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IN THE
SUPREME COURT OF FLORIDA
TALLAHASSEE, FLORIDA

CASE NO.: 16-2008-CF-002887-AXXX-MA
DIVISION CR-I

APPEAL NO.: SC17-2244

RAYMOND CURTIS BRIGHT, Appellant,
VS
STATE OF FLORIDA, Appellee,

RONNIE FUSSELL, CLERK
OF THE CIRCUIT AND
COUNTY COURTS

RECORD ON APPEAL

VOLUME 2

Appeal from the Circuit Court

Duval County, Florida

BEFORE THE HONORABLE JUDGE RUSSELL HEALEY

PUBLIC DEFENDER
FOR APPELLANT

ATTORNEY GENERAL
FOR APPELLEE

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT, IN AND FOR DUVAL COUNTY, FLORIDA

RAYMOND CURTIS BRIGHT
APPELLANT

CASE NO: 16-2008-CF-002887-AXXX-MA
DIVISION CR-I

STATE OF FLORIDA
APPELLEE

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VOLUME 2

INSTRUMENT	DATE FILED	PAGE
TRIAL-TESTIMONY & PROCEEDINGS OF SEPTEMBER 5TH, 2017, BEFORE THE HONORABLE JUDGE RUSSELL L. HEALEY	03/19/18	
TRIAL-TESTIMONY & PROCEEDINGS OF SEPTEMBER 6TH, 2017, BEFORE THE HONORABLE JUDGE RUSSELL L. HEALEY	03/19/18	
TRIAL-TESTIMONY & PROCEEDINGS OF SEPTEMBER 7TH, 2017, BEFORE THE HONORABLE JUDGE RUSSELL L. HEALEY	03/19/18	
TRIAL-TESTIMONY & PROCEEDINGS OF SEPTEMBER 14TH, 2017, BEFORE THE HONORABLE JUDGE RUSSELL L. HEALEY	03/19/18	
TRIAL-TESTIMONY & PROCEEDINGS OF SEPTEMBER 25TH, 2017, BEFORE THE HONORBLE JUDGE RUSSELL L. HEALEY	03/19/18	

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IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA

CASE NO: 16-2008-CF-002887-AXXX-MA

DIVISION: CR-I

STATE OF FLORIDA

-vs-

RAYMOND CURTIS BRIGHT,

Defendant.

STATE OF FLORIDA)
COUNTY OF DUVAL)

Trial before the Honorable RUSSELL L. HEALEY, Judge of the Circuit Court, Division CR-I, as cause in this matter came to be heard on the 5th of September, 2017, before Karen Waugerman, a Notary Public in and for the State of Florida at Large and Registered Professional Reporter.

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APPEARANCES:

BERNARDO ENRIQUE DE LA RIONDA and PAMELA J. HAZEL, Esquires, Office of the State Attorney, appearing on behalf of the State of Florida.

KELLI JANE BYNUM and CHARLES MICHAEL WILLIAMS, Esquires, Private Attorneys, appearing on behalf of the Defendant.

PROCEEDINGS

PROCEEDING	PAGE
JURY SELECTION	13

P R O C E E D I N G S

(September 5, 2017) (10:17 a.m.)

(Defendant present.)

THE COURT: Miss Bynum, did you have a chance to look at these jury instructions, particularly the voir dire instructions?

MS. BYNUM: Yes, Your Honor.

THE COURT: The ones that were corrected.

MS. BYNUM: Yes, Your Honor. And I delivered the same to my client yesterday.

THE COURT: Any exceptions or objections to those?

MS. BYNUM: No, Your Honor.

THE COURT: Mr. Bright, if you'll stand up and raise your right hand for me, please.

(Defendant sworn by the Court.)

THE COURT: Did you have a chance to read over those voir dire instructions that we talked about last week, over the weekend?

THE DEFENDANT: Yes.

THE COURT: And they looked okay to you?

THE DEFENDANT: Yes, sir.

THE COURT: All right.

THE DEFENDANT: They looked fine, sir.

THE COURT: And did you read them all, not only the voir dire ones but the preliminary ones and the final ones?

THE DEFENDANT: Yes, sir.

THE COURT: And they look good?

THE DEFENDANT: Right.

THE COURT: And then the verdict forms, they looked okay too?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And same to you, Miss Bynum. All good?

MS. BYNUM: Yes, Your Honor.

THE COURT: All right.

So next thing I need to talk about -- and you guys are going to have to discuss is -- the Sheriff's Office has called me, and they're concerned about the sequestration of the jury, if it comes to that, when we go into deliberations, particularly if the case goes into next week and the storm comes. So food for thought.

(Pause.)

THE COURT: Also, I've got this witness list. Miss Bynum, have you seen that? It's got some listed as State, some as defense.

MS. BYNUM: Yes, Your Honor. I've been tendered a list from Mr. de la Rionda. I trust it's the same.

THE COURT: You want to look at it?

MS. BYNUM: That would be great.

THE COURT: And then I also have the indictment.

MS. BYNUM: Very good. Yes, Your Honor.

THE COURT: And then I'll read the indictment.

MS. BYNUM: Yes, Your Honor.

THE COURT: Now, you guys, if we get lucky and pick a jury today, that would be great, but if not, whenever we finish tomorrow, we're going to start right away with openings and witnesses and all of that.

We might need to go a little bit late each evening for a variety of reasons. One, you know, some people are worried about this storm. Two, I would like, doesn't have to be on the record, to be able to go -- John Delaney's father died and so need to go to the funeral Friday morning. But what I would do is we would just probably start at noon with no lunch and tell the jurors to eat

before they come. We should be good to go by then. If something -- if we get bogged down, I'll just have to skip it.

Then I need you to talk again about the sequestration business because we have to make arrangements now to have hotel rooms ready to go if that's what we're going -- if it came to pass. And the worry is that if we don't get it done now -- usually, if we wait a little bit, we've got a couple of places we can get rooms. But the worry is people from the beaches might be getting rooms in town, thinking they're going to have to leave the beach, particularly if we roll into next week.

Of course, you know, we'll do all this, and we'll have a, you know, storm with three leaves that will fall in your backyard.

But -- so conversation needs to be had about whether Mr. Bright wants them put in a hotel or can they go home.

MS. BYNUM: Yes, Your Honor. Would you like me to do that now?

THE COURT: Well, I need to tell the Sheriff's Office something today.

MS. BYNUM: Yes, sir.

THE COURT: So you can begin talking about it now because we've got a couple minutes. I think we've got couple jurors using the restroom.

MS. BYNUM: Yes, sir.

THE COURT: I'll give you more time than just now.

MS. BYNUM: Thank you, judge.

THE COURT: And while you're talking about that, I may tell these people to be prepared to go through Tuesday because if some chance, we end on Monday, I'll make you do your closings. But if we're going to be in a sequestration situation, I'm going to try and orchestrate this to where I bring them back first thing in the morning, read to them my instructions. You guys will be finished and then send them out so they'll have all day.

MS. BYNUM: Yes, sir.

THE COURT: Which could maybe roll us into Tuesday. I mean, we'd have to be "finished" finished. When I say "finished" on Monday -- excuse me -- on Friday with

every -- all the testimony but then if we get here Monday, you know, you've got closings -- I don't know how long you'll take -- and then instructions. It's just a little bit extra time. By that time, probably lunch. They're not going out till the afternoon. That starts to make me nervous.

