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

2 THE COURT: Then I have an idea for you. I have
3 another group here that have specific reasons why they
4 are not available.

5 MR. PURA: Right.

6 THE COURT: I wonder if we can just excuse them?
7 And I'll give you an example. This is Brett Young, he
8 says he's not available because he has to work. Do we
9 want to talk to him? I'm just saying we can go
10 through it pretty quick without having to walk them in
11 and out. So we can talk to Young, that's fine. Do
12 you want to talk to Young?

13 MR. LIVERMORE: Yes.

14 THE COURT: Okay. Then I have Allison,
15 K-a-h-a-n. She said she will be out of the country in
16 Costa Rica.

17 MR. PURA: Out of the country?

18 THE COURT: Out of the country in Costa Rica,
19 November 3rd through the 6th.

20 MR. LIVERMORE: And what was the name?

21 THE COURT: K-a-h-a-n, Allison.

22 MR. SARABIA: We're okay to release her.

23 MR. LIVERMORE: Probably.

24 THE COURT: She's a pretty much no all the way in
25 the back. She knows nothing about the case, but she's

1 going to be out of the country. She's a six. She's
2 out of the country. Can I release her?

3 MR. LIVERMORE: Yes.

4 THE COURT: Okay. So she's gone.

5 Then I have Alexis Coen. We'll talk to her.

6 David Chaya, C-h-a-y-a. He said, "I am the
7 sole breadwinner of my household, and a nursing
8 staff, hospital staffing depending on --" I don't
9 know. Do you want to talk to him? He wrote a lot
10 of stuff about why he's not available.

11 MR. PURA: Yes.

12 THE COURT: I guess we're not going home tonight.

13 Then we have Rhonda Turnage, "No, no." We'll
14 talk to her.

15 Saunders, talk to him.

16 Cruz, "I saw brief headlines of this around
17 the back".

18 MR. PURA: Judge, we don't need David Chaya.

19 THE COURT: Are you sure?

20 MR. PURA: Yes.

21 MR. SARABIA: We agree.

22 THE COURT: Okay. Mr. Chaya can be released.

23 MR. PURA: Now, who are you talking about now?

24 THE COURT: Melanie Cruz. Her husband is a
25 police officer, and she saw brief headlines. I assume

1 you want to talk to her. I completely understand that
2 one.

3 Sarah Sallengs. She saw the Bay News 9 about
4 jury duty. I assume you want to talk to her. I
5 was trying to look for the ones that -- there was
6 ones that said, like, "I'm out of town".

7 MR. PURA: Sarah Sallengs.

8 MR. SARABIA: Sallengs, S-a-l-l-e-n-g-s.

9 THE COURT: She says a lot. I'm sure you want to
10 talk to her.

11 MR. PURA: Yes, we do.

12 THE COURT: She's not available, but she knows
13 stuff too.

14 The next one I have is Carol Harper, who says
15 that she's leaving on November 9th to a hotel and
16 leaving November 10th for a cruise. Can we let
17 Ms. Harper go on her cruise?

18 MR. LIVERMORE: I believe so, Judge.

19 THE COURT: Okay. State, are you okay with that?

20 MR. SARABIA: We agree.

21 THE COURT: Okay. Ms. Harper gets to go on her
22 cruise.

23 This one, Anna, O-l-a-s-c-o-a-g-a. I don't
24 know how you pronounce that. Olascoaga. "I work
25 with a man that lived next door to where the crime

1 was committed. I don't know much details, but I
2 remember he was discussing it".

3 MR. SARABIA: We need to talk to her.

4 THE COURT: She said she's not sure she's
5 available. And I was thinking that the Defense may
6 not want her, since she discussed the details with the
7 person who lives next door.

8 MR. SARABIA: It's going to depend who that was.
9 Some of the people don't have information. I think we
10 need to talk to her.

11 THE COURT: Brianna Jerguson [sic]. Out of town
12 November 4th through the 8th.

13 MR. SARABIA: I'm sorry. What was that last
14 name?

15 THE COURT: Jerguson [sic].

16 THE CLERK: Jensen.

17 THE COURT: Jensen. Sorry. It's late. Jensen.

18 MR. SARABIA: We're okay with that.

19 THE COURT: Defense, are you okay with letting
20 Ms. Jensen go?

21 MR. LIVERMORE: Yes.

22 THE COURT: All right. Hudson, "I have scheduled
23 vacation starting this Friday with my husband. Have a
24 condo in New Smyrna Beach".

25 MR. SARABIA: I'd defer to the Defense on this

1 one.

2 MR. PURA: We're okay to let her go.

3 THE COURT: Beatty, "Traveling out of the
4 country." I'm just telling you what it says.

5 MR. SARABIA: We're okay.

6 THE COURT: Defense, are you okay? Bryan Beatty.

7 MR. PURA: Yeah, I know. I'm looking at it. I
8 mean, "Traveling out of the country." I don't know.

9 THE COURT: "Traveling out of the country".

10 MR. PURA: When?

11 THE COURT: We give them a timeframe and they
12 wrote they're traveling out of the country. I would
13 guess that it's in that timeframe. If you want to
14 talk to everybody, fine, I'll talk to everybody. It's
15 up to you.

16 MR. PURA: I don't have to talk to everybody.

17 THE COURT: Okay. We'll keep Mr. Beatty.

18 MR. PURA: If he's going to Mexico for the
19 weekend, it might work.

20 THE COURT: Okay. Then we'll keep him.

21 MR. PURA: I mean, we can just ask him that
22 question, and if he says what everybody expects him to
23 say, then we're fine with it.

24 THE COURT: Okay. Who's staying, even though
25 it's Halloween? Because nobody is leaving until we

1 finish these people tonight.

2 MR. SARABIA: I'll be here.

3 THE COURT: Okay. Defense, who's staying?

4 MR. PURA: I'm staying.

5 THE COURT: Okay. William Mullen, "I'm in
6 nursing school which is high stress and cannot miss
7 any school".

8 MR. PURA: He can go.

9 THE COURT: Okay. Mullen is out.

10 Christopher Morgan, that's a talk-to.

11 Marissa Callahan [sic]. All right. We'll
12 keep her.

13 MR. PURA: Calhoun.

14 THE COURT: Yeah. We're keeping her. Those are
15 the only ones.

16 So I've cut down on a lot. I'll take care of
17 these. I'll have Pauline come up and release
18 people that we already agreed on were either coming
19 back tomorrow or are excused. I'll have her step
20 next door and release them and we'll talk to
21 everybody else. Okay?

22 So are we ready to bring in the next people?

23 MR. PURA: Yes.

24 THE COURT: Are we ready with Mr. Winterbauer?

25 THE BAILIFF: Yes, Your Honor.

1 THE COURT: Have Mr. Winterbauer come on in.

2 MR. SARABIA: Which one are we starting on?

3 THE COURT: This is Mr. Keith Winterbauer.

4 Am I pronouncing your name correctly?

5 PROSPECTIVE JUROR WINTERBAUER: Winterbauer.

6 THE COURT: Winterbauer.

7 Sorry, Mr. Winterbauer. Mr. Winterbauer,
8 thank you so much for coming today. I'm sorry it's
9 taken so long to get to you.

10 Sir, you have indicated that you believe,
11 based on what we put in the questionnaire and what
12 I talked to you about this morning, that you would
13 be able to sit, if chosen by both sides, on this
14 jury panel?

15 PROSPECTIVE JUROR WINTERBAUER: Yes.

16 THE COURT: And the timeframe is still the same.
17 We'd be talking about 9:30 in the morning until
18 5:00 or 6:00 in the afternoon, Monday through Friday,
19 and we'd have weekends off, Veterans Day is off, and
20 you would be going home at night to sleep in your own
21 bed.

22 So barring further questioning, based on that
23 timeframe, do you believe you'd be able to sit as a
24 fair and impartial juror in this case?

25 PROSPECTIVE JUROR WINTERBAUER: Yes. I work for

1 the Federal Government. I do believe I will be paid
2 for this.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR WINTERBAUER: Yes, I would.

5 THE COURT: Okay. Anybody have any questions for
6 him at this time?

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

8 MR. LIVERMORE: No.

9 THE COURT: All right. Sir, what I'm going to
10 have you do is you're released tonight to come back
11 tomorrow morning at 9:00 in the jury pool room.

12 We're going to be bringing up the whole group
13 tomorrow, going through jury, and we'll know for
14 sure whether you're picked or not picked by
15 tomorrow. Okay? So we'll see you tomorrow morning
16 downstairs in the jury pool room downstairs.

17 PROSPECTIVE JUROR WINTERBAUER: At what time?

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR WINTERBAUER: 9:00?

20 THE COURT: 9:00. Okay? My bailiff will let you
21 know on the way out again.

22 PROSPECTIVE JUROR WINTERBAUER: Thank you.

23 THE COURT: Mr. Keith Winterbauer is staying.

24 We have Glenn Braasch coming up next. This is
25 going to be Glenn Braasch.

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

2 PROPSECTIVE JUROR BRAASCH: Good.

3 THE COURT: Come on up. Sorry it's taken so long
4 to get to you today.

5 On your questionnaire everything looked good.
6 I just wanted to double-check with you. You said
7 that you do not believe that you've heard anything
8 about this case.

9 PROPSECTIVE JUROR BRAASCH: No, ma'am.

10 THE COURT: And even while you're here nobody's
11 been talking about it, giving you some information you
12 didn't know than when you arrived?

13 PROPSECTIVE JUROR BRAASCH: No, ma'am.

14 THE COURT: And you said, based on the timeframe
15 that I laid out, you would be available to sit as a
16 juror?

17 PROPSECTIVE JUROR BRAASCH: Yes, ma'am.

18 THE COURT: It be Monday through Friday, weekends
19 off, Veterans Day off, 9:30 to 6:00. You can do that?

20 PROPSECTIVE JUROR BRAASCH: Yes, ma'am.

21 THE COURT: Where do you work?

22 PROPSECTIVE JUROR BRAASCH: Harbor Freight Tools.

23 THE COURT: And do they pay you for your time as
24 a juror?

25 PROPSECTIVE JUROR BRAASCH: Yes, ma'am.

1 THE COURT: Okay. So you've talked to them, and
2 if you happen to be chosen by both sides as a juror,
3 you believe that you can go ahead and sit?

4 PROPSECTIVE JUROR BRAASCH: Yes, ma'am.

5 THE COURT: State, any questions?

6 MR. LABRUZZO: No, Your Honor.

7 THE COURT: Defense, any questions?

8 MR. LIVERMORE: No.

9 THE COURT: All right. Mr. Braasch, we're going
10 to have you come back tomorrow morning at 9:00. We're
11 going to have the big room with everybody in here.
12 We'll do the full questioning. We should be complete
13 with our jury pick by tomorrow.

14 So if you can let your office know you're
15 coming back tomorrow, and you'll know for sure
16 whether you're on for the whole time or off by
17 tomorrow. Okay?

18 PROPSECTIVE JUROR BRAASCH: Okay.

19 THE COURT: 9:00 tomorrow, jury pool room. Okay?
20 It will be a lot more talking tomorrow, I promise.
21 Less sitting and more talking.

22 PROPSECTIVE JUROR BRAASCH: Okay.

23 THE COURT: All right. Thank you, sir. You're
24 good to go. We'll see you tomorrow morning.

25 PROPSECTIVE JUROR BRAASCH: All right. Thank

1 you.

2 THE COURT: Then we have Ward Merriman, Jr.

3 And after Mr. Merriman, Jr., we'll have Jerome
4 Mixon.

5 Good afternoon, sir. How are you?

6 PROSPECTIVE JUROR MERRIMAN: Good.

7 THE COURT: Is it Merriman?

8 PROSPECTIVE JUROR MERRIMAN: Yes.

9 THE COURT: All right. Mr. Merriman, if you want
10 to step up right there a little bit onto the first pew
11 there.

12 Sir, we were looking over your jury
13 questionnaire. We appreciate that you've been here
14 all day and I appreciate you showed up today.

15 It indicates here that you believe, based on
16 what I told you this morning and what you
17 understand of the timeframe, that you could sit as
18 a juror if picked by both sides; is that correct?

19 PROSPECTIVE JUROR MERRIMAN: Yes.

20 THE COURT: All right. Where do you work?

21 PROSPECTIVE JUROR MERRIMAN: Silver Dollar Ranch.

22 THE COURT: Okay. Are you paid for jury service?

23 PROSPECTIVE JUROR MERRIMAN: Yes.

24 THE COURT: All right. And so at this time you
25 believe that you could come tomorrow. And if you're

1 chosen, you would come Monday through Friday, Veterans
2 Day off, weekends off. 9:30 to 6:00 sounds like a
3 normal paying job to most people, but they have to
4 make their bills. Based on that, you think you would
5 be able to sit as a juror if chosen by both sides?

6 PROSPECTIVE JUROR MERRIMAN: Yes.

7 THE COURT: Okay. Anything in your mind that
8 would cause you to think that you wouldn't be able to
9 meet that requirement?

10 PROSPECTIVE JUROR MERRIMAN: Not really.

11 THE COURT: Okay. I'm going to have you come
12 back.

13 State, any problem coming back tomorrow?

14 MR. LABRUZZO: No, Your Honor.

15 THE COURT: Defense?

16 MR. LIVERMORE: No.

17 THE COURT: Sir, I'm going to have you come back
18 tomorrow at 9:00 AM into the jury pool room. We're
19 going to bring the whole group up in the courtroom
20 like you normally see for juries. We're going to move
21 through the jury picking tomorrow, and you'll know for
22 sure if you're in or out by tomorrow afternoon. Okay?
23 So I know it took a long time today, but we're trying
24 to weed everybody out so we can get them all here in
25 the courtroom. Okay?

