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

2 THE COURT: You may be seated. Deputy
3 Cleaver, whenever you've got them ready, bring them
4 on in.

5 THE BAILIFF: Yes, Your Honor.

6 THE COURT: How much more time do you think
7 you've got, Mr. LaBruzzo?

8 MR. LABRUZZO: I'd like to get it all done in
9 an hour. We are moving pretty quick. So maybe
10 less than that.

11 THE COURT: So what's the thought? They're
12 going to have to come back tomorrow?

13 MR. LABRUZZO: Yes, I guess.

14 THE BAILIFF: Judge, are we ready?

15 THE COURT: The jury is coming in.

16 (Prospective Jurors Present.)

17 THE BAILIFF: The prospective jury has been
18 seated.

19 THE COURT: Thank you. State, you may
20 continue.

21 MR. LABRUZZO: Thank you, Your Honor.

22 Where I left off, I was discussing the
23 evidence from the first phase of the trial, that
24 same evidence can be used in the second phase of
25 the trial. And just to make sure I got an answer,

1 was there anyone who has an issue with doing that?
2 Everybody promise us to pay attention in that
3 purpose?

4 THE PROSPECTIVE JURY: (No audible response.)

5 THE COURT: Okay. All right. So the Court
6 kind of laid out a procedure that the jury would
7 follow. And I will suggest to you that a juror in
8 the second phase of the case needs the same skills
9 and the same ability to be a fact finder and law
10 applier. All right. Those skills and those job
11 descriptions are equally as important in both
12 phases of the case.

13 The Court will present to you and it will be
14 read to you as to the fact that the State has the
15 burden, meaning we have to prove to you beyond a
16 reasonable doubt the existence of at least one or
17 more aggravating factors in a case. All right?

18 And everything I discuss with you is to each
19 individual count for which the jurors return a
20 verdict of guilty as to murder in the first degree.
21 So there's an individual determination as to each
22 count. All right. Does everyone understand that
23 so far? Are you keeping up with me? If someone
24 doesn't understand something, it's okay to raise
25 your hand.

1 There are a number of inquiries that a jury
2 has to do. Okay. A jury has to say that the State
3 has proven beyond a reasonable doubt the existence
4 of at least one or more aggravating factor. All
5 right. And you have to do that unanimously.

6 If you've done that, then the next inquiry for
7 a jury is to determine whether or not the
8 aggravator is sufficient to warrant the death
9 penalty. All right. And that is the job of the
10 jury to sit back there and come up and to determine
11 whether or not the aggravating factor is one that
12 is sufficient to warrant death. All right.

13 At this stage of the process if any one
14 particular juror thinks that death -- the
15 individual aggravator is not sufficient, the
16 inquiry stops here. Okay. At this stage it does
17 not have to be unanimous. If you say it's not,
18 then the inquiry stops.

19 If you unanimously find that the aggravating
20 factor -- and, again, I haven't told you what the
21 aggravating factors are. I get that. And I
22 haven't told you what the mitigating circumstances
23 are. I get that. But follow me, if you will, that
24 the aggravating factor is sufficient to warrant the
25 death penalty, then you would move on to the next

1 inquiry.

2 The next inquiry is to determine whether or
3 not the defendant is eligible for the death
4 penalty. And this is done by weighing the
5 aggravating factor, determine whether that
6 outweighs the mitigating circumstances. Okay.

7 The mitigating circumstances could be
8 anything. In fact, the law says that anything can
9 be a mitigating circumstance. Anything that a
10 juror could attach the value of life to can be a
11 mitigating circumstance. It can come from the
12 first phase. It can also come from evidence in the
13 second phase. All right.

14 I'm not going to go into what are the
15 mitigating circumstances, but suffice it to say, it
16 could be anything. All right?

17 PROSPECTIVE JUROR HARVEY: (Indicating.)

18 MR. LABRUZZO: Yes, sir. Mr. Harvey?

19 PROSPECTIVE JUROR HARVEY: Yes.

20 MR. LABRUZZO: Yes, sir.

21 PROSPECTIVE JUROR HARVEY: You touched on it
22 very briefly and it kind of hit me. Does the jury
23 have to be unanimous in the death penalty?

24 MR. LABRUZZO: Yes, it does.

25 PROSPECTIVE JUROR HARVEY: Okay.

1 MR. LABRUZZO: There are certain inquiries
2 that I'm kind of going through, but ultimately if a
3 jury is to reach a verdict and to have a verdict
4 for death, it has to be unanimous. Okay?

5 And I'll get there in a second. You're like
6 my fourth inquiry. You got ahead of me. That's
7 good. But let's just make it clear about that.
8 Along that point, does everyone here understand
9 that there is nothing in the law that requires a
10 verdict of death, right?

11 That's why we're kind of going through this
12 entire process is to present to you -- there will
13 be a case as to the determination of guilt, and
14 then there will be a second -- if there is a
15 determination of guilt beyond a reasonable doubt,
16 then there will be a second phase as to the death
17 penalty.

18 Does everyone understand that the law does not
19 require there to be a verdict of death? Does
20 everyone understand that?

21 THE PROSPECTIVE JURY: Yes.

22 MR. LABRUZZO: Okay. And that is for this
23 case, any case under the law. All right. Does
24 everyone understand that?

25 THE PROSPECTIVE JURY: Yes.

1 MR. LABRUZZO: Okay. Thank you.

2 So we're at this third inquiry, the weighing
3 of the aggravator against the mitigating
4 circumstance. All right.

5 The jury has to agree unanimously, again,
6 Mr. Harvey, that that exists. Right? You have to
7 all agree that the aggravator outweighs the
8 mitigator. All right -- the mitigating
9 circumstances. Excuse me.

10 If there's not a unanimous verdict,
11 Mr. Harvey, at that point you can stop your
12 inquiry. Do you understand? But if you are
13 unanimous that the aggravating factor outweighs the
14 mitigating circumstances, then there is the last
15 inquiry, that is, one, determine that the death
16 penalty is an appropriate sentence in this case.
17 Okay? Or for that count. There are multiple
18 counts. A jury could have a verdict as to the
19 death penalty on one count and not another based on
20 facts of the case. Okay?

21 Does everyone understand that?

22 THE PROSPECTIVE JURY: Yes.

23 MR. LABRUZZO: All right. Let's talk about
24 this last inquiry, and this is the inquiry as to
25 whether or not the death penalty is the appropriate

1 sentence in a case. All right.

2 And I'm talking about it in legal terms, the
3 death penalty. We talked about it as a potential
4 punishment in this case; but, in fact, it is the
5 taking of a human life through legal means. Okay?
6 It is, in fact, killing a person. All right. It
7 has to be a unanimous decision of the jury. All
8 right.

9 And we are asking you, as potential jurors in
10 a case, to be both fair and impartial and to
11 consider that as a potential punishment in the
12 case. All right. So the two punishments are, as
13 the Court indicated to you, life in prison, which
14 means without the possibility of parole. Life in
15 the state of Florida means life. All right. It
16 means that there is no chance of getting out, if
17 that is the particular sentence that he's given.
18 All right.

19 The other sentence that we're asking you to
20 consider in this case, based on aggravating
21 factors, which will be shown to you or hopefully
22 we'll give you the evidence and determine whether
23 or not it was proven, is whether or not the
24 defendant should be sentenced to death in this
25 case. All right.

1 That can be a heavy question for people to
2 think about. All right. So I'm going to ask you
3 to kind of think about that a little bit. The
4 overriding question is pointblank could you sit,
5 listen to facts, apply the law, and consider the
6 fact that your verdict, along with the other
7 members of the jury, if it was unanimous, would
8 mean the death of another individual?

9 All right. We're asking you to consider that
10 and that's what the law asks of you. It asks you
11 to give meaningful consideration to the evidence
12 and to both sentences. All right.

13 So we presented you with a questionnaire that
14 you all filled out, and one of the questions on
15 there asks you to put on a scale of 1 to 10, based
16 on your opinion of the death penalty, on a scale of
17 1 to 10, where 1 means the death penalty is never
18 appropriate, and 10 meaning that the death penalty
19 is always appropriate.

20 All right. I want to talk to you about some
21 of the answers that were given, and I want to make
22 sure that we have an understanding that what we're
23 asking of you is something that you can do.

24 All right. So to be a juror in a penalty
25 phase means that, again, you will follow the law as

1 it relates to that. If you feel like you cannot
2 follow the law as to the things of which I've just
3 discussed, those inquiries and as the Court
4 instructs you, we need to know about that.

5 All right. Not following the law means you
6 would not give meaningful consideration to the law
7 and that you would not follow the law and that
8 could be for any reasons. It can be for religious
9 reasons. It could be for personal reasons. It
10 could be for any reason. All right. If you say,
11 hey, you know what, that question is too heavy for
12 me, I cannot follow the law, and I can move on.

13 What we're asking you to do is if you can
14 follow the law and go through those steps. Right?
15 To listen to the aggravators, listen to the
16 mitigators, determine whether or not it's
17 sufficient, whether or not he's eligible, and
18 whether or not you're willing to make a verdict.

19 What verdict you come to is your own as a
20 juror. Right? We do not participate in that.
21 That is a jury as whole. You have to unanimously
22 agree. All right. Does everyone understand, as I
23 start to go through individual questions?

24 THE PROSPECTIVE JURY: Yes.

25 MR. LABRUZZO: Okay. So that inquiry was

1 based on that 1 it is never appropriate. That is
2 also akin to saying that I would not follow law
3 regardless of the circumstances, I will not listen
4 to aggravators, I will not listen to mitigators, I
5 do not want to follow the law as it relates to
6 that, and that is your individual opinion.

7 Five is somewhere in the middle. Anywhere in
8 between. When you get closer to the middle, based
9 on your opinion, is that you're going to keep an
10 open mind, that you'll listen to what we have to
11 say, you'll listen to what the other attorneys have
12 to say, and you'll use those same skills, those
13 fact finding and those law applying skills, that
14 I'll do that. Again, I'm not asking you for a
15 promise of any type of outcome. I'm just asking
16 that you are promising us that you will follow the
17 law.

18 Ten, on a scale of that, is kind of someone
19 that's saying, listen, regardless of the facts of
20 the case, that if someone is found guilty of murder
21 in the first degree as to one count, that is an
22 automatic sentence of death, in their minds. That
23 regardless of the aggravators, regardless of the
24 mitigators, that there's no way about that, that I
25 cannot follow the law in the opposite direction.

1 Okay.

2 Does everyone understand where we're at?

3 THE PROSPECTIVE JURY: Yes.

4 MR. LABRUZZO: Okay. So my skill is a little
5 bit different than the skill that we discussed in
6 the questionnaire, but I'm going to use that as a
7 way to guide our conversation. Okay?

8 So again I'm going to go individually. I
9 promise we're going to want to talk to everyone.
10 So I'm going to start in the front.

11 I'm going to start with Ms. Patel. How are
12 you doing, ma'am?

13 PROSPECTIVE JUROR PATEL: Good.

14 MR. LABRUZZO: Again, you did not answer the
15 question as it relates to the death penalty
16 question and that you did not have any opinion.
17 As you sit here today, do you have an opinion? Has
18 time allowed you to reflect on that?

19 PROSPECTIVE JUROR PATEL: No.

20 MR. LABRUZZO: No.

21 PROSPECTIVE JUROR PATEL: I don't.

22 MR. LABRUZZO: You do not have an opinion?

23 PROSPECTIVE JUROR PATEL: No.

24 MR. LABRUZZO: If we were to ask you could you
25 follow the law as it relates to the instructions of

1 the Court as to those inquiries I described, could
2 you do that?

3 PROSPECTIVE JUROR PATEL: Yes.

4 MR. LABRUZZO: Could you promise us that you
5 would listen to the facts of the case and follow
6 the law related to the aggravators and related to
7 the mitigators?

8 PROSPECTIVE JUROR PATEL: Yes.

9 MR. LABRUZZO: All right. If I were to ask
10 you now as you sit here, on that scale that we've
11 just discussed, where would you place yourself?

12 PROSPECTIVE JUROR PATEL: Can you repeat that
13 again.

14 MR. LABRUZZO: Sure. On that scale that I
15 discussed, that 1 to 10 scale that I discussed, if
16 I were to ask you where do you think you fall now,
17 would you be -- again, it kind of sounds like a 5,
18 if you're telling us you're willing to listen to
19 the evidence; is that correct?

20 PROSPECTIVE JUROR PATEL: Yes.

21 MR. LABRUZZO: And it's often sometimes
22 described that you'd be an open book, a clean slate
23 as it relates to the issues, that you're willing to
24 give meaningful consideration to the evidence. Is
25 that where you put yourself?

1 PROSPECTIVE JUROR PATEL: Yes.

2 MR. LABRUZZO: Does that sound fair?

3 PROSPECTIVE JUROR PATEL: Yes.

4 MR. LABRUZZO: Okay I put it in your mouth.

5 I just want to make sure that that's how you really
6 feel.

7 PROSPECTIVE JUROR PATEL: Yes.

8 MR. LABRUZZO: All right. Thank you, ma'am.
9 Ms. Wanamaker.

10 PROSPECTIVE JUROR WANAMAKER: Yes.

11 MR. LABRUZZO: Same question to you. Where
12 would you put yourself?

13 PROSPECTIVE JUROR WANAMAKER: Right in the
14 middle.

15 MR. LABRUZZO: All right.

16 PROSPECTIVE JUROR WANAMAKER: Until I have the
17 facts, I cannot judge.

18 MR. LABRUZZO: Right. But you would give
19 meaningful consideration to both sides?

20 PROSPECTIVE JUROR WANAMAKER: Yes, I would.

21 MR. LABRUZZO: And you understand that that
22 means listening to the facts and applying the law
23 as the Court instructs you?

24 PROSPECTIVE JUROR WANAMAKER: Yes.

25 MR. LABRUZZO: All right. Even if the law is

1 slightly different than what you thought or
2 different than what I just said, the law that comes
3 from the Court is what you should follow.

4 PROSPECTIVE JUROR WANAMAKER: Yes.

5 MR. LABRUZZO: And you could do that for us?

6 PROSPECTIVE JUROR WANAMAKER: Yes.

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

8 Mr. Schambeau, sir, and where would you place
9 yourself?

10 PROSPECTIVE JUROR SCHAMBEAU: I mean, when I
11 did the questionnaire, I was pushing a 10 on that.

12 MR. LABRUZZO: Right.

13 PROSPECTIVE JUROR SCHAMBEAU: But as far as
14 the way you're describing, I'm changing it a little
15 bit, my opinion of how it is, I would say it would
16 be more in a 5 range. So I can be more open on
17 what the facts and what we are told and instructed
18 to do.

19 MR. LABRUZZO: All right. And so you would
20 give meaningful consideration to the things that
21 we're talking about?

22 PROSPECTIVE JUROR SCHAMBEAU: Yes.

23 MR. LABRUZZO: You're not foreclosed to one
24 side or the other?

25 PROSPECTIVE JUROR SCHAMBEAU: No.

1 MR. LABRUZZO: Can you follow the law?

2 PROSPECTIVE JUROR SCHAMBEAU: Yes.

3 MR. LABRUZZO: All right. Thank you,
4 Mr. Schambeau.

5 Ms. Coleman.

6 PROSPECTIVE JUROR COLEMAN: Hi.

7 MR. LABRUZZO: How are you doing, ma'am?

8 PROSPECTIVE JUROR COLEMAN: I also put a 10.

9 MR. LABRUZZO: Yes.

10 PROSPECTIVE JUROR COLEMAN: But I believe it
11 is appropriate if the facts warrant that.

12 MR. LABRUZZO: Okay. And so if the State were
13 to present you evidence of an aggravating factor,
14 okay, would you keep an open mind and listen to
15 evidence of mitigation?

16 PROSPECTIVE JUROR COLEMAN: Of course.

17 MR. LABRUZZO: All right. Do you think you
18 could follow the law as to weighing the aggravation
19 versus the mitigation? Do you think you could do
20 that?

21 PROSPECTIVE JUROR COLEMAN: Yes.

22 MR. LABRUZZO: All right. If someone were to
23 be found guilty of murder in the first degree,
24 would you automatically say that the only
25 punishment is death?