MS. BYNUM: Judge, I might be way off base here, but I think we can close Friday. I don't see a problem in that unless I'm way off. I'm getting a look from Mr. de la Rionda. I might be off base.

MR. DE LA RIONDA: You know, I think there's a good possibility. I learned a long time ago from Judge Arnold never to promise anything. When the Court asks, I say, I think there is. But because he held me to it last -- he said, you promised me we would be. And I said, Judge, I thought that's what it was going to be. I didn't know the defense was going to cross examine witness for four hours, you know.

THE COURT: I'm sure the judge didn't know you were going to cross examine one of their people for five.

MR. DE LA RIONDA: Correct, correct. So I think realistically --

THE COURT: He gets a little wordy when he gets on a roll.

MS. BYNUM: Yes, Your Honor.

MR. DE LA RIONDA: I -- I agree with that. I think realistically, I've pared down the number of witnesses we're calling, and I believe the defense has also. So I think there is a good chance that we should finish our evidence on Friday.

MS. BYNUM: And closings, I think.

MR. DE LA RIONDA: I think that's a good chance.

MS. BYNUM: So that way, we would --

THE COURT: That would be perfect then.

MS. BYNUM: Right.

THE COURT: Then we'd do Monday morning. I'd do my instructions and send them out. That would be perfect.

MS. BYNUM: Exactly.

MR. DE LA RIONDA: The only thing I heard, wasn't the hurricane supposed to come Monday?

THE COURT: That's what they said which

then brings you to -- you know, I'm not asking for an answer now, but, you know, maybe we'd have to see as we trot along. Maybe we go into Saturday. I hate to say it --

MS. BYNUM: Yes, sir.

THE COURT: -- to avoid it.

MS. BYNUM: Yes, Your Honor.

THE COURT: But we could have that conversation ourselves and then ultimately -- by the way, I'm going to get two alternates -- with whoever the 14 people are.

MS. BYNUM: Yes, Your Honor.

THE COURT: Don't need to talk about that with everybody out here.

MR. DE LA RIONDA: Preliminary instructions, is the Court going to read just the regular instructions about notes and all that? That's not in the preliminary one that we prepared.

Right, Pam? Our preliminary ones do not have all the notes stuff.

MS. HAZEL: The preliminaries do.

MR. DE LA RIONDA: I'm sorry. It is in the preliminary one. It's not on the voir

dire one, I should say.

THE COURT: Right. I've got to -- well, notes in voir dire, no. You're talking about don't communicate.

MR. DE LA RIONDA: Right, right. I'm sorry. Yes.

THE COURT: Yeah. I left that in the other room. I'll just ad-lib it.

MR. DE LA RIONDA: I think there is in the preliminary ones, not the pre voir dire one. The preliminary ones has got something in there about not talking. I just --

THE COURT: Oh, yeah. Maybe it is. Let me find that.

MS. HAZEL: It's on Page 5, I believe, Your Honor.

THE COURT: Okay. You got everybody?

THE BAILIFF: Yes, sir.

THE COURT: All right. State ready to proceed?

MR. DE LA RIONDA: Yes, Your Honor.

THE COURT: Defense ready to proceed?

MS. BYNUM: Yes, Your Honor.

THE COURT: Okay. Bring them on in.

(Jury panel present.)

THE COURT: Ladies and gentlemen, on this side, Mr. Watson, is that you right here?

Okay. And behind you is Mr. Leonard?

Okay. And behind Mr. Leonard is Miss Solina? Miss Solina? Did I get that right? Oh, no. It's Colbert, Miss Colbert.

PROSPECTIVE JUROR COLBERT: Yes.

THE COURT: So it's actually Mr. Weston. They've got the names printed backwards. Behind you is Miss Abel?

PROSPECTIVE JUROR ABEL: Yes.

THE COURT: And then Mr. Strok?

PROSPECTIVE JUROR STROK: Yes.

THE COURT: Okay. Mr. Ingram.

Mr. Dieffenbach?

PROSPECTIVE JUROR DIEFFENBACH: Yes, sir.

THE COURT: Mr. Rivera-Ramos.

PROSPECTIVE JUROR RIVERA-RAMOS: Here.

THE COURT: Okay.

Mr. Rhoden there?

Ms. Lockwood, is that you in the corner there?

Okay.

All right. I think that's everybody. Before y'all get too situated and comfortable, I need you-all to please stand, raise your right hands. The clerk is going to administer an oath to you as potential jurors in this case.

(Jury panel of 74 jurors was sworn.)

THE COURT: Thank you, ladies and gentlemen. You can have a seat.

Good morning to you and welcome. My name is Russell Healey. I'm one of your judges here in Duval County. And I will be presiding over this jury selection process here today and also the trial that we have for your consideration.

Obviously, we have a large group here this morning, and we had a large group across the hall over there. There's another big case going on over there, a civil case of some description that's going to last, like, a month. This one won't last a month. But we'll talk about the scheduling and the number of days that we're going to need jurors to serve on this case.

Let me welcome you to the Fourth

Judicial Circuit, in and for Duval County. This division that you're here in today is a criminal division. The case we have for your consideration is a criminal case, and we'll discuss that a little bit more in a few moments.

I recognize that jury service is not something that's necessarily on the top of everyone's list of things that they're looking forward to do, but it is your opportunity to be a part of our justice system and to perform the civic duty that we all owe to one another as citizens of Jacksonville, the State of Florida and the United States of America.

So we're thankful that you are here, and we hope that you will take some pride in being here and recognizing that you are now a very, very integral part of our justice system and really the cog in the system that makes this system work. If we don't have folks like you that are ready, willing and able to come down and sit and serve and make decisions that can be difficult, this system comes to a grinding halt. This is what I do,

the lawyers do, but if we don't have jurors to decide these issues, then this system doesn't work. So we're very, very thankful that you are here today and willing to serve.

With that in mind, we will try and do everything we can to use your time as efficiently as we possibly can. This selection process, I think, is going to take a little bit longer than most, and you'll understand why in a few moments. But we will take breaks during the course of the day. And we will do everything we possibly can to make this as seamless as possible for you.

This portion of the case is called "voir dire." Basically, it's a question-and-answer session, wherein I'm going to ask you some questions as a group, and then when I'm finished, the attorneys are going to be able to ask you some questions. The questions that are being asked are to determine if your decision in this case would be in any way influenced by any particular opinions you might now have or hold or some personal knowledge or experience that you might have that would concern the subject matter of this

case. Our object here today is to obtain a jury that will impartially try the issues that will be brought before you and to render a verdict based upon the evidence and testimony that's presented here in the courtroom during the course of the trial itself.

When answering a question, if you would -- at a point, we're going to have a microphone that will go around the room, and that will make it a little bit easier for everybody to hear. But at another point, when attorneys are talking to you, there won't be because it takes too much time. We want this to move at quickly as we can.

So you'll be answering a question. The podium is there in front of me and kind of in front of you, some to your left, some to your right. And as would be normal, you're going to adjust your volume probably to talk the person that's standing at the podium. But I need to be able to hear what's going on back here in case an objection is made to the question and I have to make a ruling on it. So if you'll try and remember to keep your

voice up as loud as you possibly can, that would be very, very helpful.

Some things you'll want to know about the process itself, each side are allowed a certain number of what are called "peremptory challenges," meaning they can ask that a juror be excused without really giving too much of a reason for it. In addition to that, each side can ask that a juror be excused for a particular reason.