1 PROSPECTIVE JUROR MERRIMAN: Yes.

2 THE COURT: All right. So we'll see you tomorrow
3 morning at 9:00, jury pool room. Okay? Let your boss
4 know. If you need any paperwork, we can give that to
5 you downstairs. Do you need anything for tomorrow?

6 PROSPECTIVE JUROR MERRIMAN: No. I will get
7 ahold of him.

8 THE COURT: Okay. Great. If they need anything,
9 tell them to call me. Okay?

10 PROSPECTIVE JUROR MERRIMAN: Okay.

11 THE COURT: Thank you.

12 Jerome Mixon. And then after that it's Chad
13 Seils, S-e-i-l-s. He's on the other list, but he's
14 really worried about Halloween.

15 THE BAILIFF: Okay. Yes. We have him standing
16 by.

17 Ms. Hardin I'm going to sound the halls for if
18 that's all right?

19 THE COURT: Yes. Are we missing her?

20 THE BAILIFF: Yes.

21 THE COURT: I don't even have a form for her.

22 THE CLERK: That's because Arlene said she was
23 released at 11:19 this morning. She's not one of my
24 emails that I sent, so I don't know what happened to
25 her.

1 THE COURT: So Ms. Hardeman [sic].

2 THE CLERK: Hardin.

3 THE COURT: What is it?

4 THE CLERK: Hardin.

5 THE COURT: Hardin is excused because we don't
6 know where she is. And if we can't find her, I've
7 excused her.

8 Jerome Mixon.

9 MR. LAWHORNE: Is she the one who was crying?

10 THE COURT: Yes. She may have been the one that
11 was really, really upset and we brought her up
12 earlier.

13 MR. LIVERMORE: Yeah. I think you're right.

14 THE COURT: Mr. Mixon, how are you?

15 PROSPECTIVE JUROR MIXON: I'm doing fine.

16 THE COURT: All right. Sir, I know it's taken a
17 long time today. I apologize for that. Thank you so
18 much for showing up today.

19 Your form is really good for us. So I just
20 want to verify everything before we send you home.
21 It says that based on the timeframe that we talked
22 about that I gave you this morning, the Monday
23 through Friday, the 31st through the 22nd, 9:30 to
24 6:00, weekends off, Veterans Day off, that you
25 believe that you could sit as a juror if chosen by

1 both sides.

2 PROSPECTIVE JUROR MIXON: Yes.

3 THE COURT: Did anything change?

4 PROSPECTIVE JUROR MIXON: No. That is correct, I
5 could.

6 THE COURT: All right. Are you currently
7 employed?

8 PROSPECTIVE JUROR MIXON: I'm retired.

9 THE COURT: Okay. And you were in the Air Force;
10 is that correct?

11 PROSPECTIVE JUROR MIXON: Correct.

12 THE COURT: Thank you for your service.

13 So based on what you know today nothing's
14 changed? You can come back tomorrow? If you're
15 chosen by both sides, you'd be willing to serve as
16 a juror in this case?

17 PROSPECTIVE JUROR MIXON: That's correct.

18 THE COURT: Okay. State, any questions?

19 MR. LABRUZZO: Just briefly.

20 THE COURT: Okay.

21 MR. LABRUZZO: Sir, good afternoon. What did you
22 retire from?

23 PROSPECTIVE JUROR MIXON: I worked for
24 GTE/Verizon as a tech and a field supervisor.

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

1 THE COURT: Defense, any questions?

2 MR. LIVERMORE: No.

3 THE COURT: Any objection to having him come back
4 tomorrow?

5 MR. LIVERMORE: No.

6 THE COURT: All right. Mr. Mixon, we're going to
7 have you come back tomorrow. Keep your badge.
8 9:00 in the jury pool room. And we're going to bring
9 you up with the big group in here. We'll have
10 everybody in here. We'll be asking a lot of
11 questions. We're going to move a lot quicker
12 tomorrow. Okay? All right. Thank you, sir. We'll
13 see you tomorrow morning.

14 And then we're going to have from the new
15 group Chad Seils, S-e-i-l-s, Seils. How are you
16 guys pronouncing it?

17 MR. PURA: I don't have it.

18 MR. LIVERMORE: Seils.

19 THE COURT: Seils.

20 He said his son was murdered.

21 Is it Seils?

22 PROSPECTIVE JUROR SEILS: Seils.

23 THE COURT: Seils.

24 I know it's been two long days.

25 PROSPECTIVE JUROR SEILS: Yes.

1 THE COURT: Sorry about that.

2 PROSPECTIVE JUROR SEILS: That's all right.

3 THE COURT: I appreciate you coming both days.

4 We were looking over your form. I know you
5 said you may be available for service if you're
6 chosen by both sides. What would cause you to not
7 be available?

8 PROSPECTIVE JUROR SEILS: I just moved down here
9 three months ago.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR SEILS: I have family coming
12 down for Thanksgiving.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR SEILS: So that time was kind
15 of set.

16 THE COURT: When are they coming?

17 PROSPECTIVE JUROR SEILS: The 15th.

18 THE COURT: All right. So they would be here
19 like the entire week, the 15th through the 27th?

20 PROSPECTIVE JUROR SEILS: Yes. It's my cousins.

21 THE COURT: And did you take off work to spend
22 time with them already?

23 PROSPECTIVE JUROR SEILS: Yeah. I mean, I'm
24 self-employed.

25 THE COURT: Oh, okay.

1 PROSPECTIVE JUROR SEILS: So...

2 THE COURT: You set aside whatever vacation time
3 you can have when you're self-employed?

4 PROSPECTIVE JUROR SEILS: Yes.

5 THE COURT: If you were chosen as a juror, being
6 self-employed, would it cause a significant financial
7 hardship?

8 PROSPECTIVE JUROR SEILS: Yes and no. I mean, I
9 just moved down here, and the hurricane kind of threw
10 me back a little bit.

11 THE COURT: You mean the hurricanes, with an S?

12 PROSPECTIVE JUROR SEILS: Yes.

13 THE COURT: Okay. Probably more than your
14 ability is the part where you said that your son was
15 the victim of a murder?

16 PROSPECTIVE JUROR SEILS: Correct.

17 THE COURT: And this is a murder case, and
18 sometimes people are more suited for one type of case
19 than the other.

20 Based on the fact that this is a murder
21 case -- and we gave you a little bit of the
22 information where and when it happened, you haven't
23 heard a lot of the facts -- do you think that you
24 would have a hard time sitting as a fair and
25 impartial juror in this type of case?

1 PROSPECTIVE JUROR SEILS: I mean, it kind of hits
2 close to home; but I think pretty much, you know, the
3 facts and the evidence will prove itself.

4 THE COURT: Okay. So if a person is seated at,
5 let's say, the defense table charged with this crime,
6 you would consider them an innocent person, as you're
7 supposed to, and make the State prove to you beyond a
8 reasonable doubt that they committed the crime that
9 they charged him with?

10 PROSPECTIVE JUROR SEILS: Yes.

11 THE COURT: All right. And I've read the
12 Information in this case or the charging document, and
13 there's a gun involved and there's some blunt force
14 trauma involved.

15 I don't know what happened with your son and
16 I'm not going to ask you to go into any detail, but
17 would that affect your ability -- based on seeing
18 pictures or hearing about how someone was murdered,
19 would that have any affect on you?

20 PROSPECTIVE JUROR SEILS: After dealing with my
21 own son?

22 THE COURT: Right.

23 PROSPECTIVE JUROR SEILS: Probably it doesn't
24 phase me as much.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR SEILS: That's my opinion.

2 THE COURT: And how long ago did this happen with
3 your son?

4 PROSPECTIVE JUROR SEILS: 2010.

5 THE COURT: 2010.

6 And you kept saying you just moved here, so I
7 would assume this happened in another state?

8 PROSPECTIVE JUROR SEILS: Yes.

9 THE COURT: Where was that?

10 PROSPECTIVE JUROR SEILS: Michigan.

11 THE COURT: Michigan.

12 Okay. State, do you have any questions?

13 MR. LABRUZZO: No, Your Honor.

14 THE COURT: Defense?

15 MR. PURA: Yes.

16 Good afternoon, sir. Was your son's killer
17 prosecuted?

18 PROSPECTIVE JUROR SEILS: Yes.

19 MR. PURA: Did it go to trial?

20 PROSPECTIVE JUROR SEILS: Yes.

21 MR. PURA: And he was found guilty of murder?

22 PROSPECTIVE JUROR SEILS: Yes.

23 MR. PURA: Was he sentenced?

24 PROSPECTIVE JUROR SEILS: Yes.

25 MR. PURA: Do you know what he got?

1 PROSPECTIVE JUROR SEILS: Life. Two consecutive
2 life for two attempted murders.

3 MR. PURA: Were you satisfied with the outcome of
4 his prosecution?

5 PROSPECTIVE JUROR SEILS: To a certain extent.

6 MR. PURA: Thank you. Nothing further.

7 THE COURT: All right. Anything further from the
8 State?

9 MR. LABRUZZO: No, Your Honor.

10 THE COURT: All right. Sir, I'm going to have
11 you step in the hallway. We'll give you further
12 instructions, but you'll be out of here in just a few
13 moments. Okay?

14 PROSPECTIVE JUROR SEILS: All right. Thank you.

15 THE COURT: Thank you.

16 What did he say at the end when you asked him
17 if he was satisfied with the outcome?

18 MR. SARABIA: "To a certain extent".

19 THE COURT: "To a certain extent." Okay. I'm
20 sorry. I'm sure I saw Maria type it, but I didn't
21 hear it and I didn't really want him to have to say it
22 again.

23 MR. PURA: I didn't want to press him on it.

24 THE COURT: Right. Where do you stand?

25 MR. PURA: We're inclined to let him go. I mean,

1 he's got family coming. And he seems like he's really
2 willing to give it a try, but it's relatively recent.
3 So we would ask to strike him for cause.

4 MR. LABRUZZO: Judge, we're okay with cause.

5 THE COURT: Okay. Tell him he is released and
6 he's going to go. Thank him for his service, and
7 he'll be on the no pile. Okay.

8 Next I have Marissa Calhoun, Christopher
9 Morgan, and Bryan Beatty. Calhoun, Morgan, Beatty.
10 And then one more, James Allen.

11 Calhoun, she doesn't think she's available,
12 but also there's the domestic violence part of it.

13 Do you have those four?

14 THE BAILIFF: Yes, Your Honor.

15 THE COURT: Okay. And then I'll give Sid a list
16 to keep him going. Okay? If you bring those four,
17 I'll get another list going for you.

18 Are we ready?

19 THE BAILIFF: Yes, Your Honor.

20 THE COURT: It's Ms. Calhoun.

21 THE BAILIFF: Yes.

22 THE COURT: Ms. Calhoun, how are you?

23 PROSPECTIVE JUROR CALHOUN: I'm well. How are
24 you?

25 THE COURT: Thank you so much for coming back

1 today. I know it's been a long two days for you and
2 me, and I appreciate you coming back.

3 You said about the timeframe that you would
4 need to check with your work --

5 PROSPECTIVE JUROR CALHOUN: Yes.

6 THE COURT: -- about whether you would be
7 available. Have you had an opportunity to do that in
8 the timeframe since yesterday?

9 PROSPECTIVE JUROR CALHOUN: I have not. I told
10 my boss that I had to come back in today, but I did
11 not tell him that if I was chosen I'd be here for two
12 weeks or possibly a three-week long trial.

13 THE COURT: Where are you working?

14 PROSPECTIVE JUROR CALHOUN: Catalina Marketing in
15 St. Pete.

16 THE COURT: Okay. What do you think?

17 PROSPECTIVE JUROR CALHOUN: I don't think they
18 would be pleased, but I wouldn't get fired over it.

19 THE COURT: Okay. Would they pay you?

20 PROSPECTIVE JUROR CALHOUN: In my handbook it
21 says I get paid for three days of jury duty.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR CALHOUN: And then after three
24 days, it's a case-by-case scenario.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR CALHOUN: So I would have to
2 get approval.

3 THE COURT: So you would definitely be paid for
4 three days, but you have no idea if you'd be paid
5 after that?

6 PROSPECTIVE JUROR CALHOUN: That's correct.

7 THE COURT: If you had to come back tomorrow -- I
8 have a lot of people coming back tomorrow for the big
9 group questioning, you know, when you all come in --
10 do you think you could find out? So I know you'd be
11 paid tomorrow. That's why I'm asking. The other
12 sides might have some other questions for you. But if
13 I did have you come back tomorrow, would you have an
14 opportunity to contact your boss and find out?

15 PROSPECTIVE JUROR CALHOUN: Yes.

16 THE COURT: Okay. So that answers that question.
17 And then you did indicate that your mother was
18 the victim of domestic violence and sexual assault?

19 PROSPECTIVE JUROR CALHOUN: Yes. That's correct.

20 THE COURT: Is that something that you know
21 because she told you about it or it's something that
22 you know because you were intimately involved in what
23 occurred?

24 PROSPECTIVE JUROR CALHOUN: I have seen it and I
25 was the one who called the cops. That was one of the

1 last times it happened.

2 THE COURT: Okay. Would it have been your dad or
3 was it a boyfriend?

4 PROSPECTIVE JUROR CALHOUN: It was my stepfather.

5 THE COURT: So your stepfather?

6 PROSPECTIVE JUROR CALHOUN: Yeah. Well, one of
7 my stepfathers. My mom married four times, so it was
8 her third husband.

