yes.

11          Ms. Prou, thank you. Good afternoon. As the  
12          Court kind of explained that there are a number of  
13          laws that we're going to ask you to follow. The  
14          one that's probably the most important in this  
15          situation at this point is your ability to presume  
16          Mr. Matos innocent. Okay. And you indicated that  
17          you're not sure that you can do that.

18          If the Court instructs you on the law as it  
19          relates to that, can you get to a place where you  
20          can assure us, make a more commitment to both us  
21          and to the Defense about whether or not you can  
22          follow that law? Can you make the commitment?

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

24          MR. LABRUZZO: Okay. Thank you, ma'am.

25          THE COURT: Any other questions?



1 MR. LIVERMORE: No, ma'am.

2 THE COURT: All right. Ma'am, thank you very  
3 much. I'm going to have you step into the hallway and  
4 my bailiffs will give you further instructions. Okay?

5 PROSPECTIVE JUROR PROU: Okay. Thank you.

6 THE COURT: Thank you very much.  
7 State?

8 MR. LABRUZZO: Judge, we move for cause.

9 THE COURT: Defense?

10 MR. LIVERMORE: We agree.

11 THE COURT: All right. She can be released.  
12 We'll take her badge. She can go home.

13 The next will be Robert Woods.

14 Are you Mr. Woods, correct?

15 PROSPECTIVE JUROR WOODS: Yes.

16 THE COURT: How are you this afternoon?

17 PROSPECTIVE JUROR WOODS: Fine, thank you.

18 THE COURT: Mr. Woods, I appreciate you coming  
19 today. And I know it's been a long day. I promise  
20 we've been working hard, and I apologize it's taken so  
21 long.

22 On your jury questionnaire you said that you  
23 had travel arrangements to Nashville, Tennessee the  
24 week of November 20th, that would be the week of  
25 Thanksgiving.

1 PROSPECTIVE JUROR WOODS: Correct.

2 THE COURT: Are those prepaid tickets?

3 PROSPECTIVE JUROR WOODS: No. It's a road trip.  
4 We have reservations at various hotels through Triple  
5 A.

6 THE COURT: So you've already gone down there,  
7 got your trip ticket, picked your hotels, and you got  
8 reservations all the way up?

9 PROSPECTIVE JUROR WOODS: Yes.

10 THE COURT: It's a beautiful time to be in  
11 Tennessee, I can guarantee you that.

12 PROSPECTIVE JUROR WOODS: I've never been there.

13 THE COURT: Okay. And you also said that you  
14 watched the news at the time that this offense  
15 occurred and that you've recently seen the reports on  
16 TV about the upcoming trial.

17 PROSPECTIVE JUROR WOODS: Correct.

18 THE COURT: Have you formed any fixed or definite  
19 opinions on whether Mr. Matos is guilty or not guilty?

20 PROSPECTIVE JUROR WOODS: No. I really haven't  
21 given it any thought up until today when I was called  
22 here.

23 THE COURT: Okay. So at this point, if you were  
24 chosen as a juror, you could presume him innocent and  
25 make the State prove to you beyond a reasonable doubt

1 of his guilt?

2 PROSPECTIVE JUROR WOODS: I guess.

3 THE COURT: I need you can or you can't?

4 PROSPECTIVE JUROR WOODS: Yes.

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

7 MR. LABRUZZO: Briefly.

8 Good afternoon, Mr. Woods. It just says the  
9 weeks of November 20th. Do you know what date you  
10 were planning on leaving and what date you're  
11 returning?

12 PROSPECTIVE JUROR WOODS: Actually, Sunday to  
13 Wednesday.

14 MR. LABRUZZO: Okay. Thank you.

15 THE COURT: Sunday the 20th or the 19th?

16 PROSPECTIVE JUROR WOODS: The 19th, I think.

17 THE COURT: Okay. Got it. Okay.

18 Defense, questions?

19 MR. PURA: Just one.

20 Good afternoon, sir. If your plans got pushed  
21 off for three or four days, would that completely  
22 thwart your trip?

23 PROSPECTIVE JUROR WOODS: I'd have to ask my wife  
24 and my sister-in-law, because we're going to go -- it  
25 was a road trip.

1           MR. PURA: Your wife and sister-in-law. That's  
2           okay.

3           THE COURT: That pretty much answers that  
4           question, doesn't it?

5           All right. Mr. Woods, thank you very much.  
6           We're going to have you step into the ante way. My  
7           bailiffs will give you further instructions. Okay?  
8           Thank you.

9           Where do we stand on Mr. Woods? Were you  
10          going to cause him great problems in his life?

11          MR. PURA: We wouldn't do that to him.

12          MR. LABRUZZO: Judge, we move for cause.

13          THE COURT: All right. He'll be stricken. Tell  
14          Mr. Woods we'll take his badge back and he's good to  
15          go.

16          And then we'll have Joshua Lennox. He's the  
17          one with the flight out. But he's studying  
18          criminology, just so if anybody didn't see that on  
19          the front.

20          Good afternoon, Mr. Lennox.

21          PROSPECTIVE JUROR LENNOX: Good afternoon.

22          THE COURT: Do you get credit in school for  
23          coming here for jury duty?

24          PROSPECTIVE JUROR LENNOX: I think so.  
25          Hopefully.

1           THE COURT: Well, I appreciate that you did show  
2 up, and I also appreciate that you filled out the  
3 form.

4           You indicated that you're good to go on the  
5 time of the trial except you have a flight out on  
6 the 22nd.

7           PROSPECTIVE JUROR LENNOX: Yeah.

8           THE COURT: What time is that flight?

9           PROSPECTIVE JUROR LENNOX: It's going to be early  
10 in the morning.

11          THE COURT: So it's an early morning. You're out  
12 on the 22nd. You could not be here?

13          PROSPECTIVE JUROR LENNOX: Yes.

14          THE COURT: And where are you going?

15          PROSPECTIVE JUROR LENNOX: I'm going to Jamaica.

16          THE COURT: All right. And it says on your form  
17 that you've been studying Criminal Justice or  
18 Criminology at USF.

19          PROSPECTIVE JUROR LENNOX: Yes.

20          THE COURT: Would sitting on this jury cause  
21 issues with school?

22          PROSPECTIVE JUROR LENNOX: It probably would.

23          THE COURT: Okay. You'd be missing classes?

24          PROSPECTIVE JUROR LENNOX: Yes.

25          THE COURT: Do you go to school during the day or

1 in the evening?

2 PROSPECTIVE JUROR LENNOX: During the day.

3 THE COURT: All right. Have you missed class for  
4 today?

5 PROSPECTIVE JUROR LENNOX: Yes.

6 THE COURT: And did you tell your professors  
7 where you were?

8 PROSPECTIVE JUROR LENNOX: Yeah. And then I  
9 showed them the summons.

10 THE COURT: Okay. And that was okay for then?

11 PROSPECTIVE JUROR LENNOX: Yeah, basically.

12 THE COURT: But are you concerned at all about  
13 missing that much school?

14 PROSPECTIVE JUROR LENNOX: I am. But then again  
15 being a criminology student, this would be a real good  
16 opportunity.

17 THE COURT: Sitting on a jury in a murder case  
18 might be good for you?

19 PROSPECTIVE JUROR LENNOX: Yes.

20 THE COURT: All right. I appreciate that. Have  
21 you had any opportunity -- I'm trying to figure out.  
22 Do you do any classes other than criminology classes?  
23 I mean, is your math teacher going to understand this  
24 or your English teachers or anything like that?

25 PROSPECTIVE JUROR LENNOX: Yeah. I have like

1 composition and I have math and all those, but the  
2 majority of my work is pretty much on-line.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR LENNOX: You know how it is.

5 THE COURT: We're all old school. We had to go  
6 to class.

7 So if you were seated on the jury and we had  
8 you to come in at 9:30 and leave at 6:00, you can  
9 do it on-line after those hours?

10 PROSPECTIVE JUROR LENNOX: I could try to work it  
11 out with my teachers.

12 THE COURT: Okay. All right. And you'd be  
13 willing to try to do that?

14 PROSPECTIVE JUROR LENNOX: Yes, I would.

15 THE COURT: All right. Any questions from the  
16 State?

17 MR. LABRUZZO: Good afternoon, Mr. Lennox. Who  
18 would you have to call to work that out? If you were  
19 selected today and you would not have an opportunity  
20 tomorrow or the next day to work it out, do you think  
21 you can get that done, contact all your teachers and  
22 say, listen, I'm going to be unavailable for work or  
23 school between the hours of 9:00 in the morning and  
24 6:00?

25 PROSPECTIVE JUROR LENNOX: You're asking who I'd

1 call?

2 MR. LABRUZZO: Yes. I guess what I'm trying to  
3 say is I understand you might be able to work it out.  
4 There's not a lot of time. It sounds like you have  
5 more classes. I'm just trying to figure out do you  
6 think can get that done?

7 PROSPECTIVE JUROR LENNOX: Realistically by  
8 tomorrow, no, I don't think I can get that done.

9 MR. LABRUZZO: Okay. And you paid for your  
10 school this semester already?

11 PROSPECTIVE JUROR LENNOX: Yes.

12 MR. LABRUZZO: Do you know what would happen if  
13 you were to miss classes? Again, it's on-line, so I  
14 guess it's just different for us to think about. What  
15 would happen if you were to missed assignments or to  
16 miss class?

17 PROSPECTIVE JUROR LENNOX: If I were you mean not  
18 able to make up the work?

19 MR. LABRUZZO: Right.

20 PROSPECTIVE JUROR LENNOX: Well, then that  
21 obviously would be bad.

22 MR. LABRUZZO: Right.

23 PROSPECTIVE JUROR LENNOX: But then if I were to  
24 get assigned or if I were to get jury duty, then I  
25 mean I'd try my best to make up those assignments.



1 MR. LABRUZZO: Okay.

2 PROSPECTIVE JUROR LENNOX: And if not, if I'm  
3 selected for jury duty, then I'm called for jury duty.

4 MR. LABRUZZO: Okay.

5 PROSPECTIVE JUROR LENNOX: I'm not going to skip  
6 it.

7 MR. LABRUZZO: How long have you been studying  
8 criminology?

9 PROSPECTIVE JUROR LENNOX: Well, I'm a freshman  
10 this year.

11 MR. LABRUZZO: All right.

12 PROSPECTIVE JUROR LENNOX: I had criminology  
13 classes in my high school.

14 MR. LABRUZZO: All right.

15 PROSPECTIVE JUROR LENNOX: They had, like,  
16 criminology classes at Fivay High School.

17 MR. LABRUZZO: All right.

18 PROSPECTIVE JUROR LENNOX: And I'm only taking  
19 one criminology class this year because I have my  
20 general education classes.

21 MR. LABRUZZO: All right.

22 PROSPECTIVE JUROR LENNOX: But, yeah, this is my  
23 first as a freshman.

24 MR. LABRUZZO: So you're in your first semester  
25 of your freshman year at USF?

1 PROSPECTIVE JUROR LENNOX: Yes.

2 MR. LABRUZZO: All right. So before I finish,  
3 how long are you going to be in Jamaica?

4 PROSPECTIVE JUROR LENNOX: I leave -- five days.

5 MR. LABRUZZO: All right. So if you leave the  
6 22nd, that's a Wednesday. So you're gone Wednesday,  
7 Thursday, Friday, Saturday, be back Sunday?

8 PROSPECTIVE JUROR LENNOX: Yes.

9 MR. LABRUZZO: So you'll be back to go to classes  
10 again on the 27th?

11 PROSPECTIVE JUROR LENNOX: Yes. Because I come  
12 back the 26th.

13 MR. LABRUZZO: All right. And what classes are  
14 you taking right now specifically?

15 PROSPECTIVE JUROR LENNOX: I'm taking Crime and  
16 Justice in America. I'm taking Introduction to  
17 Literature. I'm taking Finite Mathematics,  
18 Composition One, and Academic Foundations.

19 MR. LABRUZZO: And do you pay for your schooling  
20 or are you on scholarships?

21 PROSPECTIVE JUROR LENNOX: I have Bright Futures.

22 MR. LABRUZZO: Okay.

23 PROSPECTIVE JUROR LENNOX: So I don't pay for my  
24 schooling, the tuition.

25 MR. LABRUZZO: Okay. If for whatever reason, and

1 I don't know how that works, let's just say you are  
2 unable to complete your classes, would that have any  
3 effect on your scholarship?

4 PROSPECTIVE JUROR LENNOX: I'm pretty sure I'd be  
5 able to reapply for it the following semester.

6 MR. LABRUZZO: Okay.

7 PROSPECTIVE JUROR LENNOX: So I couldn't tell you  
8 the truth, to be honest.

9 MR. LABRUZZO: All right. Thank you, sir.

10 THE COURT: Any questions?

11 MR. PURA: Yes.

12 Good afternoon, sir.

13 PROSPECTIVE JUROR LENNOX: Good afternoon.

14 MR. PURA: Your current plans are to fly to  
15 Jamaica on Wednesday and return on Sunday?

16 PROSPECTIVE JUROR LENNOX: Yes. The 22nd through  
17 the 26th.

18 MR. PURA: And if you don't mind me asking, are  
19 you going with somebody?

20 PROSPECTIVE JUROR LENNOX: I'm going to visit  
21 with family.

22 MR. PURA: Okay. You have family in Jamaica?

23 PROSPECTIVE JUROR LENNOX: No. No. We're all  
24 going for Thanksgiving to Jamaica.

25 MR. PURA: Are they nonrefundable tickets? Have

1           you purchased the tickets yet?