If you are ultimately not selected, please do not feel offended or feel as though your honesty or integrity or anything of that sort has been called into question because it hasn't. It's just a matter of the attorneys feeling that you might be better served to be a juror on a different type of case as opposed to this one.

This case, as I mentioned, is a criminal case. And in that regard, the State Attorney's Office, they're the ones that bring criminal cases into the system and prosecute those cases. Melissa Nelson is our State Attorney for the Fourth Judicial Circuit, and she has a variety of Assistant

State Attorneys that she employs to handle these cases. And handling the case for the State of Florida today is Mr. Bernie de la Rionda and Miss Pam Hazel.

MR. DE LA RIONDA: Good morning.

MS. HAZEL: Good morning.

THE COURT: Thank you, folks.

The defendant in this case is Raymond Bright.

Mr. Bright. If you'll stand.

Mr. Bright is represented by Miss Bynum and Mr. Williams.

Now that you've been introduced to those folks, do any of you by some chance feel as though or think that you know them, or by some wild chance are you related to them? And this is one of those questions you can answer out loud as a group. And you can be very, very loud. Don't be timid. Just a nice big loud -- and maybe we do have somebody knows them, but hopefully, it's going to a big -- big loud no. Anybody know them or are you related to those folks?

THE PROSPECTIVE JURORS: No.

THE COURT: That's pretty good.

A PROSPECTIVE JUROR: Yes.

THE COURT: That might be the loudest one I've ever had.

And I do have a gentleman over here. Now hang with me. We have a seating chart -- and there's a lot of you here -- so we know who's who and what's what. Let me make sure on this -- on my right side, everybody was a no. If it was a yes, raise your hand.

And just one gentleman over here, I think, and that would be Mr. Leibowitz.

PROSPECTIVE JUROR LEIBOWITZ: Yes, sir.

THE COURT: And, Mr. Leibowitz, who might you know?

PROSPECTIVE JUROR LEIBOWITZ: The prosecutor, Mr. de la Rionda.

THE COURT: Okay. And how do you happen to know him?

PROSPECTIVE JUROR LEIBOWITZ: I worked in the State Attorney's Office with him.

THE COURT: Some years ago or --

PROSPECTIVE JUROR LEIBOWITZ: Years ago, yes, sir.

THE COURT: I remember.

Okay. We will make a note of that, and

I'm sure they will inquire as to that.

Anybody else think they know any of these folks?

Okay. Good.

Next for you, I'm going to tell you a little bit about the case and the charge in this case. The defendant has been charged with two offenses. And I am going to read those to you now and explain a little bit about that to you as we go on.

The two counts of this indictment read as follows: The grand jurors of the State of Florida and County of Duval, empaneled and sworn to inquire and true presentation make, in and for the body of the County of Duval, upon their oaths, do present and charge that Raymond Bright, on or between the 18th day of February, 2008, and the 19th day of February, 2008, in the County of Duval and the State of Florida, did unlawfully and from a premeditated design to effect the death of Derrick King did then and there kill said Derrick King, a human being, by hitting him with a hammer, and during the commission of the aforementioned murder in the first

degree, the said defendant, Raymond Bright, did carry, display, use, threaten to use or attempt to use a weapon, contrary to the provisions of Section 782.04, Florida statutes and 775.087 Florida statutes.

This is commonly referred to as first-degree murder.

Count 2 reads and alleges that the grand jurors of the State of Florida and County of Duval, empaneled and sworn to inquire and true presentation make, in and for the body of the County of Duval, upon their oaths, do present and charge that Raymond Bright, on or between the 18th day of February, 2008, and the 19th day of February, 2008, in the County of Duval and the State of Florida, did unlawfully and from a premeditated design to effect the death of Randall Brown did then and there kill said Randall Brown, a human being, by hitting him with a hammer, and during the commission of the aforementioned murder in the first degree, the said Raymond Bright did carry, display, use, threaten to use or attempt to use a weapon, contrary to the provisions of Section 782 and 775,

Florida statutes.

Again, that is commonly referred to as murder in the first degree.

In this case, ladies and gentlemen, the defendant has been found guilty of those two offenses, that is, murder in the first degree of Derrick King in Count 1 and murder in the first degree of Randall Brown in Count 2, all in a previous proceeding.

The only issue for you to determine is the appropriate sentence as to each count. The punishment for these crimes is either life imprisonment without the possibility of parole or death.

The attorneys will, at a point, have an opportunity to address you. But some things you'll want to know is that they'll be able to give you an opening statement. Then they'll be able to present evidence and testimony. And the evidence that they -- well, first off, what they say in opening statement, you'll want to know, is not evidence. Evidence will come before you in the form of testimony from witnesses and maybe exhibits and things of that nature.

The attorneys, after they've had an opportunity to do that, once we start the trial, the State and the defense may then present evidence relative to the nature of the crimes that were committed and the defendant's character, background or life. You are instructed that this evidence is presented in order for you to determine, as you will be instructed, whether one or more aggravating factors is proven beyond a reasonable doubt, whether one or more aggravating factors exist beyond a reasonable doubt, whether an aggravating factor or factors found to exist beyond a reasonable doubt are sufficient to justify the imposition of the death penalty, whether a mitigating circumstance or circumstances are proven by the greater weight of the evidence, whether the aggravating factors or factor, singular, outweigh the mitigating circumstance or circumstances and whether the defendant should be sentenced to life imprisonment without the possibility of parole or death.

At the conclusion of the evidence and

after the argument of counsel, you will be instructed on the law that will guide you in your deliberations.

An aggravating factor is a standard to guide the jury in making the choice between recommending life imprisonment without the possibility of parole or death. It is a statutory enumerated circumstance that increases the gravity of a crime or the harm to a victim.

You must unanimously agree that an aggravating factor or factors were proven beyond a reasonable doubt before it or they may be considered by you in arriving at your final verdict. In order to consider the death penalty as a possible penalty, you must decide that at least one aggravating factor has been proven beyond a reasonable doubt.

In order to consider an aggravating factor, the State has the burden to prove the aggravating factor beyond a reasonable doubt.

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to disregard an aggravating

factor if you have an abiding conviction that it exists.

On the other hand, if after carefully considering, comparing and weighing all the evidence, you do not have an abiding conviction that the aggravating factor exists or if having a conviction, it is one which is not stable but one which wavers and vacillates, then the aggravating factor is not proved beyond every reasonable doubt, and you must not consider it in providing your verdict on the appropriate sentence to the Court.

A reasonable doubt as to the existence of an aggravating factor may arise from the evidence, conflicts in the evidence or lack of evidence. If you have a reasonable doubt as to the existence of an aggravating factor, you must find that it does not exist. However, if you have no reasonable doubt, you should find that the aggravating factor does exist.

Before moving on to the mitigating circumstances or circumstance, you must decide that the aggravating factor or factors

are sufficient to impose the sentence of death. If you do not unanimously agree that the aggravating factor or factors are sufficient to impose death, then you do not need to consider whether mitigating circumstances exist.

Should you find that a sufficient aggravating factor or factors exist to justify the recommendation of the imposition of the death penalty, it will then be your duty to determine whether the aggravating factor or factors that you find have been proven beyond a reasonable doubt. Well, let me back up.

It would be your job then -- if you find that aggravating factors exist that would justify the imposition of the death penalty, it would be your duty to determine if that factor or factors that you unanimously have to find beyond a reasonable doubt outweigh the mitigating circumstance or circumstances that you find from the evidence that has been established.