9 THE COURT: Okay. So not only did it happen to
10 your mom, but you're a victim in the situation that
11 you physically observed it?

12 PROSPECTIVE JUROR CALHOUN: Yes.

13 THE COURT: You saw it with your own eyes?

14 PROSPECTIVE JUROR CALHOUN: Yes.

15 THE COURT: How old were you?

16 PROSPECTIVE JUROR CALHOUN: I was between the
17 ages of five and ten.

18 THE COURT: Okay. This incident occurred, and
19 there's some idea that there is a child that may have
20 been around when some of this occurred.

21 PROSPECTIVE JUROR CALHOUN: Okay.

22 THE COURT: What the facts are I don't even know.
23 Okay. You would have to find those out sitting as a
24 juror.

25 But if you heard hypothetically that a child

1 may have been around there, near, close to the
2 incident occurring -- the child is alive; the other
3 people have died -- would that cause you to have a
4 hard time being a fair and impartial juror based on
5 what occurred to you when you were young?

6 PROSPECTIVE JUROR CALHOUN: I don't think so.

7 THE COURT: You would make the State prove to you
8 beyond a reasonable doubt that the defendant committed
9 the crime he's charged with?

10 PROSPECTIVE JUROR CALHOUN: Yes. They would have
11 to prove that.

12 THE COURT: Okay. And he sits here an innocent
13 man and you have no problem with that?

14 PROSPECTIVE JUROR CALHOUN: Correct.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR CALHOUN: For now.

17 THE COURT: All right. State?

18 MR. SARABIA: No questions, Judge.

19 THE COURT: Defense, any questions?

20 MR. LIVERMORE: No.

21 THE COURT: All right. Ma'am, I'm going to have
22 you step outside. If I do have you come back
23 tomorrow, will you please make that phone call,
24 because it would have an effect for both sides on
25 whether they would choose you as a juror.

1 You know, we need to know if you're getting
2 paid; and if you're not getting paid, how much that
3 would affect you. But considering we don't know
4 for certain, other than you'll be paid tomorrow,
5 I'm going to see if they want to bring you back.
6 Okay? So if my bailiffs tell you that you'll have
7 to come back tomorrow, try to make a phone call for
8 me. Okay?

9 PROSPECTIVE JUROR CALHOUN: Okay. Sorry.

10 THE COURT: Yes, ma'am.

11 PROSPECTIVE JUROR CALHOUN: I might not have a
12 definitive answer because my boss would have to go to
13 HR.

14 THE COURT: I understand.

15 PROSPECTIVE JUROR CALHOUN: Being that it's close
16 to the end of the day, I might have an answer by
17 tomorrow morning.

18 THE COURT: Well, what I'm thinking is if you
19 would give them a call tonight, he would call tomorrow
20 and he'd probably give you an answer sometime
21 tomorrow.

22 PROSPECTIVE JUROR CALHOUN: Okay.

23 THE COURT: That's what I'm thinking. I don't
24 think you'd have an answer at 9:00, but at least he
25 can throw it up the chain and see if they can give you

1 some indication of how they're going to be looking at
2 it. Okay?

3 PROSPECTIVE JUROR CALHOUN: Okay.

4 THE COURT: All right. Thank you. But I'm not
5 even sure they'll want you to come back, but I won't
6 know until you step out. Okay?

7 PROSPECTIVE JUROR CALHOUN: Okay. Thank you.

8 THE COURT: All right. Thank you.
9 State?

10 MR. SARABIA: I don't see a problem with her,
11 Judge.

12 THE COURT: Defense?

13 MR. LIVERMORE: Not at this point, Your Honor.

14 THE COURT: All right. We're going to tell her
15 to come back tomorrow and to make that phone call for
16 me. Okay?

17 Next is Christopher Morgan, and then Bryan
18 Beatty.

19 Hello, Mr. Morgan. How are you?

20 PROSPECTIVE JUROR MORGAN: Fine, thank you.

21 THE COURT: And I really appreciate you coming
22 back again today. I know it's been a long two days
23 with nothing to do. We've been working hard and
24 trying to get these people whittled down so we know
25 who we can look at to serve on this jury.

1 You said that you were doubtful that you would
2 be able to serve as a juror because of the
3 timeframe. What do you have going on?

4 PROSPECTIVE JUROR MORGAN: Well, you know, I
5 haven't really given a whole lot of thought. I own a
6 small business.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR MORGAN: And we're in our
9 fourth year and we're a very fast growing company, so
10 just the thought of not being involved in that
11 business for that period of time is the hesitation.

12 THE COURT: And you are the owner of the small
13 business?

14 PROSPECTIVE JUROR MORGAN: I am.

15 THE COURT: So you do, you know, copying,
16 accounting, you do it all from top to bottom with some
17 people helping you along the way?

18 PROSPECTIVE JUROR MORGAN: Yeah. We do have 25
19 people. But, yes, I do a lot of hands-on.

20 THE COURT: Okay. And so the question is that
21 you probably could give yourself the time off because
22 you're the boss, but the real question is if you were
23 forced, for lack of a better term, to come here and
24 serve as a juror because both sides thought you would
25 be the juror for them, would you be so consumed with

1 what you're not directing, that you may not be able to
2 pay attention to the trial as it's going on? And only
3 you know that answer.

4 PROSPECTIVE JUROR MORGAN: You know, I would do
5 my job that I'm asked to do here.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR MORGAN: Yes. That would be
8 going on, but I don't think I would be so consumed
9 that I couldn't focus on what's going on.

10 THE COURT: So if you're chosen and they think
11 you are the man for them and you're the perfect juror
12 for both sides, that you believe that you can work on
13 the company business from 4:00 AM to 9:30, and be here
14 until 6:00, and then go back and work on the company
15 business?

16 PROSPECTIVE JUROR MORGAN: I would have to.

17 THE COURT: Okay. And my question to you as a
18 second to that, would you go after hours and be doing
19 a lot of work so that you'd be up until 2:00, 3:00,
20 4:00 in the morning?

21 PROSPECTIVE JUROR MORGAN: There would be a lot
22 of work to be done. And if I didn't do it, then that
23 would become a problem that would start influencing my
24 train of thought probably.

25 THE COURT: Okay. So what time at night do you

1 think you'd have to do it to to get back here at 9:30
2 in the morning? Since I don't know exactly what your
3 company does or how much you have to do, I'm always
4 concerned and I'm sure both sides are concerned that
5 they pick the perfect juror, but by week two working
6 both, you know, sides and not getting much sleep could
7 affect your ability to concentrate all day here,
8 because you'll just have nothing to do but sit there.
9 People fall asleep in jury trials. I know it's hard
10 to believe, but they do.

11 PROSPECTIVE JUROR MORGAN: Okay. Well, I
12 understand what you're asking. And, no, I wouldn't
13 keep myself up to the point to where I couldn't do the
14 job that I am supposed to be doing the next day.

15 THE COURT: Okay. And we'd have weekends off,
16 Veterans Day off. We might have some shorter days.
17 We might have some extra days where you're not doing
18 anything because we are flying a witness in and we
19 didn't get them in because of weather or whatever.
20 That's why we've given the timeframe that we're
21 talking about. We have a lot of witnesses.

22 So do you think based on that, you would be
23 able to work around and sit as a fair and impartial
24 juror in this case?

25 PROSPECTIVE JUROR MORGAN: Yes.

1 THE COURT: If both sides thought you were the
2 man and you were the perfect juror for them?

3 PROSPECTIVE JUROR MORGAN: I guess I would, yes.

4 THE COURT: Okay. State, any questions?

5 MR. LABRUZZO: No, Your Honor.

6 THE COURT: Defense?

7 MR. LIVERMORE: Sir, what is your business?

8 PROSPECTIVE JUROR MORGAN: I'm a commercial
9 general contractor.

10 MR. LIVERMORE: For construction?

11 PROSPECTIVE JUROR MORGAN: Construction.

12 MR. LIVERMORE: Are you commercial? When you say
13 commercial, do you work for one particular --

14 PROSPECTIVE JUROR MORGAN: Well, typically we
15 built Class A high-rise interiors, attorney offices,
16 everything downtown Tampa that are Class A offices and
17 small surrounding buildings.

18 MR. LIVERMORE: Okay. Thank you, sir.

19 THE COURT: All right. Sir, we're going to have
20 you step into the hallway and my bailiffs will give
21 you further instructions. Okay? Thank you.

22 PROSPECTIVE JUROR MORGAN: Thank you.

23 THE COURT: State?

24 MR. LABRUZZO: Judge, we'd ask to keep him for
25 tomorrow.

1 THE COURT: Defense?

2 MR. LIVERMORE: He's okay.

3 THE COURT: Just so both sides knows, my clerk
4 was nice enough to point out, I read to you that
5 letter earlier about the person said, "What are you
6 going to do if I leave, give me a ticket?" That's
7 Mr. Morgan.

8 So I don't know if that changes either side.
9 He was very testy with them downstairs and
10 basically threatened to walk out earlier today. So
11 I don't care. I will bring him back tomorrow, but
12 I want both sides to understand that this is who
13 we're talking about.

14 I mean, he gave us the right answers here, but
15 earlier he threatened to leave. So I don't know if
16 that takes into consideration of whether you want
17 him to come back tomorrow.

18 State, does that change your position?

19 MR. SARABIA: No, Judge. We have that written
20 down.

21 THE COURT: All right. Well, I'm glad somebody
22 was paying attention, because I wasn't putting the two
23 together.

24 We're having him come back tomorrow?

25 MR. PURA: We don't need him to come back

1 tomorrow.

2 THE COURT: You know what, can we have Mr. Morgan
3 come back in, because I don't want to have somebody
4 just missing from my jury panel.

5 Mr. Morgan, I'm sorry I made you come back in.

6 PROSPECTIVE JUROR MORGAN: That's okay.

7 THE COURT: Earlier today I was informed that
8 when you were downstairs in the jury room and we were
9 keeping you there kind of long without a lot of
10 information, there was some indication that you might
11 just leave and that I would just issue a ticket for
12 you if you didn't come --

13 PROSPECTIVE JUROR MORGAN: I really wanted to
14 understand what the --

15 THE COURT: Hold up was?

16 PROSPECTIVE JUROR MORGAN: Well, I was going for
17 information.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR MORGAN: And depending on what
20 time this all happened, I needed to make a lot of
21 corrections to the rest of my day.

22 THE COURT: So you were getting a little
23 stressed?

24 PROSPECTIVE JUROR MORGAN: I was because, you
25 know, there were things happening.

1 THE COURT: Okay. And now that you have a little
2 bit of understanding of what's going on -- I know we
3 don't give you a lot, but you can see how many lawyers
4 are in here and I'm in here and news crews and
5 bailiffs and a lot of people and a lot of things going
6 on.

7 We're not talking about wasting your time.
8 We're talking about a very serious matter here.
9 And we're not trying to a waste anybody's time, I
10 can guarantee you that. We just have to do things,
11 just like you do in your business, in a certain
12 way, and sometimes that causes other people to be
13 delayed. And I hate that, but there's not much I
14 can do about it.

15 So I just want to make sure that if we have
16 you come back, you're coming back.

17 PROSPECTIVE JUROR MORGAN: I'll be here.

18 THE COURT: Because they like you and both sides
19 want you to come back. So I want to make sure you're
20 going to show up tomorrow.

21 PROSPECTIVE JUROR MORGAN: I will.

22 THE COURT: Okay. Then we'll see you tomorrow
23 morning. Okay?

24 PROSPECTIVE JUROR MORGAN: Okay.

25 THE COURT: Just let him know 9:00, jury pool

1 room.

2 Bryan Beatty. Mr. Beatty, how are you this
3 afternoon?

4 PROSPECTIVE JUROR BEATTY: I'm doing okay.

5 THE COURT: I apologize. It's been two long days
6 for you and it's been two long days for us, and we've
7 been moving through everybody we can. I think you're
8 about the 140th person. So I can guarantee you we
9 haven't been wasting any time.

10 The one thing that we did see on your form was
11 that you're traveling out of the country.

12 PROSPECTIVE JUROR BEATTY: Yes.

13 THE COURT: Now, we are doing the trial Monday
14 through Friday, weekends off, Veterans Day off. We
15 weren't sure when your travels were going to take you.
16 Out of the country usually means a long time.

17 PROSPECTIVE JUROR BEATTY: Sure.

18 THE COURT: But it could be, you know, a jump
19 down to Mexico and back and you're only going for the
20 weekend. So we're trying to verify that.

21 PROSPECTIVE JUROR BEATTY: I believe it's the
22 Monday the week prior to Thanksgiving. I want to say
23 it's the 13th.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR BEATTY: And I'm flying back in

1 the Friday after Thanksgiving.

2 THE COURT: So we're talking about you're gone
3 more than ten days there?

4 PROSPECTIVE JUROR BEATTY: Yes. I'm going to
5 Brazil.

6 THE COURT: Okay. And prepaid tickets?
7 Everything is set up already?

8 PROSPECTIVE JUROR BEATTY: Yes. I've already got
9 my visa, and I went and saw the Brazilian consulate in
10 Miami. I already put the legwork in there.

11 THE COURT: Is it personal or business?

12 PROSPECTIVE JUROR BEATTY: Personal. My wife is
13 Brazilian. I've never met her family over there, so
14 it's the first time I'm going over there.