2           PROSPECTIVE JUROR LENNOX: I believe my uncle  
3           has. He has a big business, so he has a lot of  
4           flyers, like frequent flyer miles. So if he had to,  
5           I'm sure he could get me on a flight.

6           MR. PURA: Have you ever been to Jamaica before?

7           PROSPECTIVE JUROR LENNOX: I've never been to  
8           Jamaica.

9           MR. PURA: How would you feel about serving on  
10          this jury and not going to Jamaica?

11          THE COURT: For a day. I mean, we're not going  
12          to -- he can go for Thanksgiving.

13          PROSPECTIVE JUROR LENNOX: I mean, if it's just  
14          for a day, I'd be fine with that. And I mean  
15          honestly, if I still had the opportunity to serve as a  
16          juror, it be -- I mean, Jamaica is nice and all, but I  
17          can always go to Jamaica. I don't always have the  
18          opportunity to be a juror.

19          MR. PURA: I appreciate that. Thank you.

20          THE COURT: Mr. Lennox, what class do you have  
21          tomorrow?

22          PROSPECTIVE JUROR LENNOX: I have my Crime and  
23          Justice in America class. I have my Introduction to  
24          Literature class, but we have a conference, so that's  
25          rescheduled. So I don't have class tomorrow for that

1 class.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR LENNOX: And then I have my  
4 Finite Mathematics class at 5:00.

5 THE COURT: Okay. So if we had you come back  
6 tomorrow, you would just tell your criminology teacher  
7 that -- we've been on the news, so you can tell them  
8 it's the one on the news -- you're coming back to sit  
9 as a juror, do you think that would be okay for  
10 tomorrow?

11 PROSPECTIVE JUROR LENNOX: Yeah. I believe,  
12 because my Crime and Justice in America teacher would  
13 probably love that.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR LENNOX: And then my Finite  
16 math class, they postponed it, it's on-line, and I've  
17 pretty much been there for the entire year.

18 THE COURT: So missing one wouldn't be a problem?

19 PROSPECTIVE JUROR LENNOX: No. It would not.

20 THE COURT: Okay. Any problem with having him  
21 wait out in the hallway while we discuss?

22 Okay. Mr. Lennox, we're going to have you  
23 step out in the hallway. My bailiff will give you  
24 a further update. Okay?

25 PROSPECTIVE JUROR LENNOX: Okay. Thank you.

1           THE COURT:  You're welcome.

2           State?

3           MR. LABRUZZO:  Judge, the State's going to move  
4           for cause on Mr. Lennox.  I just think that we're  
5           doing him a huge disservice by telling a freshman  
6           college student that he's going to miss three weeks of  
7           school.

8           And I understand he's very eager and he's got  
9           a lot of interest, and I applaud him for his  
10          answers because I think that it shows his  
11          willingness.  I wish everyone had that kind of  
12          willingness.  But all of us here, who have had the  
13          experience of going to college, know that missing  
14          three weeks in your first semester of your freshman  
15          year could have impact that he himself cannot  
16          foresee, and for those reasons, Judge, we're moving  
17          for cause on him.

18          THE COURT:  Defense?

19          MR. PURA:  Judge, he appears willing.  And I  
20          don't think it's the State's position to tell him that  
21          his decision would be against his best interest.  This  
22          is what he wants to do.  He's willing to make a  
23          sacrifice.  He said he can make up some of the  
24          classes.  He seems to be on top of it.

25          MR. LABRUZZO:  And I appreciate that, Judge, but

1 we've had other prospective jurors that have shown  
2 interest and had the ability and actually paid to be  
3 here and we've cause challenged them because it's an  
4 inconvenience that they can foresee.

5 THE COURT: Well, this is what I'm going do. I'm  
6 going to have Mr. Lennox come back in. I'm going to  
7 tell him that he'll be back tomorrow, because the  
8 class he has tomorrow, the professor would like him to  
9 come back tomorrow. So that's fine.

10 And in the meantime I'm going to ask him if he  
11 can go ahead and email all of his teachers and see  
12 how they feel. And that's why I asked him about  
13 the mathematics and the English. Sure, the  
14 criminology people are great. You know, it's like  
15 a work study program. But for the non-criminology  
16 teachers, he might get a lot more pushback than he  
17 thinks that he's going to get.

18 So he's a Bright Futures kid. I would in no  
19 way want him to lose that scholarship. That pays  
20 for all of his schooling. But I wouldn't know if  
21 he would have a problem if he doesn't -- you know,  
22 just like we made other people call their HR  
23 department to find out if they're paid, I'm going  
24 to have him come back in, I'm going to tell him  
25 he'll come back tomorrow at 9:00, and in the

1           meantime to go ahead and email his teachers and see  
2           how they feel about him missing three weeks.

3                        So have him come back in.  If the State's  
4           worried about it, they can always use a peremptory.  
5           Mr. Lennox, we are going to have you come back  
6           tomorrow at 9:00.  You'll remain on the panel for  
7           now.  But in the meantime, I really need you to go  
8           ahead and email your teachers, especially those  
9           non-criminology teachers, and tell them the  
10          timeframe that we're talking about.

11                       It would be every day that you would be here,  
12          and you'd be missing all of that work in class, and  
13          see how they feel, you know, how they would react  
14          to you being on the jury.  Because I want you to  
15          have a true understanding of what you're looking at  
16          if you're picked as a juror.

17                       I mean, we all have ideas, well, oh, it will  
18          be okay.  It may not be okay.  Okay?  So as a  
19          student in your freshman year, I don't want you to  
20          flunk math and English because you sat on a jury.  
21          And I don't think in reality you would concentrate  
22          very well if you know your teacher is going to give  
23          you an F, and your parents might not like me very  
24          much either.

25                       So you'll be coming back tomorrow.  Let that



1           criminology teacher know that you will not be there  
2           in the morning because you'll be coming back for  
3           the panel. But in the meantime go ahead and send a  
4           text or an email or however you communicate with  
5           your instructors and tell them that you may be  
6           picked as a juror and you need to know what  
7           ramifications that has for the next three weeks.  
8           Okay?

9                     It's from the 31st until the 22nd. You're  
10           only going to miss the 22nd, so it would the 21st.  
11           You're on Thanksgiving break that week of the 20th,  
12           right?

13                    PROSPECTIVE JUROR LENNOX: Yeah. We don't have  
14           classes.

15                    THE COURT: Right. That week is not a problem.  
16           It be from the week of the 31st. So that's really  
17           only I think two weeks of class time. You can look at  
18           your schedule. Is it two or three? I've got my  
19           calendar. I have to be here one way or another. It's  
20           this week and next week. It will be three full weeks  
21           of school for you. It's a lot of time. So I don't  
22           have any problem bringing you back tomorrow. You're  
23           an adult now, you can make your own decision, but I  
24           think you need to know what you're getting into.

25                    All right. So back here tomorrow at 9:00 in

1 the jury pool room, but go ahead and send those  
2 emails to those instructors and see what they think  
3 about you missing that much class. Okay?

4 PROSPECTIVE JUROR LENNOX: Okay.

5 THE COURT: All right. We'll see you in the  
6 morning.

7 And I think we have Ryan McCann.

8 THE BAILIFF: Judge, do you want him to return  
9 back here?

10 THE COURT: No. Tomorrow morning is the jury  
11 pool room. Tell him to bring his badge. Jury pool  
12 room.

13 Good afternoon, Mr. McCann. How are you?

14 PROSPECTIVE JUROR MCCANN: Good. And you?

15 THE COURT: I'm good. Come on up in that first  
16 pew there to your right -- or left. I'm backwards  
17 over there. Sorry.

18 Sir, I appreciate you coming today. I know  
19 it's taken a long time. We just have a few  
20 questions for you. One is that you indicated that  
21 you did not feel that you could serve on the jury  
22 because of the length of time it would take.

23 PROSPECTIVE JUROR MCCANN: Yes.

24 THE COURT: What do you have? School? Work?  
25 Plans?

1 PROSPECTIVE JUROR MCCANN: Work and other plans.

2 THE COURT: Okay. Where are you working?

3 PROSPECTIVE JUROR MCCANN: Sam's Club.

4 THE COURT: And are you an hourly employee?

5 PROSPECTIVE JUROR MCCANN: Yes. But I'm planning  
6 on moving from cashiering to a sales associate on the  
7 wireless area.

8 THE COURT: Okay. And if you are here and not  
9 there, you're not paid; is that correct?

10 PROSPECTIVE JUROR MCCANN: From what I gather,  
11 yes.

12 THE COURT: All right. So they don't pay for  
13 jury duty?

14 PROSPECTIVE JUROR MCCANN: Since I'm only  
15 part-time.

16 THE COURT: Because you're part-time?

17 PROSPECTIVE JUROR MCCANN: Yes.

18 THE COURT: And if you were not able to be a  
19 part-time employee, would that be a significant  
20 financial hardship on you?

21 PROSPECTIVE JUROR MCCANN: It would put issues  
22 for my next semester of school.

23 THE COURT: Okay. So the money you make at your  
24 part-time job pays for school next year.

25 PROSPECTIVE JUROR MCCANN: Yes. My next semester

1 of school.

2 THE COURT: Are you in school this semester?

3 PROSPECTIVE JUROR MCCANN: Not this semester.  
4 That's where I'm going after this to sign up for  
5 classes in the spring.

6 THE COURT: All right. So you're trying to raise  
7 the money by working to get into next semester?

8 PROSPECTIVE JUROR MCCANN: Yes.

9 THE COURT: All right. And if you had to be  
10 here, let's say I forced you to be here and miss your  
11 work, would you be so stressed about not making the  
12 money and thinking about not working, that you would  
13 have a hard time paying attention and doing all those  
14 things?

15 PROSPECTIVE JUROR MCCANN: I would be little  
16 stressed, but I would probably be able to do it. If I  
17 had to, I would.

18 THE COURT: Okay. If you had to?

19 PROSPECTIVE JUROR MCCANN: Yeah.

20 THE COURT: But do you think if you were picked  
21 and you're seated in the chairs over there, that you  
22 might be thinking about the work you're missing?

23 What hours do you work?

24 PROSPECTIVE JUROR MCCANN: It depends on the day.  
25 Sometimes I could be scheduled for like an eight-hour

1 day, a six-hour day. The schedule always changes,  
2 morning to mid-afternoons or afternoons to nights.

3 THE COURT: Okay. And let me ask you a question.  
4 If you were picked as a juror and we're done by 6:00,  
5 is there a possibility that you would go in after  
6 hours to pick up some shifts?

7 PROSPECTIVE JUROR MCCANN: I'd only be able to  
8 work like two and a half hours at that point.

9 THE COURT: Okay. Because they're not like  
10 Walmart. They don't stay open all night, right?

11 PROSPECTIVE JUROR MCCANN: Yeah.

12 THE COURT: Okay. All right. State, any  
13 questions.

14 MR. LABRUZZO: No, Your Honor.

15 THE COURT: Defense?

16 MR. PURA: So you're working part time?

17 PROSPECTIVE JUROR MCCANN: Yes.

18 MR. PURA: About average how many hours a week?

19 PROSPECTIVE JUROR MCCANN: I can average 35 hours  
20 a week.

21 MR. PURA: Weekends?

22 PROSPECTIVE JUROR MCCANN: Weekends, too.

23 MR. PURA: You did mention that you might have a  
24 problem with work and you mentioned that you had some  
25 plans.

1 PROSPECTIVE JUROR MCCANN: Yeah. I have plans  
2 for Sunday with someone from work, going out with  
3 them.

4 MR. PURA: For Sunday?

5 PROSPECTIVE JUROR MCCANN: Yes.

6 MR. PURA: Is it just Sunday?

7 PROSPECTIVE JUROR MCCANN: Yes. Just Sunday.  
8 One other than that, it's just family leaving  
9 November 15th.

10 MR. PURA: It's just family and what?

11 THE COURT: One of my cousins from California  
12 came down and he leaves the 15th.

13 MR. PURA: He's staying with you while he's here?

14 PROSPECTIVE JUROR MCCANN: He's staying at my  
15 grandmother's house, which is a few minutes like from  
16 my house.

17 MR. PURA: Nothing else. Thank you.

18 THE COURT: All right. Anything else or should I  
19 have him step outside?

20 MR. LABRUZZO: Have him step out.

21 THE COURT: All right. Sir, we're going to have  
22 you step out in the ante way and we'll give you some  
23 instructions from there. Okay?

24 PROSPECTIVE JUROR MCCANN: Okay.

25 THE COURT: Thank you.

1 State?

2 MR. LABRUZZO: Judge, we'd move for cause on  
3 Mr. McCann. He indicated that it could affect him,  
4 although he would pay attention, but he's trying to  
5 save money for school. We'd move for cause.

6 THE COURT: Defense?

7 MR. PURA: He said he can do it. We would object  
8 to removing him for cause.

9 THE COURT: Well, he said that it would cause a  
10 significant financial hardship, and at this point I  
11 think we've been pretty generous about people that  
12 would have a significant financial hardship. So at  
13 this point I'll go ahead and cause challenge him on  
14 that issue. I don't want to get into a situation  
15 where people are thinking about not earning money.