Unlike aggravating factors, you do not need to unanimously agree that a mitigating

circumstance has been established.

A mitigating circumstance is not limited to the facts surrounding the crime. It could be anything in life of the defendant which might indicate that the death penalty is not an appropriate -- is not appropriate for the defendant. In other words, mitigating circumstance may include any aspect of the defendant's character, background or life or any circumstance of the offense that reasonably may indicate that the death penalty is not an appropriate sentence in this case.

A mitigating circumstance need not be proven beyond a reasonable doubt by the defendant. A mitigating circumstance need only be proven by the greater weight of the evidence, which means evidence that more likely than not tends to prove the existence of mitigating circumstance.

If you determine by the greater weight of the evidence that a mitigating circumstance exists, you may consider it established and give that evidence such weight as you determine it should receive in

reaching your conclusion as to the sentence to be imposed.

After the sentence [sic] has been presented, the attorneys will have an opportunity to make their closing arguments.

Following their closing arguments, the Court, I, will instruct you on the law that applies in this case.

After the final instructions are given, then you will be allowed to go into the jury room to begin your deliberations and consider your verdict.

Until that time, you should not form any definite or fixed opinion about the merits of the case. You should not do that until you've heard all evidence, the arguments of the attorneys and the law that I will instruct you on.

Until that time, you should also not discuss the case among yourselves, nor should you discuss the case with anyone else.

In addition to that, you should not communicate with anyone, including your fellow jurors, as I said, about the case. Communication includes no e-mailing, text

messaging tweeting, blogging or any other form of communication.

You cannot do research about the case or look up any information about the case.

If you become aware of any violation of these particular rules, you should notify the court personnel, one of the bailiffs, and then they will let me know, and we will discuss the matter from there.

When we take breaks, you'll be allowed to go about your business. You'll have your cell phones, your smartphones, your devices, maybe an iPad, whatever. Obviously, you can use those. You should just not communicate with anybody about this case. So if you need to contact work for something, that's fine. You should just not tell them, I'm involved in this case; it in involves the death penalty, none of that. You shouldn't give them the name of the case, nothing because that generally will invite comments and remarks back from whoever you're talking to, and we don't need outside influences being brought in.

The attorneys are going to spend some

time talking to you, getting to know a little bit about each one of you. And so there's dynamic that begins to exist. They get to know where you're coming from, and they don't want that to be later influenced by outside factors that we don't know or happened.

So, again, when the trial begins, same thing. You'll be allowed to have your phones with you. You'll be going about your business on breaks. You'll go home in the evening, things like that.

I will tell you, you should not watch any television reports. I don't know that there's going to be any publicity about this case. So far, there really hasn't been. But shouldn't -- you should avoid the news just in case. You should be very careful about reading the newspaper just in case and, again, same thing, not looking up terminology, locations, things of that nature.

Generally speaking, you'll have those devices with you throughout the course of the trial. When you actually go into the jury room to deliberate a verdict, I will take the

phones from you. We put them in a basket. We keep them. We watch over them. Nobody's going to touch them or do anything with them. But that way, I know that there is no communication going on in the jury room other than you folks talking about the case, the evidence and your reaching a verdict.

So that's basically how that will work. And the reason is that the case has to be tried and decided by you only upon the evidence presented during the course of the trial in your presence, the presence of the defendant, the attorneys and myself. So, again, no investigations, no Internet access to things that might lead you to information about this case. You shouldn't visit any of the locations that you hear about, things of that nature.

I'm going to skip over some of that because I paraphrased it all.

You'll be allowed to take notes during the trial, but I'll give you further instructions on that when we get there. There's other instructions about attorneys being trained in the rules of evidence and

procedure, things of that nature, but I think it's a little preliminary for us to go through all of that at this point.

The other thing that I do want to mention to you about the case is that some additional information you want to know about the case itself is that the murders occurred in a single-family dwelling or home, located at 9364 Sibbald Road on the northwest side of Jacksonville, near the intersection of Soutel and Moncrief Road.

Do any of you, now that you've heard that, think that you happen to know anything about this case? Let me just ask this side of the room first and out loud, please.

THE PROSPECTIVE JURORS: No.

THE COURT: Anybody on this side of the room?

THE PROSPECTIVE JURORS: No.

THE COURT: Okay. Next, I'm going to read for you names of folks that might be witnesses in the case. Let me do that. The purpose of this is to see if you think you know any of these people. So I'll read the whole list. Then you'll tell me whether or

not you think you know any of these names or recognize them.

Robert Bell, Bridget Bright, Shannon Brown, Terry Brown, Deborah Brookins, Carrie Brown Gray, Dan Janson, Carl Carolyn Jaudon. Bertha Jaudon, Evelina Jaudon, Benjamin Lundy, Michael Majors, Dr. Valerie Rao, Chris Robinson, Tracey Stapp, David Warniment, Janice Jones, James Hernandez, Dr. Steven Gold, Tenneka Bright Lewis, Dr. Harry Krop, Isidore Knight, Dr. Robert -- and I'll spell the last name -- O-U-A-O-U.

Does anybody think they recognize or happen to know any of those people? This side of the room first.

THE PROSPECTIVE JURORS: No.

THE COURT: This side?

A PROSPECTIVE JUROR: Excuse me. I have a question.

THE COURT: I've got two hands.

A PROSPECTIVE JUROR: Your Honor --

THE COURT: Hang on. Hang on. Actually, I've got three hands.

Miss -- is it Sharae? No. I'm sorry. Miss Rhone.

PROSPECTIVE JUROR RHONE: Yes, sir. I know a few Shannon Browns.

THE COURT: Okay. This person, I think, is related to Randall Brown, who was one of the people that died.

PROSPECTIVE JUROR RHONE: I don't know if they have relatives. They would be, like, 24, younger in age.

THE COURT: All right. Well, we'll -- I'll let the lawyers ask about that.

Okay. And then it was Mr. Weston? Did you -- no. I'm sorry, Mr. Boss?

PROSPECTIVE JUROR BOSS: Yes, sir.

THE COURT: Yes, sir.

PROSPECTIVE JUROR BOSS: Dr. Steven Gold, can you tell me what facility he works with, what company?

THE COURT: Great question.

Who knows that off the top of their head, Steven Gold?

MS. BYNUM: He's a trauma expert, Your Honor. He actually is a professor down at Nova as well. He's not in -- he doesn't even live in Jacksonville.

THE COURT: He doesn't live in

Jacksonville. He's a professor at Nova University downstate. So you think you don't him?

PROSPECTIVE JUROR BOSS: Don't know him.

THE COURT: Okay. Miss Major, Juror No. 6.

PROSPECTIVE JUROR MAJOR: Yes. I work with a Robert Bell at UF Health.

THE COURT: At UF Health?

PROSPECTIVE JUROR MAJOR: Yes.

MR. DE LA RIONDA: He's out of the county also, Your Honor.

THE COURT: Anybody else on the -- on my right-hand side of the room?

Okay. Moving over to the left, I saw a hand or two, I think. Could you raise your hands again for me?

Okay. Gentleman in the back. Is that Mr. Trenschel?

PROSPECTIVE JUROR TRENSCHEL: Mine was for Robert Bell also.

THE COURT: But now that he's out of -- not in county --

PROSPECTIVE JUROR TRENSCHEL: If he's not in county, I don't think it's him.

THE COURT: Anybody else on that side of the room?

Okay. Excellent.