15 THE COURT: Okay. And so if I would somehow
16 affect a change in that, that would be very bad for
17 you?

18 PROSPECTIVE JUROR BEATTY: It absolutely would.

19 THE COURT: Okay. State, any questions?

20 MR. LABRUZZO: No, Your Honor.

21 THE COURT: Defense?

22 MR. LIVERMORE: No.

23 THE COURT: All right. Sir, we're going to have
24 you step out into the hallway and my bailiffs will
25 give you further instructions. Okay?

1 PROSPECTIVE JUROR BEATTY: Yes.

2 THE COURT: I can guarantee you you're not coming
3 back.

4 PROSPECTIVE JUROR BEATTY: All right.

5 THE COURT: I figured that would be easier for
6 you.

7 State?

8 MR. LABRUZZO: No objection, Judge, releasing
9 him.

10 THE COURT: Defense?

11 MR. LIVERMORE: No objection.

12 THE COURT: You can tell Mr. Beatty he can go
13 meet his in-laws. We'll take his badge back.

14 And we'll have Allen, James Allen.

15 THE BAILIFF: Yes, Your Honor.

16 THE COURT: Good afternoon, Mr. Allen. How are
17 you? Can you step up here for us. Sir, I apologize.
18 I know it's been two long days. We've been working as
19 fast as we can.

20 You had said in your questionnaire that you
21 were unavailable to serve for the entire time of
22 the jury trial.

23 PROSPECTIVE JUROR ALLEN: Yes, ma'am.

24 THE COURT: It's Monday through Friday, 9:30 to
25 6:00, weekends off, home after 6:00, and Veterans Day

1 off. Exactly what is keeping you from being
2 available?

3 PROSPECTIVE JUROR ALLEN: I got an appointment
4 with Disability on November 7th.

5 THE COURT: Okay. You got a what on Disability?

6 PROSPECTIVE JUROR ALLEN: Appointment with
7 Disability.

8 THE COURT: Appointment.

9 And so is it one of those ones that if you
10 don't go, they don't approve your disability?

11 PROSPECTIVE JUROR ALLEN: It's just to add my
12 kids to the stuff, and it's \$600 a month and \$20,000
13 worth of backpay that I really can't miss.

14 THE COURT: Okay. And how long has it taken you
15 to get this appointment?

16 PROSPECTIVE JUROR ALLEN: It took me six years to
17 get it approved.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR ALLEN: It took me two months
20 to get this appointment.

21 THE COURT: So if you miss this appointment, six
22 years and two months is out the window?

23 PROSPECTIVE JUROR ALLEN: I don't know how that
24 works.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR ALLEN: I know that at least a
2 month and a half to two months it took to book me.

3 THE COURT: Okay. And so that one thing is a lot
4 of money to you?

5 PROSPECTIVE JUROR ALLEN: Oh, yeah.

6 THE COURT: And so I would assume that if I, for
7 lack of a better term, forced you to miss this
8 appointment, you would have a hard time sitting as a
9 fair and impartial juror here?

10 PROSPECTIVE JUROR ALLEN: I'd be a little
11 stressed out, yeah.

12 THE COURT: Okay. State, any questions?

13 MR. LABRUZZO: No, Your Honor.

14 THE COURT: Defense?

15 MR. LIVERMORE: No.

16 THE COURT: All right. Sir, I'm going to have
17 you step into the hallway. My bailiff will give you
18 further directions. Okay?

19 PROSPECTIVE JUROR ALLEN: Thank you.

20 THE COURT: State?

21 MR. SARABIA: Judge, no objection.

22 MR. LABRUZZO: No objection.

23 THE COURT: Your cause challenge okay? Yes?
24 Cause?

25 MR. SARABIA: Yes, Your Honor.

1 THE COURT: Defense, cause?

2 MR. LIVERMORE: Yes.

3 THE COURT: All right. We can tell him,
4 Mr. Allen, that he's free to go. We'll take his
5 badge.

6 THE BAILIFF: Yes, Judge.

7 THE COURT: Who do I have next, Brett Young? Or
8 do I have Ana --

9 THE BAILIFF: You have Ana Olascoaga.

10 THE COURT: Okay. I'll take Ana Olascoaga.

11 THE BAILIFF: I have to go get her.

12 THE COURT: That's excellent use of vocabulary.

13 THE BAILIFF: Judge, I have to go get the next
14 group.

15 THE COURT: Okay. Great.

16 That next group is going to be Ana Olascoaga,
17 Sarah Sallengs, Laura Seiverd, Brennan Adley, and
18 Lynn Alban.

19 MR. LIVERMORE: Alban.

20 THE COURT: Alban.

21 Is that an L? A-l-b-a-n?

22 MR. LIVERMORE: I think it is.

23 THE COURT: Alban.

24 I think we have 11 more and that's it.

25 THE CLERK: To go?

1 THE COURT: To go.

2 THE CLERK: Including all those ones?

3 THE COURT: I have these 5 and these 6. I have
4 11 more and then I think I'm done.

5 MR. SARABIA: I have slightly more than 11.

6 THE COURT: Okay. Let me doublecheck.

7 THE CLERK: I have 19.

8 MS. GARRETT: I have 11, plus those 5.

9 THE COURT: So I have 11, plus those 5.
10 Can we bring Ana in?

11 THE BAILIFF: Yes, Judge.

12 THE COURT: Olascoaga.

13 Ma'am, how do you pronounce your last name?

14 PROSPECTIVE JUROR OLASCOAGA: It's Olascoaga.

15 THE COURT: Olascoaga. Okay. I was totally
16 wrong on that.

17 Ma'am, thank you so much for staying. I know
18 it's been two long days for you. On your jury
19 questionnaire you said that you were not sure if
20 you could serve as a juror in this case.

21 PROSPECTIVE JUROR OLASCOAGA: Yes. Just due to
22 being a student. I'm enrolled in the master's
23 program.

24 THE COURT: Okay. So you'd be missing a lot of
25 school?

1 PROSPECTIVE JUROR OLASCOAGA: Yeah. I work full
2 time and I'm enrolled in school.

3 THE COURT: Okay. So those two together you
4 think would cause you to be completely stressed out
5 if, like, let's say I forced you to be on the jury
6 from now until November 22nd?

7 PROSPECTIVE JUROR OLASCOAGA: Yeah. That's just
8 a long period of time.

9 THE COURT: Okay. And would you, because of
10 school and work, think that you would be unavailable
11 to sit as a juror in this case? How often do you go
12 to school?

13 PROSPECTIVE JUROR OLASCOAGA: It's online, so
14 it's really, you know, whenever. My assignments are
15 due on Thursdays and Mondays. So...

16 THE COURT: So let's say I forced you to be on
17 the jury, you'd have to stay on the jury and then go
18 home and work on school --

19 PROSPECTIVE JUROR OLASCOAGA: Uh-huh.

20 THE COURT: -- late into the evening?

21 PROSPECTIVE JUROR OLASCOAGA: Yes.

22 THE COURT: All right. And work, where do you
23 work?

24 PROSPECTIVE JUROR OLASCOAGA: I work at
25 Withlacoochee River Electric. An electric company

1 here locally.

2 THE COURT: Would they pay you to sit as a juror
3 on this case?

4 PROSPECTIVE JUROR OLASCOAGA: I'm not actually
5 sure. I never asked that questions.

6 THE COURT: Okay. To get on to another matter.
7 You said that you worked with a man that lived next
8 door to where this crime occurred in Hudson.

9 PROSPECTIVE JUROR OLASCOAGA: That's correct.

10 THE COURT: And that, "I don't know much details
11 but remember when he was charged discussing it".

12 PROSPECTIVE JUROR OLASCOAGA: Yes. It was kind
13 of the talk of the month at the office.

14 THE COURT: Okay. And based on what you talked
15 about back then, did you form an opinion on the guilt
16 or innocence of the defendant?

17 PROSPECTIVE JUROR OLASCOAGA: I would say based
18 on, like, what I was told, that, yeah.

19 THE COURT: And what's your thoughts?

20 PROSPECTIVE JUROR OLASCOAGA: I would say --
21 like, what I think he is or --

22 THE COURT: Right. Let me ask you this -- maybe
23 this is a little easier. In all criminal cases a
24 person charged with a crime is presumed innocent until
25 the State proves him guilty. In this case, because

1 you know something about it, could you come in here
2 with the presumption of innocence for the defendant?

3 PROSPECTIVE JUROR OLASCOAGA: I think so, because
4 I don't -- I mean, I don't really know. I wasn't
5 there. I don't know any of the facts. Yes.

6 THE COURT: Okay. So you would make the State
7 still prove to you that he committed the crimes?

8 PROSPECTIVE JUROR OLASCOAGA: Yeah. I would need
9 evidence.

10 THE COURT: Okay. Would the burden that you have
11 for that evidence be lower because you know some of
12 the things that happened and have some idea of the
13 facts, or would you hold them to the same burden on a
14 case where you didn't know anything about it?

15 PROSPECTIVE JUROR OLASCOAGA: I think it would be
16 the same. I'm not sure.

17 THE COURT: Okay. State?

18 MR. LABRUZZO: Ma'am, who was the name of the
19 employee that we talked about that lives near?

20 PROSPECTIVE JUROR OLASCOAGA: It's Mark Holstren.

21 MR. LABRUZZO: Mark Holstren?

22 PROSPECTIVE JUROR OLASCOAGA: Uh-huh.

23 MR. LABRUZZO: Do you remember a lot of the
24 details? Do you have a specific recollection?

25 PROSPECTIVE JUROR OLASCOAGA: I mean, it's been a

1 while. Like I said, when it first took place, oh,
2 this is what happened, you know.

3 MR. LABRUZZO: Could you tell us what you
4 remember?

5 PROSPECTIVE JUROR OLASCOAGA: He just said that
6 there was a man, you know, and there was like a
7 girlfriend situation that he killed and they found the
8 bodies.

9 MR. LABRUZZO: Okay. No further questions,
10 Judge.

11 THE COURT: Defense, any questions?

12 MR. LIVERMORE: No.

13 THE COURT: All right. Ma'am, we're going to
14 have you step out in the hallway. My Bailiff will
15 give you further directions. Okay?

16 State?

17 MR. SARABIA: We're not asking for any court
18 action, Judge.

19 THE COURT: I'm sorry?

20 MR. LABRUZZO: We're not asking for any court
21 action.

22 THE COURT: Defense?

23 MR. LIVERMORE: I think at this point we would
24 challenge based on the full-time student and job
25 issues.

1 THE COURT: Okay. I think she said that she'd be
2 really stressed out if I make her come in here.

3 MR. SARABIA: We don't object, Judge.

4 THE COURT: I'm sorry?

5 MR. SARABIA: We don't object.

6 THE COURT: No objection. So we'll let her be
7 released. She can go.

8 And we'll have Sarah Sallengs come in.

9 Is it Sallengs?

10 PROSPECTIVE JUROR SALLENGS: It's Sallengs.

11 THE COURT: Ms. Sallengs.

12 Okay. Ms. Sallengs, thank you so much for
13 coming back. I know it's been two long days. I
14 appreciate all that you've done for us. And we've
15 been working really hard, I promise. We're trying
16 to get our final group together to come back
17 tomorrow.

18 You said that you felt that you were
19 unavailable for the timeframe that we're talking
20 about for the trial?

21 PROSPECTIVE JUROR SALLENGS: Yes. I have two
22 school age young children and they get out that whole
23 week of Thanksgiving.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR SALLENGS: And my husband

1 travels and is on-call.

2 THE COURT: So it be like that commercial where
3 they're lighting things on fire and the fire chief is
4 coming in and all that?

5 PROSPECTIVE JUROR SALLENGS: Yes.

6 THE COURT: How old are they?

7 PROSPECTIVE JUROR SALLENGS: They are 10 and 12,
8 just turned 13 this week.

9 THE COURT: I'm not sure we want to put the
10 13-year-old in charge of the 10-year-old.

11 PROSPECTIVE JUROR SALLENGS: No.

12 THE COURT: So because of that week particular
13 --

14 PROSPECTIVE JUROR SALLENGS: Yes.

15 THE COURT: -- those days --

16 PROSPECTIVE JUROR SALLENGS: Yes.

17 THE COURT: -- that you felt that you don't have
18 backup to cover the childcare?

19 PROSPECTIVE JUROR SALLENGS: Right.

20 THE COURT: Is there a camp you can put them in?
21 A friend? A grandma?

22 PROSPECTIVE JUROR SALLENGS: Not that week.

23 THE COURT: Anything?

24 PROSPECTIVE JUROR SALLENGS: Not that week. I
25 juggled all that this week for the few hours before

1 and after school that I couldn't be home.

2 THE COURT: But for a full day and three full
3 days, it's not something that can happen?

4 PROSPECTIVE JUROR SALLENGS: No.

5 THE COURT: Too bad they didn't make those the
6 hurricane days for you.

7 State, any questions?

8 MR. LABRUZZO: No, Your Honor.

9 THE COURT: Defense?

10 MR. LIVERMORE: No.

11 THE COURT: All right. Ma'am, I'm going to have
12 you step out in the hallway and we'll give you further
13 directions. Okay?

14 PROSPECTIVE JUROR SALLENGS: Thank you.

15 THE COURT: Thank you.

16 Defense, where do you stand with her? Cause?

17 MR. LIVERMORE: No objection to cause.

18 THE COURT: State, you're okay cause?

19 MR. LABRUZZO: Yes, Judge.

20 THE COURT: All right. Ms. Sallengs is released.

21 And we'll bring in Laura Seiverd. After
22 Seiverd is Brennan Adley.

23 Good afternoon, ma'am. Is it Seiverd?

24 PROSPECTIVE JUROR SEIVERD: Seiverd.

25 THE COURT: All right. Ms. Seiverd, thank you so

1 much for coming back. I know it's been two long days
2 for you.