16 Christopher Dominguez.

17 THE BAILIFF: Yes, Your Honor.

18 THE COURT: And then after that it's going to be  
19 Gail Zacco.

20 THE BAILIFF: Are you ready, Your Honor?

21 THE COURT: Yeah. We're ready for Mr. Dominguez.  
22 He's also in a criminology program.

23 MR. PURA: Does anyone know his date of birth?

24 THE COURT: 1/7/17. That can't be right.

25 MR. LABRUZZO: 1/7/72.

1 THE COURT: That's not what he wrote at the top.

2 MR. LABRUZZO: I know.

3 THE COURT: Mr. Dominguez, how are you?

4 PROSPECTIVE JUROR DOMINGUEZ: Pretty good. And  
5 yourself?

6 THE COURT: Great. If I you could scoot into the  
7 first row right there. Not too far.

8 Thank you so much for coming. I know it's  
9 been a long day. I can guarantee you it's been  
10 longer for us than you, but I know it's boring  
11 sitting around doing nothing over there.

12 I see that on your sheet you indicated that  
13 you felt that you could sit as a juror in this case  
14 even though it's a significant amount of time; is  
15 that correct?

16 PROSPECTIVE JUROR DOMINGUEZ: Yes, ma'am.

17 THE COURT: All right. And I also saw that you  
18 did see some of the highlights yesterday about the  
19 trial on Channel 8 and Fox, and then some social  
20 media, and there's been a little bit about that.

21 Did you hear it on all of those items?

22 PROSPECTIVE JUROR DOMINGUEZ: Yes, ma'am. I  
23 actually read about it too.

24 THE COURT: Okay. And can you tell me a little  
25 bit about what you heard?



1           PROSPECTIVE JUROR DOMINGUEZ: What I heard was  
2           that he did murder the family of the woman that he  
3           -- girlfriend, ex-girlfriend, and was selling dogs, I  
4           believe, on Craigslist.

5           THE COURT: Okay.

6           PROSPECTIVE JUROR DOMINGUEZ: Among other  
7           property as well.

8           THE COURT: Okay. I have a question for you.  
9           Based on what you heard, did you form a fixed or  
10          definite opinion on the guilt or innocence of the  
11          person who they say is charged with that crime?

12          PROSPECTIVE JUROR DOMINGUEZ: No, ma'am.

13          THE COURT: All right. And so although you heard  
14          all of those things about that, can you presume him  
15          innocent and make the State prove to you beyond a  
16          reasonable doubt that he committed the crime they say  
17          he committed?

18          PROSPECTIVE JUROR DOMINGUEZ: Yes, ma'am.

19          THE COURT: All right. And I see you're in a  
20          criminology program?

21          PROSPECTIVE JUROR DOMINGUEZ: Yes, ma'am.

22          THE COURT: And that's in a law enforcement  
23          program, criminology, in Dade City?

24          PROSPECTIVE JUROR DOMINGUEZ: Yes, ma'am.

25          THE COURT: Is it a college or a technical --

1           PROSPECTIVE JUROR DOMINGUEZ: Yes. It's the Dade  
2 City campus.

3           THE COURT: Dade City campus of Pasco/Hernando?

4           PROSPECTIVE JUROR DOMINGUEZ: Yes, ma'am.

5           THE COURT: And how long have you been in the  
6 criminology program?

7           PROSPECTIVE JUROR DOMINGUEZ: Just one year.

8           THE COURT: And my question to you is, based on  
9 the amount of time that it would be necessary to be  
10 here for the trial, would that affect your ability to  
11 stay in that program?

12          PROSPECTIVE JUROR DOMINGUEZ: I don't know that  
13 for sure.

14          THE COURT: Okay. Have you thought about that at  
15 all? Because you'd be here for three weeks, Monday  
16 through Friday.

17          PROSPECTIVE JUROR DOMINGUEZ: I actually didn't  
18 consider it that deep.

19          THE COURT: Okay.

20          PROSPECTIVE JUROR DOMINGUEZ: Probably like a day  
21 or two than weeks.

22          THE COURT: Okay. It's Monday through Friday for  
23 the next three weeks. Based on that and the fact that  
24 you're going to this program, the thought of that, do  
25 you think that would change your position on whether

1           you thought you could sit?

2           PROSPECTIVE JUROR DOMINGUEZ: That might a little  
3           bit.

4           THE COURT: Okay. How often do you go to class?

5           PROSPECTIVE JUROR DOMINGUEZ: What's that?

6           THE COURT: How often do you go to class?

7           PROSPECTIVE JUROR DOMINGUEZ: Twice a week.

8           THE COURT: So you go twice a week. And what  
9           times do you go?

10          PROSPECTIVE JUROR DOMINGUEZ: I go at 8:30 in the  
11          morning and after that I go to work.

12          THE COURT: At 8:30 to what?

13          PROSPECTIVE JUROR DOMINGUEZ: 8:30 to 12:00.

14          THE COURT: And then after that you go to work.  
15          And where do you work?

16          PROSPECTIVE JUROR DOMINGUEZ: At Cheddar's  
17          Scratch Kitchen.

18          THE COURT: Okay. So you would be both missing  
19          class for those two days and work for those two days.  
20          And what do you do the other days? Do you work?

21          PROSPECTIVE JUROR DOMINGUEZ: No, ma'am. I just  
22          study on-line or I just pick up work, yeah.

23          THE COURT: Okay. So based on the fact that you  
24          would miss those classes, that would be six classes  
25          that you would be missing, six days; and six shifts of

1 work, do you think that would have an affect on  
2 whether you think that you could sit as a juror in  
3 this case?

4 PROSPECTIVE JUROR DOMINGUEZ: Maybe just a little  
5 bit.

6 THE COURT: Okay. How much?

7 PROSPECTIVE JUROR DOMINGUEZ: It might affect  
8 some of my bill payment-wise definitely.

9 THE COURT: Okay. Do you have anything to fall  
10 back on paying the bills if you missed those six  
11 shifts?

12 PROSPECTIVE JUROR DOMINGUEZ: Not at this time.

13 THE COURT: And so if you were missing paying  
14 those bills, do you think you'd have a hard time  
15 concentrating on the trial itself?

16 PROSPECTIVE JUROR DOMINGUEZ: Probably in a way,  
17 yeah.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR DOMINGUEZ: But I could work it  
20 out.

21 THE COURT: All right. State, do you want to  
22 inquire?

23 MR. LABRUZZO: No, Your Honor.

24 THE COURT: Defense?

25 MR. PURA: Just one question, Judge.

1           Good afternoon, sir. Your answer regarding  
2           whether you have knowledge of the circumstances in  
3           this trial, you said something about playing  
4           baseball with his brother. What is that?

5           PROSPECTIVE JUROR DOMINGUEZ: From what I know,  
6           he had a brother that played in a tournament that we  
7           were in, and that was back in high school.

8           MR. PURA: He had a brother. Do you mean  
9           Mr. Matos?

10          PROSPECTIVE JUROR DOMINGUEZ: As far as I know,  
11          that's who it is.

12          MR. PURA: Thank you.

13          THE COURT: I'm not sure I understood that  
14          answer. Mr. Matos and your brother played baseball  
15          together? Or Mr. Matos's brother and you played  
16          baseball together?

17          PROSPECTIVE JUROR DOMINGUEZ: I played against  
18          him.

19          THE COURT: Against Mr. Matos's brother?

20          PROSPECTIVE JUROR DOMINGUEZ: Yes, ma'am.

21          THE COURT: And when the name came up yesterday  
22          is when you made the connection?

23          PROSPECTIVE JUROR DOMINGUEZ: Yeah. Because I  
24          thought I've never heard that name anywhere else  
25          except for Wesley Chapel, in that area is when I first

1 heard it, and then the last time I heard it was in a  
2 baseball tournament.

3 THE COURT: Okay. And so did you go on social  
4 media to try to figure that out?

5 PROSPECTIVE JUROR DOMINGUEZ: No, ma'am. I  
6 didn't think deep on that.

7 THE COURT: Okay. It's just you think that  
8 that's who that is or did you verify it some way?

9 PROSPECTIVE JUROR DOMINGUEZ: I just thought it  
10 was him, yeah.

11 THE COURT: Okay. All right. Any other  
12 questions?

13 MR. PURA: No, ma'am.

14 THE COURT: All right. Sir, we're going to have  
15 you step into the hallway with my bailiffs and they'll  
16 give you further direction.

17 State?

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

19 THE COURT: Defense?

20 MR. PURA: No objection.

21 THE COURT: Okay. Mr. Dominguez can be excused.  
22 We'll just take his badge.

23 And Gail Zacco is the next juror.

24 Good afternoon. Is it Zacco or Zacco?

25 PROSPECTIVE JUROR ZACCO: Zacco.

1           THE COURT: All right. I had it right the first  
2 time.

3           Ms. Zacco, we appreciate you've been here all  
4 day, and we've been working hard to get to you, so  
5 it's your turn a little bit.

6           I was looking over your questionnaire and the  
7 one thing we were concerned about, you said that  
8 the length of time of the trial, you could  
9 participate in the trial, but you have lower back  
10 pain and severe arthritis.

11           And so these are the chairs of my jurors over  
12 here, the nice comfy black ones. If you were  
13 picked as a juror and you could sit in these nice  
14 comfy chairs, do you think this back issue and the  
15 arthritis issue you have would be okay --

16           PROSPECTIVE JUROR ZACCO: It should be, yes.

17           THE COURT: -- to pay attention?

18           PROSPECTIVE JUROR ZACCO: Yes.

19           THE COURT: And if you needed to stand up or  
20 stretch a little, we'd take a break every hour and a  
21 half, do you think -- you know yourself better than I  
22 do -- that you would be able to do that?

23           PROSPECTIVE JUROR ZACCO: Yes, I would.

24           THE COURT: Do you take any medication, pain  
25 medication?

1 PROSPECTIVE JUROR ZACCO: No, ma'am.

2 THE COURT: And other than that, based on the  
3 length of time, it be 9:30 in the morning until about  
4 5:00 or 6:00 in the afternoon, Monday through Friday,  
5 weekends off, you get to go home to your bed at night,  
6 I promise, do you think that you could sit as a juror  
7 in this case?

8 PROSPECTIVE JUROR ZACCO: Yes, ma'am.

9 THE COURT: Okay. You said, no, you've heard  
10 nothing about this case; you know nothing about this  
11 case.

12 PROSPECTIVE JUROR ZACCO: No. I believe we were  
13 in Pennsylvania at that time.

14 THE COURT: Okay. And this was on the news  
15 yesterday. So I just want to make sure you didn't see  
16 on anything --

17 PROSPECTIVE JUROR ZACCO: I fell asleep. Sorry.

18 THE COURT: All right. So as far as you're  
19 concerned, anybody who's a defendant is an innocent  
20 man; the State's going to have to prove their guilt to  
21 you?

22 PROSPECTIVE JUROR ZACCO: Yes, ma'am.

23 THE COURT: All right. State, any problems? Any  
24 issues?

25 MR. LABRUZZO: No, Your Honor.



1 THE COURT: Defense?

2 MR. LIVERMORE: I just have a few.

3 When you mentioned that you had lower back  
4 pain and arthritis, is this a constant pain?

5 PROSPECTIVE JUROR ZACCO: No. Oh, no. It comes  
6 and goes. It depends on, you know, sitting, standing.

7 MR. LIVERMORE: Okay. So it's not something that  
8 you constantly live with?

9 PROSPECTIVE JUROR ZACCO: No. Not a constant  
10 pain, no. And I don't take any medication.

11 MR. LIVERMORE: Okay. Thank you, ma'am.

12 THE COURT: All right. Ma'am, we're going to  
13 have you step into the ante way. My bailiffs will  
14 give you further instructions. Okay?

15 PROSPECTIVE JUROR ZACCO: Okay.

16 THE COURT: State, are you okay with that one?

17 MR. LABRUZZO: We are, Judge.

18 THE COURT: Defense, are you okay?

19 MR. LIVERMORE: Yes.

20 THE COURT: All right. She can be told to keep  
21 her badge. Be back in the jury pool room at  
22 9:00 tomorrow morning.

23 And the next is Garcia, Betzaida Garcia. I  
24 think it's just the first name, B-e-t-z-a-i-d-a,  
25 but the last name is actually Garcia. Betzaida

1 Garcia.

2 Good afternoon, Ms. Garcia. How are you?

3 PROSPECTIVE JUROR GARCIA: Fine.

4 THE COURT: We're going to have you step up to  
5 the first pew and then step in just a little. We have  
6 a couple of questions for you. Right there is good.  
7 You're fine. You're fine.

8 Ma'am, you indicated that you're the only  
9 provider for your children and your job does not  
10 pay for you being here and that based on that, you  
11 would not be able to pay your bills if I forced you  
12 to be on the jury; is that correct?

13 PROSPECTIVE JUROR GARCIA: I found out -- I had  
14 my boss send me the policy.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR GARCIA: And being that I  
17 haven't been there for three months, they won't pay me  
18 for it.

19 THE COURT: And so if we had you come in a couple  
20 of weeks from now you'd be okay, but you're still in  
21 your probationary period?

22 PROSPECTIVE JUROR GARCIA: I mean, I still  
23 wouldn't have anybody to watch the baby.

24 THE COURT: Okay. All right. And so taking all  
25 that into consideration, you believe that you could

1 not sit as a fair and impartial juror? You'd be too  
2 worried about the baby and work and not making money  
3 and all that stuff?

4 PROSPECTIVE JUROR GARCIA: Yeah.

5 THE COURT: Okay. State, any questions?

6 MR. LABRUZZO: No, Your Honor.

7 THE COURT: Defense?

8 MR. LIVERMORE: No.

9 THE COURT: All right. Ma'am, thank you for your  
10 time. You should have a badge around there somewhere.  
11 You can go ahead and put that in the little box in  
12 front of you. And you're going to be released.  
13 You're good to go. You don't have to come back  
14 tomorrow. You're done.