1 PROSPECTIVE JUROR COLEMAN: No.

2 MR. LABRUZZO: All right.

3 PROSPECTIVE JUROR COLEMAN: But I would need
4 the definition of those factors that we need to
5 weigh in.

6 MR. LABRUZZO: I totally get it. I am
7 purposely not describing those things for you
8 because, again, that's part of the law, it comes
9 from the Court, and I get that that could be
10 difficult.

11 It makes it somewhat easier to say would you
12 be willing regardless of what it is?

13 PROSPECTIVE JUROR COLEMAN: Yes.

14 MR. LABRUZZO: You know, it has to be very
15 specific, I'll tell you that much. The law says
16 only specific things can be an aggravator. Or,
17 again, anything can be mitigation, anything that
18 you would attach the value of life to.

19 That being said, where would you place
20 yourself on a scale of 1 to 10?

21 PROSPECTIVE JUROR COLEMAN: To be fair,
22 probably a 6.

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

24 Mr. Darner, good afternoon.

25 Again, I will ask you on that scale, where do

1 you think you place yourself?

2 PROSPECTIVE JUROR DARNER: Five.

3 MR. LABRUZZO: All right. Keep an open mind,
4 right? You can listen to the aggravation and the
5 mitigation in the case?

6 PROSPECTIVE JUROR DARNER: Correct.

7 MR. LABRUZZO: All right. And would you have
8 any difficulty with that?

9 PROSPECTIVE JUROR DARNER: No.

10 MR. LABRUZZO: All right. thank you, sir.

11 Ms. Goodrich.

12 PROSPECTIVE JUROR GOODRICH: Yes.

13 MR. LABRUZZO: Good afternoon, ma'am.

14 PROSPECTIVE JUROR GOODRICH: Hi.

15 MR. LABRUZZO: How are you doing?

16 PROSPECTIVE JUROR GOODRICH: Good.

17 MR. LABRUZZO: I'll ask you the same question.

18 PROSPECTIVE JUROR GOODRICH: I was a 6 then,
19 and I'm probably a 5, 6 now.

20 MR. LABRUZZO: All right, ma'am.

21 PROSPECTIVE JUROR GOODRICH: I have an open
22 mind to it.

23 MR. LABRUZZO: You can keep an open mind to
24 it?

25 PROSPECTIVE JUROR GOODRICH: Yes.

1 MR. LABRUZZO: And you understand obviously
2 it's somewhat different of a question, the question
3 that you are close to 6?

4 PROSPECTIVE JUROR GOODRICH: (Indicating
5 affirmatively.)

6 MR. LABRUZZO: Thank you. And you're shaking
7 your head. Can you say, yes, for us.

8 PROSPECTIVE JUROR GOODRICH: Yes.

9 MR. LABRUZZO: Thank you. I appreciate it.

10 All right. Ms. Zelinski-Lopez, how are you
11 doing, ma'am?

12 PROSPECTIVE JUROR ZELINSKI-LOPEZ: Good.

13 MR. LABRUZZO: And how do you feel based on
14 the question that I asked?

15 PROSPECTIVE JUROR ZELINSKI-LOPEZ: I'm 1.

16 MR. LABRUZZO: All right.

17 PROSPECTIVE JUROR ZELINSKI-LOPEZ: I was a 3,
18 but I'm a 1.

19 MR. LABRUZZO: Okay. So regardless of what
20 the law says, you won't listen to the aggravation
21 and won't give, I guess, that part of the law and
22 the facts any kind of consideration?

23 PROSPECTIVE JUROR ZELINSKI-LOPEZ: In the case
24 of the death penalty, no.

25 MR. LABRUZZO: All right.

1 PROSPECTIVE JUROR ZELINSKI-LOPEZ: Maybe three
2 days ago I would have considered that in rare
3 circumstances, but things are getting real now and
4 I realize I would not.

5 MR. LABRUZZO: Time has allowed you to reflect
6 on that a little bit?

7 PROSPECTIVE JUROR ZELINSKI-LOPEZ: Yes. Yep.

8 MR. LABRUZZO: And that's just not something
9 you're willing to consider?

10 PROSPECTIVE JUROR ZELINSKI-LOPEZ: No.

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

12 All right. Mr. Burri.

13 PROSPECTIVE JUROR BURRI: Yes.

14 MR. LABRUZZO: I'm going to go row by row in
15 the back. How are you doing, sir?

16 PROSPECTIVE JUROR BURRI: Good.

17 MR. LABRUZZO: I'm going to ask you the same
18 question.

19 PROSPECTIVE JUROR BURRI: I'm more of a 5 or 6
20 now. I think I put down a 10 also.

21 MR. LABRUZZO: Okay. Just so we're clear,
22 that a verdict of guilty on a charge of murder in
23 the first degree doesn't automatically mean a death
24 sentence for you?

25 PROSPECTIVE JUROR BURRI: Correct.

1 MR. LABRUZZO: All right. You're willing to
2 listen to the evidence and the facts of the case?

3 PROSPECTIVE JUROR BURRI: Yes, sir. I'm
4 open-minded with it.

5 MR. LABRUZZO: You're open-minded with it?

6 PROSPECTIVE JUROR BURRI: Yes.

7 MR. LABRUZZO: All right, sir. And you think
8 you could sit as a juror and listen to evidence as
9 it relates to that?

10 PROSPECTIVE JUROR BURRI: Yes, sir.

11 MR. LABRUZZO: All right. Thank you, sir. I
12 appreciate it.

13 Ms. Leavy, how are you doing, ma'am?

14 PROSPECTIVE JUROR LEAVY: Good. You got it
15 right.

16 MR. LABRUZZO: It took me a while.

17 PROSPECTIVE JUROR LEAVY: I didn't put
18 anything down.

19 MR. LABRUZZO: You didn't.

20 PROSPECTIVE JUROR LEAVY: Because I asked for
21 an explanation of the scale.

22 MR. LABRUZZO: You did.

23 PROSPECTIVE JUROR LEAVY: Which you so nicely
24 did, and I will say fine.

25 MR. LABRUZZO: All right, ma'am. You can keep

1 an open mind and an open book as it relates to
2 that?

3 PROSPECTIVE JUROR LEAVY: Yes.

4 MR. LABRUZZO: All right, ma'am. And, again,
5 correct me if I'm wrong, you have family and
6 friends that are involved in law enforcement?

7 PROSPECTIVE JUROR LEAVY: Oh, yes.

8 THE COURT: That's a good thing.

9 PROSPECTIVE JUROR LEAVY: But I have to say
10 something. I have a husband who's a retired police
11 officer. I have a son who's an active police
12 officer.

13 MR. LABRUZZO: Right.

14 PROSPECTIVE JUROR LEAVY: But in our home we
15 believe what's right is right and what's wrong is
16 wrong and it doesn't matter if you have a badge or
17 not.

18 MR. LABRUZZO: All right, ma'am.

19 PROSPECTIVE JUROR LEAVY: So that's my honest
20 opinion.

21 MR. LABRUZZO: Okay. So you're not going to
22 feel any different either way?

23 PROSPECTIVE JUROR LEAVY: No. Either way.

24 MR. LABRUZZO: If law enforcement were to
25 testify in this case, you promise you'd treat --

1 PROSPECTIVE JUROR LEAVY: There are bad cops
2 and there are good cops. There are bad people and
3 there are good people.

4 MR. LABRUZZO: Thank you, ma'am. I appreciate
5 it very much.

6 Ms. Jordan, how are you doing, ma'am?

7 PROSPECTIVE JUROR JORDAN: Good. Thank you.

8 MR. LABRUZZO: I'll ask you the same question.

9 PROSPECTIVE JUROR JORDAN: Basically I'm right
10 now a 5.

11 MR. LABRUZZO: Okay. Promise you can keep an
12 open mind in the case?

13 PROSPECTIVE JUROR JORDAN: Yes.

14 MR. LABRUZZO: You realize that the law does
15 not require a particular verdict as it relates to
16 the death penalty?

17 PROSPECTIVE JUROR JORDAN: Yes.

18 MR. LABRUZZO: You can keep an open mind as to
19 that?

20 PROSPECTIVE JUROR JORDAN: Yes.

21 MR. LABRUZZO: And you can listen to the
22 aggravation, aggravating factor and you can weigh
23 it against the mitigating?

24 PROSPECTIVE JUROR JORDAN: Yes.

25 MR. LABRUZZO: Promise us that you can follow

1 the law as it relates to that?

2 PROSPECTIVE JUROR JORDAN: Yes.

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

4 Mr. Pruden, same question for you.

5 PROSPECTIVE JUROR PRUDEN: I put a 10, but now
6 from what I've been hearing since I've been here, I
7 can be an open-minded towards it.

8 MR. LABRUZZO: Okay. Where would you place
9 yourself?

10 PROSPECTIVE JUROR PRUDEN: Five.

11 MR. LABRUZZO: All right. And so you're
12 willing to listen to the law, follow the law as it
13 relates to that?

14 PROSPECTIVE JUROR PRUDEN: Yes.

15 MR. LABRUZZO: Do you think you can do that?

16 PROSPECTIVE JUROR PRUDEN: Yes.

17 MR. LABRUZZO: We've talked about -- they're
18 not difficult complex -- difficult processes, but
19 they are important. So you still think you can
20 fill that role?

21 PROSPECTIVE JUROR PRUDEN: Yes.

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

23 Ms. Stanley.

24 PROSPECTIVE JUROR STANLEY: Well, I was a 6
25 then, and I still probably am a 5, 6.

1 MR. LABRUZZO: Okay.

2 PROSPECTIVE JUROR STANLEY: I believe it's
3 appropriate sometimes but not all the time.

4 MR. LABRUZZO: Right.

5 PROSPECTIVE JUROR STANLEY: I'd have to know
6 the case, yeah.

7 MR. LABRUZZO: Let me ask you this question:
8 Again, I know I sound like a broken record and I'm
9 not trying to be, but if you were to hear things
10 about aggravating factors and mitigation
11 circumstances and that was different than what you
12 thought, saying it's appropriate in your own mind,
13 if it was different than what you thought before
14 you came in here, would you agree that you'd follow
15 the law as it relates to that?

16 PROSPECTIVE JUROR STANLEY: Yes.

17 MR. LABRUZZO: All right. Do you think you
18 can hold us to that?

19 PROSPECTIVE JUROR STANLEY: Yes.

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

21 Mr. Laskaris, how are you doing, sir?

22 PROSPECTIVE JUROR LASKARIS: Good.

23 MR. LABRUZZO: Same question.

24 PROSPECTIVE JUROR LASKARIS: I put a 6.

25 MR. LABRUZZO: And you still believe you're a

1 6 in that?

2 PROSPECTIVE JUROR LASKARIS: Yes.

3 MR. LABRUZZO: Now, that you have an
4 understanding of where we're at?

5 PROSPECTIVE JUROR LASKARIS: Yes.

6 MR. LABRUZZO: All right. Any difficulties
7 presented in the things that we discussed?

8 PROSPECTIVE JUROR LASKARIS: No.

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

10 Mr. Hawbecker, how are you doing, sir?

11 PROSPECTIVE JUROR HAWBECKER: I'm fine.

12 I would be a 5 or a 6.

13 MR. LABRUZZO: Okay. All right, sir. Can you
14 follow the law and do the things that we're talking
15 about?

16 PROSPECTIVE JUROR HAWBECKER: Yes.

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

18 Mr. New, how are you doing, sir?

19 PROSPECTIVE JUROR NEW: Good.

20 MR. LABRUZZO: And I'll ask you the same
21 question. How do you feel?

22 PROSPECTIVE JUROR NEW: I believe I put 10 on
23 there, on the thing.

24 MR. LABRUZZO: You did.

25 PROSPECTIVE JUROR NEW: I've always been a

1 believer an eye for an eye.

2 MR. LABRUZZO: All right.

3 PROSPECTIVE JUROR NEW: But hearing the case,
4 I would have to weigh it out.

5 MR. LABRUZZO: Well, again, and I appreciate
6 that. Let me just ask you some questions to make
7 sure we're on the same page.

8 We haven't really talked about the facts of
9 the case. We're just really talking about the law
10 as it relates to it.

11 Now that you have an understanding of the law,
12 are you agreeing that you can follow the law as it
13 relates to the inquiries?

14 PROSPECTIVE JUROR NEW: Yes.

15 MR. LABRUZZO: All right. This concept of an
16 eye for an eye is not something that's a part of
17 the law. Do you understand? And not that your gut
18 level instincts are wrong and I'm not trying to
19 tell you that, but now that you've kind of sat here
20 and listened to it, do you feel like that you can
21 follow the law as it relates to those things, as it
22 relates to an aggravating factor and a mitigating
23 circumstance?

24 PROSPECTIVE JUROR NEW: Yeah. I believe I
25 could.

1 MR. LABRUZZO: You look a little hesitant.

2 And, again, I'm only just reading your --

3 PROSPECTIVE JUROR NEW: I'm old school. You
4 know, I'm just, you know -- but, yeah, I could.

5 MR. LABRUZZO: Okay. Well, it's important
6 that you set aside your thoughts as it relates to
7 what you thought the law might be or what you
8 thought before. But are you indicating to us that
9 you're willing to do that?

10 PROSPECTIVE JUROR NEW: Yes.

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

12 Mr. Knowles.

13 PROSPECTIVE JUROR KNOWLES: Yes, sir.

14 MR. LABRUZZO: Excuse me?

15 PROSPECTIVE JUROR KNOWLES: Yes, sir.

16 MR. LABRUZZO: Yes, sir. Same question.

17 PROSPECTIVE JUROR KNOWLES: On the form I put
18 a 9. Not fully understanding it, I probably stand
19 now as a 6.

20 MR. LABRUZZO: Okay. Any difficulties you
21 think in following the law as it relates to that?

22 PROSPECTIVE JUROR KNOWLES: No, sir.

23 MR. LABRUZZO: All right. Thank you, sir. I
24 appreciate it.

25 And Ms. -- I lost my place, but I know it's

1 Ms. Hartmann. How are you doing, ma'am?

2 PROSPECTIVE JUROR HARTMANN: I'm fine.

3 MR. LABRUZZO: You're one of the lucky ones in
4 a comfortable seat.

5 PROSPECTIVE JUROR HARTMANN: Yes. I was a 5
6 then, I'm a 5 now. And I will follow the law as it
7 relates to those things.

8 MR. LABRUZZO: Okay. Thank you, ma'am. I
9 appreciate it.

10 Mr. Chancey, how are you doing, sir?

11 PROSPECTIVE JUROR CHANCEY: Good.

12 MR. LABRUZZO: Same question to you.

13 PROSPECTIVE JUROR CHANCEY: I was a 5 then,
14 I'm a 5 now.

15 MR. LABRUZZO: All right. Even though the
16 question has changed a little bit, you're still
17 agreeing you can follow the law as your opinion
18 relates to the death penalty?

19 PROSPECTIVE JUROR CHANCEY: Yes.

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

21 Ms. Hendley, how are you doing, ma'am?

22 PROSPECTIVE JUROR HENDLEY: Good.

23 MR. LABRUZZO: Same question to you.

24 PROSPECTIVE JUROR HENDLEY: I believe I was a
25 5 or a 6.

1 MR. LABRUZZO: Yes, ma'am.

2 PROSPECTIVE JUROR HENDLEY: Same.

3 MR. LABRUZZO: Okay. All right. Thank you,
4 ma'am. Any difficulties you think in following the
5 law as it relates to that?

6 PROSPECTIVE JUROR HENDLEY: No.

7 MR. LABRUZZO: You can hold the State to its
8 burden of proof as it relates to the things we have
9 to prove?

10 PROSPECTIVE JUROR HENDLEY: Yes.

11 MR. LABRUZZO: All right. Thank you.

12 Mr. Besuglow.

13 PROSPECTIVE JUROR BESUGLOW: Yes.

14 MR. LABRUZZO: How are you doing, sir?

15 PROSPECTIVE JUROR BESUGLOW: Great. Thank
16 you.

17 MR. LABRUZZO: And where would you put
18 yourself on the scale?

19 PROSPECTIVE JUROR BESUGLOW: I used to be a 1.

20 MR. LABRUZZO: Okay.

21 PROSPECTIVE JUROR BESUGLOW: And I've thought
22 about it over the couple of days. And the law is
23 the law, and if the circumstances and the facts are
24 there, we have laws in this country.