3 I saw that on your questionnaire you indicated
4 the timeframe is what you think would stop you from
5 being able to serve as a juror in this case.

6 PROSPECTIVE JUROR SEIVERD: Yes, ma'am.

7 THE COURT: And what do you have going on?

8 PROSPECTIVE JUROR SEIVERD: I have two children
9 that I have to take to school and pick up.

10 THE COURT: Okay. What time do they go to
11 school?

12 PROSPECTIVE JUROR SEIVERD: The earliest I can
13 drop them is 7:00.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR SEIVERD: And the latest I can
16 leave them is 6:00.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR SEIVERD: And then I'm a
19 self-employed speech therapist, so I treat small
20 children with speech and feeding disorders --

21 THE COURT: All right.

22 PROSPECTIVE JUROR SEIVERD: -- during the week,
23 which I'd have to cancel if I'm not available.

24 THE COURT: All right. And if you were here, you
25 would not be paid for your time as a speech therapist?

1 PROSPECTIVE JUROR SEIVERD: No. I only can
2 charge for sessions that I'm present for.

3 THE COURT: Would that cause you to have
4 significant financial hardships?

5 PROSPECTIVE JUROR SEIVERD: Yes.

6 THE COURT: Okay. And the children, if you got
7 here at 9:30, you'd have time to drop them off?

8 PROSPECTIVE JUROR SEIVERD: Yes.

9 THE COURT: But how early would you have to leave
10 here to get them out of aftercare by 6:00?

11 PROSPECTIVE JUROR SEIVERD: I would have to leave
12 probably by 5:15.

13 THE COURT: Okay. Because if you're a minute
14 late, it's \$5,000 a minute, whatever?

15 PROSPECTIVE JUROR SEIVERD: I don't know. I
16 never left them after 6:00.

17 THE COURT: Wait. You wait. Wait.

18 PROSPECTIVE JUROR SEIVERD: I don't know if they
19 kick them at the curb or where they keep them.

20 THE COURT: Right. No, no, they keep them, but
21 they charge you.

22 State, any questions?

23 MR. LABRUZZO: Not on those issues, Judge, no.

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

25 MR. LIVERMORE: No.

1 THE COURT: All right. Ma'am, I'm going to have
2 you step into the hallway and we'll give you further
3 instructions from there. Okay?

4 PROSPECTIVE JUROR SEIVERD: Okay. Thank you.

5 THE COURT: Thank you.

6 State, where do you stand?

7 MR. LABRUZZO: Judge, we're okay with cause
8 challenge.

9 THE COURT: We're okay with cause.
10 Defense?

11 MR. LIVERMORE: Yes.

12 THE COURT: All right. She can be released from
13 her service.

14 And we'll take Brennan Adley.

15 MR. SARABIA: Not Ms. Brennan. Mr. Adley?

16 THE COURT: Mr. Adley.

17 MR. SARABIA: Judge, there's a Ms. Brennan.
18 You're talking about --

19 THE COURT: Brennan Adley.

20 MR. SARABIA: Okay.

21 THE COURT: Mr. Adley, how are you?

22 PROSPECTIVE JUROR ADLEY: Good. How are you?

23 THE COURT: Am I pronouncing it right?

24 PROSPECTIVE JUROR ADLEY: Yes.

25 THE COURT: All right. Sir, thank you so much

1 for coming back today. I know it's been two long
2 days. We're moving as quickly as we can. And I know
3 in the room you're like whittling down, you feel like
4 you're getting left in there because there's only like
5 ten left. So I apologize for taking so long.

6 It says that you did not feel that you were
7 able to serve on the jury because of the amount of
8 time that it would take on this case.

9 PROSPECTIVE JUROR ADLEY: Correct.

10 THE COURT: Is that work? School? A combination
11 of both? What have you got going on?

12 PROSPECTIVE JUROR ADLEY: A combination of both.

13 THE COURT: Okay. Are you going to school and
14 working?

15 PROSPECTIVE JUROR ADLEY: Yes.

16 THE COURT: Where are you going to school?

17 PROSPECTIVE JUROR ADLEY: Saint Leo University.

18 THE COURT: All right. And are you doing classes
19 there every week?

20 PROSPECTIVE JUROR ADLEY: It's online.

21 THE COURT: Okay. So you're working full time
22 and then taking classes online?

23 PROSPECTIVE JUROR ADLEY: Yes.

24 THE COURT: Where are you working?

25 PROSPECTIVE JUROR ADLEY: PricewaterhouseCoopers.

1 THE COURT: Do they pay you for your service as a
2 juror?

3 PROSPECTIVE JUROR ADLEY: They do.

4 THE COURT: They do?

5 PROSPECTIVE JUROR ADLEY: (No audible response.)

6 THE COURT: And would they pay you for the whole
7 time?

8 PROSPECTIVE JUROR ADLEY: I'm not sure.

9 THE COURT: Okay. You haven't checked on that.

10 PROSPECTIVE JUROR ADLEY: (No audible response.)

11 THE COURT: Then if they would pay you and you
12 could be here from 9:30 to 6:00, and do your online
13 classes after work -- because I assume that's how you
14 do it now, right?

15 PROSPECTIVE JUROR ADLEY: Yes.

16 THE COURT: Do you think that if both sides
17 thought you were the juror for them, do you think you
18 could serve as a juror in this case?

19 PROSPECTIVE JUROR ADLEY: Well, they would need
20 me at work.

21 THE COURT: They need you at work?

22 PROSPECTIVE JUROR ADLEY: Yes.

23 THE COURT: What do they need you to do at work?

24 PROSPECTIVE JUROR ADLEY: I lead a couple of new
25 projects.

1 THE COURT: Okay. So you got some new projects
2 going on that you personally feel that you need to be
3 there to handle?

4 PROSPECTIVE JUROR ADLEY: Yes.

5 THE COURT: And do you think if they did choose
6 you as a juror and you were forced, for lack of a
7 better term, to sit as a juror, that you wouldn't be
8 able to concentrate here because you'd be thinking
9 about those new projects that are being run by someone
10 less than you?

11 PROSPECTIVE JUROR ADLEY: Yes.

12 THE COURT: Okay. State, any questions?

13 MR. SARABIA: No, Judge.

14 THE COURT: Defense, questions?

15 MR. LIVERMORE: No.

16 THE COURT: All right. Sir, I'm going to have
17 you step into the hallway and we'll give you further
18 directions from there. Okay?

19 PROSPECTIVE JUROR ADLEY: Thank you.

20 THE COURT: Thank you.

21 Lynn Alban is going to be next.

22 State, where do you stand on him?

23 MR. SARABIA: On who?

24 THE COURT: Mr. Adley.

25 MR. SARABIA: We would move for cause.

1 THE COURT: Defense, are you okay for cause on
2 Adley?

3 MR. LIVERMORE: Yes.

4 THE COURT: Adley is released.

5 And we'll bring in Lynn Alban. She has an eye
6 injection scheduled for 11/1.

7 Is it Albin or Alban?

8 PROSPECTIVE JUROR ALBAN: Alban.

9 THE COURT: Okay. Ms. Alban, thank you so much
10 for staying here. I know it's been two very long days
11 for you, us too. I guarantee you we've been working
12 really hard trying to get to you and we are finally
13 there.

14 We were looking over your questionnaire. A
15 couple of things caused, you know, some concern.
16 First is that you have an eye injection scheduled
17 for November 1st. That's Wednesday, right?

18 PROSPECTIVE JUROR ALBAN: Tomorrow, yes.

19 THE COURT: Tomorrow.

20 Is that something that takes all day? Affects
21 you all day?

22 PROSPECTIVE JUROR ALBAN: No. It takes a couple
23 of hours.

24 THE COURT: It takes a couple of hours.

25 So what time are you scheduled to be there?

1 PROSPECTIVE JUROR ALBAN: 10:30.

2 THE COURT: And you would be there until 2:00 or
3 so tomorrow?

4 PROSPECTIVE JUROR ALBAN: Possibly.

5 THE COURT: All right. How often do you have to
6 do those?

7 PROSPECTIVE JUROR ALBAN: Pardon?

8 THE COURT: How often do you have to do those?

9 PROSPECTIVE JUROR ALBAN: Every eight weeks.

10 THE COURT: Okay. And then you said that you
11 didn't think you could sit because you need to work.

12 PROSPECTIVE JUROR ALBAN: Yes. I cannot afford
13 to be not working.

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

15 PROSPECTIVE JUROR ALBAN: I work at Target.

16 THE COURT: And you're an hourly employee?

17 PROSPECTIVE JUROR ALBAN: Yes.

18 THE COURT: And they do not reimburse you for
19 jury service?

20 PROSPECTIVE JUROR ALBAN: They do not.

21 THE COURT: All right. And if you were not
22 working, is that a significant financial hardship on
23 you?

24 PROSPECTIVE JUROR ALBAN: Yes.

25 THE COURT: And would that affect your ability to

1 sit as a juror in this case?

2 PROSPECTIVE JUROR ALBAN: Yes, it would.

3 THE COURT: That's okay.

4 MR. SARABIA: Judge, we have no objection to
5 releasing her.

6 THE COURT: All right. Defense?

7 All right. Ma'am, I know it's been two days.
8 We'll take your jury badge and you're released.
9 You're good to go. You can make that appointment
10 tomorrow and you do not have to come back. Okay?

11 PROSPECTIVE JUROR ALBAN: Thank you.

12 THE COURT: Thank you so much.

13 PROSPECTIVE JUROR ALBAN: Okay.

14 THE COURT: Sid, I have Michelle Fouche,
15 F-o-u-c-h-e or -i-e?

16 THE CLERK: -e. Just -e.

17 THE COURT: -e. How are you pronouncing that?

18 THE BAILIFF: Hold on, Judge.

19 THE CLERK: Fouche.

20 THE COURT: Fouche. Michelle Fouche; and Melanie
21 Cruz, who I may know.

22 And then I have David Saunders, Rhonda
23 Turnage -- that's four -- and Alexis Coen. That's
24 my next five.

25 THE BAILIFF: Very good.

1 THE COURT: All right. Other than them, I have
2 Brett Young; Rosemary -- a long Greek name; Robert
3 Hadesty, it's H-a-d- --

4 MR. LIVERMORE: Hadesty.

5 THE COURT: Hadesty.

6 And Kurtz. I think that's Kurtz. Vickie,
7 something like that.

8 THE CLERK: Yes.

9 MR. SARABIA: Did we do Kelly Brennan?

10 THE CLERK: Yes.

11 THE COURT: Yeah. We did Kelly Brennan.

12 THE CLERK: She's a teacher. She's not on the
13 panel.

14 THE COURT: She was a teacher and we released
15 her.

16 THE CLERK: Heidi Dowell.

17 THE COURT: No. Heidi Dowell was the crier.

18 THE CLERK: Yes.

19 THE COURT: She was the crier.

20 MR. LIVERMORE: I thought that was Hadesty.

21 THE COURT: No. It was Dowell. I'm telling you,
22 the lady -- we don't know what happened to her, the
23 other lady.

24 THE CLERK: Do you have something for Lake and
25 Lumenello?

1 THE COURT: Lake and Lumenello.

2 THE CLERK: Richard Lake and Gregory Lumenello.

3 THE COURT: I think we released them. Let me
4 look. Hold those two names.

5 MR. LIVERMORE: Yeah. I remember Lake. I have
6 Sherri Crook.

7 THE CLERK: Oh, he's coming back tomorrow,
8 Richard Lake is coming back tomorrow.

9 THE COURT: Lake is on the come-back-tomorrow
10 panel. Richard Lake is on the come-back-tomorrow
11 panel.

12 MR. LIVERMORE: Sherri Crook?

13 THE COURT: Sherri Crook. I think she's on the
14 coming-back-tomorrow panel. Yes. Coming back
15 tomorrow.

16 MR. LIVERMORE: Okay.

17 THE COURT: Is this Ms. Fouche?

18 THE BAILIFF: Yes, Your Honor.

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

20 Good afternoon, Ms. Fouche. Am I pronouncing
21 it correctly?

22 PROSPECTIVE JUROR FOUCHE: Yes.

23 THE COURT: Thank you so much for two days of
24 sitting around. I promise we've been working really
25 hard, but I appreciate you being patient with us.

1 You indicated that you did not think that you
2 would be able to sit as a juror because of the
3 timeframe.

4 PROSPECTIVE JUROR FOUCHE: Yes.

5 THE COURT: What do you have going on?

6 PROSPECTIVE JUROR FOUCHE: Recently my kidney
7 failed, so I had to start dialysis.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR FOUCHE: It's not really -- I
10 do it at home at night. But I also have to go to
11 clinic visits every other week and I have to get
12 injections every other week.

13 THE COURT: So it's pretty much taking up all of
14 your time right now?

15 PROSPECTIVE JUROR FOUCHE: A lot of it, yes. I'm
16 also on the transplant list. So if I get called, I
17 have to be ready to go.

18 THE COURT: Okay. And so based on all of the
19 medical issues you have going on, you do not believe
20 that you would be a good juror for this case?

21 PROSPECTIVE JUROR FOUCHE: No. I don't think so,
22 since I don't think I'd be able to get out of my
23 appointments.

24 THE COURT: Okay.

25 MR. SARABIA: We have no objection to releasing

1 her, Judge.

2 THE COURT: Either side, she's okay?

3 MR. LIVERMORE: Yes.

4 THE COURT: Ma'am, we're going to go ahead and
5 take your badge. You're released and you can go home
6 and you do not have to come back. Okay?