15 PROSPECTIVE JUROR GARCIA: Okay.

16 THE COURT: Okay? Thank you very much. Go  
17 trick-or-treating.

18 I have Sarah Filipiak next. Sarah Filipiak.

19 MR. PURA: Filipiak.

20 THE COURT: Filipiak.

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

22 PROSPECTIVE JUROR FILIPIAK: Good. Thank you.

23 THE COURT: Can you pronounce your last name for  
24 me.

25 PROSPECTIVE JUROR FILIPIAK: Filipiak.

1           THE COURT: All right. He was right. I was  
2 wrong.

3           Ms. Filipiak, how are you? Thank you so much  
4 for coming in today. I know it's been a long day  
5 with not much to do. We have gotten to you, and I  
6 apologize it's taken so long.

7           You did say that you did not believe you would  
8 be able to serve because you have two small  
9 children. And there's a whole lot more written  
10 there, but the gist of it is you've got too much  
11 going on with the kids, getting them places,  
12 picking them up and that kind of thing, and that  
13 you're currently a teacher too.

14          So where do you teach?

15          PROSPECTIVE JUROR FILIPIAK: Trinity Elementary.

16          THE COURT: All right. And I assume because you  
17 are a school board employee, they do pay you if you  
18 were a juror?

19          PROSPECTIVE JUROR FILIPIAK: Yes.

20          THE COURT: But it's the way you have your life  
21 scheduled --

22          PROSPECTIVE JUROR FILIPIAK: Yes.

23          THE COURT: -- is that your children go to the  
24 same school that you teach?

25          PROSPECTIVE JUROR FILIPIAK: One of my children

1 does, yes.

2 THE COURT: Okay. And so that's the way you get  
3 them there, that's how they get home, and you're in  
4 charge of all of that?

5 PROSPECTIVE JUROR FILIPIAK: Yes.

6 THE COURT: And do you believe that based on  
7 that -- if let's say you were forced to be a juror,  
8 for lack of a better term -- you would be so  
9 distracted by the things that you're not being able to  
10 take care of at home with the kids, that you would  
11 have a hard time being a fair and impartial juror to  
12 both sides?

13 PROSPECTIVE JUROR FILIPIAK: Yes.

14 THE COURT: Okay. State, any questions?

15 MR. LABRUZZO: Just one second, Judge. No,  
16 Judge, no further questions.

17 THE COURT: Mr. Pura, do you want to try the same  
18 question as the last time?

19 MR. PURA: No.

20 THE COURT: Any questions?

21 All right. Ma'am, we'll have you step out in  
22 the hallway and we'll give you some direction from  
23 there. Okay?

24 PROSPECTIVE JUROR FILIPIAK: Okay. Thank you.

25 THE COURT: State?

1           MR. LABRUZZO: Judge, the State would move for  
2 cause.

3           THE COURT: Defense?

4           MR. PURA: We don't have a basis to object.

5           THE COURT: My teachers are very dedicated  
6 individuals, I would just say.

7           MR. LABRUZZO: The future looks bright for Pasco  
8 County.

9           THE COURT: Exactly. They are hard working.

10          Joseph Young. And after Joseph Young will be  
11 William Harvey. Okay. Joseph Young.

12          THE BAILIFF: Does she remain?

13          THE COURT: Oh, she's gone. I'm sorry. She's  
14 excused. I apologize. She is good to go. I  
15 apologize.

16          Mr. Young, how are you today?

17          PROSPECTIVE JUROR YOUNG: Good.

18          THE COURT: And I apologize it's taken us so  
19 long, sir, but I appreciate you coming in today.

20          PROSPECTIVE JUROR YOUNG: Thank you.

21          THE COURT: Sir, you indicated that first and  
22 foremost, based on the amount of time it would be  
23 necessary for you to be here for the trial -- we  
24 talked a little bit about it a long time ago this  
25 morning -- that you were not sure if you could serve

1 as a juror.

2 PROSPECTIVE JUROR YOUNG: Yes, ma'am.

3 THE COURT: What have you got going on that would  
4 make you be able to make a decision?

5 PROSPECTIVE JUROR YOUNG: Well, I have my  
6 daughter and my son-in-law are both out in Texas,  
7 they're in the Army, and we just got a granddaughter.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR YOUNG: And they're both about  
10 to be deployed. My son-in-law could be deployed any  
11 day.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR YOUNG: And my daughter is  
14 going to be deployed maybe at any time too. So we're  
15 not sure if we're going to have to have her.

16 THE COURT: So you are the caregiver for their  
17 child. And how old is the child?

18 PROSPECTIVE JUROR YOUNG: She's four months old.

19 THE COURT: And both of her parents are on ready  
20 stand for deployment?

21 PROSPECTIVE JUROR YOUNG: Yes, ma'am.

22 THE COURT: And both of them could be deployed at  
23 any time?

24 PROSPECTIVE JUROR YOUNG: Well, my son-in-law can  
25 be deployed at any time.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR YOUNG: My daughter, most  
3 likely she might not get deployed until December.

4 THE COURT: But they could give them a week's  
5 notice or a day's notice or that type of thing?

6 PROSPECTIVE JUROR YOUNG: Yes, ma'am.

7 THE COURT: So it sounds like your son-in-law is  
8 on some Special Forces type of thing where they just  
9 say bags packed, be at the airport in five hours, or  
10 whatever?

11 PROSPECTIVE JUROR YOUNG: Yes.

12 THE COURT: And your daughter is in a situation  
13 where she's on short time orders; so a week, two  
14 week's notice maybe?

15 PROSPECTIVE JUROR YOUNG: I think my son-in-law  
16 gets three days.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR YOUNG: My daughter gets one  
19 week.

20 THE COURT: All right. And if they are deployed,  
21 you would be responsible for their small child?

22 PROSPECTIVE JUROR YOUNG: Yes, ma'am.

23 THE COURT: And do you have a wife that could  
24 assist you with that?

25 PROSPECTIVE JUROR YOUNG: Yes, I do.



1           THE COURT: But you're just not sure how that's  
2 going to work and that's causing you to not want to  
3 commit to something this long?

4           PROSPECTIVE JUROR YOUNG: Right. Yes, ma'am.

5           THE COURT: Okay. I also see that you said that  
6 your sister was murdered by her boyfriend.

7           PROSPECTIVE JUROR YOUNG: Yes, ma'am.

8           THE COURT: And we have a murder and there is  
9 some allegations that the victim was the girlfriend of  
10 the person -- or ex-girlfriend of the person charged  
11 with the crime.

12           That alone, would that cause you to have a  
13 hard time believing you could be a fair and  
14 impartial juror here?

15           PROSPECTIVE JUROR YOUNG: I think so, yes.

16           THE COURT: Okay. All right. State, any  
17 questions?

18           MR. LABRUZZO: No, Your Honor.

19           THE COURT: Defense?

20           MR. LIVERMORE: No.

21           THE COURT: All right. Sir, I'm going to have  
22 you step out into the hallway and my bailiffs will  
23 give you further instructions. Okay?

24           PROSPECTIVE JUROR YOUNG: Thank you.

25           THE COURT: State?

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

2 THE COURT: Any objection?

3 MR. LIVERMORE: No, ma'am.

4 THE COURT: I saw the boyfriend/girlfriend thing  
5 and I thought.

6 Mr. Young is released. He can go about.

7 We'll just take his badge and he can go.

8 And then we have William Harvey.

9 Good afternoon, Mr. Harvey. How are you?

10 PROSPECTIVE JUROR HARVEY: Just fine.

11 THE COURT: Sir, thank you so much for coming  
12 today. I know it's been a long day and we appreciate  
13 your patience with us.

14 We have your questionnaire, and it says that  
15 based on the time period we're talking about having  
16 our jurors sit in this trial -- and as you can see  
17 how long it took today, we're serious about that --  
18 you said, no, with a question mark. So I'm trying  
19 to get is it a definite no? Or is it something  
20 that I can tell you or information I can give you?

21 PROSPECTIVE JUROR HARVEY: What was the question  
22 again?

23 THE COURT: If you could serve as a juror?

24 PROSPECTIVE JUROR HARVEY: Oh, yes. Obviously,  
25 if I was summoned to be in court, then I would be

1           there.

2           THE COURT:   Okay.

3           PROSPECTIVE JUROR HARVEY:   My son and his wife  
4           are expecting a child in the next couple of weeks.

5           THE COURT:   Okay.

6           PROSPECTIVE JUROR HARVEY:   And I feel like I'd  
7           really like to be there.

8           THE COURT:   And where is that?

9           PROSPECTIVE JUROR HARVEY:   That's right here in  
10          Clearwater.

11          THE COURT:   Clearwater?

12          PROSPECTIVE JUROR HARVEY:   Yes.

13          THE COURT:   So in a situation like that, you're  
14          not sequestered as a juror.  We start at 9:30 in the  
15          morning and we go until 6:00, and it's Monday through  
16          Friday, no weekends right now.

17          So it's your daughter-in-law, correct?

18          PROSPECTIVE JUROR HARVEY:   Yes.

19          THE COURT:   If she went into labor, at the end of  
20          the day if you found out about it, you could go  
21          immediately to the hospital and be there with them?

22          PROSPECTIVE JUROR HARVEY:   Yes, I could.

23          THE COURT:   Would that allow you to sit as a  
24          juror?

25          PROSPECTIVE JUROR HARVEY:   If necessary, yes.

1           THE COURT: Okay. So other than that, there's  
2 nothing else that would stop you from being a juror?

3           PROSPECTIVE JUROR HARVEY: No, ma'am.

4           THE COURT: And, of course, if there was some  
5 sort of emergency, like any other juror, I could take  
6 a break and let you go, you know, sooner. But the  
7 State might have some questions for you and then  
8 Defense might have some questions for you.

9           State?

10          MR. LABRUZZO: Yes. Good afternoon, sir. Just  
11 one question. You made a note that your son is a  
12 proball player?

13          PROSPECTIVE JUROR HARVEY: I'm sorry?

14          MR. LABRUZZO: You made a note that your son is a  
15 proball player?

16          PROSPECTIVE JUROR HARVEY: Yes. He's a baseball  
17 player.

18          MR. LABRUZZO: Who does he play for?

19          PROSPECTIVE JUROR HARVEY: He was drafted in the  
20 first round by the Cubs when he graduated from high  
21 school and he's still playing.

22          MR. LABRUZZO: All right. Thank you, sir.

23          THE COURT: Is he in the minors?

24          PROSPECTIVE JUROR HARVEY: He was in the minors  
25 for about ten years.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR HARVEY: And then he went into  
3 a different league. And they're still paying him, so  
4 he's still playing.

5 THE COURT: Well, the reason I ask is he's here  
6 with his wife to have the child?

7 PROSPECTIVE JUROR HARVEY: Yes.

8 THE COURT: Okay. He's not traveling somewhere?

9 PROSPECTIVE JUROR HARVEY: Down at Mease Hospital  
10 in Countryside is where she'll have the baby.

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

12 MR. LIVERMORE: Yes. Is this their first child?

13 PROSPECTIVE JUROR HARVEY: I'm sorry?

14 MR. LIVERMORE: Is this their first child?

15 PROSPECTIVE JUROR HARVEY: No. This will be my  
16 second grandson.

17 MR. LIVERMORE: And have there been problems in  
18 the past with a premature birth with the others?

19 PROSPECTIVE JUROR HARVEY: No. Well, he was a  
20 little premature, but not much.

21 MR. LIVERMORE: So is this something that's going  
22 to be in the back of your mind if you're sitting here?  
23 Are you going to be thinking about, oh, not today?

24 PROSPECTIVE JUROR HARVEY: It might be. Well,  
25 sure, it's going to be.

1           MR. LIVERMORE: I get it. I understand. And do  
2 you think that might interfere with your ability to  
3 pay attention to what's going on here?

4           PROSPECTIVE JUROR HARVEY: My only difficulty is,  
5 as far as being here, I have a problem hearing. And  
6 if you're standing there looking at me, I hear you  
7 pretty well; but if you step over there where that  
8 lady is and turn your back and talk, I probably won't  
9 understand a word you're saying.

10          MR. LIVERMORE: Okay.

11          PROSPECTIVE JUROR HARVEY: That makes it  
12 difficult for me.

13          MR. LIVERMORE: On the form where there's a  
14 question about health issues, is that what you were  
15 talking about?

16          PROSPECTIVE JUROR HARVEY: Well, that and the  
17 fact that I'm a diabetic and I have to have medicine  
18 and that kind of stuff.

19          MR. LIVERMORE: Are you talking about insulin or  
20 other medicine?

21          PROSPECTIVE JUROR HARVEY: Yes. Yes.

22          MR. LIVERMORE: Now, there are breaks, things  
23 like that, so you can probably take care of that.

24          Do you have hearing aids for your hearing?

25          PROSPECTIVE JUROR HARVEY: I do. But they don't

1 do that much. You know, like I said, my problem is if  
2 the sound isn't directed towards me or if there's more  
3 than one person talking at the same time, I can't  
4 differentiate one from another. It's just a nuisance.

5 MR. LIVERMORE: And would you have any problem  
6 raising your hand and saying, wait a minute, I can't  
7 hear?

8 PROSPECTIVE JUROR HARVEY: No, I wouldn't.

9 MR. LIVERMORE: Okay. And there are some  
10 headphones that can be used.

11 PROSPECTIVE JUROR HARVEY: Oh, that would be  
12 great.

13 MR. LIVERMORE: Okay. Nothing else. No other  
14 questions.

15 THE COURT: Okay. Sir, we're going to have you  
16 step out into the hallway and my bailiffs will give  
17 you further directions on what we're going to do.  
18 Okay?