25 MR. LABRUZZO: Right. Following the law is

1 important. I guess, also when you say that, I want
2 to make sure you understand that you're not
3 required to come to any particular verdict. What
4 you are required to do is to follow the law.

5 PROSPECTIVE JUROR BESUGLOW: Yes, sir.

6 MR. LABRUZZO: And you promise us you can do
7 that?

8 PROSPECTIVE JUROR BESUGLOW: Yes, sir.

9 MR. LABRUZZO: And that you would follow the
10 law as it relates to the proof as it relates to the
11 aggravating factor and the mitigating
12 circumstances?

13 PROSPECTIVE JUROR BESUGLOW: Yes.

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

15 And so you said you were a 1. Maybe I didn't
16 hear it, but where would you place yourself now?

17 PROSPECTIVE JUROR BESUGLOW: A 5 definitely.

18 MR. LABRUZZO: All right. Thank you.

19 Ms. Vitorino, how are you doing, ma'am?

20 PROSPECTIVE JUROR VITORINO: Fine. Fine,
21 thank you. How are you?

22 MR. LABRUZZO: Good. And same question to
23 you.

24 PROSPECTIVE JUROR VITORINO: I believe I put
25 down an 8 on the form.

1 MR. LABRUZZO: Okay.

2 PROSPECTIVE JUROR VITORINO: I believe in the
3 law and I'll follow the law and your guidance.

4 MR. LABRUZZO: Right.

5 PROSPECTIVE JUROR VITORINO: I would say 5, 6.

6 MR. LABRUZZO: Okay.

7 PROSPECTIVE JUROR VITORINO: I think the law
8 is important and we need to follow it.

9 MR. LABRUZZO: Okay. And you understand all
10 the things that we've talked about as it comes to
11 following the law as it relates to the death
12 penalty?

13 PROSPECTIVE JUROR VITORINO: Yes.

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

15 PROSPECTIVE JUROR VITORINO: You're welcome.

16 MR. LABRUZZO: Mr. Lake, how are you doing,
17 sir?

18 PROSPECTIVE JUROR LAKE: Good. How are you?

19 MR. LABRUZZO: Good. Same question to you.

20 PROSPECTIVE JUROR LAKE: Yes. I wouldn't have
21 any problem following the law and doing as
22 instructed.

23 MR. LABRUZZO: Okay. And where would you
24 place yourself now?

25 PROSPECTIVE JUROR LAKE: Six.

1 MR. LABRUZZO: Okay. All right, sir. Thank
2 you.

3 Mr. Darlington, how are you doing, sir?

4 PROSPECTIVE JUROR DARLINGTON: I'm doing good,
5 sir. How are you?

6 MR. LABRUZZO: Doing good.

7 Maybe I need to get a pen out and keep track,
8 because I keep losing myself.

9 You've heard me ask the question. Same
10 question to you. How do you feel about that?

11 PROSPECTIVE JUROR DARLINGTON: My answer is
12 still on the same on the questionnaire. I would
13 place myself at a 5.

14 MR. LABRUZZO: Okay. Do you feel like you're
15 up for the task of being a fact finder and a law
16 applier?

17 PROSPECTIVE JUROR DARLINGTON: Yes, sir.

18 MR. LABRUZZO: Can you commit to us that you
19 will listen to the law and the facts and not have
20 any bias or preconceived notions as it relates to
21 it?

22 PROSPECTIVE JUROR DARLINGTON: Yes, sir.

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

24 Ms. Cruz, how are you doing, ma'am?

25 PROSPECTIVE JUROR CRUZ: Good. How are you?

1 MR. LABRUZZO: And same question to you,
2 ma'am.

3 PROSPECTIVE JUROR CRUZ: I answered a 5. I
4 still believe I'm a 5.

5 MR. LABRUZZO: Okay. And you kind of
6 mentioned that, I believe, your husband is involved
7 in law enforcement?

8 PROSPECTIVE JUROR CRUZ: Yes, sir.

9 MR. LABRUZZO: Any particular problem you
10 think that would arise with maybe discussions with
11 you and your husband?

12 PROSPECTIVE JUROR CRUZ: No, sir.

13 MR. LABRUZZO: Okay. You can promise us that
14 you won't discuss the facts of the case with him
15 during the pendency of the case?

16 PROSPECTIVE JUROR CRUZ: No, sir.

17 MR. LABRUZZO: All right. Thank you, ma'am.
18 Just as an aside, Ms. Cruz makes me think of this
19 question. Does everyone understand that if you're
20 selected as a juror in this case, that the first
21 time you get to actually openly talk about the
22 facts with anyone is at the point of time in which
23 you go to deliberate.

24 All right. Does everyone understand that?
25 That if you're selected as a juror in this case,

1 you may all sit together, you may all walk in
2 together, you may all walk out together, but you're
3 not talking about the facts of the case. Does
4 everyone understand that?

5 THE PROSPECTIVE JURY: Yes.

6 MR. LABRUZZO: That's kind of an important
7 part of that clean slate process. We want you to
8 be open and attentive to what's being said. Does
9 anyone have a problem with that?

10 THE PROSPECTIVE JURY: (No audible response.)

11 MR. LABRUZZO: I can tell you that my wife,
12 she has to talk to me about everything, which is
13 okay, I'm there for her. But, you know, if someone
14 were to say to me that she could do that, I'm not
15 so sure.

16 That you couldn't discuss it with someone,
17 does everyone here promise us and commit to us that
18 they can do that?

19 THE PROSPECTIVE JURY: Yes.

20 MR. LABRUZZO: All right. Thank you.

21 I ended up with Ms. Cruz and now I'm at
22 Mr. Morgan. How are you doing, sir?

23 PROSPECTIVE JUROR MORGAN: Fine, thanks.

24 MR. LABRUZZO: And you've heard the question?

25 PROSPECTIVE JUROR MORGAN: I have.

1 MR. LABRUZZO: And where do you think you fall
2 on the scale?

3 PROSPECTIVE JUROR MORGAN: Five.

4 MR. LABRUZZO: Okay. Previously you marked
5 yourself as a 10 on the scale. A different
6 question. So I just want to ask, you know, how
7 would you describe the difference?

8 PROSPECTIVE JUROR MORGAN: I looked at that
9 question as more of a yes or no.

10 MR. LABRUZZO: Okay. All right. And so if
11 the question were yes or no that you were to
12 consider the death penalty, the answer would have
13 been, yes?

14 PROSPECTIVE JUROR MORGAN: Yes.

15 MR. LABRUZZO: I don't want to put words in
16 your mouth.

17 PROSPECTIVE JUROR MORGAN: No. Exactly.

18 MR. LABRUZZO: Okay. You can assure us as you
19 sit here today that you would follow the law as the
20 Court instructs you?

21 PROSPECTIVE JUROR MORGAN: I would.

22 MR. LABRUZZO: All right. Do you have any
23 difficulties with that?

24 PROSPECTIVE JUROR MORGAN: I do not.

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

1 Mr. Adley, where do you think you fall on the
2 scale?

3 PROSPECTIVE JUROR ADLEY: I put 8 down, but I
4 believe it would be more in the middle, about a 5.

5 MR. LABRUZZO: All right. Thank you, sir. Do
6 you think you'd have any difficulties in doing the
7 things that we discussed?

8 PROSPECTIVE JUROR ADLEY: I'm sorry?

9 MR. LABRUZZO: Do you think you'd have any
10 difficulties in doing the things that we discussed?

11 PROSPECTIVE JUROR ADLEY: No.

12 MR. LABRUZZO: All right. Mr. Schlitt.

13 PROSPECTIVE JUROR SCHLITT: Yes.

14 MR. LABRUZZO: How are you doing, sir?

15 PROSPECTIVE JUROR SCHLITT: Good. Originally
16 I put a 10. We'll go with about a 6 now.

17 MR. LABRUZZO: Okay. And why the change?

18 PROSPECTIVE JUROR SCHLITT: Originally, kind
19 of like the gentleman over here, it was a yes or a
20 no for me.

21 MR. LABRUZZO: Okay.

22 PROSPECTIVE JUROR SCHLITT: So I looked at 10
23 as yes, and 1 as no.

24 MR. LABRUZZO: Okay. And, again, any issues
25 with the things that we discussed? You can promise

1 us you can follow the law?

2 PROSPECTIVE JUROR SCHLITT: Yes, sir.

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

4 Ms. Kurtz, how are you doing, ma'am?

5 PROSPECTIVE JUROR KURTZ: Good.

6 MR. LABRUZZO: I'll ask you the same question.

7 Where do you think you fall on the scale?

8 PROSPECTIVE JUROR KURTZ: Well, I put a 5, but

9 I definitely lean towards the lower end.

10 MR. LABRUZZO: Okay. And that's okay. What's

11 important is that you can -- is that still where

12 you fall if I ask today?

13 PROSPECTIVE JUROR KURTZ: A 5?

14 MR. LABRUZZO: Yes.

15 PROSPECTIVE JUROR KURTZ: Yes.

16 MR. LABRUZZO: Okay. Can you promise us you

17 could follow the law as it relates to the

18 aggravating factors?

19 PROSPECTIVE JUROR KURTZ: Yes.

20 MR. LABRUZZO: And the mitigating

21 circumstances as the Court outlines?

22 PROSPECTIVE JUROR KURTZ: Yes.

23 MR. LABRUZZO: You would give us meaningful

24 consideration as to the evidence in the case?

25 PROSPECTIVE JUROR KURTZ: Yes.

1 MR. LABRUZZO: And as to the potential
2 sentences?

3 PROSPECTIVE JUROR KURTZ: Yes.

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

5 Ms. Eck, how are you doing, ma'am?

6 PROSPECTIVE JUROR ECK: Okay. I had put a 5.

7 MR. LABRUZZO: Right.

8 PROSPECTIVE JUROR ECK: And I still believe a
9 5.

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

11 Any difficulties in the things that we
12 discussed?

13 PROSPECTIVE JUROR ECK: No. I truly
14 understand that I will do the right thing.

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

16 All right. And, Mr. Petit, how are you doing,
17 sir?

18 PROSPECTIVE JUROR PETIT: Good.

19 MR. LABRUZZO: Same question to you.

20 PROSPECTIVE JUROR PETIT: A 5. I can be
21 objective and just look at the evidence, weigh it,
22 and come to the outcome that I come to.

23 MR. LABRUZZO: All right. And you kind of
24 previously put yourself on the scale. Where would
25 you put yourself now?

1 PROSPECTIVE JUROR PETIT: I'm a 5.

2 MR. LABRUZZO: Okay.

3 PROSPECTIVE JUROR PETIT: I previously had 8.

4 If it absolutely was an egregious offense
5 involving, you know, a puppy thrown off a bridge
6 and such other horrible things than appropriate,
7 yes; but, you know.

8 MR. LABRUZZO: Well, as it relates to the
9 appropriateness of a case, you understand that the
10 Court is going to instruct you, and there will be
11 evidence presented as it relates to an aggravating
12 factor. Okay. And so you may hear some
13 evidence -- you will hear evidence, if you are at
14 this stage, of what an aggravating factor might be.
15 It's a very specific law. It's very specific as it
16 relates to that.

17 Would you be willing to consider the evidence
18 as it relates to that?

19 PROSPECTIVE JUROR PETIT: Yes.

20 MR. LABRUZZO: And then as to the mitigating
21 circumstances, again, anything involved, would you
22 be willing to listen to the mitigating
23 circumstances in the case?

24 PROSPECTIVE JUROR PETIT: Yes.

25 MR. LABRUZZO: All right. And use the same

1 rules as we talked about, about fact finding and
2 law applying, you promise us that you can do that?

3 PROSPECTIVE JUROR PETIT: Yes.

4 MR. LABRUZZO: And you can keep an open mind
5 as to the potential sentence in the case?

6 PROSPECTIVE JUROR PETIT: Yes.

7 MR. LABRUZZO: And give due consideration to
8 both potential sentences?

9 PROSPECTIVE JUROR PETIT: Absolutely.

10 MR. LABRUZZO: All right. Thank you,
11 Mr. Petit.

12 Ms. Dillard, how are you doing, ma'am?

13 PROSPECTIVE JUROR DILLARD: Hi. Good.

14 I put a 10.

15 MR. LABRUZZO: Yes, ma'am.

16 PROSPECTIVE JUROR DILLARD: And I stay a 10.

17 MR. LABRUZZO: Okay.

18 PROSPECTIVE JUROR DILLARD: If somebody is
19 proven without a doubt, a benefit of a doubt,
20 there's no doubt, it's proven this is what
21 happened, it's what it is, then I'm for it at a 10.

22 MR. LABRUZZO: Okay. Ma'am, and you would not
23 listen to any type of mitigation that would be
24 involved in the case and you wouldn't consider that
25 at all?

1 PROSPECTIVE JUROR DILLARD: If the evidence
2 proves, I stick to my decision.

3 MR. LABRUZZO: Okay.

4 PROSPECTIVE JUROR DILLARD: You know, it has
5 to be proven without no doubts.

6 MR. LABRUZZO: And I understand, ma'am.

7 PROSPECTIVE JUROR DILLARD: And that's what I
8 think.

9 MR. LABRUZZO: Okay, ma'am. Thank you very
10 much.

11 PROSPECTIVE JUROR DILLARD: Yep.

12 MR. LABRUZZO: And you're going to have to
13 forgive me, sir. I kind of wrote something over
14 the first letter. It looks like Tookes.

15 PROSPECTIVE JUROR TOOKES: Tookes.

16 MR. LABRUZZO: Am I saying that correctly?

17 PROSPECTIVE JUROR TOOKES: Yes, sir.

18 MR. LABRUZZO: How are you doing, sir?

19 PROSPECTIVE JUROR TOOKES: All right. How
20 about you?

21 MR. LABRUZZO: All right. Good. And the same
22 question to you.

23 PROSPECTIVE JUROR TOOKES: I put a 10, and I'm
24 going to stay with a 10.

25 MR. LABRUZZO: Okay. And you're saying that

1 you would not consider any type of mitigation in a
2 case if a person is found guilty? That's it?

3 PROSPECTIVE JUROR TOOKES: If it's guilty,
4 it's guilty.

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

6 Mr. Storminger. I got it right this time, I
7 think.

8 PROSPECTIVE JUROR STORMINGER: Storminger.

9 MR. LABRUZZO: Sorry.

10 PROSPECTIVE JUROR STORMINGER: I believe I
11 wrote 6 on the form. After standing here and
12 realizing the gravity of the situation, I'm
13 probably down to a 5 or 4.

14 MR. LABRUZZO: Okay.

15 PROSPECTIVE JUROR STORMINGER: I'm generally
16 against it, but I'm definitely willing to listen to
17 the evidence and follow the instructions by the
18 Court as given.

19 MR. LABRUZZO: All right. Thank you, sir. I
20 appreciate it.

21 Ms. Hartmann, how are you doing, ma'am?

22 PROSPECTIVE JUROR HARMON: Good.

23 MR. LABRUZZO: Same question to you.

24 PROSPECTIVE JUROR HARMON: I wrote a 4 due to
25 the seriousness of the death penalty, but I would

1 gather the facts and listen to the law and apply
2 it.

3 MR. LABRUZZO: Okay. All right. And do you
4 have any difficulty in listening to the facts of
5 the case involving a death penalty?

6 PROSPECTIVE JUROR HARMON: No.

7 MR. LABRUZZO: All right. Ma'am, do you think
8 you can participate in a jury that the ultimate
9 recommendation may be, in fact, death of another
10 individual?