7 PROSPECTIVE JUROR FOUCHE: Okay.

8 THE COURT: Thank you so much. Again I apologize
9 it's taken so long.

10 Melanie Cruz and then David Saunders.

11 Ms. Cruz, how are you?

12 PROSPECTIVE JUROR CRUZ: Good. How are you?

13 THE COURT: Great. Thank you so much for two
14 hard days. I apologize it's taken us so long.

15 You said that you thought, based on the amount
16 of time it would take, you would be able to serve
17 as a juror if both sides thought you were the right
18 person.

19 PROSPECTIVE JUROR CRUZ: Okay.

20 THE COURT: That's what you said. I'm trying to
21 find out if that's correct.

22 PROSPECTIVE JUROR CRUZ: Yes. That's what I
23 said.

24 THE COURT: Okay. You're very accommodating.

25 My question to you is we're talking about 9:30

1 in the morning until 6:00 at night, you would go
2 home, weekends off, Veterans Day off. Do you have
3 anything that would interfere with seated as a
4 juror if they picked you?

5 PROSPECTIVE JUROR CRUZ: No, ma'am.

6 THE COURT: All right. And you said that you did
7 see a brief headline about the incident back in 2014.

8 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

9 THE COURT: But you do not recall specific
10 details regarding this matter.

11 PROSPECTIVE JUROR CRUZ: No, ma'am.

12 THE COURT: So right now, as far as you're
13 concerned, the person charged with this crime sits
14 here as an innocent person to you?

15 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

16 THE COURT: You would make the State prove to you
17 beyond any reasonable doubt that he did commit the
18 crimes they have charged him with; is that correct?

19 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

20 THE COURT: All right. And I also see that your
21 husband is a law enforcement officer.

22 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

23 THE COURT: Where does he work?

24 PROSPECTIVE JUROR CRUZ: Plant City Police
25 Department.

1 THE COURT: Okay. And you also have a bachelor's
2 degree in Criminal Justice.

3 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

4 THE COURT: Do you currently work in the criminal
5 justice field?

6 PROSPECTIVE JUROR CRUZ: No, ma'am.

7 THE COURT: Are you a stay-at-home mom? Are you
8 working anywhere?

9 PROSPECTIVE JUROR CRUZ: I'm a claims adjustor at
10 USA.

11 THE COURT: Okay. And does USA pay you to be a
12 juror?

13 PROSPECTIVE JUROR CRUZ: Yes, ma'am. They do.

14 THE COURT: So money-wise they will reimburse you
15 for your time here today?

16 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

17 THE COURT: Anything about your husband being a
18 law enforcement officer that you would have a hard
19 time listening to the testimony of other law
20 enforcement officers?

21 PROSPECTIVE JUROR CRUZ: No, ma'am.

22 THE COURT: You would judge their testimony like
23 you would judge anybody else's testimony?

24 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

25 THE COURT: Okay. State, any questions?

1 MR. SARABIA: You indicated you saw the headlines
2 back in 2014?

3 PROSPECTIVE JUROR CRUZ: Yes.

4 MR. SARABIA: Do you remember anything specific?

5 PROSPECTIVE JUROR CRUZ: No. Just that there was
6 a guy that got apprehended in Hudson.

7 MR. SARABIA: You have no preconceived notions
8 based on having read those facts?

9 PROSPECTIVE JUROR CRUZ: No, sir.

10 MR. SARABIA: Did your husband used to work for
11 the Pasco Sheriff's Office?

12 PROSPECTIVE JUROR CRUZ: Yes, he did.

13 MR. SARABIA: When did he leave?

14 PROSPECTIVE JUROR CRUZ: October of 2013, I
15 believe.

16 MR. SARABIA: Before this happened?

17 PROSPECTIVE JUROR CRUZ: Yes. He was already
18 employed at Plant City Police Department.

19 MR. SARABIA: Do you know a lot of law
20 enforcement officers in Pasco?

21 PROSPECTIVE JUROR CRUZ: I do, yes, sir. I do
22 know law enforcement officers in Pasco.

23 MR. SARABIA: Okay. Do you know them very well?

24 PROSPECTIVE JUROR CRUZ: Maybe a handful, but I
25 haven't really had too much connection with them since

1 my husband left for the Plant City Police Department.

2 MR. SARABIA: If you saw a law enforcement
3 officer that you were familiar with testify, would you
4 assign them more or less credibility based on having
5 known them through your husband?

6 PROSPECTIVE JUROR CRUZ: No, sir.

7 MR. SARABIA: All right. I don't have any more
8 questions, Judge.

9 THE COURT: Defense, questions?

10 MR. LIVERMORE: No.

11 THE COURT: All right. Ms. Cruz, we're going to
12 have you come back tomorrow at 9:00 AM. Bring your
13 badge. Jury pool room. And you'll be brought up with
14 the big panel. So there will be lots of people. Lots
15 of talking tomorrow. Not a lot of sitting. Well, you
16 might be sitting, but you'll be talking. Okay?

17 PROSPECTIVE JUROR CRUZ: All right. Thank you.

18 THE COURT: All right. Thank you.

19 Do we have David Saunders out there?

20 Yeah, I have Alexis Cruz right here. She's in
21 this group.

22 I have Saunders, Turnage and Coen in the group
23 outside.

24 We're ready for Mr. Saunders. We only have
25 six left.

1 Good afternoon, Mr. Saunders. Thank you so
2 much for waiting around for two long days. I know
3 it's been hard on you. It's been hard on us. We
4 apologize it's taken so long.

5 PROSPECTIVE JUROR SAUNDERS: Okay.

6 THE COURT: And I know you feel like, oh, I'm
7 almost one of the last ones, but it's just the luck of
8 the draw in this matter. We shuffled them all
9 together.

10 You said that you did not feel that you could
11 sit as a juror in this case because of the
12 timeframe.

13 PROSPECTIVE JUROR SAUNDERS: Yes.

14 THE COURT: It would be 9:30 in the morning until
15 6:00 in the afternoon, Monday through Friday, home in
16 the afternoon, Veterans Day, and weekends off. So is
17 it work or do you have something scheduled?

18 PROSPECTIVE JUROR SAUNDERS: It's two things
19 going on.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR SAUNDERS: One is that I work
22 for the Home Shopping Network.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR SAUNDERS: And we were recently
25 bought out by QVC.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR SAUNDERS: And November is the
3 month that the deal closes and the restructuring and
4 everything. I'm a manager in one of the departments.
5 So there's going to be meetings and so forth, so I
6 wouldn't be there to know what's happening.

7 THE COURT: You might get restructured right out
8 because you're not there, right?

9 PROSPECTIVE JUROR SAUNDERS: Exactly. And half
10 the people don't know that.

11 THE COURT: And so I would assume if you were not
12 there and all of this is going on, that would be
13 extremely stressful for you?

14 PROSPECTIVE JUROR SAUNDERS: Yes. Not knowing
15 what's happening with my job and so forth.

16 THE COURT: And do you think that would take your
17 ability to really concentrate as a juror in an
18 important case like this?

19 PROSPECTIVE JUROR SAUNDERS: To a certain extent.
20 I mean, not a hundred percent, but it would some.

21 THE COURT: You might be not a hundred percent
22 thinking of one thing, but you might be --

23 PROSPECTIVE JUROR SAUNDERS: Right. Start
24 wandering, you know, start thinking.

25 THE COURT: Right. So you might miss something

1 or those kinds of things?

2 PROSPECTIVE JUROR SAUNDERS: Right. The other
3 thing is I'm currently selling my house and buying a
4 new house. And while the -- I'm in contracts with
5 both of them, but no closing date is set yet. But we
6 are working on, you know, all that at the same time.

7 THE COURT: So as soon as you can get a closing
8 date and work it out, you may have to do closing?

9 PROSPECTIVE JUROR SAUNDERS: Right.

10 THE COURT: Closing nowadays, though, you can
11 pretty much do electronically.

12 PROSPECTIVE JUROR SAUNDERS: Yeah, I can do it on
13 the computer. After hours actually; but, yeah.

14 THE COURT: Would you be looking at moving in
15 that timeframe, actually physically moving?

16 PROSPECTIVE JUROR SAUNDERS: It would probably be
17 after Thanksgiving actually.

18 THE COURT: Okay. State, any questions?

19 MR. SARABIA: No, Judge. We're okay to release
20 him.

21 THE COURT: Defense, are you okay with releasing
22 him?

23 MR. LIVERMORE: Yes. Yes.

24 THE COURT: All right. Sir, we are going to go
25 ahead and release you.

1 PROSPECTIVE JUROR SAUNDERS: Okay.

2 THE COURT: Good luck on that restructuring.

3 PROSPECTIVE JUROR SAUNDERS: Yes. I might have a
4 lot of free time on my hands.

5 THE COURT: We'll take your badge. We'll put it
6 in that box right in front of you. And you do not
7 have to come back tomorrow.

8 PROSPECTIVE JUROR SAUNDERS: Thank you.

9 THE COURT: Thank you.

10 I have Rhonda Turnage in the next room next.

11 Okay. On my list I have Coen, Young,
12 Caksackkar, Hadesty, Kurtz. And then, let's see, I
13 got Young done.

14 Are we ready?

15 THE BAILIFF: Yes, Your Honor.

16 THE COURT: Bring in Ms. Turnage.

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

18 PROSPECTIVE JUROR TURNAGE: I'm doing well.

19 THE COURT: I am so sorry it's taken so long.
20 We've been moving along and we're down to the wire
21 here, and you got stuck in the last group. So I
22 apologize for that.

23 You indicated in your packet that you did not
24 feel that you would be available to sit as a juror
25 because of the timeframe.

1 PROSPECTIVE JUROR TURNAGE: Yes.

2 THE COURT: Is it work? School? Family? What
3 have we got going on?

4 PROSPECTIVE JUROR TURNAGE: Both work and family.

5 THE COURT: Okay. Where do you work?

6 PROSPECTIVE JUROR TURNAGE: Advantage Healthcare
7 Systems.

8 THE COURT: And do they pay you for jury service?

9 PROSPECTIVE JUROR TURNAGE: They do.

10 THE COURT: And so although you'd be paid to sit
11 as a juror, you're concerned about missing work?

12 PROSPECTIVE JUROR TURNAGE: Not necessarily
13 concerned about missing work. I just have some things
14 that I am the lead person on at work.

15 THE COURT: Okay. What is it that you're the
16 lead on?

17 PROSPECTIVE JUROR TURNAGE: There's a new project
18 that's being rolled out and I'm the facilitator for
19 it.

20 THE COURT: Okay. And when does that start?

21 PROSPECTIVE JUROR TURNAGE: Next week.

22 THE COURT: So it's not that you wouldn't
23 normally want to sit, it's just that this particular
24 project that you've probably been waiting for for
25 awhile is rolled out next week?

1 PROSPECTIVE JUROR TURNAGE: Yes.

2 THE COURT: And it's going to take how long to
3 roll it out?

4 PROSPECTIVE JUROR TURNAGE: Two weeks.

5 THE COURT: And so if let's say, for lack of a
6 better term, I forced you to be on the jury because
7 both sides thought you were the ultimate juror here,
8 would you be so distracted by the fact that you had to
9 sit as a juror, that you couldn't concentrate because
10 of the job that's not getting done?

11 PROSPECTIVE JUROR TURNAGE: Yes.

12 THE COURT: Would they have to push back the
13 rollback?

14 PROSPECTIVE JUROR TURNAGE: Possibly, yes.

15 THE COURT: Okay. So that's pretty much all
16 you've been thinking about and doing for a while now?

17 PROSPECTIVE JUROR TURNAGE: Yes.

18 THE COURT: It takes up all your time and effort?

19 PROSPECTIVE JUROR TURNAGE: It does.

20 THE COURT: Okay. For the two days that you were
21 here, were you really stressed out about being here
22 and not working?

23 PROSPECTIVE JUROR TURNAGE: Yes.

24 THE COURT: Okay. I kind of have something to go
25 back to since you've had to be here for two days.

1 All right. State?

2 MR. SARABIA: We're okay to release, Judge.

3 THE COURT: Defense?

4 MR. LIVERMORE: No problem.

5 THE COURT: All right. Ma'am, we're going to
6 release you. And I'm sorry to put you through that
7 stress for two days. We're going to take your badge
8 and you're good to go. You do not have to come back
9 tomorrow. Okay?

10 PROSPECTIVE JUROR TURNAGE: Thank you.

11 THE COURT: Or going forward. And again thank
12 you so much for being here.

13 PROSPECTIVE JUROR TURNAGE: Thank you.

14 THE COURT: Next is Alexis Coen.

15 Do you all have a form for Lumenello? Okay.
16 They're out there. They don't have a form and I
17 don't even know if we have a person.

18 Alexis Coen. Good afternoon, Ms. Coen. How
19 are you?

20 PROSPECTIVE JUROR COEN: Good. How are you?

21 THE COURT: I really appreciate you staying for
22 the last two days. I know you probably feel like,
23 well, there's only three or four of us left, but we've
24 been working through everybody as quickly as we can.

25 You said that you do not know if you would be

1 able to sit as a juror in this matter.

2 PROSPECTIVE JUROR COEN: Yes.

3 THE COURT: The timeframe that we're talking
4 about starting tomorrow would be 9:30 in the morning
5 every Monday through Friday, until 6:00 in the
6 afternoon, and weekends off, Veterans Day off, and you
7 would go home at 6:00 to, you know, stay in your own
8 bed.