19 PROSPECTIVE JUROR HARVEY: Thank you, ma'am.

20 THE COURT: Thank you.

21 State?

22 MR. LABRUZZO: Judge, I would defer to the  
23 Defense. The hearing problem sounds like it could be  
24 solved. That's the only thing that's concerning.

25 THE COURT: In a trial, the way he described it,

1           it shouldn't be a problem because everything is  
2           directed -- one person talks at a time and everything  
3           is in front of him, plus I have the hearing headphones  
4           if he needs them.

5           Defense, where do you stand?

6           MR. LIVERMORE: Having been in his shoes, I know  
7           what it's like to worry about labor and delivery. I'm  
8           not sure. I'll move for cause.

9           THE COURT: Any objection?

10          MR. LABRUZZO: Judge, we're going to object.

11          THE COURT: I'm just going to keep him for now.  
12          I mean, I understand if he had to go out of town. I  
13          mean, it's in town. You've asked him. He didn't seem  
14          to think that there was any issues with the labor and  
15          delivery. So I don't think the grandfather is going  
16          to be in the labor and delivery room, so he'll be out  
17          in the hallway anyway.

18          So I'll keep him for right now and we'll see  
19          where we stand tomorrow. So if we can have  
20          Mr. Harvey come back tomorrow into the jury pool  
21          room at 9:00, and we'll move on from there. Okay?

22          THE BAILIFF: Yes, Your Honor.

23          THE COURT: You're out of names, right?

24          THE BAILIFF: Correct.

25          THE COURT: Okay. The next one is Cheryl Harmon,



1 Gabrielle Cincinatus.

2 MR. PURA: Cincinatus.

3 THE COURT: Cincinatus.

4 THE BAILIFF: Cheryl Harmon. What's the first  
5 name?

6 MR. PURA: Harmon.

7 THE COURT: First name is Cheryl, last name is  
8 Harmon.

9 MR. SARABIA: We didn't have a questionnaire for  
10 her.

11 THE COURT: Okay.

12 MR. LABRUZZO: Cincinatus, that is.

13 THE CLERK: I don't have her on my list for this.

14 MR. SARABIA: No, Harmon.

15 MR. LABRUZZO: I have it right here.

16 THE COURT: I have a supplemental questionnaire.

17 MR. LABRUZZO: Harmon.

18 MR. SARABIA: Is it Harmon or Hardin?

19 THE COURT: Harmon, H-a-r-m-o-n. Harmon.

20 THE CLERK: What was the other one you said?

21 Gabrielle --

22 THE COURT: Gabrielle Cincinatus,  
23 C-i-n-c-i-n-a-t-u-s. She is not on my list.

24 THE CLERK: I know. What's her juror number?

25 THE COURT: Her juror number is 411856, but I

1 don't have the list of those jurors. Do you have her  
2 on your list?

3 THE BAILIFF: I do not, Your Honor.

4 THE COURT: Cincinatus? All right. We'll skip  
5 her for a moment.

6 We'll go on to Robert, A-c-h-a, Acha. Nancy  
7 Sieder, that's S-i-e-d-e-r, you got her. Then  
8 Catherine Galloway-Hogan. Bring those four over.  
9 Oh, hey, Gary Banks.

10 THE BAILIFF: Okay.

11 THE COURT: Gary Banks. I'm down to my last  
12 couple anyway after Banks. So we're holding on for  
13 Cincinatus.

14 Then I have Denitza Rosado-Rivera and Jennifer  
15 Riley. So I only have those three left in my group  
16 of one.

17 MR. SARABIA: What were those last ones?

18 THE COURT: Jennifer Riley, R-i-l-e-y.

19 MR. SARABIA: I have her.

20 THE COURT: Denitza Rosado-Rivera.

21 MR. SARABIA: I don't think we have her.

22 THE COURT: You got that one?

23 MR. SARABIA: No. I got that one. Okay.

24 THE COURT: And then I have this Gabrielle  
25 Cincinatus. Those are the only ones left from the

1 group that came in today.

2 On Ms. Harmon, it says, "Have you had a family  
3 member or friend be the victim of a crime?" She  
4 said, "Speak to the judge." So that's really the  
5 only issue that I have with her.

6 THE CLERK: Cincinatus is here. She's checked in  
7 and they have no idea why she didn't make the list.

8 THE COURT: Do you guys all have Ms. Cincinatus's  
9 questionnaire?

10 MR. LIVERMORE: Yes.

11 MR. LABRUZZO: I have her supplemental  
12 questionnaire.

13 THE COURT: Okay. Somehow they just forgot to  
14 put her on the list. So we'll put her in the last  
15 three. She said, no, and --

16 THE BAILIFF: Ready for Ms. Harmon, Your Honor?

17 THE COURT: Yeah. I'm ready for Ms. Harmon.  
18 Good afternoon, Ms. Harmon. How are you?

19 PROSPECTIVE JUROR HARMON: Good. How are you?

20 THE COURT: I'm good. I'm sorry it's taken so  
21 long today. Thank you so much for coming in today.

22 We have your questionnaire. Everything looked  
23 fine except you had the part with, "Have you or any  
24 family member or friend ever been the victim of a  
25 crime?" And you wrote, "Speak to the judge." So

1 is it yourself or someone close to you?

2 PROSPECTIVE JUROR HARMON: My son when he was a  
3 teenager. And then I had a breaking and entering back  
4 in 2004 when I wasn't home.

5 THE COURT: All right. Is there anything about  
6 that that was extremely traumatic that would cause you  
7 to have a hard time sitting as a juror here today?

8 PROSPECTIVE JUROR HARMON: No. In fact, I didn't  
9 even think about it until I did this questionnaire.  
10 When I did the one last night, it came back.

11 THE COURT: So on the original questionnaire you  
12 may have said, no; and then on this one you wrote,  
13 yes. That's the conflict between the two?

14 PROSPECTIVE JUROR HARMON: Yeah. So, yeah, I  
15 wanted to be honest about it. But I've never really  
16 thought of myself as a victim.

17 THE COURT: That's awesome. That's not a  
18 problem. But technically you were the victim of a  
19 crime. And your son, what happened with your son?

20 PROSPECTIVE JUROR HARMON: An older boy that  
21 lived down the street from us stole a necklace from  
22 him when he was a teenager.

23 THE COURT: Okay. So do either one of those  
24 cause you to have a hard time sitting as a fair and  
25 impartial juror here today?

1 PROSPECTIVE JUROR HARMON: I don't think so.

2 THE COURT: Now, on the timeframe that we are  
3 talking about it taking, as you can see, I was honest  
4 about how long this is going to take. Do you think  
5 there's any problems, if you come in at 9:30, we get  
6 you out before 6:00, weekends off, home to your own  
7 house, your own bed, that now that you've had time to  
8 think about it, you'd have a hard time sitting as a  
9 fair and impartial juror just based on the timing?

10 PROSPECTIVE JUROR HARMON: I do work.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR HARMON: Okay.

13 THE COURT: Where do you work?

14 PROSPECTIVE JUROR HARMON: I work at the Landings  
15 of St. Andrews. We're a senior apartment complex.  
16 I'm the assistant manager.

17 THE COURT: Would they pay you for your time as a  
18 juror?

19 PROSPECTIVE JUROR HARMON: They pay up to two  
20 weeks.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR HARMON: And then actually I've  
23 got the week of the 13th through the 17th off for  
24 vacation.

25 THE COURT: And where were you going to go?

1           PROSPECTIVE JUROR HARMON: We had decided to stay  
2 home. We were going to St. Augustine, and then when  
3 the hurricane went that way, we changed our mind.  
4 Plus, we're planning on adopting a kitten during that  
5 time, so we decided to stay home.

6           THE COURT: Okay. So they'd pay you for two  
7 weeks. You already have a week off paid where you're  
8 taking vacation, and I am sure you would appreciate me  
9 taking your vacation time. Based on that, do you  
10 still think that you could sit as a juror in this  
11 case, if you were so chosen by both sides?

12          PROSPECTIVE JUROR HARMON: Yes.

13          THE COURT: Okay. And you said you did hear  
14 something this morning about the trial starting.

15          PROSPECTIVE JUROR HARMON: I think it was that  
16 one. I'm not sure.

17          THE COURT: Okay.

18          PROSPECTIVE JUROR HARMON: Probably because I  
19 didn't even catch the name of the defendant, just that  
20 they were starting.

21          THE COURT: Anything about what you heard this  
22 morning, even, you know, in passing, that would cause  
23 you to have a hard time being a fair and impartial  
24 juror in this matter?

25          PROSPECTIVE JUROR HARMON: No.

1           THE COURT: And the defendant is, of course,  
2           innocent until the State proves him guilty to you and  
3           the rest of the jurors. Do you believe you would hold  
4           the State to that burden and make them prove to you  
5           that the defendant is guilty of what they've charged  
6           him with?

7           PROSPECTIVE JUROR HARMON: Yes.

8           THE COURT: And anything about your previous  
9           problems -- I'm not going to call you a victim because  
10          you don't see yourself as a victim -- as a person who  
11          had crimes committed against them, that would affect  
12          you in any way in your decision of being a fair and  
13          impartial juror?

14          PROSPECTIVE JUROR HARMON: No.

15          THE COURT: Okay. State, any questions?

16          MR. LABRUZZO: No, Your Honor.

17          THE COURT: Defense?

18          MR. LIVERMORE: No.

19          THE COURT: All right. Ma'am, we're going to  
20          have you step out into the hallway and my bailiffs  
21          will give you additional instructions.

22          All right. State, where do you stand with  
23          Ms. Harmon?

24          MR. LABRUZZO: Judge, we're not asking the Court  
25          to take any action.

1 THE COURT: She'll be back tomorrow for you?

2 MR. LABRUZZO: Yes, Judge.

3 THE COURT: Defense, are you okay?

4 MR. LIVERMORE: Yes.

5 THE COURT: All right. Tell Ms. Harmon that  
6 she's still a go. Bring her jury badge. Be  
7 downstairs 9:00 tomorrow morning.

8 And then we'll have Robert, A-c-h-a, Acha.  
9 Mr. Pura has been my linguist over there. He's  
10 been telling me how to pronounce things.

11 Good afternoon, sir. Can you help me and  
12 pronounce your last name for me?

13 PROSPECTIVE JUROR ACHA: Acha.

14 THE COURT: Acha. All right.

15 Mr. Acha, we're just going to have you move in  
16 there just a little. Thank you so much for coming  
17 in today and taking your time. I apologize it's  
18 taken so long to get to you, but we're moving as  
19 fast as we can.

20 We looked over your form. I don't see  
21 anything that would stop you from being a juror in  
22 this case. So I just want to verify everything  
23 that's on it with you.

24 PROSPECTIVE JUROR ACHA: Okay.

25 THE COURT: We went over the timeframe. I gave



1           you a little bit more this morning. That you would be  
2           coming back tomorrow, and if you were seated as a  
3           juror, you would be here Monday through Friday from  
4           9:30 in the morning until 5:00 or 6:00 in the  
5           afternoon, you'd get to go home at night, weekends  
6           off, maybe some Fridays perhaps, definitely Veterans  
7           Day off.

8           You've been sitting over there for a long time  
9           today. Has anything changed in your ability to sit  
10          as a juror in this case?

11          PROSPECTIVE JUROR ACHA: No, it hasn't.

12          THE COURT: All right. Are you currently  
13          working?

14          PROSPECTIVE JUROR ACHA: No. I'm retired.

15          THE COURT: Okay. So right now you don't have  
16          anybody saying you need to come to work or anything  
17          like that?

18          PROSPECTIVE JUROR ACHA: No.

19          THE COURT: I'm sure you've got a honey-do list  
20          at home?

21          PROSPECTIVE JUROR ACHA: Definitely.

22          THE COURT: But we'll put that off for a little  
23          while.

24          Okay. The State might have some questions for  
25          you. Give me a moment.

1 MR. LABRUZZO: Good afternoon, sir. When you  
2 were working, what did you do?

3 PROSPECTIVE JUROR ACHA: A postal carrier.

4 MR. LABRUZZO: All right. Thank you, sir.

5 THE COURT: Defense, any questions?

6 MR. LIVERMORE: No, ma'am.

7 THE COURT: All right. Sir, I'm going to have  
8 you step in the hallway and my bailiffs will give you  
9 further instructions. Okay?

10 PROSPECTIVE JUROR ACHA: Thank you.

11 THE COURT: State, are you okay with bringing him  
12 back tomorrow?

13 MR. LABRUZZO: Yes.

14 THE COURT: Defense, okay?

15 MR. LIVERMORE: Yes.

16 THE COURT: Let him know we'll see him at 9:00,  
17 jury pool room, at 9:00 AM with his juror badge.  
18 Okay?

19 And then we have Nancy Sieder.

20 Good afternoon. Is it Sieder or Sieder?

21 PROSPECTIVE JUROR SIEDER: It's Sieder.

22 THE COURT: All right. Ms. Sieder, how are you?

23 PROSPECTIVE JUROR SIEDER: Good. How are you?

24 THE COURT: Great. Thank you so much for coming  
25 today. I'm sorry it's taken so long to get to you. I

1 do have a few questions for you, though.

2 On your jury questionnaire, when we put the  
3 amount of time it would take to sit as a juror in  
4 this case, you wrote, "No." You scratched that out  
5 and you wrote, "Yes." So that's a little flippy to  
6 flop. So I've got to clarify that.