11 PROSPECTIVE JUROR HARMON: Yes.

12 MR. LABRUZZO: All right. Thank you, ma'am.
13 Ms. Rein.

14 PROSPECTIVE JUROR REIN: I had a 7, because
15 there is no absolute. There's always some, some,
16 some.

17 MR. LABRUZZO: No, I understand. Well, we do
18 need an absolute as to your ability to follow the
19 law.

20 PROSPECTIVE JUROR REIN: Yes, I can.

21 MR. LABRUZZO: Is that something that you can
22 assure us that's something you would do?

23 PROSPECTIVE JUROR REIN: Yes.

24 MR. LABRUZZO: And you'd listen to the law as
25 I've described it and the Court instructs you?

1 PROSPECTIVE JUROR REIN: Yes.

2 MR. LABRUZZO: All right. Any issues with you
3 participating in a jury where the ultimate verdict
4 could lead to the death of an individual?

5 PROSPECTIVE JUROR REIN: I do not.

6 MR. LABRUZZO: All right. Thank you, ma'am.
7 Mr. Banks, how are you doing, sir?

8 PROSPECTIVE JUROR BANKS: Pretty well.

9 MR. LABRUZZO: Same questions to you.

10 PROSPECTIVE JUROR BANKS: Yes. I was an 8,
11 and I place myself as a 5.

12 MR. LABRUZZO: Okay.

13 PROSPECTIVE JUROR BANKS: I would follow the
14 law and the facts.

15 MR. LABRUZZO: If I were to ask why you went
16 from an 8 to a 5, what would you say?

17 PROSPECTIVE JUROR BANKS: Same thing the
18 gentleman said. It was like a yes or no question.
19 Is it the death penalty or life in prison? I just
20 went more towards the death penalty.

21 MR. LABRUZZO: Okay.

22 PROSPECTIVE JUROR BANKS: After you explained
23 it, I came to the realization, you know, the law
24 says this.

25 MR. LABRUZZO: And you're agreeing that you'd

1 follow the law for us?

2 PROSPECTIVE JUROR BANKS: That's correct.

3 MR. LABRUZZO: All right, sir. Thank you very
4 much.

5 Ms. Childers, did I say it right?

6 PROSPECTIVE JUROR CHILDERS: Yes.

7 MR. LABRUZZO: Thank you, ma'am. Sorry.

8 And same question to you.

9 PROSPECTIVE JUROR CHILDERS: I was a 5, I'm
10 still a 5, and I can follow the law as instructed.

11 MR. LABRUZZO: All right. And do you have any
12 difficulty in participating in a discussion where
13 the ultimate verdict may lead to someone's death?

14 PROSPECTIVE JUROR CHILDERS: No, sir.

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

16 Ms. Zacco, did I say it right?

17 PROSPECTIVE JUROR ZACCO: Yes.

18 MR. LABRUZZO: All right, ma'am.

19 PROSPECTIVE JUROR ZACCO: I was a 7, and I'm
20 still a 7.

21 MR. LABRUZZO: Okay.

22 PROSPECTIVE JUROR ZACCO: I can listen to the
23 law and make a decision.

24 MR. LABRUZZO: Okay. And do you have any
25 difficulty in participating in a discussion which

1 may lead to the death of an individual?

2 PROSPECTIVE JUROR ZACCO: No.

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

4 Ms. Galloway-Hogan, how are you doing, ma'am?

5 PROSPECTIVE JUROR GALLOWAY-HOGAN: Good.

6 MR. LABRUZZO: Same questions to you.

7 PROSPECTIVE JUROR GALLOWAY-HOGAN: I was a 6,
8 and 5, 6.

9 MR. LABRUZZO: Okay. Still there?

10 PROSPECTIVE JUROR GALLOWAY-HOGAN: Yes, sir.

11 MR. LABRUZZO: All right. I've repeated
12 myself many times, many.

13 PROSPECTIVE JUROR GALLOWAY-HOGAN: That's
14 okay.

15 MR. LABRUZZO: I know. I know. And I
16 apologize. But same questions to you. Okay.
17 Thank you, ma'am.

18 Mr. Harvey, how are you doing, sir?

19 PROSPECTIVE JUROR HARVEY: I'm fine, sir.

20 MR. LABRUZZO: Have we answered your questions
21 as I described it?

22 PROSPECTIVE JUROR HARVEY: Yes. I didn't
23 fully understand the meaning of the question. I
24 answered a 10, in that the death penalty is
25 appropriate under certain circumstances.

1 MR. LABRUZZO: Right.

2 PROSPECTIVE JUROR HARVEY: If the
3 circumstances warrant it, then it is something that
4 has to happen. But in the event that the
5 circumstances do not warrant it, then even though
6 he's found guilty, that life in prison is the
7 alternative.

8 MR. LABRUZZO: Right. Sir, let me ask you
9 question. I want to use your question but I want
10 to change some of the wording.

11 If the aggravators warrant it, okay, because
12 that's the word that the law uses, if the
13 aggravators -- that's one of the inquiries is that
14 the aggravators are sufficient. But would you be
15 willing to still listen to mitigating circumstances
16 and weigh them against the aggravator? Would you
17 be willing to listen to that?

18 PROSPECTIVE JUROR HARVEY: Yes, I would.

19 MR. LABRUZZO: Would you keep an open mind as
20 to those things?

21 PROSPECTIVE JUROR HARVEY: Yes.

22 MR. LABRUZZO: And would you give just --

23 PROSPECTIVE JUROR HARVEY: When someone's life
24 is at stake, nothing is chiseled in stone.

25 MR. LABRUZZO: All right, sir. Well,

1 following the law is very chiseled.

2 PROSPECTIVE JUROR HARVEY: Following the law
3 is following the law.

4 MR. LABRUZZO: Okay. Thank you.

5 PROSPECTIVE JUROR HARVEY: If there is a
6 mitigating circumstance, that's something else.

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

8 Mr. Braasch.

9 PROSPECTIVE JUROR BRAASCH: Braasch.

10 MR. LABRUZZO: Braasch. Sorry. I'm trying.
11 I know you guys are tired. So am I, but we're
12 trying to move through it.

13 Mr. Braasch.

14 PROSPECTIVE JUROR BRAASCH: I would put myself
15 at a 5 today. I believe I put myself at a 7, 8
16 previously not fully understanding the scale at the
17 time.

18 MR. LABRUZZO: Well, there's a different
19 scale. So I'm just curious if people interpreted
20 it differently or not.

21 All right, sir. You can do the things that
22 we're willing to ask you to do?

23 PROSPECTIVE JUROR BRAASCH: Yes, sir.

24 MR. LABRUZZO: Any questions about the process
25 or any of that?

1 PROSPECTIVE JUROR BRAASCH: No, sir.

2 MR. LABRUZZO: Do you think you would have any
3 difficulty participating in a discussion where you
4 may be the youngest person in the room?

5 PROSPECTIVE JUROR BRAASCH: No, sir.

6 MR. LABRUZZO: Okay. If you're involved in a
7 discussion and there are people in the room that
8 are older than you and have different experiences,
9 do you think you can listen to the things that they
10 have to say and be respectful?

11 PROSPECTIVE JUROR BRAASCH: Yes, sir.

12 MR. LABRUZZO: And you would expect that they
13 would be respectful to your decision as well too,
14 right?

15 PROSPECTIVE JUROR BRAASCH: Yes, sir.

16 MR. LABRUZZO: Do you think you would have any
17 difficulties in that?

18 PROSPECTIVE JUROR BRAASCH: No, sir.

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

20 Mr. Merriman, how are you doing, sir?

21 PROSPECTIVE JUROR MERRIMAN: Good.

22 MR. LABRUZZO: And I'll ask you the same
23 questions I've been asking everyone. Where do you
24 think you fall?

25 PROSPECTIVE JUROR MERRIMAN: I put a 5, and

1 still a 5. The reason I put it is I assumed there
2 was mitigating circumstances.

3 MR. LABRUZZO: Okay.

4 PROSPECTIVE JUROR MERRIMAN: But you know, I'd
5 be willing to do whatever the law tells me to do.

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

7 Mr. Lennox, how are you doing, sir?

8 PROSPECTIVE JUROR LENNOX: Good.

9 MR. LABRUZZO: And same question to you.

10 PROSPECTIVE JUROR LENNOX: I put myself as a 3
11 at best, and I'd keep myself at a 3.

12 MR. LABRUZZO: Okay.

13 PROSPECTIVE JUROR LENNOX: For the reasons
14 that it's the prosecution's job to prove that they
15 are guilty beyond a reasonable doubt.

16 MR. LABRUZZO: Right.

17 PROSPECTIVE JUROR LENNOX: And also every case
18 is different.

19 MR. LABRUZZO: Right.

20 PROSPECTIVE JUROR LENNOX: So you can't come
21 in with a predetermined opinion on something like
22 that due to all the aggravating -- I forgot the
23 other term.

24 MR. LABRUZZO: Mitigating circumstances.

25 PROSPECTIVE JUROR LENNOX: Mitigating

1 circumstances.

2 MR. LABRUZZO: I got it.

3 PROSPECTIVE JUROR LENNOX: I think I can still
4 adhere to the law and make a fair judgment.

5 MR. LABRUZZO: All right. Is there anything
6 about anything we discussed that would cause you
7 any pause about participating in a case like this?

8 PROSPECTIVE JUROR LENNOX: No, sir.

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

10 Ms. Riley.

11 PROSPECTIVE JUROR RILEY: Yes.

12 MR. LABRUZZO: How are you doing, ma'am?

13 PROSPECTIVE JUROR RILEY: Good. How are you?

14 MR. LABRUZZO: Good. Same question to you.

15 PROSPECTIVE JUROR RILEY: I was a 7. I would
16 remain a 7. I believe in the death penalty;
17 however, I would follow the law and I can remain
18 objective.

19 MR. LABRUZZO: All right. Are you willing to
20 consider and go through the steps that we've talked
21 about, even though you have --

22 PROSPECTIVE JUROR RILEY: Yes.

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

24 PROSPECTIVE JUROR RILEY: I believe in the
25 death penalty, that's why I put a 7. It's

1 appropriate.

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

3 Mr. Acha.

4 PROSPECTIVE JUROR ACHA: Acha.

5 MR. LABRUZZO: Acha. Sorry.

6 How are you doing, sir?

7 PROSPECTIVE JUROR ACHA: Good.

8 MR. LABRUZZO: Same question to you.

9 PROSPECTIVE JUROR ACHA: Well, the way I read
10 the question it was 1 is if you didn't believe in
11 the death penalty at all.

12 MR. LABRUZZO: Okay.

13 PROSPECTIVE JUROR ACHA: And 10 is if you did.

14 MR. LABRUZZO: Okay.

15 PROSPECTIVE JUROR ACHA: So I believe in the
16 death penalty to match the crime.

17 MR. LABRUZZO: All right.

18 PROSPECTIVE JUROR ACHA: If a person is proven
19 guilty and the mitigating circumstances proves that
20 it was intentional, I believe it's the option to
21 use.

22 MR. LABRUZZO: Okay. So you're saying that if
23 the State -- we only get to this inquiry if the
24 person has been found guilty of at least one count
25 of murder in the first degree. If that's been

1 satisfied, and then we prove to you beyond a
2 reasonable doubt the existence of an aggravating
3 factor, are you telling us that you would still
4 listen to the mitigating circumstances?

5 PROSPECTIVE JUROR ACHA: I would listen to
6 everything.

7 MR. LABRUZZO: Right.

8 PROSPECTIVE JUROR ACHA: And in the conclusion
9 if a person is found guilty and it was deliberate
10 and intentional, then that is an option to use is
11 the death penalty.

12 MR. LABRUZZO: Okay. Well, I'm going to
13 suggest to you that the aggravating factors are
14 very specific and the Court will instruct you on
15 what they are.

16 You're not allowed to consider any factor not
17 outlined by the Court. Okay. Can you do that? If
18 you think something is aggravating and it's not one
19 of the things the Court instructs you on, are you
20 willing to follow the law as it relates to that?

21 PROSPECTIVE JUROR ACHA: I will follow the
22 law.

23 MR. LABRUZZO: Thank you, sir.

24 Mr. Nies.

25 PROSPECTIVE JUROR NIES: Yes. I am willing to

1 listen to the facts and apply the law accordingly.

2 MR. LABRUZZO: Okay. And where would you
3 place yourself on the scale?

4 PROSPECTIVE JUROR NIES: I was a 7, and I
5 believe I'm still a 7, maybe a 6, based on your
6 explanation.

7 MR. LABRUZZO: Time changes some of the
8 thoughts. I get it. All right, sir. Thank you,
9 very much.

10 Ms. Thomas, how are you doing, ma'am?

11 PROSPECTIVE JUROR THOMAS: Okay.

12 MR. LABRUZZO: Same question to you.

13 PROSPECTIVE JUROR THOMAS: I put a 7. But,
14 yeah, I'm having difficulty processing the fact
15 that I would be responsible for someone's death.

16 MR. LABRUZZO: Okay. And what difficulty are
17 you having with that?

18 PROSPECTIVE JUROR THOMAS: Yeah. Just having
19 somebody's life in my hands and decide life or
20 death. I don't know if I would be able to look at
21 the aggravating and mitigating and still make that
22 decision and sentence a man to death. I don't know
23 if I would be able to say, no, you die. I don't
24 know if I could do that.

25 MR. LABRUZZO: All right. And I understand

1 and I appreciate that. I just want to make sure I
2 got a firm grasp on it.

3 Are you indicating to us that -- it sounds
4 like you're willing to listen to the things that we
5 have to discuss, correct?

6 PROSPECTIVE JUROR THOMAS: Yes.

7 MR. LABRUZZO: You're not saying you won't
8 listen to the facts that are discussed that relates
9 to aggravating or mitigating, correct?

10 PROSPECTIVE JUROR THOMAS: Yes.

11 MR. LABRUZZO: You're willing to listen to
12 that?

13 PROSPECTIVE JUROR THOMAS: Yes.

14 MR. LABRUZZO: You're willing to follow the
15 law as the Court comes to it, correct?

16 PROSPECTIVE JUROR THOMAS: Yes.

17 MR. LABRUZZO: You feel because of some
18 intentional reason, you would not be able to
19 participate in the discussion as it relates to a
20 verdict, is that what I'm --

21 PROSPECTIVE JUROR THOMAS: Yeah. Even if the
22 aggravating factors outweigh the mitigating
23 factors, I don't know if I would be able to say,
24 no, death. Does that make sense?

25 MR. LABRUZZO: It does. But I just want to

1 make sure I heard you correctly. You said that
2 even if the aggravating factors outweigh the
3 mitigating factors, you still could not participate
4 in the situation?

5 PROSPECTIVE JUROR THOMAS: No. I wouldn't be
6 able to say death.

7 MR. LABRUZZO: Okay. Even if the law were to
8 tell you that if the aggravating factors outweighs
9 the mitigators is one of the inquiries that you are
10 supposed to weigh, are you indicating to me that
11 you can't do that balancing?

12 PROSPECTIVE JUROR THOMAS: No. I wouldn't be
13 able to live with myself. I don't want to be
14 responsible for somebody's death.

15 MR. LABRUZZO: Ma'am, I totally get it, and I
16 understand. I guess my question is that the law is
17 very specific as to the steps that you have to go
18 through as it relates to that. Are you saying to
19 us that you can't do the aggravation and the
20 mitigation?

21 PROSPECTIVE JUROR THOMAS: No.

22 MR. LABRUZZO: Regardless of what the law
23 says, that's just not a procedure that you feel
24 comfortable doing and you cannot follow the law as
25 it relates to that?

1 PROSPECTIVE JUROR THOMAS: Correct.

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

3 Mr. George, how are you doing, sir?

4 PROSPECTIVE JUROR GEORGE: I'm good.

5 MR. LABRUZZO: Hiding out in the back. Same
6 question to you.

7 PROSPECTIVE JUROR GEORGE: I feel like I can
8 still follow the law and still come to a decision.
9 I'm in between like a 4 or 5.

10 MR. LABRUZZO: All right. Any difficulties
11 with the things that we discussed?

12 PROSPECTIVE JUROR GEORGE: No.

13 MR. LABRUZZO: All right. Thank you.

14 Ms. Coen.

15 PROSPECTIVE JUROR COEN: May I approach the
16 bench?

17 MR. LABRUZZO: Sure.

18 THE COURT: Sure.

19 MR. LABRUZZO: Well, Judge, is that okay?

20 THE COURT: Yes.

21 (Bench Conference.)