9 So based on that, what do you have going on
10 that may interfere with you sitting as a juror?

11 PROSPECTIVE JUROR COEN: Well, I just started a
12 job.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR COEN: And I have two little
15 babies.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR COEN: Two years old and eight
18 months old.

19 THE COURT: So you got a lot going on?

20 PROSPECTIVE JUROR COEN: Yeah.

21 THE COURT: Okay. So who's taking care of the
22 kids now?

23 PROSPECTIVE JUROR COEN: Right now their dad;
24 but, like, he just got a job too.

25 THE COURT: And what hours are you working?

1 PROSPECTIVE JUROR COEN: I get off at 2:00 every
2 day, but I also have a second job at nighttime.

3 THE COURT: Okay. So you've been here two days.
4 Is the lack of pay stressing you out right now?

5 PROSPECTIVE JUROR COEN: A little bit. I could
6 be making a lot more.

7 THE COURT: Okay. And if I, for lack of a better
8 term, made you come and be a juror, would that cause a
9 significant financial hardship on you, your husband,
10 and your children?

11 PROSPECTIVE JUROR COEN: Not necessarily, no.

12 THE COURT: Okay. So your husband works and he
13 makes money?

14 PROSPECTIVE JUROR COEN: Uh-huh.

15 THE COURT: What about the kids? Your husband
16 wouldn't be able to work because he'd have to stay
17 home and take care of the kids?

18 PROSPECTIVE JUROR COEN: Well, I do have his
19 parents.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR COEN: They have them right now
22 because he just went to work. They have them.

23 THE COURT: All right. So let's say I forced you
24 to be on the jury, do you think you'd be able to
25 concentrate on this case or do you think your mind

1 would wander to the kids and to the work that you're
2 not doing?

3 PROSPECTIVE JUROR COEN: I could concentrate.

4 THE COURT: You could concentrate.

5 Okay. State?

6 MR. SARABIA: You also mentioned that you saw
7 something about this case on the news. Was that
8 recent or was that back in 2014?

9 PROSPECTIVE JUROR COEN: That was recent.

10 MR. SARABIA: What do you know about the case on
11 the news?

12 PROSPECTIVE JUROR COEN: It wasn't the news. It
13 was an article, very short. And it just said that the
14 man had killed the mother of the kid, her boyfriend,
15 and they found him with his son.

16 MR. SARABIA: All right. Based on what you read,
17 would you be able to put that out of your mind and pay
18 attention to the facts presented in the courtroom,
19 which may or may not be different from what the news
20 reported?

21 PROSPECTIVE JUROR COEN: Yes, sir.

22 MR. SARABIA: Based on what you've read and what
23 you know about it, do you have any preconceived
24 notions as to whether the defendant is guilty or not,
25 or would you be able to presume him innocent?

1 PROSPECTIVE JUROR COEN: No, sir -- I mean, yes.

2 Well, it depends on what the case would bring in.

3 MR. SARABIA: Would you be able to presume him
4 innocent?

5 PROSPECTIVE JUROR COEN: Until proven guilty,
6 yes.

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

9 THE COURT: Defense, any questions?

10 MR. LIVERMORE: No questions.

11 THE COURT: All right. Ma'am, I'm going to have
12 you step into the hallway and my bailiffs will give
13 you further information. Okay?

14 PROSPECTIVE JUROR COEN: Okay. Thank you.

15 THE COURT: And how do we feel about Ms. Coen?

16 MR. SARABIA: We can bring her back, Judge.

17 THE COURT: Coming back tomorrow? Yes?

18 Tell Ms. Coen we'll see her at 9:00 tomorrow
19 morning in the jury pool room.

20 Does anybody have paperwork for anybody named
21 Lumenello?

22 THE CLERK: No. They didn't check in today.
23 They're on the list, but they didn't show up today.

24 THE COURT: Okay. They're done. Saunders is
25 done, right?

1 THE CLERK: Yes.

2 THE COURT: So I have Young, Caksackkar, Hadesty,
3 and Kurtz.

4 THE CLERK: Yes.

5 THE COURT: Sid, I have the list right here.
6 Last four, you can line them up. And if there's
7 anybody else in there other than those four, I need to
8 know. If there's somebody over there that's not on
9 that list, we're in big trouble.

10 MR. LIVERMORE: It's like getting a job done and
11 having extra screws.

12 THE COURT: Right now we have 41 people coming
13 back tomorrow to go along with the 50 that we also
14 have coming back. So we're at 91. We've done very
15 well. Do you feel a little better about that? Do we
16 all feel a little better?

17 MR. LIVERMORE: My only concern is when I see the
18 list, are we going to be able to find any of the
19 paperwork that covers that?

20 THE COURT: Well, you have the 50.

21 MR. LIVERMORE: But I mean all the
22 questionnaires.

23 THE COURT: Oh, okay.

24 MR. LIVERMORE: Because we kind of got
25 discombobulated here.

1 THE CLERK: I can give you the list before you
2 leave of all the people who are coming back tomorrow,
3 if that helps.

4 MR. LIVERMORE: That would be good.

5 THE COURT: Alphabetically.

6 THE CLERK: Yes. Alphabetically.

7 THE COURT: And then they're going to randomize
8 them and put them in a seating chart. I don't know if
9 we'll have the seating chart tonight. We may have it.
10 They're going to start a new seating chart with the
11 randomized people coming back tomorrow. And that
12 seating chart, they're going to be starting in the row
13 back there.

14 MR. MICHAILOS: The first 50 are not going to be
15 randomized.

16 THE COURT: The 50 have already been randomized.
17 The 50 that are in the box, we had already put them in
18 the hopper and randomized them and put them. So we're
19 leaving them exactly where they were and we're
20 starting at that other side.

21 Are you ready with Mr. Young?

22 THE BAILIFF: Yes, Your Honor.

23 THE COURT: And we just have the four?

24 THE BAILIFF: Yes, Your Honor.

25 THE COURT: Nobody else over there?

1 THE BAILIFF: Nobody.

2 THE COURT: Okay. We'll bring Mr. Young in. We
3 had the person wandering around.

4 Good afternoon, Mr. Young. I am so sorry it's
5 taken so long. You're down to the last four.

6 PROSPECTIVE JUROR YOUNG: That's fine.

7 THE COURT: See, because this is a good thing,
8 right?

9 PROSPECTIVE JUROR YOUNG: Oh, yeah.

10 THE COURT: We were just hoping there wasn't more
11 than four over there.

12 Sir, on the questionnaire you indicated that
13 you would not be able to serve as a juror because
14 of work.

15 PROSPECTIVE JUROR YOUNG: Yes, ma'am.

16 THE COURT: Where do you work?

17 PROSPECTIVE JUROR YOUNG: I work at Orangewood
18 Lakes Mobile Home Park.

19 THE COURT: All right. And are you paid for your
20 jury service?

21 PROSPECTIVE JUROR YOUNG: No.

22 THE COURT: So you haven't been paid for the last
23 two days?

24 PROSPECTIVE JUROR YOUNG: No, no. I have been.
25 I received the \$15.

1 THE COURT: I meant by your employer?

2 PROSPECTIVE JUROR YOUNG: No, no. My employer
3 doesn't pay.

4 THE COURT: I'm sure you make more than \$15 a day
5 at your work?

6 PROSPECTIVE JUROR YOUNG: Oh, yes.

7 THE COURT: So being out of work for two days,
8 has that stressed you out a little bit?

9 PROSPECTIVE JUROR YOUNG: A little bit.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR YOUNG: I make payments on a
12 car. I'm financing a car.

13 THE COURT: So it's getting a little stressful?

14 PROSPECTIVE JUROR YOUNG: A little bit.

15 THE COURT: If you were forced to be here for
16 another three weeks, would that pretty much put you
17 way down?

18 PROSPECTIVE JUROR YOUNG: Oh, yeah. I wouldn't
19 have a car.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR YOUNG: I wouldn't have a job.

22 THE COURT: All right. And I doubt you could pay
23 attention to this trial if you couldn't get here
24 because you wouldn't have a car?

25 PROSPECTIVE JUROR YOUNG: No.

1 THE COURT: And you'd have a hard time paying
2 attention to the trial?

3 MR. SARABIA: Judge, we can release him.

4 THE COURT: Okay. Defense?

5 MR. LIVERMORE: Yes.

6 THE COURT: All right. So I know you've been
7 here a long time, but you're out. So thank you,
8 Mr. Young. You can leave your badge right there.

9 PROSPECTIVE JUROR YOUNG: All right.

10 THE COURT: And you're good to go. Thank you,
11 sir.

12 PROSPECTIVE JUROR YOUNG: Thank you.

13 THE COURT: And then I have Rosemary -- anybody
14 want to give me the pronunciation.

15 MR. LIVERMORE: I'm not even going to try this
16 one, Judge.

17 THE COURT: Caksackkar.

18 THE CLERK: Caksackkar.

19 THE COURT: Caksackkar.

20 MR. LIVERMORE: I'm sure being in school was a
21 lot of fun.

22 THE COURT: Poor kid. Hopefully she went to like
23 a Greek school.

24 THE BAILIFF: I have Ms. Caksackkar here, Your
25 Honor.

1 THE COURT: Ms. Caksackkar, come on in. We were
2 trying not to butcher your name so badly that it was
3 embarrassing.

4 PROSPECTIVE JUROR CAKSACKKAR: I appreciate that.

5 THE COURT: And again I want to apologize. I
6 know you've been here two long days and I appreciate
7 you coming back.

8 PROSPECTIVE JUROR CAKSACKKAR: Thank you.

9 THE COURT: Ma'am, and you're one of the last, so
10 that makes you the prize jurors.

11 You indicated that the timeframe that it would
12 take to be a juror in this case you could not do.

13 PROSPECTIVE JUROR CAKSACKKAR: That's correct.

14 THE COURT: And why?

15 PROSPECTIVE JUROR CAKSACKKAR: Well, I have to
16 look for a new job.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR CAKSACKKAR: I just gave a
19 two-weeks notice and I was on my second week.

20 THE COURT: Okay. So these two days, were you
21 paid for your jury service yesterday and today?

22 PROSPECTIVE JUROR CAKSACKKAR: Yes.

23 THE COURT: From your old job?

24 PROSPECTIVE JUROR CAKSACKKAR: That's correct.

25 THE COURT: But starting Friday, you're out of a

1 job and you need to find a new job?

2 PROSPECTIVE JUROR CAKSACKKAR: Yes, ma'am.

3 THE COURT: And if I had you sit as a juror,
4 you'd make \$15 a day. Would that cover your bills?

5 PROSPECTIVE JUROR CAKSACKKAR: No, ma'am.

6 THE COURT: And would being forced to be here
7 until Thanksgiving, would that cause you to be so
8 stressed out for the lack of a new job, that you'd
9 have a hard time being a fair and impartial juror for
10 either side?

11 PROSPECTIVE JUROR CAKSACKKAR: I have a class
12 that's scheduled the middle of November.

13 THE COURT: Okay. What kind of class?

14 PROSPECTIVE JUROR CAKSACKKAR: It's an insurance
15 adjusting class.

16 THE COURT: Are you teaching it or taking it?

17 PROSPECTIVE JUROR CAKSACKKAR: I'm taking it.

18 THE COURT: And did you already prepay for that?

19 PROSPECTIVE JUROR CAKSACKKAR: No, ma'am.

20 THE COURT: Okay. But you're trying to take
21 that. So that's the kind of job you're trying to get?

22 PROSPECTIVE JUROR CAKSACKKAR: Yeah. I'm looking
23 for a new career.

24 THE COURT: All right. And how often is that
25 exam given?

1 PROSPECTIVE JUROR CAKSACKKAR: I'm not sure.

2 THE COURT: But this one you know when it is and
3 you're going to take that one?

4 PROSPECTIVE JUROR CAKSACKKAR: Yeah. I've
5 already signed up.

6 THE COURT: You're registered but not paid?

7 PROSPECTIVE JUROR CAKSACKKAR: That's correct.

8 THE COURT: Okay. State, any questions?

9 MR. SARABIA: No questions, Judge.

10 THE COURT: Defense, any questions?

11 MR. LIVERMORE: No questions.

12 THE COURT: All right. Ma'am, I'm going to have
13 you step in the hallway and my bailiff will give you
14 further instructions. Okay?

15 PROSPECTIVE JUROR CAKSACKKAR: Thank you.

16 THE COURT: Thank you.

17 State, where do we stand?

18 MR. SARABIA: We're okay to release.

19 THE COURT: Defense?

20 MR. LIVERMORE: No problem.

21 THE COURT: All right. She can be released.

22 And we'll bring in Robert Hadesty. We have
23 Hadesty and Kurtz. That's all I've got. Anybody
24 got something that's not there?

25 MR. LIVERMORE: No.

1 THE COURT: Nice job everybody. We might be done
2 by 5:30. Bryan might get to go trick-or-treating with
3 the little ones.

4 Mr. Hadeisty.

5 THE BAILIFF: Mr. Hadeisty is here.

6 THE COURT: And then we have Ms. Kurtz.

7 Good afternoon, sir. How are you?

8 PROSPECTIVE JUROR HADESTY: Good.

9 THE COURT: Not last, though. I want to thank
10 you so much for coming back today and staying here all
11 day.

12 PROSPECTIVE JUROR HADESTY: No problem.

13 THE COURT: And we randomly did this. It has
14 nothing personal for you.

15 Originally you said that you might be able to
16 serve on the jury, if chosen, based on the
17 timeframe, and then you scratched it out and said,
18 no.