7 PROSPECTIVE JUROR SIEDER: I just read it wrong.

8 THE COURT: Okay. We would be talking about from  
9 today until possibly as late as the 22nd of November,  
10 that you would be here Monday through Friday, 9:30 to  
11 6:00. Based on what you know and what you have going  
12 on in your life, do you think you could sit for that  
13 amount of time?

14 PROSPECTIVE JUROR SIEDER: I think so.

15 THE COURT: All right. How about work? Are you  
16 working currently?

17 PROSPECTIVE JUROR SIEDER: I do work.

18 THE COURT: And where are you working?

19 PROSPECTIVE JUROR SIEDER: I work in sales for a  
20 concrete company. My company is out of Charlotte,  
21 North Carolina.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR SIEDER: So I'm on the road.

24 THE COURT: And if I had you be a juror and these  
25 fine people chose you as their juror, is that going to

1           cause a problem with work?

2                   PROSPECTIVE JUROR SIEDER: No.

3                   THE COURT: Do they pay you for your time as a  
4 juror?

5                   PROSPECTIVE JUROR SIEDER: I'm not sure.

6                   THE COURT: All right.

7                   PROSPECTIVE JUROR SIEDER: I'm a salaried  
8 employee, but I don't know how that falls in their  
9 category. I don't know what their rules are.

10                  THE COURT: So let's give you the worst-case  
11 scenario. They don't pay you. So we're talking about  
12 three weeks without pay. Is that going to cause you  
13 significant financial hardship?

14                  PROSPECTIVE JUROR SIEDER: Yes.

15                  THE COURT: And do you think, based on that  
16 hardship, that you might have a hard time  
17 concentrating on the trial because you're thinking  
18 about the things that aren't getting paid?

19                  PROSPECTIVE JUROR SIEDER: No.

20                  THE COURT: Okay. You would concentrate on the  
21 trial.

22                  PROSPECTIVE JUROR SIEDER: Yeah.

23                  THE COURT: Did you attempt at all to reach out  
24 to anyone in your company -- HR, boss, whatever -- to  
25 find out if they do pay for jury service?

1 PROSPECTIVE JUROR SIEDER: No. But they know I'm  
2 here today.

3 THE COURT: Okay. Are they paying you for today?

4 PROSPECTIVE JUROR SIEDER: Yes.

5 THE COURT: So if we had you come back  
6 tomorrow -- I'm not saying you are -- could you reach  
7 out to them and find out if they could reimburse you  
8 for the entire time or at least most of the time?

9 PROSPECTIVE JUROR SIEDER: Yes.

10 THE COURT: All right. State, do you have any  
11 other questions?

12 MR. LABRUZZO: No, Your Honor.

13 THE COURT: Defense?

14 MR. LIVERMORE: No. No questions.

15 THE COURT: All right. With the caveat,  
16 Ms. Sieder, I'm going to have you come back tomorrow  
17 at 9:00.

18 And in the meantime it will be extremely  
19 helpful for us picking a jury to find out if you  
20 are, in fact, reimbursed for the entire time. I'm  
21 sure it will be helpful for you, but also we'd like  
22 to know that answer because, you know, that could  
23 affect your ability to really concentrate on the  
24 trial.

25 I know you said that you would concentrate and

1 I'm sure that you would do your best, but that  
2 might affect whether they want you as a juror if  
3 they know that you're not getting paid. That's  
4 their decision, not mine. And it's your decision  
5 to decide that you would sit as a juror and take  
6 the financial hardship and use vacation or whatever  
7 you have.

8 You know, and I appreciate that you're willing  
9 to do that for us, but I think that both sides  
10 would really like to know if your company would  
11 reimburse you. Okay?

12 PROSPECTIVE JUROR SIEDER: Is that something that  
13 you want me to --

14 THE COURT: No. You can just come back tomorrow  
15 at 9:00 AM. You're going to be on my panel, but  
16 they're going to probably ask you, hey, did you call  
17 your boss, do you know? Okay?

18 PROSPECTIVE JUROR SIEDER: Okay.

19 THE COURT: So we'll see you tomorrow morning  
20 downstairs in the jury pool room at 9:00.

21 PROSPECTIVE JUROR SIEDER: Okay.

22 THE COURT: We're going to bring everybody up as  
23 a group tomorrow, and we have it noted, and it will  
24 probably be one of the first questions they'll ask you  
25 in the group. Okay?

1 All right. Thank you, ma'am.

2 PROSPECTIVE JUROR SIEDER: Thank you.

3 THE COURT: Make sure they pay you for tomorrow  
4 one way or another.

5 PROSPECTIVE JUROR SIEDER: All right.

6 THE COURT: Okay?

7 PROSPECTIVE JUROR SIEDER: Thank you.

8 THE COURT: Next I have Catherine Galloway-Hogan.  
9 Ms. Galloway-Hogan, how are you?

10 PROSPECTIVE JUROR GALLOWAY-HOGAN: Very well,  
11 thank you.

12 THE COURT: We're going to have you come up to  
13 that first set of pews right there and scoot in a  
14 little on the other side.

15 Good afternoon, ma'am. Thank you very much  
16 for coming. I know it's been a long day for you.  
17 We've been moving along as quickly as we can.

18 I see that based on your jury questionnaire,  
19 first of all, you work for the Department of  
20 Homeland Security.

21 PROSPECTIVE JUROR GALLOWAY-HOGAN: Yes, ma'am.

22 THE COURT: Based on that, if you were chosen as  
23 a juror, would you be paid for your service?

24 PROSPECTIVE JUROR GALLOWAY-HOGAN: Yes, ma'am.

25 THE COURT: You also said that you're taking

1 college classes.

2 PROSPECTIVE JUROR GALLOWAY-HOGAN: I have two  
3 degrees and I do college --

4 THE COURT: You teach college classes?

5 PROSPECTIVE JUROR GALLOWAY-HOGAN: No, no, no. I  
6 have a college degree, and then I have to take college  
7 courses through the Department of Homeland Security.

8 THE COURT: Oh, okay. I got you.

9 PROSPECTIVE JUROR GALLOWAY-HOGAN: Yes, ma'am.

10 THE COURT: If you sat as a juror, would that  
11 mess up your college classes?

12 PROSPECTIVE JUROR GALLOWAY-HOGAN: No.

13 THE COURT: They're on-line kind of thing? The  
14 new age. I wish I could have taken some classes when  
15 I was in law school on-line.

16 You've been here a long time today.

17 PROSPECTIVE JUROR GALLOWAY-HOGAN: Yes, ma'am.

18 THE COURT: And I originally went in there and  
19 spoke to you and I said that if you were chosen, it be  
20 9:30 in the morning until about 6:00 at night, Monday  
21 through Friday, weekends off, Veterans Day off. You  
22 get that holiday paid too. Good. Has anything  
23 changed on your thoughts about whether you could sit  
24 as a fair and impartial juror?

25 PROSPECTIVE JUROR GALLOWAY-HOGAN: No, ma'am.



1           THE COURT: So if they would like you as a juror,  
2 you're willing to serve?

3           PROSPECTIVE JUROR GALLOWAY-HOGAN: That's my  
4 civic duty, yes, ma'am.

5           THE COURT: Okay. And I see that you have heard  
6 nothing about this case?

7           PROSPECTIVE JUROR GALLOWAY-HOGAN: I haven't  
8 watched cable for a long time.

9           THE COURT: Okay. And you haven't read anything  
10 about it in the newspaper or on-line?

11          PROSPECTIVE JUROR GALLOWAY-HOGAN: No, ma'am.

12          THE COURT: I know a lot of people don't watch TV  
13 anymore, but they look at everything on their tablet  
14 or their phone. But you haven't seen anything?

15          PROSPECTIVE JUROR GALLOWAY-HOGAN: No, ma'am.

16          THE COURT: So if you were chosen as a juror, the  
17 person charged with this crime sits as an innocent  
18 person and the State would have to prove to you beyond  
19 a reasonable doubt that he committed the crimes that  
20 he's charged with.

21          PROSPECTIVE JUROR GALLOWAY-HOGAN: Yes, ma'am.

22          THE COURT: No problem with that?

23          PROSPECTIVE JUROR GALLOWAY-HOGAN: No, ma'am.

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

25          MR. LABRUZZO: No, Your Honor.

1 THE COURT: Defense, any questions?

2 MR. LIVERMORE: No, ma'am.

3 THE COURT: All right. Ma'am, we're going to  
4 have you come back tomorrow morning at 9:00 in the  
5 jury pool room. Just bring your badge with you.  
6 Okay?

7 PROSPECTIVE JUROR GALLOWAY-HOGAN: Okay.

8 THE COURT: Thank you very much. We'll see you  
9 tomorrow.

10 PROSPECTIVE JUROR GALLOWAY-HOGAN: Have a good  
11 day now.

12 THE COURT: You too. Sorry it's been taking so  
13 long today.

14 PROSPECTIVE JUROR GALLOWAY-HOGAN: That's okay.

15 THE COURT: After that will be Gary Banks.  
16 Good afternoon, Mr. Banks. How are you?

17 PROSPECTIVE JUROR BANKS: Very well. And  
18 yourself?

19 THE COURT: We're going to have you scoot in in  
20 that first pew right there.

21 Thank you so much for coming today and taking  
22 the time. And I'm sorry it's taken so long.

23 I see that you're retired U.S. Navy military;  
24 is that correct?

25 PROSPECTIVE JUROR BANKS: Yes, ma'am.

1 THE COURT: Thank you for your service.

2 PROSPECTIVE JUROR BANKS: Yes, ma'am.

3 THE COURT: You said that you would have no  
4 problem, or you answered yes -- I shouldn't say no  
5 problem -- if you were chosen by both sides to serve  
6 as a juror in this case?

7 PROSPECTIVE JUROR BANKS: That's correct.

8 THE COURT: And I went a little bit over the  
9 timing for you. We would start tomorrow morning, and  
10 it would be about 9:30 in the morning you'd come in,  
11 you'd be out by 5:00 or 6:00 in the afternoon; home on  
12 weekends; Veterans Day is off, definitely off, we're  
13 not coming in at all; and you'd go home at 6:00.  
14 You're not sequestered.

15 Based on all of that and you're, you know,  
16 sitting over there thinking about it all day,  
17 you're still a yes? You'd be okay to serve if both  
18 sides needed you?

19 PROSPECTIVE JUROR BANKS: Yes, ma'am.

20 THE COURT: All right. And I see that you said  
21 that you have read nothing about this case; is that  
22 correct? Or heard nothing about it? Did not see it  
23 on TV?

24 PROSPECTIVE JUROR BANKS: That's correct.

25 THE COURT: And so currently, as far as you're

1 concerned, the person charged with this crime sits  
2 over there an innocent man?

3 PROSPECTIVE JUROR BANKS: That's correct.

4 THE COURT: And the State would have to prove to  
5 you beyond a reasonable doubt that he committed the  
6 crimes that they've charged him with?

7 PROSPECTIVE JUROR BANKS: That's correct.

8 THE COURT: You don't have any problem with that?

9 PROSPECTIVE JUROR BANKS: No problem whatsoever.

10 THE COURT: All right. And it says you've taken  
11 some psychology and sociology courses in college. Are  
12 you currently taking college courses?

13 PROSPECTIVE JUROR BANKS: No, ma'am. I graduated  
14 last year.

15 THE COURT: Okay. So there's no school involved  
16 that we would be interrupting?

17 PROSPECTIVE JUROR BANKS: No, ma'am.

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

19 MR. LABRUZZO: No.

20 THE COURT: All right. Defense?

21 MR. LIVERMORE: No.

22 THE COURT: All right. Mr. Banks, I'm going to  
23 have you come back tomorrow morning at 9:00 AM  
24 tomorrow in the jury pool room. Just wear your badge.

25 PROSPECTIVE JUROR BANKS: Yes, ma'am.

1           THE COURT:  And you've made it through to another  
2           day.

3           PROSPECTIVE JUROR BANKS:  Thank you, ma'am.

4           THE COURT:  All right.  If this was that singing  
5           thing, I think that would be a good thing, a singing  
6           show I never watch.  What was it called?  I don't  
7           know.

8           All right.  Rosado-Rivera.  And then Jennifer  
9           Riley.

10          Rosado-Rivera.  It's all squished together,  
11          and I don't have my list.

12          THE CLERK:  Rosado.

13          THE COURT:  Rosado-Rivera.

14          THE BAILIFF:  Rosado-Rivera.  What was the second  
15          one?

16          THE COURT:  After Ms. Rivera -- I think it's a  
17          Ms. -- it's Jennifer Riley.  And then after Jennifer  
18          Riley will be Gabrielle Cincinatus.

19          THE BAILIFF:  That's the one I don't have listed.  
20          I'll check for her.

21          THE COURT:  Right.  Exactly.  It's  
22          C-i-n-c-i-n-a-t-u-s.

23          THE BAILIFF:  You want me to bring those three  
24          for now?

25          THE COURT:  Yes.  That should finish the group of

1 people who were subpoenaed in this morning.

2 So I have Rivera, Riley, and Cincinnati.  
3 That's the one I think everybody has a  
4 questionnaire but she's not on the list. Who are  
5 you missing?

6 MS. GARRETT: I have a Glenn Braasch, Sharyn  
7 Hardin, Ward Merriman.

8 THE CLERK: I still have them on my list.

9 THE COURT: Okay. Maybe I put them in a  
10 different pile. Give me one second. When we went  
11 through that list and then I kind of took people out.  
12 So...