Next, a biggie, scheduling. It could take more than today to select this jury. Sometimes we can do it in a day. Sometimes it rolls over into tomorrow. That's number one.

Depending on that, it has a big impact on when we might be able to conclude the case itself. There is a remote -- and I hesitate to even say this because as soon as I do, it won't happen -- possibility that we might could conclude on Friday. I kind of doubt it.

So I'm thinking what's going to happen is this is going to continue on into next Monday. So we would have, well, next Monday. If things somehow got bogged down, which can happen -- usually it doesn't and you never know how long deliberations are going to take -- I suppose there's a possibility we could get into Tuesday to some degree. Again, I don't think that's going to happen. I think we're more looking at a Monday

situation but that's what we're talking about. So basically the rest of the week and Monday in all probability, give or take a little bit.

So with that in mind, let's start on the -- on my right. Does that pose -- that scheduling pose any hardship for anybody on that side of the room?

THE PROSPECTIVE JURORS: Yes.

THE COURT: Let's start row by row. First row, I've got one hand. It's Mr. Watson. What's the hardship, sir?

PROSPECTIVE JUROR WATSON: I have to work. I've got to make what I make with my company. And I've got to pay bills. I'm the only one working.

THE COURT: I suspect everybody has to work. Do you get -- do you work for a company?

PROSPECTIVE JUROR WATSON: Yes, sir.

THE COURT: So you get a salary or --

PROSPECTIVE JUROR WATSON: Weekly paycheck.

THE COURT: Okay. There's some laws that exist about what companies can and can't

do while you're on jury service, but I suspect that work thing might be a problem for lots of folks.

I saw Miss Rhone. Did you raise your hand?

PROSPECTIVE JUROR RHONE: Yes, sir. I'm in the process of actually becoming a shift manager because we're down managers right now. So till Monday, we're kind of affected.

THE COURT: So a work issue.

PROSPECTIVE JUROR RHONE: Yes, sir.

THE COURT: Anybody else on the front row?

Second row?

Mr. Weston.

PROSPECTIVE JUROR WESTON: Yes. I have to pick up my little girl every day after school. And nobody else can pick her up.

THE COURT: Oh, I didn't tell you that part. That's a good question. Wasn't a question but it's a good point.

Generally speaking, we're going to start at 9:00 o'clock in the morning, and generally speaking, we're going to finish somewhere between 5:00 and 6:00. It depends on where

we are with a witness. If a witness is, you know, on the stand and it's 5:00 o'clock but we -- you know, we think it will be 15 or 20 more minutes and they'll be completely finished and they're done, we're going to keep going and finishing rather than bringing them back the next day.

If it's, you know, ten minutes of 5:00 and the next witness is going to take two hours, we're probably not going to do that unless we get way behind and I see looking forward, we're going to have an issue.

So I tell you that. So you've got a child issue.

Okay. Anybody else on the second row?

Mr. Islamovic? Did I say that right?

PROSPECTIVE JUROR ISLAMOVIC: Yes, sir.

THE COURT: Okay. What's the issue?

PROSPECTIVE JUROR ISLAMOVIC: Work.

THE COURT: Work. Do you work for a company?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

THE COURT: Okay.

PROSPECTIVE JUROR ISLAMOVIC: PRN.

THE COURT: Pardon?

PROSPECTIVE JUROR ISLAMOVIC: PRN.

THE COURT: Okay. And everybody knows, they're required to let you be here and serve, I hope.

PROSPECTIVE JUROR ISLAMOVIC: They don't pay.

THE COURT: Well, that's another issue. I wish I could handle that.

But anybody else on the second row?

Miss Rhone again.

PROSPECTIVE JUROR RHONE: Yes, sir. I was just going to say, with the timing, it took away my statement. The timing changes everything.

THE COURT: You're good.

PROSPECTIVE JUROR RHONE: Yes, sir.

THE COURT: Now, let me say this: Well, you work at night?

PROSPECTIVE JUROR RHONE: Yes, sir.

THE COURT: Let me say this about that: It's been a long time since I had somebody in your position say, well, I work at night, and what I'm gathering from you is you're thinking I'm going to come here; I'm going to do this jury service thing and then I'm going

to work. And then I'm going to come here the next day. I'm not sure when you're going to sleep. So I caution you about that. I mean, let your conscience be your guide. Your work can't make you come to work. They have to allow you the time off, et cetera, and obviously, we need your full, careful, undivided attention and focused mind so you're not, you know, overly tired or something like that and miss what's going on. So just keep that in mind.

All right. We finish the second row, I think, right?

Third row?

Beautiful, no hands.

Fourth row. It usually gets better as we go along.

Let's see. Fourth row, is it Miss O'Neal?

PROSPECTIVE JUROR O'NEAL: Yes.

THE COURT: Okay.

PROSPECTIVE JUROR O'NEAL: What about the hurricane that's coming, Irma?

THE COURT: I knew you were going to ask me that.

PROSPECTIVE JUROR O'NEAL: I'm not a Floridian so I'm just --

THE COURT: Okay. I get you. All right. Since you asked.

Everybody's all cranked up about it. Okay? I say everybody. Maybe not all of us just yet because I'm coming in to work this morning, and the guys are on the radio saying -- you know, they showed one model where the thing's coming right over Jacksonville. You know what? Some other people said, you know, that's a little bit irresponsible to start showing one model out of 50, and one of them comes over Jacksonville six days before it might even happen. Maybe we need to wait a little bit before we throw people into a panic mode.

Although, let's face it, the governor has already declared an emergency situation for the state. Now, I get that because the way it looks like, you know, it's going to come across near Miami at the very least.

But -- so great question. That's why unfortunately, this particular situation makes this a moving target. I didn't say

anything about Saturday but now I will. Sometimes -- and I have been known to do it because we needed to do it -- we will actually come back on a Saturday and work on a Saturday. Okay?

So let's just say, for instance, that you're on the jury, Miss O'Neal, and it gets to Thursday and that model looks like it's coming more close to Jacksonville than we would hope. But it's not going to happen until Monday or Tuesday. And I see that we're getting pretty close to finishing, but I'm not positive we're going to finish on Friday, which would be a beautiful thing. I probably will make the executive decision that we are then going to come back on Saturday, and we are going to finish this hopefully on Saturday. And then that way, everybody will go home, and they'll be home to be prepared for whatever the storm may bring.

So I didn't want to bring that up because, golly day, we're all over the lot on -- on when this might finish and what could happen. But that's a possibility. It

could happen, I suppose. So we're making -- we've got it in mind as to the storm and things of that nature. We're taking it into consideration. We've got our eyes on what's going on.

And now, let's pretend for a minute, because maybe the question's going to come up, we didn't take Saturday. We thought we were going to be okay. And all of a sudden the thing took a hard turn and here it comes on Monday. Well, we may just say, we can't have court on Monday. That's why I said maybe you've got to come back on Tuesday. I don't know. It's an unusual situation. First time this has happened to me, quite frankly, on a storm situation.

But good question. We're thinking about it. I guess that's the best way I can put that.

I saw another hand. Is it Miss Montoto? No. Whoops. Wrong -- I had Miss O'Neal. And then who else?

PROSPECTIVE JUROR BURKHOLDER: Burkholder.

THE COURT: Oh, okay. Yes, ma'am.

PROSPECTIVE JUROR BURKHOLDER: My mother is turning 91 tomorrow, and -- and I was going to take her out and everything to -- for her birthday. And she has dementia too.