19 Did you make some phone calls? Talk to your
20 boss? Are you pretty sure you couldn't do it?

21 PROSPECTIVE JUROR HADESTY: I haven't talked to
22 him yet.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR HADESTY: But it be kind of
25 hard.

1 THE COURT: What work do you do?

2 PROSPECTIVE JUROR HADESTY: Manager.

3 THE COURT: Okay. For where?

4 PROSPECTIVE JUROR HADESTY: Morgan Exteriors,
5 Bath Planet.

6 THE COURT: All right. And are you normally paid
7 for jury service?

8 PROSPECTIVE JUROR HADESTY: This is my first time
9 with this company.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR HADESTY: So I'm not sure.

12 THE COURT: Are you pretty new to this company?

13 PROSPECTIVE JUROR HADESTY: No. Over five years.

14 THE COURT: Okay. So if you are paid, would that
15 be the only thing to keep you or is it just you got
16 some current job that's going on that you need to be
17 at or are you just one person that doesn't like to
18 miss work?

19 PROSPECTIVE JUROR HADESTY: Well, a combination.
20 I mean, there's a lot of responsibility that falls in
21 my position. So if I'm gone for a long period of
22 time, it might be tougher on the company.

23 THE COURT: Okay. Now, it could be that both
24 sides think you are the ultimate juror and they want
25 you to be their juror and they want you to sit as a

1 juror. And let's say I forced you, for lack of a
2 better term, to sit on the jury, do you think that you
3 would or could concentrate on the facts and the
4 evidence in this case and render a verdict?

5 PROSPECTIVE JUROR HADESTY: Yeah.

6 THE COURT: And maybe talk to them in the
7 morning. Because you wouldn't come in until 9:30,
8 you'd be out by 6:00. Maybe you could do some of the
9 supervising stuff before that and after that. Do you
10 think you could do that?

11 PROSPECTIVE JUROR HADESTY: Yeah. There's ways
12 to work around the schedule.

13 THE COURT: All right. State?

14 MR. SARABIA: I don't have any questions, Judge.

15 THE COURT: Defense, any questions?

16 MR. LIVERMORE: No.

17 THE COURT: All right. Sir, I'm going to have
18 you step outside and we'll give you further
19 instructions in just a moment. I promise you'll be
20 out of here in just a few minutes.

21 PROSPECTIVE JUROR HADESTY: Okay.

22 THE COURT: I'm not promising you won't have to
23 come back. Okay?

24 PROSPECTIVE JUROR HADESTY: Okay.

25 THE COURT: State?

1 MR. SARABIA: I don't think there's any reason to
2 release him, Judge.

3 THE COURT: Defense, you want him to come back?
4 Your call.

5 MR. LIVERMORE: No. But I don't have any valid
6 reason.

7 THE COURT: Valid reason.

8 Okay. Tell Mr. Hadesty that he's to come back
9 tomorrow morning at 9:00 AM. And if he could check
10 with his --

11 MR. PURA: Judge, were you giving us the option
12 to cause him, because we will?

13 THE COURT: No. He's coming back. Ask him to
14 check with his supervisor or his boss and find out if
15 he's paid for jury service; but he has to come back at
16 9:00 tomorrow.

17 THE BAILIFF: Yes, Judge.

18 THE COURT: Okay. And then we'll have Ms. Kurtz.
19 I thought he could have at least thrown me a
20 bone in there, but he couldn't give me even a valid
21 reason.

22 MR. PURA: Yeah.

23 THE COURT: He's just a hard working guy.

24 All right. Other than Ms. Kurtz, does anybody
25 have anybody else that they think that we didn't

1 talk to?

2 MR. SARABIA: No, Judge.

3 THE COURT: Okay. Are we ready with
4 Ms. Kurtz?

5 THE BAILIFF: Yes, Your Honor.

6 THE COURT: You are the last and greatest juror.
7 And I can guarantee you there was nothing personal.

8 PROSPECTIVE JUROR KURTZ: Okay.

9 THE COURT: We just put everybody's in and it
10 randomly came out.

11 So, Ms. Kurtz, I appreciate the two days that
12 you've been here. We just have a few more
13 questions to find out if we're going to keep you or
14 we're going to send you -- we're sending you home
15 one way or another in a few minutes, but we may
16 have to have you come back.

17 So in your jury questionnaire you said that
18 you could serve but it would be difficult. And so
19 I'm trying to get a feel on how difficult, what's
20 difficult, and what would be the barriers for you
21 being a juror if both sides thought you were the
22 person for them, that you would be the best juror
23 that they could think of to serve on this case.

24 PROSPECTIVE JUROR KURTZ: Well, I guess difficult
25 because it's hard to sit that long.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR KURTZ: I'm retired.

3 THE COURT: All right. So retired means
4 time-wise you're good?

5 PROSPECTIVE JUROR KURTZ: Yes.

6 THE COURT: Difficult because you have back
7 problems? Leg problems?

8 PROSPECTIVE JUROR KURTZ: No. No. Just, you
9 know, I'm not very patient.

10 THE COURT: Okay. Well, I know the feeling.

11 PROSPECTIVE JUROR KURTZ: Yeah. Okay.

12 THE COURT: But we all put that aside.

13 These are the chairs that you would be sitting
14 in if you were chosen to be the number one juror
15 for us. I take a break every hour and a half. I
16 give an hour for lunch. We'll come in at 9:30,
17 we'll be out by 6:00, weekends off, Veterans Day
18 off.

19 Based on that, do you think you would be able
20 to concentrate long enough to serve as a juror in
21 this case?

22 PROSPECTIVE JUROR KURTZ: Yes.

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

25 MR. SARABIA: No, Judge.

1 THE COURT: And you did say that you have a
2 two-year degree as a mental health assistant?

3 PROSPECTIVE JUROR KURTZ: It was mental health
4 technician.

5 THE COURT: Okay. But you're retired from
6 whatever business that you did before you retired?

7 PROSPECTIVE JUROR KURTZ: Yes. I was a school
8 board employee.

9 THE COURT: You were a school board employee.
10 Okay.

11 All right. Defense, any questions?

12 MR. LIVERMORE: No.

13 THE COURT: All right. I think you've answered
14 well enough to come back tomorrow. I can guarantee
15 you you're in the big pool tomorrow.

16 PROSPECTIVE JUROR KURTZ: Okay.

17 THE COURT: We have at this point I think 95
18 jurors coming back, somewhere around there. We'll all
19 be in here together, a lot more questions, and
20 hopefully we'll have our jury picked by tomorrow
21 afternoon.

22 So you do have to come back tomorrow for the
23 further questioning. And whether you're the
24 greatest juror ever that both sides think of, we'll
25 find out tomorrow.

1 But I really appreciate it. I know it's been
2 a long two days. Tomorrow a lot less sitting doing
3 nothing; a lot more sitting doing something. Okay?

4 PROSPECTIVE JUROR KURTZ: Okay.

5 THE COURT: So we'll see you tomorrow morning
6 downstairs in the jury pool room at 9:00 AM. Okay?

7 PROSPECTIVE JUROR KURTZ: Okay.

8 THE COURT: All right. Thank you, ma'am.

9 PROSPECTIVE JUROR KURTZ: Thank you.

10 THE COURT: All right. Kelly has our list. Are
11 you going to print it out?

12 THE CLERK: I am.

13 THE COURT: She's the awesomest clerk ever. It's
14 printing right here. She has a list for you. It's
15 alphabetical, but it is not the way they will be
16 seated in the chart. We won't have the additional
17 chart until tomorrow morning, but you can take the
18 list and organize it with your questionnaires. Okay?

19 Mr. Matos, you've been here throughout. Any
20 problems with what we've done so far?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Okay. Well, we'll see you tomorrow.
23 We'll have you come over at the same time and get you
24 dressed out. The jurors are coming in about 9:00.
25 We'll probably bring them up at 9:30.

1 I will tell you that we cannot start until one
2 of our jurors from today, she's dropping off her
3 child. We had her come back. So we have to wait
4 until she gets -- she's got to drop off her child
5 tomorrow, walk her in.

6 MR. MICHAÏLOS: Who is that?

7 THE COURT: Ms. Thomas. So as soon as she gets
8 here, we'll start. Okay? But that will give you guys
9 a little bit more time to organize the chart. We'll
10 have the chart for you at 8:30. Okay? So I will have
11 the chart for you at 8:30, but I do have the list for
12 you tonight.

13 MR. LIVERMORE: Judge, I have the two motions,
14 and they're dated today. So I'll just give them to
15 the clerk and we can deal with them when we have time.

16 THE COURT: Tomorrow?

17 You guys, you want to come at 8:30 or 9:00
18 tomorrow? It's been a long two days. Do you want
19 to come at 9:00?

20 MR. SARABIA: That's fine. I am good with
21 whatever time the Court says.

22 MR. MICHAÏLOS: Yes, please.

23 THE COURT: Okay. Bailiffs, we will have the
24 defendant at 9:00. Okay?

25 THE BAILIFF: 9:00 tomorrow.

1 THE COURT: So he doesn't have to be on the first
2 bus tomorrow. He can come over at 9:00 tomorrow.
3 Okay? I know I have a memo out there, but we're good
4 for 9:00 tomorrow. Okay? It's been a long two days
5 for him too and you guys.

6 MR. SARABIA: Judge, there are two things I'd
7 like to bring up. The motion in limine regarding the
8 photos that are still undecided, do you have a
9 timetable when you're going to want to address that?

10 THE COURT: After I pick the jury.

11 MR. SARABIA: Okay.

12 MR. MICHAÏLOS: I don't believe you're going to
13 be showing the photographs in jury selection, are you?

14 MR. SARABIA: No.

15 MR. MICHAÏLOS: Okay.

16 MR. SARABIA: Also, we had provided two redacted
17 copies of interviews the defendant did to the Defense
18 a while ago. They just recently got back to me with
19 one of them. There are some things they would like
20 cut out that we don't think they should be cut out.

21 You're going to have to make the
22 determination. But if you decide any of them get
23 cut out, after you hear the case, I have to send it
24 off to somebody to get it done. So it's something
25 that the sooner I know if anything needs to be cut

1 out, the better.

2 THE COURT: Okay. Well, why don't we discuss
3 that particular issue at 9:00 tomorrow --

4 MR. SARABIA: Okay.

5 THE COURT: -- since I don't think we're going to
6 be starting with the jury at 9:00, because I think
7 she's going to be a little later than that. So that
8 issue about the redaction we definitely will do at
9 9:00 tomorrow morning.

10 MR. SARABIA: Okay.

11 THE COURT: And with the photographs, we can deal
12 with that after the jury selection. Are you showing
13 these photographs in opening statement?

14 MR. SARABIA: No. No, Judge.

15 THE COURT: Okay. I mean, we'll definitely get
16 to the photographs way before they're shown. And I
17 mean they just want them out and I'm sure you want
18 them in and we'll go over the reasons and how you're
19 going to justify that.

20 I've looked at the case law. I pulled the
21 case law. So I'm prepared to talk about it, but I
22 really want the actual photograph that you're going
23 to be showing the jury.

24 MR. SARABIA: Okay.

25 THE COURT: And yesterday when we talked about

1 it, I had, you know, copies and he handed me the
2 motion, and I thought we'll deal with that when it's
3 necessary.

4 So I don't think it's going to be a
5 significant problem for the State whether I leave
6 it in or take it out, one or two photographs.

7 MR. SARABIA: It depends on the photograph.

8 THE COURT: I understand.

9 MR. MICHAÏLOS: Judge, I think there's more than
10 one or two photographs. There was actually two
11 separate motions. One referenced the photos we got
12 from the State in paper copy; the other referenced
13 what was in the CD. I'm not sure of the total number
14 that we were talking about, Judge.

15 THE COURT: It couldn't be a handful.

16 MR. MICHAÏLOS: I don't think it's a handful.

17 THE COURT: But the CD definitely we'll discuss
18 at 9:00 tomorrow. We'll put off the photographs. If
19 we have to wait until after, you know, opening
20 statements, we'll do it in the afternoon of that day,
21 whatever. Okay? So nobody is showing any gruesome
22 photographs before we have that hearing.

23 MR. SARABIA: Okay. There are very few, but some
24 that I would expect that will come out in day one, but
25 towards the end of day one.

1 THE COURT: We'll discuss it before we start with
2 the first witness. I can guarantee you that.

3 MR. SARABIA: Okay.

4 THE COURT: I'm just saying, you know, if
5 something is an emergency, like the CD, you have to
6 send it off, that kind of thing, we can maybe do that.
7 Photographs we can do before the first witness.

8 MR. MICHAILOS: Day one probably won't be
9 tomorrow most likely?

10 THE COURT: No. I don't see us putting on any
11 witnesses tomorrow.

12 MR. MICHAILOS: I don't think so.

13 THE COURT: I see it's going to take all day to
14 pick the jury. So I expect tomorrow, when we leave,
15 it will be with the jury that's picked and we'll be
16 telling them to come back on Thursday to start with
17 opening statements. So the State was right on their
18 timing on this matter whether I liked it or not.

19 MR. SARABIA: We didn't want to be right, Judge.

20 THE COURT: Well, we gave ourselves the time and
21 we used the time. So it's never a bad thing. There's
22 no reason to push. We need a good jury. We need a
23 thorough jury. We need somebody that's going to
24 listen closely to the evidence and be prepared for the
25 case. So I think we have a really good group to

1 choose from.

2 All right. So, Mr. Matos, we'll see you
3 tomorrow. We'll be in recess until 9:00.

4 (HEARING CONCLUDED.)

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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
Registered Professional Reporter

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