13 MR. SARABIA: Judge, are we talking to everybody  
14 or just people who have answers --

15 THE COURT: We're talking to everybody, because I  
16 couldn't sit here and go through all of them. So it's  
17 easier for me just to bring everybody in. Are you in  
18 the group of still left?

19 MS. GARRETT: Yes.

20 MR. SARABIA: On Ms. Hardin, we didn't have a  
21 supplemental questionnaire for her.

22 THE COURT: Oh, I don't have a supplemental  
23 questionnaire. Hardin. Okay.

24 THE CLERK: Do you have Sieder and Winterbauer?

25 THE COURT: I have Winterbauer and Sieder.

1 MR. PURA: Sieder is coming back tomorrow.

2 THE COURT: Sieder is coming back tomorrow.

3 All right. So I have Hardin that I don't have  
4 a questionnaire for; Winterbauer; Braasch; Merriman  
5 and Mixon. Are those all you have, Ms. Garrett?

6 MS. GARRETT: There's Milliman.

7 THE COURT: No. We talked to Milliman.

8 MS. GARRETT: Jeffrey Milliman?

9 THE CLERK: Yes.

10 THE COURT: Yes.

11 THE CLERK: He's gone.

12 THE COURT: Give me one second. Yeah, he was in  
13 the second group this morning. He was Juror 498817.

14 MS. GARRETT: Yes.

15 THE COURT: Yes. We took care of him earlier  
16 today, real early.

17 All right. Are we ready with Rivera?

18 MR. LAWHORNE: We are, Judge.

19 THE COURT: All right. Bring her on in.  
20 It's Rivera; is that correct, ma'am?

21 PROSPECTIVE JUROR ROSADO-RIVERA: Yes.

22 THE COURT: Is it hyphenated?

23 PROSPECTIVE JUROR ROSADO-RIVERA: Yes.

24 THE COURT: Rosado-Rivera?

25 PROSPECTIVE JUROR ROSADO-RIVERA: Rosado-Rivera.

1           THE COURT: Rivera. Got it. I didn't see a  
2           hyphen, so I wasn't sure if you were putting in your  
3           middle name or it was together.

4           Ma'am, thank you very much for being here.  
5           Sorry it's taken us so long today. On your form  
6           the one thing that we were concerned -- not  
7           concerned, but we wanted to ask you questions about  
8           was that you -- it says you are an expectant mother  
9           or parent who is not employed full time and who has  
10          custody of a child under six, and you put part time  
11          job.

12          PROSPECTIVE JUROR ROSADO-RIVERA: I work a  
13          part-time job and I have a son who is six years old.

14          THE COURT: Okay. So he's not under six, but  
15          he's six?

16          PROSPECTIVE JUROR ROSADO-RIVERA: Yes.

17          THE COURT: At this time, when we talked about  
18          the amount of time it would take to be a juror in this  
19          matter, I talked a little bit about it this morning,  
20          it would be 9:30 in the morning until about 6:00 at  
21          night, Monday through Friday, weekends off, Veterans  
22          Day off.

23          Do you still believe, even though you're a  
24          mother of a six-year-old and a part-time job, that  
25          you wouldn't be able to serve as a juror?



1 PROSPECTIVE JUROR ROSADO-RIVERA: I believe so.

2 THE COURT: Okay. What would be the issues?

3 PROSPECTIVE JUROR ROSADO-RIVERA: The issue would  
4 be that I have a doctor's appointment with my  
5 six-year-old on November 2nd.

6 THE COURT: November 2nd. What time?

7 PROSPECTIVE JUROR ROSADO-RIVERA: At 8:05 in the  
8 morning.

9 THE COURT: Okay. So is it one of those ones  
10 where he has to get shots?

11 PROSPECTIVE JUROR ROSADO-RIVERA: No. It's a  
12 cardiology appointment.

13 THE COURT: Okay. So it could take quite a long  
14 time?

15 PROSPECTIVE JUROR ROSADO-RIVERA: Correct.

16 THE COURT: So it's not an in-and-out type of  
17 situation? It's an all day cardiology appointment?

18 PROSPECTIVE JUROR ROSADO-RIVERA: I wouldn't call  
19 it all day, but I am not sure how long it's going to  
20 take.

21 THE COURT: So, in your mind, when you scheduled  
22 the appointment, they didn't say you will be here a  
23 half an hour or an hour?

24 PROSPECTIVE JUROR ROSADO-RIVERA: No.

25 THE COURT: Has he been having issues, heart

1 issues? Was he born that way or is it something new?

2 PROSPECTIVE JUROR ROSADO-RIVERA: They are  
3 monitoring his heart because back in July he started  
4 having rapid heartbeats.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR ROSADO-RIVERA: And they are  
7 looking further to see if there's any condition  
8 developing.

9 THE COURT: So could it be a situation where you  
10 just go in, they check his heart rate, and then you go  
11 back home? Or is there a specific test they have  
12 scheduled for that day?

13 PROSPECTIVE JUROR ROSADO-RIVERA: I am actually  
14 getting the results from the heart monitor that he  
15 had.

16 THE COURT: Okay. And they may say we need to do  
17 further this or we need to do further that? So you're  
18 not exactly sure what's going to happen after you get  
19 the results?

20 PROSPECTIVE JUROR ROSADO-RIVERA: Right.

21 THE COURT: And I would assume that having a  
22 six-year-old with some heart issues going on, that's  
23 very stressful for you?

24 PROSPECTIVE JUROR ROSADO-RIVERA: It is.

25 THE COURT: And is there any way that someone

1 else, like your husband, could take your child to the  
2 appointment?

3 PROSPECTIVE JUROR ROSADO-RIVERA: I would have to  
4 make arrangements with him.

5 THE COURT: Okay. Is that possible?

6 PROSPECTIVE JUROR ROSADO-RIVERA: Depending on  
7 his work.

8 THE COURT: Okay. And your part-time job, where  
9 do you work?

10 PROSPECTIVE JUROR ROSADO-RIVERA: SunTrust Bank.

11 THE COURT: Would they still pay you if you sat  
12 on jury service?

13 PROSPECTIVE JUROR ROSADO-RIVERA: I did ask my  
14 manager and she said that they would pay partial,  
15 which is one day.

16 THE COURT: Okay. So they would pay you for one  
17 day, the rest of the time you would not get paid.

18 And do you work part time during the weekdays?

19 PROSPECTIVE JUROR ROSADO-RIVERA: Yes. Monday  
20 through Friday, with one day off.

21 THE COURT: All right. And so missing that  
22 income, would that be a significant financial burden  
23 for yourself and your family?

24 PROSPECTIVE JUROR ROSADO-RIVERA: Yes.

25 THE COURT: Do you keep your insurance through

1           that company and you need to keep up with certain  
2           amount of hours or pay?

3                   PROSPECTIVE JUROR ROSADO-RIVERA: I work part  
4           time, only 20 hours a week.

5                   THE COURT: Okay.

6                   PROSPECTIVE JUROR ROSADO-RIVERA: Twenty, 23. My  
7           insurance is through my husband's employer.

8                   THE COURT: Okay. Some banks, even though you  
9           are a part-time employee, will still pay the  
10          insurance. So I wasn't sure if you were working part  
11          time for the insurance or for the income.

12                   So based on what you have going on with your  
13          son and the missing work, do you think you could  
14          concentrate a hundred percent or you don't think  
15          that you would be the right juror for this case?

16                   PROSPECTIVE JUROR ROSADO-RIVERA: I would not at  
17          this time.

18                   THE COURT: Okay. And mostly because of your son  
19          and the issues going on with him?

20                   PROSPECTIVE JUROR ROSADO-RIVERA: Yes.

21                   THE COURT: State, any questions?

22                   MR. LABRUZZO: No, Your Honor.

23                   THE COURT: Defense?

24                   MR. LIVERMORE: No.

25                   THE COURT: All right. Ma'am, you can step out

1 in the hallway and my bailiffs will give you further  
2 directions. Okay? Thank you very much.

3 State, where do you stand?

4 MR. LAWHORNE: Judge, we'd be moving for cause.

5 THE COURT: Defense, any objection?

6 MR. LIVERMORE: No.

7 THE COURT: All right. Ms. Rivera can be told  
8 that she's free to go. We'll take her badge back.  
9 She does not have to come tomorrow.

10 And then we have Jennifer Riley next.

11 Good afternoon, Ms. Riley.

12 PROSPECTIVE JUROR RILEY: Hi.

13 THE COURT: I'm sorry it's been taking so long  
14 today. Thank you so much for coming today.

15 PROSPECTIVE JUROR RILEY: No problem.

16 THE COURT: You have indicated a couple of things  
17 that we wanted to talk to you about.

18 PROSPECTIVE JUROR RILEY: Okay.

19 THE COURT: First of all, you said that your  
20 husband was mugged at gunpoint and beaten up.

21 PROSPECTIVE JUROR RILEY: Yes.

22 THE COURT: How long ago was that?

23 PROSPECTIVE JUROR RILEY: Probably 17 or 18  
24 years.

25 THE COURT: Okay. Anything about that that would

1           have you have a hard time sitting as a fair and  
2           impartial juror? I know that there is some indication  
3           of firearms in this case, so a gun. Would that affect  
4           you in any way in your ability to sit and listen to  
5           the evidence in this case?

6                   PROSPECTIVE JUROR RILEY: No.

7                   THE COURT: All right. And the other thing is  
8           you said that you personally believe, based on the  
9           timeframe that we're talking about, Monday through  
10          Friday, 9:30 to 5:00, weekends off, Veterans Day off,  
11          that you believe you would be able to sit as a juror  
12          if chosen by both sides?

13                   PROSPECTIVE JUROR RILEY: I would have to make  
14          some arrangements.

15                   THE COURT: Okay. And what exact arrangements  
16          would you have to make? I want to make sure we can do  
17          that.

18                   PROSPECTIVE JUROR RILEY: I care for my  
19          granddaughter. My daughter is in school, in college.

20                   THE COURT: Okay.

21                   PROSPECTIVE JUROR RILEY: So I care for my  
22          granddaughter a few days a week.

23                   THE COURT: Okay. And so you would have to make  
24          arrangements to have either a babysitter come in or a  
25          friend take care of her for the days that your

1 daughter is in college?

2 PROSPECTIVE JUROR RILEY: That's correct.

3 THE COURT: Have you ever done that before?

4 PROSPECTIVE JUROR RILEY: Yes.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR RILEY: Not for this stretch of  
7 time; but, yes, I have.

8 THE COURT: All right. So you have someone that  
9 you either trust --

10 PROSPECTIVE JUROR RILEY: Uh-huh.

11 THE COURT: -- or can look to do that?

12 PROSPECTIVE JUROR RILEY: Yes.

13 THE COURT: And if you had to do that, would that  
14 be a significant financial burden to you or your  
15 daughter?

16 PROSPECTIVE JUROR RILEY: I don't know how much  
17 it would be. It wouldn't be for me. I don't know how  
18 much it would be for my daughter.

19 THE COURT: Okay. All right. And would you be  
20 willing to do that if both sides thought you were the  
21 juror that they needed for this case?

22 PROSPECTIVE JUROR RILEY: Yeah.

23 THE COURT: All right. And I see that you said,  
24 no, you have not heard anything about this case; is  
25 that correct?

1 PROSPECTIVE JUROR RILEY: No, I haven't.

2 THE COURT: And so as far as you are concerned,  
3 right now the person charged with this crime, as we  
4 call them the defendant, sits as an innocent person,  
5 and that you would make the State prove to you beyond  
6 a reasonable doubt that he committed the crimes that  
7 they have charged him with?

8 PROSPECTIVE JUROR RILEY: Yes.

9 THE COURT: All right. And you would hold them  
10 to that burden?

11 PROSPECTIVE JUROR RILEY: Yes.

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

13 MR. LAWHORNE: Just briefly, Judge.

14 Good afternoon. Are you currently employed,  
15 ma'am?

16 PROSPECTIVE JUROR RILEY: No.

17 MR. LAWHORNE: Okay. And what was your last job  
18 that you had?

19 PROSPECTIVE JUROR RILEY: A hairstylist.

20 MR. LAWHORNE: A hairstylist?

21 PROSPECTIVE JUROR RILEY: Uh-huh.

22 MR. LAWHORNE: Thank you. No further questions.

23 THE COURT: Defense, any questions?

24 MR. LIVERMORE: I do.

25 Ma'am, on the questionnaire it says, "Do you



1           have any health problems that would make it  
2           difficult?"

3                   PROSPECTIVE JUROR RILEY:  Yes.

4                   MR. LIVERMORE:  You answered yes.

5                   PROSPECTIVE JUROR RILEY:  Yes.

6                   MR. LIVERMORE:  Do you mind telling us what that  
7           is?

8                   PROSPECTIVE JUROR RILEY:  It's personal.  But I  
9           have an anxiety disorder; so I'm a very fidgety  
10          person.  I get very antsy.  But I have medication that  
11          I can take for it if I need to.

12                  MR. LIVERMORE:  You have medication, but you  
13          don't normally take it?  Did I get that right?

14                  PROSPECTIVE JUROR RILEY:  No.  I have as-needed  
15          medication --

16                  MR. LIVERMORE:  As needed?

17                  PROSPECTIVE JUROR RILEY:  -- if I start to have a  
18          panic attack or something.

19                  MR. LIVERMORE:  And is that something you carry  
20          with you all the time?

21                  PROSPECTIVE JUROR RILEY:  Uh-huh.  Yep.

22                  MR. LIVERMORE:  Do you think that disorder or  
23          that issue is going to be a problem in this case?