THE COURT: Were you going to take her out, like, during the day or in the evening or what?

PROSPECTIVE JUROR BURKHOLDER: Well, I was going to take her out towards the afternoon, early afternoon.

THE COURT: Okay. Was there another hand on that row?

Going backwards. Miss Link? No. Miss Echevarria. Wait a minute. Whose hand's up?

PROSPECTIVE JUROR LINK: Mine.

THE COURT: What's your name?

PROSPECTIVE JUROR LINK: Link.

THE COURT: Okay.

PROSPECTIVE JUROR LINK: I have a child problem. I drop my daughter off at the bus stop and I pick her up.

THE COURT: Is somebody else available to do that?

PROSPECTIVE JUROR LINK: No.

THE COURT: Okay. Anybody else on that

row?

Is it Miss Echevarria?

PROSPECTIVE JUROR ECHEVARRIA: Yes.

THE COURT: Yes, ma'am.

PROSPECTIVE JUROR ECHEVARRIA: Work.

THE COURT: What kind of work do you do?

PROSPECTIVE JUROR ECHEVARRIA: I'm working in the mornings and then I have another job in the afternoon, and a cleaning job in the afternoon.

THE COURT: Okay.

PROSPECTIVE JUROR ECHEVARRIA: And just started the new one. Just started Monday for the new one.

THE COURT: All right. Last row, anybody?

Mr. West, is it?

PROSPECTIVE JUROR DEMPSEY: No, Dempsey.

THE COURT: I was talking to him.

You're West, aren't you?

PROSPECTIVE JUROR WEST: I've got to work and I'm flying out of town on Tuesday.

THE COURT: Where are you going?

PROSPECTIVE JUROR WEST: Colorado.

THE COURT: How come?

PROSPECTIVE JUROR WEST: Wedding.

THE COURT: Yourself?

PROSPECTIVE JUROR WEST: No, not yet.

THE COURT: Now, when you say "Tuesday," you mean next week.

PROSPECTIVE JUROR WEST: Yes, sir.

THE COURT: Okay.

Mr. Dempsey.

PROSPECTIVE JUROR DEMPSEY: Yes, sir. I have a conflict on Saturday. I teach course at UNF and I was scheduled to teach on Saturday.

THE COURT: Okay. Well, that may not happen. But if it did, could you get a sub? They used to bring subs in when I went to college.

PROSPECTIVE JUROR DEMPSEY: Yeah.

THE COURT: I was looking forward to the big hot shot professor, and the next thing you know, here comes this young guy. And I was like, that doesn't look a professor. Turns out it wasn't.

PROSPECTIVE JUROR DEMPSEY: There are two other gentlemen who I work with. One I know is Jewish and won't work on Saturdays.

The other one I have not gone to. He's already teaching Friday and Sunday.

THE COURT: Okay. But it's possible.

PROSPECTIVE JUROR DEMPSEY: Sure.

THE COURT: Okay. Could always give the guys -- the kids a day off.

Anyway, that was it on that side.

Moving to the other side, first row over here on my left.

Miss Lowe.

PROSPECTIVE JUROR LOWE: Work deadline. I'm a staff accountant and we try to close the books within four days, which would be this week.

THE COURT: Miss Albano?

PROSPECTIVE JUROR ALBANO: Yes, Your Honor. I have a seven-month-old baby. And my mom is helping me out, but she has really bad back problems, osteoporosis.

THE COURT: Okay. Mr. Shahum?

PROSPECTIVE JUROR SHAHUM: Right. I'm self-employed, a painter. And it's just me and I'm in the middle of --

A PROSPECTIVE JUROR: I understand.

PROSPECTIVE JUROR SHAHUM: -- work.

THE COURT: Miss Mason.

PROSPECTIVE JUROR MASON: I have two babies, a one-year-old and a two-year-old, and I also help out with my grandmother, who's 85.

THE COURT: I think one of the preliminary questions they ask you downstairs in the morning is about the babies. Did you tell them?

PROSPECTIVE JUROR MASON: Yeah. But I wasn't sure because I work. So they said that if you're not full-time --

THE COURT: Right, right, right. Oh, okay. So you work.

PROSPECTIVE JUROR MASON: I work so that's why they didn't -- you know.

THE COURT: Oh, okay.

PROSPECTIVE JUROR MASON: But I can go now if you want me to.

THE COURT: No. 'Cause guess what? If I let you go now, guess where you're going? Back downstairs to that pool. You're going to go to another courtroom.

So anyway, the kids go to day care or something, right?

PROSPECTIVE JUROR MASON: Well, I pay a lady to keep them.

THE COURT: Right. So we're good, right?

PROSPECTIVE JUROR MASON: But when I'm off, she has other things that she does. So, like, today, I had to pay extra money to come here for her to keep them because she don't keep them when I'm off.

THE COURT: When do you work?

PROSPECTIVE JUROR MASON: I work two days on, two days off.

THE COURT: Oh. Okay.

Anybody else on --

PROSPECTIVE JUROR MASON: So when I'm off, I don't have a babysitter. So I had to pay extra money out of my pocket today for her to keep --

THE COURT: I understand.

Anybody else on that row?

Mr. Ingram.

PROSPECTIVE JUROR INGRAM: Yes, sir. I'm an auto service manager. We have one manager out right now. And I also have my own business as well, so I have to shut my

business down when I'm here. I usually work there in the afternoon when I get off from my manager job at the auto center. And I go home and actually run my own side business as well, so I'll have to shut that down completely.

THE COURT: Okay.

Second row.

Mr. Dieffenbach.

PROSPECTIVE JUROR DIEFFENBACH: Yes, Your Honor. I'm a self-employed builder and I have a list of clientele that live at the beach that have asked for my services towards the end of this week to help prepare for the storm.

THE COURT: Okay.

Is it Miss Arias?

PROSPECTIVE JUROR ARIAS: Yes, Your Honor. I work -- I work out of town. I work in Miami. And I have a place to get on Monday, was scheduled to go. I took this week off to be here and serve.

THE COURT: Okay.

Coming down the line there, same row, it's Miss Fleming?

PROSPECTIVE JUROR FLEMING: Yes, Your Honor. I am a student at UNF, full-time student. I take six courses and I have plans every day throughout the week I have before 10:00 o'clock. And it doesn't end till 3:00.

THE COURT: I understand. I'm guessing -- I'm not guessing. I would know that your professors are not going to penalize you. If they do, you tell -- you just give me their names. Okay? It sounds funny but quite frankly, it kind of gets me cranked up. Okay? I know we don't teach civics much in schools anymore. That might be why we're where we are. We should.

And, oh, by the way, these academics, the professors of the world, one of the greatest things in the world is our justice system. While it may not be perfect, it's still a great, great system, and people ought to, quite frankly, want to come down here and serve. And I know they don't. I get it. And so I'm a little bit different. But they ought to want to. They ought to want to be a part of it. And when somebody knows -- particularly an academic, knows that you have

an opportunity to, they should not even think or get close to somehow penalizing you for doing your civic duty that we, again, owe one another as citizens of, at the very least, Jacksonville.

So I say that because I can't imagine that they're going to hold that against you, and I can't imagine they wouldn't make an arrangement for you of some description.

Yes?

PROSPECTIVE JUROR FLEMING: But I have exams this week, and they don't rearrange it for just one person.

THE COURT: Well, then maybe -- well -- okay. I think they would in an instance like this, quite frankly, but that's just me.