22 THE COURT: Give me a minute, Ms. Coen. I
23 need the lawyers here.

24 Are you guys ready?

25 MR. LABRUZZO: Yes.

1 PROSPECTIVE JUROR COEN: Quite frankly, I find
2 the defendant attractive and it already is causing
3 bias. And when it comes down to deciding the rest
4 of someone's life and how they spend it, it's --
5 like, I'm getting emotional thinking about it.

6 THE COURT: So you just look at him and
7 because you find him attractive --

8 PROSPECTIVE JUROR COEN: Well, not just that.
9 It's just in general. Because anyone deciding, if
10 it came down to it and I had that on my mind, it
11 would be a big strain.

12 THE COURT: Okay. So just looking at him,
13 when they're asking these questions about where you
14 fall, you're thinking I'm looking at him, now he's
15 a real person.

16 PROSPECTIVE JUROR COEN: Yeah.

17 THE COURT: A breathing human being.

18 PROSPECTIVE JUROR COEN: Yeah.

19 MR. LABRUZZO: And, you know, in your mind
20 he's somewhat attractive, that you just don't think
21 that you could be responsible for making a
22 decision? Are you talking about guilt and
23 innocence or even after that?

24 PROSPECTIVE JUROR COEN: After that.
25 Especially, like, just how he spends the rest of

1 his life, and then especially if he's guilty and
2 then deciding between the death penalty and life in
3 prison.

4 THE COURT: Do you think you would have
5 trouble even in the first phase deciding? Knowing
6 that if you found him guilty of first-degree
7 murder, the second part would happen, do you think
8 you'd have a hard time even deciding the first
9 part?

10 PROSPECTIVE JUROR COEN: Yeah.

11 THE COURT: Because you'd be responsible for
12 the second part.

13 PROSPECTIVE JUROR COEN: Yes.

14 THE COURT: Okay.

15 MR. LABRUZZO: I don't have any questions.

16 MR. PURA: I do. Hi. Do you know that --
17 like, let's say you are on the jury, okay -- in
18 order for that jury to come back with a death
19 verdict --

20 PROSPECTIVE JUROR COEN: I'd have to agree.

21 MR. PURA: -- all 12 jurors would have to
22 agree?

23 PROSPECTIVE JUROR COEN: So what happens if I
24 disagree?

25 MR. LABRUZZO: I'm sorry. I couldn't hear

1 what she said.

2 THE COURT: What happens if she disagrees?

3 MR. LABRUZZO: Okay.

4 MR. PURA: If one juror thinks life is the
5 appropriate sentence, that would be the verdict
6 just based on that one juror's verdict. So only
7 one person has to vote for life. If it's going to
8 be death, all 12 have to agree.

9 My point is this, is that you would never be
10 responsible individually, you know, for choosing
11 death, it would have to be 12 people.

12 PROSPECTIVE JUROR COEN: Yes.

13 MR. PURA: Do you understand that? Does that
14 take a little bit of the pressure off you as far as
15 making that decision?

16 PROSPECTIVE JUROR COEN: Yes.

17 MR. PURA: It wouldn't be your decision alone
18 to kill somebody.

19 PROSPECTIVE JUROR COEN: Yeah. Okay.

20 MR. LABRUZZO: Well, maybe I misunderstood
21 what you said earlier. I thought what I heard you
22 say is that you didn't think you could based on the
23 way he looks, the emotions that you were having. I
24 mean you were actually pretty --

25 PROSPECTIVE JUROR COEN: That was just in

1 addition. I mean, that was just in addition to the
2 men in general, a man in general.

3 MR. LABRUZZO: Okay. Well, the way I took
4 what you said, and I think I may have heard it
5 wrong, is that based on those things, that you
6 couldn't follow the law? Not to repeat myself, but
7 it sounds like now that -- what's changed?

8 PROSPECTIVE JUROR COEN: I just -- I kind of
9 felt like it was -- I feel like we all had to --
10 like, regardless of what I thought, it would all
11 had to be unanimous, like I kind of just have to go
12 with what everybody said.

13 MR. LABRUZZO: Okay.

14 PROSPECTIVE JUROR COEN: And that's when it
15 would feel like it was really just on me. Like, I
16 can't change it. I can't do anything about it.

17 MR. LABRUZZO: Okay. And is that the only
18 part? Is that the only part you had difficulty
19 with? I thought that you had a problem with just
20 listening to facts in general, coming to a verdict
21 as to the guilt part of the case?

22 PROSPECTIVE JUROR COEN: It all depends on all
23 the evidence and all the facts.

24 MR. LABRUZZO: Okay. But now you're saying
25 that those thoughts aren't going to affect your

1 ability to do the job for the guilt phase?

2 PROSPECTIVE JUROR COEN: I don't think so.
3 Knowing that -- like, the second phase was what was
4 worrying me about the first phase.

5 MR. LABRUZZO: Okay. I understand. Again, I
6 just want some clarification, because you mentioned
7 it first. The way he looked, is that something
8 that's causing you some problems? I mean, not
9 problems. Is it affecting your ability to listen
10 to things?

11 PROSPECTIVE JUROR COEN: I'm not sure.

12 MR. LABRUZZO: Okay. Well, he's going to be
13 present for the entire trial. Is that something
14 that's going to be difficult for you? I mean, what
15 we don't want is have you sitting over here and
16 then looking at him and not listening to what's
17 been going on in the case, you know, the witnesses
18 are testifying and you're looking at him.

19 Can you promise us that you would not be
20 looking at him and listen to the facts of the case?

21 PROSPECTIVE JUROR COEN: Yes. Yes, sir.

22 MR. LABRUZZO: All right.

23 THE COURT: Okay. Any other questions?

24 MR. LABRUZZO: No.

25 THE COURT: Okay. Ma'am, you can have a seat.

1 Thank you. Thank you for asking to approach.

2 (Open Court.)

3 THE COURT: And that was Ms. Coen, right?

4 MR. LABRUZZO: Can you just repeat your name
5 for us?

6 PROSPECTIVE JUROR COEN: Alexis Coen.

7 THE COURT: Yes. Ms. Coen. Okay.

8 MR. LABRUZZO: That's what I thought.

9 All right. And, Ms. Persaud, how are you
10 doing, ma'am? Same question to you.

11 PROSPECTIVE JUROR PERSAUD: I think I'm more
12 of a 5.

13 MR. LABRUZZO: All right. And any issues with
14 the things that we've discussed?

15 PROSPECTIVE JUROR PERSAUD: No.

16 MR. LABRUZZO: All right.

17 PROSPECTIVE JUROR PERSAUD: I mean, everyone
18 deserves a fair trial.

19 MR. LABRUZZO: I'm sorry, ma'am. I couldn't
20 hear you.

21 PROSPECTIVE JUROR PERSAUD: Everyone deserves
22 a fair trial. So I mean --

23 MR. LABRUZZO: You agree to follow the law?

24 PROSPECTIVE JUROR PERSAUD: Yes.

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

1 All right. Now to the other side of the room.

2 I'll start at the back.

3 Mr. Cunningham, how are you doing, sir?

4 PROSPECTIVE JUROR CUNNINGHAM: Honestly?

5 MR. LABRUZZO: Yes, sir.

6 PROSPECTIVE JUROR CUNNINGHAM: My butt hurts.

7 MR. LABRUZZO: I wasn't lying when I said
8 there were more comfortable seats over here, sir.

9 PROSPECTIVE JUROR CUNNINGHAM: I'll follow the
10 law. I'm going to stick with an 8.

11 MR. LABRUZZO: All right. Any difficulty
12 hearing us as we've been talking up here?

13 PROSPECTIVE JUROR CUNNINGHAM: No. I don't
14 have any problems with that.

15 MR. LABRUZZO: All right, sir. You can follow
16 the law as it relates to the decision?

17 PROSPECTIVE JUROR CUNNINGHAM: Yes.

18 MR. LABRUZZO: You understand that a verdict
19 for death has to be a unanimous verdict?

20 PROSPECTIVE JUROR CUNNINGHAM: Yes, sir.

21 MR. LABRUZZO: That means that everyone would
22 have to agree to the verdict in the case.

23 PROSPECTIVE JUROR CUNNINGHAM: Yep.

24 MR. LABRUZZO: And if one person doesn't agree
25 and it's not unanimous, that it's done. Do you

1 understand that?

2 PROSPECTIVE JUROR CUNNINGHAM: Oh, yeah.

3 MR. LABRUZZO: Okay. Any difficulty with
4 participating in a discussion where the ultimate
5 verdict could lead to someone's death?

6 PROSPECTIVE JUROR CUNNINGHAM: No problem.

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

8 Ms. Crook, how are you doing ma'am?

9 PROSPECTIVE JUROR CROOK: I'm doing good.

10 MR. LABRUZZO: Same questions to you.

11 PROSPECTIVE JUROR CROOK: I am actually more
12 of a 4 today.

13 MR. LABRUZZO: Today. Okay. You've kind of
14 moved a little bit.

15 PROSPECTIVE JUROR CROOK: I did.

16 MR. LABRUZZO: All right. A different scale,
17 a different question. Can you promise to keep an
18 open mind?

19 PROSPECTIVE JUROR CROOK: Yes.

20 MR. LABRUZZO: All right. If I were to ask
21 you, why do you think you moved today?

22 PROSPECTIVE JUROR CROOK: Because of some
23 questions that were brought up here with this
24 gentleman here.

25 MR. LABRUZZO: Okay.

1 PROSPECTIVE JUROR CROOK: About how convinced
2 we are if somebody is proven guilty.

3 MR. LABRUZZO: Right.

4 PROSPECTIVE JUROR CROOK: If that's actually
5 true or not. It may not be.

6 MR. LABRUZZO: Well, I will inform you that
7 you only get to that discussion if there's a
8 unanimous verdict for guilt.

9 PROSPECTIVE JUROR CROOK: Right.

10 MR. LABRUZZO: Okay. So if you're not there,
11 then you're not there. Do you understand? You're
12 only there if you've been convinced beyond a
13 reasonable doubt. That's part of the inquiry.
14 That's why we get to that stage. Okay. Does that
15 help change --

16 PROSPECTIVE JUROR CROOK: It does. I guess
17 I'm a 5.

18 MR. LABRUZZO: Okay. That's fair. Can you
19 follow the law as it relates to the things that
20 we've discussed?

21 PROSPECTIVE JUROR CROOK: Yes.

22 MR. LABRUZZO: All right. Thank you, ma'am.
23 Ms. Cinisomo.

24 PROSPECTIVE JUROR CINISOMO: Cinisomo.

25 MR. LABRUZZO: Cinisomo. Sorry.

1 PROSPECTIVE JUROR CINISOMO: That's okay.

2 MR. LABRUZZO: They're too small to write out
3 phonetically for me. That's okay.

4 PROSPECTIVE JUROR CINISOMO: No one gets it
5 right.

6 MR. LABRUZZO: Sorry.

7 PROSPECTIVE JUROR CINISOMO: I would say I'm
8 about in the middle.

9 MR. LABRUZZO: Okay.

10 PROSPECTIVE JUROR CINISOMO: I know I had made
11 a little notation on my form.

12 MR. LABRUZZO: Right.

13 PROSPECTIVE JUROR CINISOMO: But I would be
14 neutral, not for or against.

15 MR. LABRUZZO: Right.

16 PROSPECTIVE JUROR CINISOMO: It's a unanimous
17 decision.

18 MR. LABRUZZO: Right.

19 PROSPECTIVE JUROR CINISOMO: It's a man's
20 life.

21 MR. LABRUZZO: Right.

22 PROSPECTIVE JUROR CINISOMO: So I would say
23 pretty much in the middle.

24 MR. LABRUZZO: Okay. And since it's a big
25 decision -- you obviously promised us to follow the

1 law -- do you think you'd be comfortable involved
2 in a discussion where the ultimate verdict could
3 lead to someone's death?

4 PROSPECTIVE JUROR CINISOMO: Absolutely.

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

6 Mr. Mixon, how are you doing, sir?

7 PROSPECTIVE JUROR MIXON: Doing okay.

8 MR. LABRUZZO: Same questions to you.

9 PROSPECTIVE JUROR MIXON: I'm an 8, and I'm
10 going to stay an 8.

11 MR. LABRUZZO: All right.

12 PROSPECTIVE JUROR MIXON: I believe in the
13 death penalty.

14 MR. LABRUZZO: Okay.

15 PROSPECTIVE JUROR MIXON: I will follow the
16 law. I will listen.

17 MR. LABRUZZO: All right. And you will give
18 meaningful consideration to the aggravating and the
19 mitigating circumstances in the case?

20 PROSPECTIVE JUROR MIXON: Yes.

21 MR. LABRUZZO: You can follow the law on that?
22 You feel comfortable with that?

23 PROSPECTIVE JUROR MIXON: Yes.

24 MR. LABRUZZO: All right. Ms. Driscoll, same
25 questions to you.

1 PROSPECTIVE JUROR DRISCOLL: I was in the
2 middle and I'm staying in the middle.

3 MR. LABRUZZO: All right.

4 PROSPECTIVE JUROR DRISCOLL: And I have no
5 difficulty in following the law and respecting the
6 law.

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

8 Ms. Rulo, how are you doing, ma'am?

9 PROSPECTIVE JUROR RULO: Good. How are you?

10 MR. LABRUZZO: Same questions to you. Where
11 do you think you fall on the scale that I've laid
12 out?

13 PROSPECTIVE JUROR RULO: I was a 5, and I'm
14 still a 5.

15 MR. LABRUZZO: Okay. Can you keep an open
16 mind?

17 PROSPECTIVE JUROR RULO: Yes.

18 MR. LABRUZZO: How do you feel about
19 participating in a discussion where the ultimate
20 verdict could lead to someone's death? How do you
21 feel about that?

22 PROSPECTIVE JUROR RULO: I can do it.

23 MR. LABRUZZO: You think you could do it?

24 PROSPECTIVE JUROR RULO: Yes.

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

1 Mr. Winterbauer.

2 PROSPECTIVE JUROR WINTERBAUER: Yes, sir.

3 MR. LABRUZZO: How are you doing, sir?

4 PROSPECTIVE JUROR WINTERBAUER: I was a 5 when
5 I started, and I'm 5 right now after two days of
6 thinking over this. Yes, I can apply the law.

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

8 Ms. Springfield.

9 PROSPECTIVE JUROR SPRINGFIELD: I put down a 7
10 simply to show that I would be willing to consider
11 it.

12 MR. LABRUZZO: All right.

13 PROSPECTIVE JUROR SPRINGFIELD: However, I
14 would not have a problem following the law or
15 participating or listening to discussions. I do
16 have an open mind.

17 MR. LABRUZZO: All right. Thank you, ma'am.
18 I appreciate it.

19 Mr. Strohman, I think we kind of have your
20 feelings. We kind of had some discussions. I know
21 where your feelings are at, sir. So I'm going to
22 move on.

23 Ms. Ackerman.

24 I'm just trying to move it along. We talked
25 to you up there.

1 Hi, Ms. Ackerman. How are you doing?

2 PROSPECTIVE JUROR ACKERMAN: Fine, thank you.

3 MR. LABRUZZO: Same questions to you, ma'am.

4 PROSPECTIVE JUROR ACKERMAN: I put a 6.

5 MR. LABRUZZO: All right. And, ma'am, you
6 still believe on the scale?

7 PROSPECTIVE JUROR ACKERMAN: Yes.

8 MR. LABRUZZO: You can listen to the law?

9 PROSPECTIVE JUROR ACKERMAN: Absolutely.

10 MR. LABRUZZO: Okay. Do you feel comfortable
11 participating in a discussion where the ultimate --

12 PROSPECTIVE JUROR ACKERMAN: Yes.

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

14 PROSPECTIVE JUROR ACKERMAN: You're welcome.

15 MR. LABRUZZO: This could be real easy.

16 Ms. Ceko.

17 PROSPECTIVE JUROR CEKO: Ceko.

18 MR. LABRUZZO: Ceko. See, I told you. It was
19 too simple and not so simple.

20 How are you doing, ma'am?

21 PROSPECTIVE JUROR CEKO: I'm well. How are
22 you?

23 MR. LABRUZZO: Good. You've heard me ask the
24 question a number of times. You've heard a lot of
25 discussion. Do you think you can follow the law as

1 it relates to that?