24                  PROSPECTIVE JUROR RILEY:  No.  I'm just fidgety a  
25          lot, but it's not -- you know, I can focus.

1 MR. LIVERMORE: Okay. Thank you.

2 THE COURT: Any other questions from the State?

3 MR. LAWHORNE: No, Judge.

4 THE COURT: All right. Ms. Riley, I'm going to  
5 have you step out into the hallway and my bailiffs  
6 will give you further instructions. Okay?

7 PROSPECTIVE JUROR RILEY: Thank you.

8 THE COURT: Thank you.

9 And then we'll have Gabrielle Cincinatus after  
10 her.

11 MR. LIVERMORE: I'm going to ask for a break  
12 after that.

13 THE COURT: Okay. State, where do you stand on  
14 Ms. Riley?

15 MR. LAWHORNE: We have no objection her  
16 returning, Judge.

17 THE COURT: Defense?

18 MR. LIVERMORE: No valid reason.

19 THE COURT: So Ms. Riley will be asked to come  
20 back tomorrow morning, 9:00 downstairs in the jury  
21 pool room.

22 THE BAILIFF: Yes, Your Honor.

23 THE COURT: Good afternoon, ma'am. How are you?

24 PROSPECTIVE JUROR CINCINATUS: Well.

25 THE COURT: Is it Cincinatus?

1 PROSPECTIVE JUROR CINCINATUS: Yes.

2 THE COURT: Oh, it wasn't me. You can thank the  
3 gentleman in the front there. He got me to say it  
4 right finally.

5 PROSPECTIVE JUROR CINCINATUS: He said it right.

6 THE COURT: Yes, he did.

7 Ma'am, thank you so much for coming in today  
8 and waiting so long to speak to us. I'm sorry it's  
9 taken so long.

10 You had indicated that you did not feel that  
11 you could sit as a juror in this case because of  
12 the length of time that the jury trial will take.

13 PROSPECTIVE JUROR CINCINATUS: Yes, ma'am.

14 THE COURT: And as you can see it's taken a while  
15 today. So it's going to take a while. What do you  
16 have going on? School? Work? Both?

17 PROSPECTIVE JUROR CINCINATUS: Well, it's work.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR CINCINATUS: I'm an insurance  
20 agent.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR CINCINATUS: And I've got open  
23 enrollment, which started October 15th, and it ends  
24 September 7th, and I'm in Medicare.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR CINCINATUS: So that would  
2 definitely take a big chunk of my gross.

3 THE COURT: And you are on salary and commission,  
4 the two together?

5 PROSPECTIVE JUROR CINCINATUS: Hourly.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR CINCINATUS: But, like, for  
8 instance, being here today, they don't cover that.

9 THE COURT: So you're not paid?

10 PROSPECTIVE JUROR CINCINATUS: It won't count  
11 against me, but they don't cover it.

12 THE COURT: All right. So you would have to take  
13 sick or vacation if you had it, but you're not getting  
14 paid directly from your employer?

15 PROSPECTIVE JUROR CINCINATUS: That's correct.

16 THE COURT: And if you had to sit here for the  
17 length of time we're talking about and not be paid,  
18 would that be a significant financial burden to you?

19 PROSPECTIVE JUROR CINCINATUS: Yes, ma'am. Very  
20 much so.

21 THE COURT: And would that cause you not be able  
22 to concentrate on the trial because you're thinking  
23 about all the things that are not getting paid in your  
24 life?

25 PROSPECTIVE JUROR CINCINATUS: To answer that

1 honestly, I mean although I wouldn't -- yes, that  
2 would be a great thing on my mind, but I think for the  
3 severity of what it is, you have to, you know --

4 THE COURT: You have to put it out of your mind.  
5 Okay.

6 PROSPECTIVE JUROR CINCINATUS: Exactly.

7 THE COURT: And would you have any vacation or  
8 sick leave or anything that you could dip into to  
9 cover the amount?

10 PROSPECTIVE JUROR CINCINATUS: I don't, because I  
11 just started with the company October the 15th.

12 THE COURT: Okay. And so if you were not here  
13 and not paid, the mortgage is not getting paid, car  
14 payment, all the biggies are not getting made?

15 PROSPECTIVE JUROR CINCINATUS: That's correct.

16 THE COURT: So you're the major breadwinner in  
17 your family?

18 PROSPECTIVE JUROR CINCINATUS: Yes.

19 THE COURT: And it sounds like it would be really  
20 a significant hardship on you? But you'd be willing  
21 to listen, but you'd still have those problems?

22 PROSPECTIVE JUROR CINCINATUS: Once I go out that  
23 door, yeah.

24 THE COURT: A question for you. Based on your  
25 occupation -- we were talking about 9:30 in the

1 morning until 6:00 -- if we had you as a juror, would  
2 you go to work afterwards? Would you go home and --

3 PROSPECTIVE JUROR CINCINATUS: No. My hours are  
4 9:45 to 6:00 PM.

5 THE COURT: So we're taking up your whole day?

6 PROSPECTIVE JUROR CINCINATUS: Yes, ma'am.

7 THE COURT: And you don't work weekends?

8 PROSPECTIVE JUROR CINCINATUS: We only have one  
9 day, and if we want to go in. That's just an extra  
10 day, but it's not the mandatory Monday through Friday.

11 THE COURT: Okay. State, questions?

12 MR. LABRUZZO: No, Your Honor.

13 THE COURT: Defense?

14 MR. PURA: Yes, ma'am.

15 Good afternoon, ma'am.

16 PROSPECTIVE JUROR CINCINATUS: Hello.

17 MR. PURA: Are you single?

18 PROSPECTIVE JUROR CINCINATUS: Yes.

19 MR. PURA: So if you don't make money, nobody  
20 makes money?

21 PROSPECTIVE JUROR CINCINATUS: Correct.

22 MR. PURA: Okay.

23 THE COURT: That's all?

24 MR. PURA: I'm sorry. Yes.

25 THE COURT: Ma'am, we'll go ahead and have you

1 step into the hallway and my bailiffs will give you  
2 further instructions from there. Okay? Thank you so  
3 much.

4 PROSPECTIVE JUROR CINCINATUS: Thank you all.

5 THE COURT: Defense?

6 MR. PURA: No objection.

7 THE COURT: Cause challenge? State, can we  
8 release her?

9 MR. LABRUZZO: Yes.

10 THE COURT: Yes? Yes?

11 Okay. She is released to go. We'll take her  
12 badge. She doesn't have to come back.

13 And the Defense would like a five-minute break  
14 to use the restroom.

15 THE CLERK: The jurors next door asked for a  
16 break.

17 THE COURT: Okay. What are they going to need a  
18 break for?

19 THE CLERK: I'm not sure.

20 THE COURT: All right. The jurors next door can  
21 take a 15-minute break and be back in that room at  
22 4:00.

23 (Recess Taken.)

24 THE COURT: Okay. Does everybody have the people  
25 that came back from yesterday?

1 MR. LABRUZZO: Yes.

2 THE COURT: Okay. At least have a list?

3 MR. PURA: Who does that start with?

4 THE COURT: No, no, no. We're going to talk  
5 about them in general. Okay? I just took the list  
6 from the people that came back yesterday. Okay?

7 MR. PURA: Uh-huh.

8 THE COURT: And I broke them into two groups.  
9 One group says they're available, they have no  
10 problems, they know nothing about the case.

11 And let me go through those with you. That  
12 would be Chris, A-b-d-e.

13 MR. SARABIA: We agree.

14 THE COURT: Have him come back tomorrow?

15 MR. SARABIA: Yes. The State agrees.

16 THE COURT: How are you pronouncing it?

17 THE CLERK: Abde.

18 THE COURT: Abde.

19 All right. Then I have Jeffrey -- I think  
20 it's Sunlit (sp)?

21 MR. PURA: Schlitt.

22 THE COURT: Oh, it's S-c-h-l-i-t-t. Sorry.  
23 Schlitt. Again, he's fine, no problems, doesn't know  
24 anything about the case.

25 Come back tomorrow?



1 MR. PURA: Fine.

2 MR. SARABIA: Yes. We agree.

3 THE COURT: Sherri Crook, C-r-o-o-k. Okay. No  
4 problems.

5 Tomorrow?

6 MR. SARABIA: We agree.

7 THE COURT: Are we good?

8 MR. LIVERMORE: I can't find her.

9 MR. PURA: I got it.

10 THE COURT: Okay. It's C-r-o-o-k.

11 MR. PURA: No problem.

12 THE COURT: Then I have last name George. First  
13 name can't tell. It starts with a K.

14 THE CLERK: Kedar.

15 THE COURT: Kedar, George. Yes, fine, no  
16 problems, doesn't know anything about the case.

17 Come back tomorrow?

18 MR. PURA: That's fine.

19 MR. SARABIA: We agree.

20 THE COURT: Laura Murry (sp).

21 MR. PURA: Maury.

22 THE COURT: Maury. Same thing. "No. No. No.  
23 Fine. Yes. No."

24 Tomorrow?

25 MR. PURA: We agree.

1 THE COURT: Ryan Petit, I think it is.

2 MR. PURA: Petit.

3 THE COURT: Petit. Petit. I'm reading them  
4 straight off the thing. I can't read these people's  
5 handwriting.

6 He's the same thing. He's "Yes. None".

7 MR. SARABIA: We agree.

8 MR. PURA: That's fine too, Judge.

9 THE COURT: We're okay for tomorrow?

10 MR. PURA: I'm reading them straight off the  
11 thing too, but that's all right. Go ahead.

12 THE COURT: Cody Darlington, I think it is.

13 MR. PURA: Yes.

14 MR. SARABIA: We agree.

15 THE COURT: Again, "No. No. Yes." He's  
16 available. Haven't heard a thing or seen anything.

17 We're good tomorrow?

18 MR. PURA: That's good.

19 MR. SARABIA: We agree.

20 THE COURT: Shannon Cinisomo.

21 MR. LIVERMORE: Cinisomo.

22 THE COURT: Cinisomo.

23 MR. SARABIA: Does it start with an S?

24 MR. LABRUZZO: C.

25 THE COURT: C-i-n-i-s-o-m-o.

1 MR. PURA: We agree. Tomorrow is fine.

2 THE COURT: Tomorrow is good?

3 MR. SARABIA: Yeah. We agree.

4 THE COURT: Richard Lake. Same thing, "Yes. No.

5 No. No. No."

6 MR. SARABIA: We agree.

7 THE COURT: Tomorrow?

8 MR. PURA: Tomorrow.

9 THE COURT: Kathleen Eck, E-c-k.

10 MR. SARABIA: We agree.

11 THE COURT: Tomorrow? Defense, are you okay?

12 MR. PURA: I've got to find her.

13 THE COURT: That's fine.

14 MR. LIVERMORE: She's fine.

15 THE COURT: Okay. Michelle Dillard.

16 MR. LIVERMORE: Dillard?

17 THE COURT: D-i-l-l- --

18 MR. SARABIA: We agree.

19 THE COURT: It might be Dillon. It's all written

20 together. So it's D-i-l-l-a- something.

21 THE CLERK: -r-d.

22 MR. SARABIA: -a-r-d.

23 THE COURT: -r-d. Okay. Dillard.

24 MR. LIVERMORE: I was thinking of Ted Dillon.

25 THE COURT: Are we okay for tomorrow, both sides?

1 MR. PURA: Yes.

2 MR. SARABIA: Yes.

3 THE COURT: Okay. Robert Cunningham I think it  
4 is.

5 MR. PURA: Yes.

6 THE COURT: Defense? State? Are we good for  
7 tomorrow?

8 MR. SARABIA: We agree.

9 MR. PURA: Yes.

10 THE COURT: Richard Tookes, T-o-o-k-e-s. Are we  
11 good for tomorrow?

12 MR. PURA: Yes.

13 MR. SARABIA: Yes.

14 THE COURT: Laura, I think it's E-g-p-a-i-l-l-a-t  
15 [sic]?

16 MR. LIVERMORE: It might be an S.

17 MR. SARABIA: Yes. -e-s-p-a- --

18 THE COURT: Oh, Espailat.

19 MR. SARABIA: We agree.

20 MR. LIVERMORE: Yes.

21 THE COURT: Espailat, or something like that.  
22 Okay. She's tomorrow.

23 Matthew Nies, N-i-e-s.

24 MR. SARABIA: He said he saw some news.

25 MR. PURA: He has no particular information. I

1 think tomorrow is fine.

2 THE COURT: Okay. He saw some news, but no  
3 particular information. I mean, what he read is, "I  
4 saw a news feed this morning about this case. I did  
5 not read the information and have no particular  
6 information about this case other than what is stated  
7 above."

8 So basically what he's saying is, what I saw  
9 is the same thing that's written on this piece of  
10 paper.

11 MR. PURA: I mean, I don't know, but it made me  
12 think that you're probably going to ask, just as a  
13 fallback safety net --

14 THE COURT: Yes.

15 MR. PURA: -- you're going to ask the whole group  
16 about publicity again?

17 THE COURT: Absolutely.

18 MR. PURA: Okay.

19 THE COURT: So he's okay for coming tomorrow?

20 MR. PURA: Yes.

21 THE COURT: All right. So I'm going to get that  
22 together.

23 (Recess taken.)

24

25 (CONTINUATION IN VOLUME VI.)

## 1 CERTIFICATE OF REPORTER

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3 STATE OF FLORIDA )

4 COUNTY OF PASCO )

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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  
16 Registered Professional Reporter

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