Did you tell anybody that downstairs before you came up here?

PROSPECTIVE JUROR FLEMING: No. Because that wasn't one of the excuses to be dismissed. And when I asked, he said he can give me a note for school, but that's not, like, a legitimate reason.

THE COURT: Well, they also can rearrange your service and have you come back

on a different week.

All right. Anybody else on that row?

Third row?

Yay.

Fourth?

Mr. Trenschel?

PROSPECTIVE JUROR TRENSCHEL: Yes, Your Honor. I have five children. Three of them are in school. Two are not. And I'm the only breadwinner right now. I go to work for Krystal Klean as a window washer, so I don't get paid from them for time that I'm not at work.

THE COURT: Okay.

Anybody else on the fourth row?

Last row?

Good.

Okay. Do any of you have any physical impairment -- hearing, sight or otherwise -- which would render it difficult for you to perform your duty if selected as a juror? Again, you can answer that out loud.

THE PROSPECTIVE JURORS: No.

THE COURT: I do see a hand. That's Mr. Boss.

PROSPECTIVE JUROR BOSS: Yes. I'm partially deaf in my right ear.

THE COURT: Are you hearing okay so far?

PROSPECTIVE JUROR BOSS: I can hear in my left ear, but my right ear is real tinny so --

THE COURT: Do you have a --

PROSPECTIVE JUROR BOSS: I don't have an eardrum in my right ear.

THE COURT: Okay. Do you need something to help you -- well, you can't hear at all in that ear?

PROSPECTIVE JUROR BOSS: Just faint. Just faint. But I can hear good with my left ear.

THE COURT: Okay. We have hearing earphones to help enhance the sound, if you think you need it.

PROSPECTIVE JUROR BOSS: That's not going to do anything for my right ear because I don't have an eardrum. So I can't -- really it's my nerves and everything.

THE COURT: Okay. But if you needed something to enhance things on the -- on your left side, will you just tell us?

PROSPECTIVE JUROR BOSS: No. I can hear good in my left ear. It's the right ear.

THE COURT: Okay. Well, so you're okay. I mean, you've been hearing okay so far.

PROSPECTIVE JUROR BOSS: Yes. I just want you to know.

THE COURT: Okay. Well, what I meant was, when I asked that question, would that keep you from being able to listen and hear what's going on? I mean, if you couldn't hear something during the trial -- you'll be sitting in the jury box over here or over here, one of them -- just raise your hand.

PROSPECTIVE JUROR BOSS: Can I say something? I just got -- actually, I feel real funny about this case here because of the simple fact that my father was brutally murdered, and I just -- I don't want to do this case.

THE COURT: Well, before we get into that -- because I recognize that when a case is a murder, that's Issue 1. And we're -- you know, in this instance, it's a different situation because there's already been a verdict on -- or a conviction on the murder

itself. Now we're talking about the penalty. And we're talking life in prison without the possibility of parole or the death penalty.

And I know that's going to evoke a lot of information from people. That's why it's not going to take a couple hours to pick this jury. That's why I've got 74 people in here. And that's why it may take us all day today and even tomorrow, and that's why -- there will be questions about that that you'll be able to talk about. Okay?

So hearing, sight or otherwise, those types of impairments, anybody else?

Nope? Okay.

Can each of you agree to follow the law that I will instruct you on at the close of the case? Regardless of whether or not you like the law or agree with the law, will you follow the law that I tell you applies in this case?

THE PROSPECTIVE JURORS: Yes.

THE COURT: Do any of you have any bias or prejudice either for or against the defendant or the State or the State Attorney's Office?

THE PROSPECTIVE JURORS: No.

THE COURT: If selected as a juror in this case, will you be able to render a fair and impartial verdict based upon the evidence presented here in the courtroom and the laws that pertain to this case as I will instruct you?

THE PROSPECTIVE JURORS: Yes.

THE COURT: Okay. All right. We talked about phones and things of that nature. So we're good there.

So we're now to the point where you guys have got a questionnaire in your seat. There are some questions on there that we need the information about. So we'll start -- you'll have a microphone. We'll zigzag it around the room. Obviously, it says name. So you'll just -- you can stand up and say, my name's Russell Healey. And I was born on such and so a date. I live in this such and so area of town, south side, beaches, whatever. And you just go through and give the information called for on this sheet. Okay?

And then once we have done that,

depending how long that takes, we may take a break in the middle of that somewhere.

Once that's done -- and there will be breaks during the course of the day -- the attorneys are going to be able to ask you questions. And then once they have asked you questions, there will be another break. I will confer with the lawyers, and we will go through a selection process. And when you come back at that point in time, whether that's today or tomorrow, we will be able to tell you who the jurors are that have been selected and seated in this case. So that's kind of how that will work. Okay?

Everybody understand everything so far?

THE PROSPECTIVE JURORS: Yes.

THE COURT: Great.

So let's start with Mr. Watson up front, if you'll give us the information called for there on that sheet.

PROSPECTIVE JUROR WATSON: My name is Jim Wesley Watson.

THE COURT: Uh-oh, hold on.

Is that thing working, Mr. Heard?

THE BAILIFF: It was.

THE COURT: All right. They cut the budget real hard when they built this courtroom. Sometimes those things work. Sometimes they don't. Actually, when they built the whole courthouse.

Anyway, go ahead.

PROSPECTIVE JUROR WATSON: My name is Jim Wesley Watson.

My birth date is 11-23-1967.

My hometown is McRae, Georgia. I moved down to Jacksonville, Florida, August of '87. I've lived in Duval County for 20 years. I've lived at my current address for 17.

My married status is single.

I drive a truck for my occupation. And now the company I work for is Kerr Recycling.

I have never served on a jury before. This is my first time.

I do not have any kids.

I do not have any family or friends that are in law enforcement.

I have never been a victim of any crime or a family member. I have never been a victim of a crime.

I've had two brothers convicted of and

arrested for a crime but I never have.

THE COURT: Okay. Thank you, sir.

Miss Shannon.

PROSPECTIVE JUROR SHANNON: My name is Margo Shannon.

I was born 5-20-54.

I live at St. Johns Town Center. I've lived here 40 years.

I'm a widow.

My occupation is transportation manager.

I've never served on a jury.

I have three children, one daughter, two sons. They work in transportation, restaurants and lawn service.

I have an ex-son-in-law that is a police officer.

I have brothers and sisters that have been convicted of crimes but not me.

THE COURT: Ever been a victim of a crime?

PROSPECTIVE JUROR SHANNON: No. No, sir.

THE COURT: Thank you, ma'am.

Miss Craw.

PROSPECTIVE JUROR CRAW: My name is

Angela Craw.

My birth date is January 6th, 1978.

I live in the East Arlington area. I've been in Duval County and in Florida for two years. Been at the current residence for two years.

I am married.

I am a stay-at-home mom.

I've never served as a juror.

I have two children, ages nine and five. They are both girls. They do not work.

My brother is a police officer in Virginia.

And I've never been a victim of a crime, nor has a close friend or family member.

And I've never been arrested or accused of a crime.

THE COURT: Thank you, ma'am.

Miss Laurence.

PROSPECTIVE JUROR LAURENCE: My name is Susan Laurence.

And I was born on April 19th, 1962.

I live in the west beaches area. I've been in Duval County for 26 years. I've lived at my current residence for ten.

I'm married.

My occupation is television and movie producing. My employer is Laurence Television Group or Laurence Entertainment.