2 PROSPECTIVE JUROR CEKO: Yes, sir.

3 MR. LABRUZZO: Can you listen to the
4 aggravating factors and the mitigating
5 circumstances?

6 PROSPECTIVE JUROR CEKO: Yes, sir.

7 MR. LABRUZZO: And can you promise us you'll
8 follow the law as to that?

9 PROSPECTIVE JUROR CEKO: Yes, sir.

10 MR. LABRUZZO: And how do you feel about
11 participating in a discussion where the ultimate
12 verdict could mean the death of someone?

13 PROSPECTIVE JUROR CEKO: I'm working on a 6.

14 MR. LABRUZZO: Okay. You realize it has to be
15 a unanimous decision if you're going to be doing
16 that?

17 PROSPECTIVE JUROR CEKO: Yes.

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

19 Mr. Solis, how are you doing, sir?

20 PROSPECTIVE JUROR SOLIS: Good. Yourself?

21 MR. LABRUZZO: And same question to you.

22 PROSPECTIVE JUROR SOLIS: Listening to the
23 scale, so I put myself as a 6.

24 MR. LABRUZZO: Okay.

25 PROSPECTIVE JUROR SOLIS: I have no problems

1 following the law.

2 MR. LABRUZZO: Okay. I got it. Now I see why
3 you said that. All right, sir. Now that you
4 understand it, you put yourself at a 6?

5 PROSPECTIVE JUROR SOLIS: Yes.

6 MR. LABRUZZO: Any difficulties with the
7 things that we've discussed?

8 PROSPECTIVE JUROR SOLIS: No difficulties.

9 MR. LABRUZZO: All right. Thank you, sir.
10 Ms. Hackbarth, how are you doing, ma'am?

11 PROSPECTIVE JUROR HACKBARTH: Good.

12 MR. LABRUZZO: Same question to you.

13 PROSPECTIVE JUROR HACKBARTH: Okay. I started
14 out as a 10, and now I'm 5. I feel like I can
15 follow the law and discuss things.

16 MR. LABRUZZO: Okay, ma'am. And how do you
17 feel about participating in a discussion where the
18 ultimate verdict could lead to someone's death?

19 PROSPECTIVE JUROR HACKBARTH: I have no
20 problem discussing that.

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

22 Mr. Garcia, how are you doing, sir?

23 PROSPECTIVE JUROR GARCIA: I'm good. I was a
24 5, and I'm going to stay a 5.

25 MR. LABRUZZO: All right. And you feel

1 comfortable with all the things we discussed?

2 PROSPECTIVE JUROR GARCIA: Yes, sir.

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

4 Mr. Weaver.

5 PROSPECTIVE JUROR WEAVER: I was a 10. I feel
6 the punishment should fit the crime.

7 MR. LABRUZZO: Okay.

8 PROSPECTIVE JUROR WEAVER: And I feel, as a
9 juror, it should be guilty or not guilty.

10 MR. LABRUZZO: Right.

11 PROSPECTIVE JUROR WEAVER: And for the rest of
12 it, I'm going to stay as vague as you did.

13 MR. LABRUZZO: Okay.

14 PROSPECTIVE JUROR WEAVER: Under the
15 circumstances.

16 MR. LABRUZZO: Okay. Well, again, and I
17 appreciate that. But, I guess, are you indicating
18 to us that if you come to a verdict of guilty, that
19 you're not willing to consider life in prison, it's
20 just only a sentence of death?

21 PROSPECTIVE JUROR SOLIS: I'd have to listen
22 to what happens.

23 MR. LABRUZZO: Okay.

24 PROSPECTIVE JUROR SOLIS: I'd have to made up
25 my mind then.

1 MR. LABRUZZO: All right. So you'd listen to
2 the aggravating and mitigating? You're okay with
3 that?

4 PROSPECTIVE JUROR SOLIS: Yes.

5 MR. LABRUZZO: Okay. I just want to make
6 sure, because you said an eye for an eye.
7 Sometimes that could be interpreted as, you know,
8 no consideration.

9 PROSPECTIVE JUROR SOLIS: No.

10 MR. LABRUZZO: Okay.

11 PROSPECTIVE JUROR SOLIS: I'd have to listen
12 to the facts.

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

14 All right. Ms. Furler.

15 PROSPECTIVE JUROR FURLER: Yes.

16 MR. LABRUZZO: You just stood up. You were
17 ready to go.

18 PROSPECTIVE JUROR FURLER: I'm ready.

19 MR. LABRUZZO: I'm trying, guys. Sorry.
20 Sorry.

21 PROSPECTIVE JUROR FURLER: I'm going to remain
22 a 4, and I do believe that I can follow the law.

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

24 Ms. Chamberlain, how are you doing, ma'am?

25 PROSPECTIVE JUROR CHAMBERLAIN: Good.

1 MR. LABRUZZO: You've heard the questions.

2 PROSPECTIVE JUROR CHAMBERLAIN: Yeah. I have
3 a clear understanding of that scale now and I would
4 go to a 5.

5 MR. LABRUZZO: All right. And you will follow
6 the law and do all the things that we've asked?

7 PROSPECTIVE JUROR CHAMBERLAIN: Yes.

8 MR. LABRUZZO: You feel comfortable
9 participating in a discussion where the ultimate
10 verdict would lead to someone's death?

11 PROSPECTIVE JUROR CHAMBERLAIN: Yes. I'd be
12 willing.

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

14 My Severino, same questions to you.

15 PROSPECTIVE JUROR SEVERINO: I'm in the
16 middle, and I remain in the middle.

17 MR. LABRUZZO: All right. That means you can
18 keep an open mind?

19 PROSPECTIVE JUROR SEVERINO: Yes.

20 MR. LABRUZZO: And follow the law?

21 PROSPECTIVE JUROR SEVERINO: Yes.

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

23 All right. Last row.

24 Mr. Peters, how are you doing, sir?

25 PROSPECTIVE JUROR PETERS: Good. How are you?

1 I believe if the facts are present, the law has
2 been followed, and it is a particularly heinous
3 crime, the death penalty is warranted.

4 MR. LABRUZZO: Okay.

5 PROSPECTIVE JUROR PETERS: I'm not saying it's
6 an absolute.

7 MR. LABRUZZO: Right.

8 PROSPECTIVE JUROR PETERS: But if it's
9 premeditation and it's particularly heinous, then I
10 can come back with death.

11 MR. LABRUZZO: Okay. Let's say it is those
12 things, Mr. Peters, but let's say there's also
13 mitigating circumstances. It could be anything.
14 The law says that mitigating circumstances could be
15 anything. Right. Are you willing to listen to the
16 mitigating circumstances?

17 PROSPECTIVE JUROR PETERS: Yes.

18 MR. LABRUZZO: Are you willing to weigh the
19 mitigating circumstances against the aggravators
20 that you may find?

21 PROSPECTIVE JUROR PETERS: Yes.

22 MR. LABRUZZO: All right. Are you willing to
23 follow the law as to that?

24 PROSPECTIVE JUROR PETERS: Absolutely.

25 MR. LABRUZZO: And if the crime meets one of

1 the aggravators, is it an automatic for you to go
2 death?

3 PROSPECTIVE JUROR PETERS: No. No. There's
4 times when it is; there's times when it's not.

5 MR. LABRUZZO: Right.

6 PROSPECTIVE JUROR PETERS: If it's
7 premeditated, there's times when it's very
8 heinous --

9 MR. LABRUZZO: Right.

10 PROSPECTIVE JUROR PETERS: -- those could be
11 the times where it would be.

12 MR. LABRUZZO: Okay.

13 PROSPECTIVE JUROR PETERS: There's never any
14 absolute.

15 MR. LABRUZZO: Well, let's say it is those
16 things. I just want to make sure that we're clear.
17 If it is those things -- and, again, Mr. Weaver
18 dislikes I'm being vague as to certain things, but
19 I'm trying to be respectful of the law.

20 Let's say it is those things, those
21 aggravators which you may think -- or as the Court
22 thought, if those things are proven, are you still
23 willing to weigh the mitigators against it?

24 PROSPECTIVE JUROR PETERS: Of course.

25 MR. LABRUZZO: Okay.

1 PROSPECTIVE JUROR PETERS: Because nothing is
2 absolute. So I'm not set one way or the other.

3 MR. LABRUZZO: Right.

4 PROSPECTIVE JUROR PETERS: I just think there
5 are certain situations, I guess, where I would feel
6 that the death penalty is warranted and those would
7 be reasons I would look at where it could be
8 warranted.

9 MR. LABRUZZO: All right. Thank you, sir. I
10 appreciate it.

11 Ms. Taylor, how are you doing, ma'am?

12 PROSPECTIVE JUROR TAYLOR: Fine. I started as
13 a 5. I remain a 5. I would have to hear both
14 sides, both the law and all of the evidence before
15 I would make up my mind.

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

17 And I don't have any other questions to you
18 about that, but I do want to bring up something
19 that Ms. Taylor does point out.

20 Just so we're clear, the burden of proof in a
21 death penalty portion is still with the State. The
22 facts can come -- mitigation can come from anywhere
23 in the case.

24 That's what I kind of mentioned earlier, that
25 the facts -- the mitigation and aggravation can

1 come from the case itself. All right. So are you
2 still willing to listen and apply all the facts
3 that you've heard as it relates to the law?

4 PROSPECTIVE JUROR TAYLOR: Yes.

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

6 And I already did it once, and I already
7 forgot. Mr. Kotliar, how are you doing, sir?

8 PROSPECTIVE JUROR KOTLIAR: Okay.

9 MR. LABRUZZO: And where do you put yourself
10 on the scale?

11 PROSPECTIVE JUROR KOTLIAR: Well, originally I
12 was 3, because I feel that is a gut emotional
13 response to that question.

14 MR. LABRUZZO: Right.

15 PROSPECTIVE JUROR KOTLIAR: But if you're
16 looking at it as you described it, from a
17 legalistic sense, I would put myself as a 5,
18 because I would separate it and do my job.

19 MR. LABRUZZO: Right.

20 PROSPECTIVE JUROR KOTLIAR: And if I had to
21 vote on it, I would do it; but I would not be happy
22 about it.

23 MR. LABRUZZO: Okay. All right, sir. Do you
24 understand that, again, just so we're clear, it's a
25 unanimous verdict? That you're going to

1 participate in a discussion for a verdict that has
2 to be unanimous, correct?

3 PROSPECTIVE JUROR KOTLIAR: Uh-huh.

4 MR. LABRUZZO: All right. And you understand
5 that?

6 PROSPECTIVE JUROR KOTLIAR: Yes.

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

8 All right. Ms. Cooper, how are you doing,
9 ma'am?

10 PROSPECTIVE JUROR COOPER: Good.

11 MR. LABRUZZO: How do you feel about the
12 question that I've asked?

13 PROSPECTIVE JUROR COOPER: I circled an 8, and
14 I'm going to be an 8.

15 MR. LABRUZZO: All right. You can do all the
16 things that we're going to ask you to do?

17 PROSPECTIVE JUROR COOPER: Yes, sir.

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

19 Before I move on to the next topic, any
20 ambiguity about that? As kind of we sit through
21 the long questioning, anyone feel like something's
22 changed in their mind they want to tell me about,
23 tell me about it now?

24 THE PROSPECTIVE JURY: (No audible response.)

25 MR. LABRUZZO: All right. Thank you.

1 Okay. All right. One of those things that
2 can affect a person's ability to listen to facts of
3 a case can be a prior experience or a particular
4 thought, and I'd like to talk about domestic
5 violence. All right.

6 You may hear evidence in this case about a
7 domestic relationship that became violent. This is
8 a murder case. All right. So I want to talk to
9 you about whether or not you've had an
10 experience -- and I know some of you actually work
11 in the field of domestic violence -- that if you
12 were to hear testimony that relates to domestic
13 violence, that it would engender such a response
14 that it may prevent you from listening to the
15 testimony. Okay.

16 I'm not going to go row by row individually,
17 but I know that there are some of you out there
18 that have had particular experiences. And so I
19 kind of want to see if you've had an experience
20 with domestic violence, that you tell us about it.
21 You don't have to tell us the facts of it. I just
22 want to know whether or not it's going to affect
23 your ability to listen to testimony. Okay.

24 I'll go to the left side. Anyone on the first
25 row that feels like you've had an experience, know

1 someone that's had an experience, been a child in a
2 case involved with domestic violence, that if you
3 were to hear testimony, it would affect your
4 ability to listen to evidence? Anyone on the first
5 row?

6 THE PROSPECTIVE JURY: (No audible response.)

7 MR. LABRUZZO: Anyone on the second row?

8 PROSPECTIVE JUROR COLEMAN: Are you asking if
9 you had an experience or if the experience would
10 affect your ability?

11 MR. LABRUZZO: Well, I'll ask you. Have you
12 ever had an experience?

13 PROSPECTIVE JUROR COLEMAN: Yes. You know I
14 have.

15 MR. LABRUZZO: Yes. We talked about that.
16 Right. Yes. Correct. Is that going to affect
17 your ability?

18 PROSPECTIVE JUROR COLEMAN: No.

19 MR. LABRUZZO: Okay. Then that's all we need
20 to know.

21 Anyone in the second row?

22 THE PROSPECTIVE JURY: No.

23 MR. LABRUZZO: Anyone in the third row?

24 THE PROSPECTIVE JURY: No.

25 MR. LABRUZZO: Fourth row?

1 THE PROSPECTIVE JURY: No.

2 MR. LABRUZZO: The fifth row?

3 PROSPECTIVE JUROR PETIT: (Indicating.)

4 MR. LABRUZZO: It's Mr. Petit.

5 PROSPECTIVE JUROR PETIT: I do work in the
6 field, but it would not affect my ability to listen
7 to the testimony. What would affect my ability is
8 not being able to do my job correctly.

9 MR. LABRUZZO: Okay. Now, I understand if you
10 were -- again, same thing you discussed at the
11 bench earlier, correct?

12 PROSPECTIVE JUROR PETIT: Uh-huh.

13 MR. LABRUZZO: But you can set aside the fact
14 that you work in the field? You can set that
15 aside?

16 PROSPECTIVE JUROR PETIT: Yes.

17 MR. LABRUZZO: You won't let it affect your
18 ability?

19 PROSPECTIVE JUROR PETIT: No.

20 MR. LABRUZZO: All right. Thank you, sir.
21 Anyone in the next row?

22 PROSPECTIVE JUROR ECK: (Indicating.)

23 MR. LABRUZZO: I'm sorry, ma'am. I couldn't
24 see your hand. I'm sorry, ma'am. Your name is
25 Ms. Vektorino?

1 PROSPECTIVE JUROR ECK: Kathleen Eck.

2 MR. LABRUZZO: Eck. I'm sorry.

3 Yes, Ms. Eck.

4 PROSPECTIVE JUROR ECK: Okay. There has been
5 domestic violence I've been involved in, but that
6 would not weigh in anything.

7 MR. LABRUZZO: You can set it aside?

8 PROSPECTIVE JUROR ECK: I can set it aside.

9 MR. LABRUZZO: All right. Was it recent or
10 anything of that nature?

11 PROSPECTIVE JUROR ECK: No. It was a while
12 ago.

13 MR. LABRUZZO: Okay. All right. Thank you,
14 Ms. Eck.

15 PROSPECTIVE JUROR ECK: Thank you.

16 MR. LABRUZZO: Anyone in the next row?

17 THE PROSPECTIVE JURY: (No audible response.)

18 MR. LABRUZZO: I don't see any hands.

19 I guess we're into the last two rows. Anyone
20 on the last two rows?

21 PROSPECTIVE JUROR THOMAS: (Indicating.)

22 MR. LABRUZZO: I see Ms. Thomas. You raised
23 your hand?

24 PROSPECTIVE JUROR THOMAS: (Indicating.)

25 MR. LABRUZZO: Yes, ma'am. You've had an

1 experience? Either you or someone you know has had
2 an experience?

3 PROSPECTIVE JUROR THOMAS: Yes.

4 MR. LABRUZZO: Okay.

5 PROSPECTIVE JUROR THOMAS: It wouldn't affect
6 my ability.

7 MR. LABRUZZO: All right. Was it someone
8 close to you?

9 PROSPECTIVE JUROR THOMAS: Yes.

10 MR. LABRUZZO: Was it recent?

11 PROSPECTIVE JUROR THOMAS: One was a long time
12 ago.

13 MR. LABRUZZO: Okay.

14 PROSPECTIVE JUROR THOMAS: And one was recent
15 like in the past week.

16 MR. LABRUZZO: Okay. And you're telling us it
17 would not affect your ability to listen to evidence
18 in this case?

19 PROSPECTIVE JUROR THOMAS: No. It would not
20 affect my ability to serve.

21 MR. LABRUZZO: Okay. Is it you or someone
22 that you know?

23 PROSPECTIVE JUROR THOMAS: It's a family
24 member.

25 MR. LABRUZZO: Okay. Does that person live in

1 your household?

2 PROSPECTIVE JUROR THOMAS: One does, yes.

3 MR. LABRUZZO: Okay.

4 PROSPECTIVE JUROR THOMAS: The other one, no.

5 MR. LABRUZZO: And you can set aside those
6 experiences, the issues that relate to that, and
7 judge this case solely on the evidence?

8 PROSPECTIVE JUROR THOMAS: Yes.

9 MR. LABRUZZO: All right. Anyone on the last
10 row?

11 THE PROSPECTIVE JURY: (No audible response.)

12 MR. LABRUZZO: I don't see any hands.

13 Okay. To the other side of the room. Anyone
14 on the first row?

15 PROSPECTIVE JUROR COOPER: (Indicating.)

16 MR. LABRUZZO: Ms. Cooper. Yes, ma'am? Would
17 it affect your ability?

18 PROSPECTIVE JUROR COOPER: No.

19 MR. LABRUZZO: You can set it aside?

20 PROSPECTIVE JUROR COOPER: Yes, sir.

21 MR. LABRUZZO: All right. Are you sure?

22 PROSPECTIVE JUROR COOPER: Yes, sir.

23 MR. LABRUZZO: Okay. Anyone on the second
24 row?

25 THE PROSPECTIVE JURY: (No audible response.)

1 MR. LABRUZZO: Third row?

2 PROSPECTIVE JUROR SPRINGFIELD: (Indicating.)

3 PROSPECTIVE JUROR STROHMAN: (Indicating.)

4 PROSPECTIVE JUROR ACKERMAN: (Indicating.)

5 MR. LABRUZZO: All right. I see a number of
6 hands.

7 Okay. And I'll start with Ms. Springfield.
8 You raised your hand?

9 PROSPECTIVE JUROR SPRINGFIELD: Yes. It would
10 not affect my ability.

11 MR. LABRUZZO: Okay. And Mr. Strohman.

12 PROSPECTIVE JUROR STROHMAN: No, it won't
13 affect me.

14 MR. LABRUZZO: All right. Thank you, sir.
15 Ms. Ackerman.

16 PROSPECTIVE JUROR ACKERMAN: It won't affect
17 me.

18 MR. LABRUZZO: All right. Ms. Hackbarth.

19 PROSPECTIVE JUROR HACKBARTH: It won't affect
20 me.

21 MR. LABRUZZO: You can all set it aside?

22 PROSPECTIVE JUROR HACKBARTH: Yes.

23 MR. LABRUZZO: All right. Thank you.

24 Anyone on the last row?

25 PROSPECTIVE JUROR RULO: (Indicating.)

1 PROSPECTIVE JUROR WINTERBAUER: (Indicating.)

2 And Ms. Rulo and Mr. Winterbauer.

3 I'll start with Ms. Rulo. Anything about that
4 experience that would affect your ability?

5 PROSPECTIVE JUROR RULO: No.

6 MR. LABRUZZO: Mr. Winterbauer?

7 PROSPECTIVE JUROR WINTERBAUER: No. I can.

8 MR. LABRUZZO: All right. Was it recent?

9 PROSPECTIVE JUROR WINTERBAUER: No. It was
10 when I was young.

11 THE COURT: He's going to have to stand up.

12 MR. LABRUZZO: I'm sorry. You're going to
13 have to stand up. I'm having a hard time hearing
14 myself.

15 PROSPECTIVE JUROR WINTERBAUER: From the time
16 I was 16 -- excuse me, 19, when I actually came
17 back from Vietnam, all the issues from the war,
18 there was a lot of violence.

19 MR. LABRUZZO: All right. You can set that
20 aside?

21 PROSPECTIVE JUROR WINTERBAUER: Yes, I can.

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

23 All right. One of the last series I want to
24 cover is when the Court read you the charging
25 document in this case, the charge is one of

1 first-degree murder premeditation.

2 The Court will instruct you as to what the
3 elements of the case are and that the State only
4 has to prove to you beyond a reasonable doubt the
5 elements of the crime that's been charged. Okay.

6 Does everyone understand that, that the
7 elements that the Court outlines are the things
8 that we have to prove? There may be things you
9 want to know, things that you feel like you should
10 know, but it's not something the Court tells you
11 the law requires. It's not something we have to
12 prove to you.

13 For example, what someone ate on a particular
14 day or what exact piece of clothing they were
15 wearing -- if it's not something we have to prove
16 to you beyond a reasonable doubt -- you may want to
17 know it, but it's not something you're going to
18 know.

19 Is everyone comfortable with that?

20 THE PROSPECTIVE JURY: Yes.

21 MR. LABRUZZO: Okay. It's only the elements
22 that need to be proven.

23 The issue of premeditation is one that can
24 arise from an instant. And I only bring up that
25 distinction because some people may have a

1 preconceived idea as to what the law is related to
2 premeditation, that they may think that it's
3 something that requires long-term planning, you
4 know, certain types of escape routes or certain
5 things that he may have to have done.

6 I just want to suggest to you that the law on
7 premeditation, as the Court is going to instruct
8 you, is that it's a specific intent to kill and
9 that someone has to have that intent at the moment
10 before they actually do the killing. Okay?

11 And premeditation can arise from the fact --
12 it can be an intent that arises in moments prior to
13 the killing. The law says that you only need
14 enough time to allow you to reflect on what you're
15 about to do. Okay?

16 Anyone have an issue with that and maybe had a
17 different thought about what it would be? And, I
18 guess, at this late hour I'm going to ask the
19 question. Does everyone agree to follow the law as
20 the Court instructed you on it?

21 THE PROSPECTIVE JURY: Yes.

22 MR. LABRUZZO: Okay. Just one moment.

23 All right. Before I sit down, ladies and
24 gentlemen, again this is the last time that we as
25 the State of Florida get a chance to talk with you.

1 I will mention it to you now, and I'm sure
2 Mr. Pura or Mr. Michailos will mention it to you as
3 well. That if you've had a thought on one of the
4 questions that we've been talking about and I may
5 not have asked you specifically the question, but
6 as you sit there and you're saying to yourself --
7 even at this late hour, it is important, if you've
8 had a thought and you're saying to yourself, well,
9 I bet they wish they knew this about me. I wish
10 they had asked me that question. I wish that, you
11 know, if they had asked me this question, I would
12 have told them this. All right.

13 This is your opportunity to tell us if I have
14 not asked you specifically a question. I guess you
15 call it the catchall at this point. Is there
16 anyone here that has a thought, maybe an answer to
17 a question that they weren't specifically asked
18 they think I should know? Now is the opportunity
19 to tell me now. And I'm sure you'll have an
20 opportunity again later, but I wanted to give you
21 that opportunity now before I sit down.

22 Anyone have a thought or an answer that I
23 didn't specifically ask?

24 THE PROSPECTIVE JURY: (No audible response.)

25 MR. LABRUZZO: Okay. I see no hands.

1 And thank you very much for your time and
2 attention.

3 THE COURT: I know what's going through their
4 mind. What's going through their mind it's 5:42,
5 now what is that judge going to do? Right? That's
6 how we think.

7 Well, what I'm going to do -- again, my
8 decision, they gave me the robe, I make a few -- is
9 that I'm going to release you for tonight and have
10 you come back tomorrow.

11 And the reason I'm doing that is twofold.
12 Number one, it's very late, and the Defense has
13 just as much opportunity or should have as much
14 opportunity to speak to you when you're fresh and
15 willing to answer the questions clearly, concisely
16 as the State.

17 And it wouldn't be fair to put them in a
18 situation where they kind of rush through the
19 questioning because everybody is getting tired, and
20 I would have to send you to dinner and have you
21 come back at 7:00 and start it.

22 So I know this is extremely inconvenient. You
23 get more money for coming back tomorrow, if that
24 makes you feel any better. But for the sake of
25 this trial and the importance of this trial, as

1 we've all talked about it, I am going to have you
2 all come back tomorrow in the jury pool room at
3 9:00 again. Not at 7:00 or 7:30. 9:00.

4 And we will bring you back up, and then the
5 Defense does not have to rush through any
6 questioning. I'm sure they want to be as thorough
7 with their questioning and get your responses as
8 the State has been, and it's only fair to give them
9 that opportunity.

10 So before I release you, is there anyone who
11 wants to tell me something about the fact that they
12 have to come back tomorrow that I need to know now?

13 PROSPECTIVE JUROR SCHLITT: (Indicating.)

14 THE COURT: I see a couple of hands. Okay.
15 Let's see. First hand, if you can stand up and
16 give me your name.

17 PROSPECTIVE JUROR SCHLITT: Sure. Jeffrey
18 Schlitt.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR SCHLITT: I teach electrical
21 apprenticeship at Hillsborough Community College.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR SCHLITT: It starts at 6:30.
24 Tuesday I got a sub, but tomorrow I can't have a
25 sub.

1 THE COURT: Okay. So you have to be out of
2 here by tomorrow night at what time?

3 PROSPECTIVE JUROR SCHLITT: Well, if I get out
4 of here by 5:00, I can make it there by 6:30.

5 THE COURT: Okay. I think I can have you
6 done. I think that won't be a problem for you
7 tomorrow. Okay?

8 PROSPECTIVE JUROR SCHLITT: Okay.

9 THE COURT: All right. Next. Yes, ma'am.
10 It's Ms. --

11 PROSPECTIVE JUROR KURTZ: I just can't do
12 this.

13 THE COURT: I'm sorry?

14 PROSPECTIVE JUROR KURTZ: I don't want to be a
15 part of this trial.

16 THE COURT: Okay. Why don't you wait one
17 second, let me get to everybody else, and I'll have
18 you come up to the bench.

19 Anybody else? I see one more.

20 PROSPECTIVE JUROR THOMAS: (Indicating.)

21 THE COURT: Ms. Thomas, right?

22 PROSPECTIVE JUROR THOMAS: Yes.

23 THE COURT: All right. We're going to have
24 you wait one sec.

25 Anyone else? I see one more.

1 PROSPECTIVE JUROR COEN: Coen.

2 THE COURT: Ms. Coen. I should remember.

3 PROSPECTIVE JUROR COEN: I have to work
4 tomorrow. It's at 4:00. So I don't know, like, if
5 I could just give them a heads up that I can't
6 come.

7 THE COURT: Okay. Well, you stay, too. We'll
8 get with you.

9 Anyone else?

10 THE PROSPECTIVE JURY: (No audible response.)

11 THE COURT: All right. For everyone else,
12 other than the few people I asked to remain, you're
13 released for the evening. No talking, tweeting,
14 blogging, no talking about it, and we'll see you
15 back tomorrow at 9:00. I see a bunch of tweeters.
16 No tweeting.

17 If I can have the lawyers at the bench, and
18 then we'll bring the first people up one by one.

19 (Bench Conference.)

20 THE COURT: Is that person who said they can't
21 do it Ms. Rein? Is it Ms. Rein or Ms. Riley?

22 MR. LIVERMORE: I think it's Ms. Rein.

23 THE COURT: It's Ms. Rein with the white hair
24 and with the glasses that said she can't do this?

25 MR. PURA: No, no, no. I don't think that was

1 her. That was --

2 MR. LABRUZZO: Kurtz.

3 MR. PURA: That was Kurtz, I believe.

4 MR. LABRUZZO: Kurtz.

5 MR. PURA: That was Ms. Kurtz in Seat 66,
6 because there was a couple of empty seats next to
7 her.

8 (Open Court.)

9 THE COURT: All right, ma'am. Come on up.

10 You guys can have a seat. We'll get with you.

11 I promise. You don't have to stand there.

12 (Bench Conference.)

13 THE COURT: And it's Kurtz?

14 PROSPECTIVE JUROR KURTZ: Uh-huh.

15 THE COURT: Yes, Ms. Kurtz. Okay. You don't
16 have to be so far away. You can stand right there
17 so we can all hear.

18 PROSPECTIVE JUROR KURTZ: Okay.

19 THE COURT: But I just wanted you to come up
20 here so you didn't have to shout.

21 PROSPECTIVE JUROR KURTZ: Okay.

22 THE COURT: The room is not big when there's
23 still a lot of people in it.

24 So you've said, the words you've just said
25 were, "I can't do this." So I'm trying to figure

1 out what part of this can't you do? Is it work or
2 just the whole idea now that we've been talking
3 about the death penalty and murder?

4 PROSPECTIVE JUROR KURTZ: I don't -- I don't
5 like it. I don't want to be a part of this trial.

6 THE COURT: Okay. Can you be a little bit
7 more specific?

8 PROSPECTIVE JUROR KURTZ: I don't want to sit
9 and listen to murders and domestic abuse and crime
10 and all of it. I don't want any part of it.

11 THE COURT: And my question is if, for lack of
12 a better term -- I've been using it for a couple of
13 days now -- I forced you to do it, would you
14 basically tune everyone out and not listen?

15 PROSPECTIVE JUROR KURTZ: Well, no. I would
16 listen if I was forced to do this.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR KURTZ: But I don't want to
19 be here.

20 THE COURT: Okay. And I'm not saying that you
21 are going to be here. My question to you is -- you
22 seem like a bright person and a fair person and I'm
23 going to ask you a question. If someone that you
24 cared about was on trial for a very important case
25 like this, a murder in the first degree, there

1 would be life in prison or death, if these two
2 sides of people who have years and years of
3 training and experience think that you're the
4 person, that you are just the right juror, you have
5 just the right temperament and background and
6 knowledge and you seem just the right person for
7 them, wouldn't you want that person to be on the
8 jury for your friend?

9 PROSPECTIVE JUROR KURTZ: Well, of course.
10 But you've got 96 people in here. There has to be
11 someone else that doesn't mind being on there that
12 has the same temperament.

13 THE COURT: Okay. Well, and I don't think any
14 of the 90 really want to be here. I have to tell
15 you that.

16 PROSPECTIVE JUROR KURTZ: I've heard people
17 that do. They're interested. They're fascinated
18 by it. I'm not.

19 THE COURT: Okay. And that may not be a
20 reason to kick you off, but it might be a reason
21 that the lawyers don't want you on. Okay?

22 PROSPECTIVE JUROR KURTZ: Okay.

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

24 MR. SARABIA: Do you think that you would
25 still be able to pay attention during the entire

1 trial and be fair to both sides even if you were
2 forced, for lack of a better term, to be here?

3 PROSPECTIVE JUROR KURTZ: Well, I would. It
4 gets so tedious.

5 THE COURT: Welcome to my job.

6 PROSPECTIVE JUROR KURTZ: I mean, my God.

7 THE COURT: Yes.

8 PROSPECTIVE JUROR KURTZ: Ninety-six people
9 being asked the same question over and over and
10 over.

11 THE COURT: Let's say it gets monotonous.

12 PROSPECTIVE JUROR KURTZ: I don't know if that
13 would happen during the trial. Are you going to do
14 the same explanations over and over? I think you
15 start -- I start to tune it out.

16 MR. SARABIA: I anticipate that it will be
17 more tedious at points during the trial
18 unfortunately. Is that going to be a problem for
19 you?

20 PROSPECTIVE JUROR KURTZ: Yes.

21 MR. SARABIA: Do you think that that would
22 affect your ability to be fair and impartial
23 because you hold it against the attorneys who are
24 presenting the information or you stop listening to
25 the information that's being presented?

1 PROSPECTIVE JUROR KURTZ: Well, I think I
2 start tuning it out.

3 MR. SARABIA: Okay. Meaning that you wouldn't
4 being paying --

5 PROSPECTIVE JUROR KURTZ: I mean, I grabbed my
6 book today.

7 MR. SARABIA: Okay.

8 PROSPECTIVE JUROR KURTZ: Because, you know,
9 after a while everybody is saying the same thing
10 and he -- and reiterating the same exact questions.

11 MR. SARABIA: I understand. So you believe
12 that there would be parts of the trial you
13 potentially would tune out, therefore, missing the
14 testimony?

15 PROSPECTIVE JUROR KURTZ: Well, I would hope I
16 wouldn't do that. I mean, if I was picked as part
17 of a jury, I would give it my best.

18 MR. SARABIA: Well, okay. Give it your best.
19 I understand completely. But is your best going to
20 be able to be paying attention the whole time?

21 PROSPECTIVE JUROR KURTZ: I'd say, no.

22 MR. SARABIA: Okay.

23 THE COURT: Defense, do you have any
24 questions?

25 MR. PURA: Just a couple. I appreciate your

1 candor. This wasn't designed to be a pleasant
2 experience, you know that?

3 PROSPECTIVE JUROR KURTZ: Yeah, I know.

4 MR. PURA: I mean, in a perfect world we would
5 summon jurors individually and say show up at 10:10
6 or 10:20. You know, they can come in at that time,
7 then leave ten minutes later. But we have to go
8 through this process, you understand, of
9 individually asking --

10 PROSPECTIVE JUROR KURTZ: I had no idea.

11 MR. PURA: -- every potential jurors we have
12 to ask questions. We wouldn't be doing our job
13 just asking blanket questions to the group. You
14 appreciate that, don't you?

15 PROSPECTIVE JUROR KURTZ: Well, I think some
16 of those -- why couldn't it have been where you ask
17 if anybody changed their mind instead of going
18 through 96 people, the same question.

19 MR. PURA: Well, I didn't ask that question.
20 But, anyway, I'd suggest that what Mr. Sarabia said
21 about the trial being equally tedious, you're not
22 going to hear repetition, the same question being
23 asked to 10, 15, 20 people in trial. I mean, I
24 expect the pace will pick up and move in trial.

25 MR. SARABIA: I object to that, Judge.

1 PROSPECTIVE JUROR KURTZ: Well, I heard that
2 list of witnesses. If they're all asked the same
3 thing, that would be the same questions over and
4 over.

5 MR. PURA: Well, I'd suggest that the trial is
6 not going to be anything like the jury selection.
7 Okay?

8 PROSPECTIVE JUROR KURTZ: Okay.

9 THE COURT: But there's parts that are
10 tedious. We have to ask questions that may be
11 common sense, but we still need them on the record.

12 MR. PURA: Jury duty is a sacrifice, right?

13 PROSPECTIVE JUROR KURTZ: Yeah.

14 MR. PURA: Okay. I mean, it's not designed
15 to be --

16 PROSPECTIVE JUROR KURTZ: But this case is not
17 for me. I understand that a jury is a sacrifice.
18 And I came in for three long days. I mean, I
19 understand that, but I don't want be on a murder
20 trial.

21 THE COURT: All right. We're going to have
22 you step out into the hallway and we'll give you
23 further instructions.

24 PROSPECTIVE JUROR KURTZ: Thank you.

25 MR. SARABIA: Do you want to address her now

1 or do you want to do the other people first?

2 THE COURT: I'm going to take both of you up
3 here. What do we say about her?

4 MR. SARABIA: We're moving to excuse her for
5 cause. She was very emotional and heated up here,
6 almost combative.

7 THE COURT: I would note for the record she
8 was also teary-eyed and upset.

9 MR. PURA: She didn't say she couldn't follow
10 the law.

11 MR. SARABIA: She did indicate there were
12 parts of the trial she might tune out for and
13 wouldn't pay attention, and particularly where I
14 anticipate there are going to be hundreds of photos
15 admitted.

16 And I know the Court has been present where
17 I've admitted photos before, and that becomes very
18 tedious. Same questions are asked over and over
19 again that I am concerned that she would tune out
20 for some very important testimony.

21 MR. PURA: She said she would do her best.
22 And if she's going to tune out, it's going to be
23 because there's going to be a hundreds photos there
24 instead of ten photos.

25 THE COURT: It's not the tuning out part.

1 It's her very clearly stating, "I don't want to be
2 here. I don't want to do this".

3 MR. PURA: That's not enough for cause, Judge.
4 If anybody said that, are you going to let
5 everybody go?

6 THE COURT: Well, no. But are you telling me
7 that if someone comes to the bench in an aggressive
8 manner, which she did, and she is quite upset,
9 almost in tears, saying, "I don't want to be here,
10 and literally telling us that we don't know how to
11 do our job, that she's not going to do this and
12 she doesn't want to do this, that you're going to
13 keep her as a juror? That we're going to have
14 somebody who's combative and not wanting to serve
15 as a juror?

16 So what you're saying is I bring her back
17 tomorrow so she can be struck for cause. Because
18 I'm telling you there's no way in any appellate
19 reason that they would keep this woman on the jury.
20 She's combative. She approached the bench and made
21 it very clear to both sides that she does not want
22 to do this and she won't do this.

23 So, yes, when I asked her if I forced her to
24 sit on the jury, she would pay attention. But
25 really? Do you think she's a valid juror and not a

1 cause?

2 MR. PURA: Well, it depends. I would have to
3 say it would depend on who I have to choose from.
4 You know, she may be a better juror than
5 Mr. Weaver, for example; Mr. Strohman, if it came
6 down to that. So, no, I'm not agreeing to a cause
7 challenge.

8 (Open Court.)

9 THE COURT: Okay. Tell her to come back
10 tomorrow.

11 (Bench Conference.)

12 MR. SARABIA: Speaking of Mr. Strohman, we'd
13 move for him for cause too.

14 MR. PURA: No objection.

15 THE COURT: Oh, come on. We want to bring him
16 back tomorrow.

17 THE CLERK: Who are we talking about?

18 THE COURT: Mr. Strohman. But he's already
19 gone for the day.

20 (Open Court.)

21 THE COURT: We have Mr. Petit next.

22 Mr. Petit, come on up.

23 (Bench Conference.)

24 THE COURT: This is the same thing. He's
25 going to say the same thing that he said before.

1 Mr. Petit, you can stand right there. You
2 don't have to scoot in the way we normally do.

3 Yes, sir.

4 PROSPECTIVE JUROR PETIT: Yeah. Just from
5 hearing the facts -- well, not the facts of the
6 case, but the witness list, I'm able to draw
7 certain conclusions that, you know, this was a
8 separation that didn't end very well. And part of
9 my job is to make sure that things like that don't
10 happen.

11 So every day that I'm stuck here means that I
12 can't do my job, which is to prevent domestic
13 violence issues from getting out of hand. So I
14 don't feel comfortable having to come back again
15 and miss another day of work and not be able to
16 talk to participants about their child -- their DCA
17 case and let them know that there are avenues and
18 that there are options that they have when nobody
19 else at the Dawn Center can do what I do.

20 THE COURT: Okay. And I can assure you that
21 we appreciate the hard work that you do there, and
22 I know that the people that come there need you.
23 Okay? So don't think that we are discounting what
24 you do or how important the work is. But I need
25 you to understand that a man's life is sitting here

1 today, and so I have to balance your important work
2 against the importance of someone's life.

3 And unless both sides can agree to release you
4 today, I have to bring you back tomorrow. Because
5 if I don't, and I say, you guys want him but I'm
6 going to release him, I'm going to have to do this
7 trial all over again.

8 PROSPECTIVE JUROR PETIT: Uh-huh.

9 THE COURT: And a family would have to go
10 through this trial again and relive this over and
11 over and over again.

12 So I'm going to talk to the lawyers and I'll
13 see if they will excuse you. But if not, if they
14 think you're a good junior, they think you have
15 what it takes to sit here and judge this case and
16 make a decision, I can't make that decision for
17 them. They have to make it for themselves. And I
18 can't release somebody because they think they're
19 personal job is more important than that life of
20 someone.

21 And I don't want to discount what you do,
22 because I can tell you're passionate and that is
23 important about the job you do. I was a
24 prosecutor. I worked with domestic violence
25 victims, defendants, families. It's a hard job you

1 do every day. Now, if you can be that passionate
2 about it, that's great for them. But I just want
3 you to understand that I am not hearing you, I do
4 hear you.

5 PROSPECTIVE JUROR PETIT: Yes.

6 THE COURT: And I appreciate that you think
7 and you believe truly -- and I'm not saying it's
8 not true -- that you need to be at your job. But I
9 can't release you unless both sides agree.

10 PROSPECTIVE JUROR PETIT: Okay.

11 THE COURT: Because if I did, I'm doing this
12 trial over. This is how important it is. You
13 could make me have to do this trial all over again.

14 The lady who just left who most certainly does
15 not want to be here and told me very loud, she's
16 coming back tomorrow.

17 PROSPECTIVE JUROR PETIT: Yes.

18 THE COURT: So I'm not saying I'm not going to
19 release you. I'm going to talk to the lawyers.
20 But I want you to understand we all appreciate the
21 hard work you do. But every once in a while, every
22 four years we have to do a case like this where we
23 make a lot of people mad, and you're going to be in
24 the group. Okay?

25 PROSPECTIVE JUROR PETIT: If I have to, I have

1 to. But it's just --

2 THE COURT: I hear you.

3 PROSPECTIVE JUROR PETIT: It's going to be
4 like every time we go for a break, I'm going to be
5 running right to my computer checking my emails,
6 trying to make phone calls in between.

7 THE COURT: I got it. And I'm not saying
8 you're going to be on this jury. I'm just saying I
9 can't let you go quite yet. Okay?

10 PROSPECTIVE JUROR PETIT: That's fine.

11 THE COURT: So if you'll wait outside, I'll be
12 right back with you. Okay?

13 PROSPECTIVE JUROR PETIT: Okay.

14 THE COURT: And if you come back tomorrow,
15 it's only because these people think you'd do a
16 good job.

17 PROSPECTIVE JUROR PETIT: Okay.

18 THE COURT: Okay?

19 PROSPECTIVE JUROR PETIT: That's fine.

20 THE COURT: So it might be why you have the
21 job that you are. It's just the type of person
22 that you are. Okay?

23 PROSPECTIVE JUROR PETIT: Uh-huh.

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

25 All right. Where do we stand on Mr. Petit?

1 Is he coming back tomorrow?

2 MR. SARABIA: What do you think?

3 MR. PURA: I'll agree to --

4 THE COURT: I'm thinking the Defense would
5 agree to cause him. He works with domestic
6 violence.

7 MR. LIVERMORE: We already moved for cause.

8 THE COURT: I know. Let's see if they'll
9 agree with me.

10 MR. SARABIA: We want to keep him.

11 (Open Court.)

12 THE COURT: Okay. So will you let Mr. Petit
13 know that he'll be coming back tomorrow.

14 THE BAILIFF: Yes, Your Honor.

15 (Bench Conference.)

16 MR. PURA: That makes both of us.

17 THE COURT: Right. Now you each have got one.

18 (Open Court.)

19 THE COURT: Ms. Thomas, come on up.

20 (Bench Conference.)

21 THE COURT: Hi, Ms. Thomas. How are you?

22 PROSPECTIVE JUROR THOMAS: Okay.

23 THE COURT: Ms. Thomas, I did get your note.

24 Is this what you want to talk about?

25 PROSPECTIVE JUROR THOMAS: Yes.

1 THE COURT: Okay. And we talked about the
2 note, but I don't mind bringing it up again. It
3 says that you called your coworker about confirming
4 that someone is covering your clinic.

5 PROSPECTIVE JUROR THOMAS: Yes.

6 THE COURT: And that no one is taking vacation
7 and you were informed that you're having difficulty
8 finding coverage for your clinic.

9 PROSPECTIVE JUROR THOMAS: Yes.

10 THE COURT: Is that for the entire time or for
11 yesterday or for today?

12 PROSPECTIVE JUROR THOMAS: For being gone for
13 three weeks. I was told by my coworker to share
14 with everyone that if I am gone for three weeks,
15 that that would leave veterans without care and
16 that would be canceling clinic -- my clinics for
17 three weeks.

18 THE COURT: Okay. With no care for these
19 veterans that come to see you?

20 PROSPECTIVE JUROR THOMAS: Delayed care. I
21 wouldn't say no care. I would say delayed.

22 THE COURT: Okay.

23 MR. PURA: Judge, we can release her.

24 MR. SARABIA: Yeah. We can release her.

25 THE COURT: Ms. Thomas, you win the lottery

1 today. We'll take that badge from you.

2 PROSPECTIVE JUROR THOMAS: This isn't
3 something I want or don't want.

4 THE COURT: No. No. And I appreciate you
5 kept coming in and you took care of your daughter
6 this morning and everything. So you are released
7 and thank you for your service. Okay?

8 PROSPECTIVE JUROR THOMAS: Thank you very
9 much.

10 (Open Court.)

11 THE COURT: All right. Ms. Coen, come on up.

12 (Bench Conference.)

13 THE COURT: Ms. Thomas is a cause challenge.

14 All right. I just wanted to discuss with you,
15 you said tomorrow, 4:30.

16 PROSPECTIVE JUROR COEN: 4:00.

17 THE COURT: 4:00. The Defense has a right to
18 talk to everybody for as long as they need to talk.

19 PROSPECTIVE JUROR COEN: I agree.

20 THE COURT: And I mean I think we're going to
21 be done by 4:00 tomorrow. I thought I was going to
22 be done today, my thought.

23 But I'm looking at the people that have to ask
24 the questions and they're shaking their head
25 thinking you're going to be out of here by

1 4:00 tomorrow, because we're not going to have any
2 testimony or anything. So as soon as we pick the
3 jury, we'll release them for the day tomorrow.

4 PROSPECTIVE JUROR COEN: Okay.

5 THE COURT: So I think you'll be okay for 4:00
6 tomorrow.

7 PROSPECTIVE JUROR COEN: Yeah. I'll let them
8 know.

9 THE COURT: Will you tell your boss that you
10 might be a few minutes late.

11 PROSPECTIVE JUROR COEN: Yes.

12 THE COURT: And you'll give them an update at
13 2:00.

14 PROSPECTIVE JUROR COEN: Yeah.

15 THE COURT: Would that work for you?

16 PROSPECTIVE JUROR COEN: That works.

17 THE COURT: Okay. All right. So we'll see
18 you tomorrow morning. Okay?

19 PROSPECTIVE JUROR COEN: Okay. Thank you.

20 THE COURT: Thank you so much.

21 PROSPECTIVE JUROR COEN: Have a good day.

22 THE COURT: You too.

23 MR. SARABIA: So, Judge, no testimony
24 tomorrow?

25 THE COURT: Yes.

1 MR. SARABIA: No witnesses?

2 THE COURT: No witnesses.

3 MR. LIVERMORE: Openings?

4 THE COURT: Maybe. Depending on how late we
5 go. I mean, Mr. Pura is saying four hours and then
6 Mr. Michailos is probably going to talk for two
7 hours, so that's six hours. So if it's 4:00, I'm
8 not doing openings. Okay?

9 MR. SARABIA: Can I talk to them too, Judge?

10 THE COURT: Stop. Stop, all of you.

11 So, again, for the bailiffs, Mr. Matos, 9:00.
12 tomorrow. And the jurors are coming in, if we can
13 have him dressed out by 9:00, that would be great.
14 I'm going to try to move it along as quickly as
15 possible.

16 Do we have anything else to address?

17 Mr. Sarabia, are you going to give me the
18 tape?

19 MR. SARABIA: Yes, Judge.

20 THE COURT: About five minutes ago I thought
21 about the tape.

22 The people are going to rerun cable. They
23 wanted to rerun some cable.

24 You're done.

25 (HEARING CONCLUDED.)

(CONTINUATION IN VOLUME X.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF PASCO)

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

DATED this 10th day of March, 2019.

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