I've never served as a juror.

I have two sons, ages 22 and 26. The 22-year-old is a student at UNF, and the older one is in health care recruiting.

And I don't have any relatives or close friends in law enforcement.

Nobody I know or a member of my family has been convicted of a crime.

And no friend has been accused of a crime.

THE COURT: Thank you.

Mr. King.

PROSPECTIVE JUROR T. KING: Good morning, Your Honor. My name is Thomas King, Fitch King.

I live in Jacksonville in the Avondale area, the west side.

My date of birth is January 26th, 1961.

I've lived in Duval County 40 years, other than when I was away after high school and moved back here in 1996. I've lived at

my current house for 20 years.

I'm currently married.

I work for Morales Group, Morales Construction, Morgar Realty. Real estate developer and general contractor.

I've never served as a juror before.

I have three sons. Their ages, 30, 29 and 18. One works here in town. One's a Marine Corps helicopter pilot. The other one is a freshman in college.

I do not have any close friends or relatives in law enforcement.

Don't have any friends or family members who've been victim of a crime.

And no friends and family who have been arrested or accused of a crime.

THE COURT: Thank you, sir.

Miss Major.

PROSPECTIVE JUROR MAJOR: My name is Odessa Major.

My birthday is December 30th, 1967.

I live on the north side of town, out near the airport. I've been in Jacksonville for 25 years. I've been at my current address now eight years.

I'm single.

Occupation, patient relations rep. My employer is UF Health Jacksonville.

I've never served as a juror.

I have one son. He's 27. He's also a case manager at Greenfield Jacksonville.

I have several relatives, close friends that's in law enforcement.

I have not been accused -- been victim of a crime, but I have several friends and family members that have.

I also have not been accused of a crime or arrested -- been arrested for a crime, but I have several friends and family members that have.

THE COURT: Thank you, ma'am.

Mr. Leonard?

PROSPECTIVE JUROR LEONARD: Hello. My name is Larry Leonard.

My date of birth is 9-29-54.

I stay on the south side. I've been in Duval County ten years, state of Florida for 55. My current address, nine years. Former address, 22 years.

I'm married. My wife is an office

manager.

I'm retired. My previous employer was Seminole Electric.

I have never served on a jury.

I have six biological kids, nine stepkids.

I have one brother and three godbrothers that's law enforcers.

I have a few friends that's been victim of crimes, no close friends.

I, myself, have been convicted of one crime.

THE COURT: Thank you, sir.

Miss Rhone?

PROSPECTIVE JUROR RHONE: Hello. My name is Khatianna Rhone.

I was born November 2nd, '92.

I live on the beaches. I've been in Duval County for 24 years. I've been at my current residence for the last 14 years.

The previous six years, I'm single.

I am a shift manager. My employee -- employer is Arby's.

I've never served on a jury.

I have one child who's two.

I have no relatives in law enforcement.

I have close friends, family members that have been victims of crimes.

I have been arrested or accused of a crime, and I have been family members who have also.

THE COURT: Thank you, ma'am. If you'll hand that back behind you to Miss Gay.

PROSPECTIVE JUROR GAY: Good morning. My name is Lee Ann Gay.

I was born on August 8th, 1967.

I live on the west side of Jacksonville. I've been here 28 years.

I am married. And he is an electrical designer.

I'm a registered nurse and I work for First Coast Service Options.

I have never served on a jury.

I have one son. He is 25 years old and he works for Publix.

I do not have a relative or any close friends that are in law enforcement.

My home was broken into and I had a large amount of things stolen about four years ago.

And I've never been arrested, although I had a brother who was.

THE COURT: Thank you, ma'am.

Miss Petschke?

PROSPECTIVE JUROR PETSCHKE: Yes, sir. Lisa Petschke.

May 21st, 1964.

I live in Arlington. I've been in Duval County 41 years. I've been at my residence for 20 years.

I'm married. My husband is self-employed.

I am administrative assistant. I work at Convergys Corporation, for 21 years now.

I have served as a juror. It was a criminal case. It was maybe six or seven years ago. I don't remember. I wasn't part of the verdict because I was an alternate so I was released.

I have a 32-year-old daughter and a 28-year-old stepson. My daughter works for us. And my stepson, I have no idea.

Relatives or close friends that are law enforcement, no.

Nobody that I know has been a victim of

a crime.

And I have been arrested but the charges were dropped.

THE COURT: Thank you very much, ma'am.

PROSPECTIVE JUROR PETSCHKE: And I don't know of any other close friends.

THE COURT: Okay. Mr. Brophy?

PROSPECTIVE JUROR BROPHY: My name is Shaun Brophy.

I was born April 3rd, 1967.

I live in Arlington. I've been in Duval County and Florida both for 17 years. I've been at my current residence for 13 years, prior residence for three or four years.

I'm single.

Unemployed. I last worked for company called "Laminations." I was the manager of a division that made -- manufactured paper products.

I've never served as a juror.

I have no children.

I don't have any friends or relatives in law enforcement.

I do have friends and family members that have been victims of some minor crimes.

And I have been arrested.

THE COURT: Thank you, sir.

Miss Gonyer?

PROSPECTIVE JUROR GONYER: Hi. I'm Jeanne Gonyer.

My date of birth is 4-4-61.

The area of town I live in is Oceanway. I've been at my current residence a year and a half, former residence for 11 years in North Carolina.

I'm married. My husband is retired.

My occupation, actually, I'm starting a computer job this week. And the name of the employer is iinc, I-I-N-K.

I served as a juror before. It was a criminal case. We reached a verdict. And I was not the foreperson.

I have one son. He's 36 and his occupation is warehouse worker.

I don't have anybody in -- close friends in law enforcement.

I don't have anybody -- the victim of crimes or never been arrested or accused of crime.

THE COURT: Thank you, ma'am.

Mr. Islamovic.

PROSPECTIVE JUROR ISLAMOVIC: My name is Alen Islamovic.

Date of birth is 10-11-90.

Live in south side. I've been in Duval for 17 years and 17 years in Florida. Years at current residence, three months, 16 years or something on the other.

Recently married.

I'm a PTA. My employer is Atkinson's. And I have an interview today with Brooks at 4:00.

I've never served as a juror.

I don't have any kids.

I have a close friend that's a police officer.

I've never been a victim of a crime.

But I have been arrested.

THE COURT: Thank you, sir.

Miss Perry.

PROSPECTIVE JUROR PERRY: My name is Nadine Perry.

I was born August 3rd, 1987.

I live on the west side of Jacksonville. I've been in Duval for 16 years. Same in

Florida, 16 years. I've been at my residence now six months. Before then, four years.

I am married. My husband is a diesel mechanic.

I am a medical assistant with First Coast Neurosciences.

I have not served on a jury.

I don't have any children.

I do have a lot of friends that are in law enforcement.

I do have family members that have been a victim of a crime and family members that have been arrested and accused of crimes.

THE COURT: Thank you, ma'am.

Mr. Boss.

PROSPECTIVE JUROR BOSS: My name is Kendal Boss.

I was born October 3rd, 1971.

I was born and raised in Jacksonville, all my life, at my same residence all my life, me and my mother.

I'm single.

My occupation is a medical records specialist. I work for Southeast Orthopedic Specialists.

Yes, I have served on a jury. It was a civil case. We did reach a verdict. No, I was not the foreperson.

I don't have any kids.

I do have relatives that do work for the law enforcement. I have a cousin that's a correctional officer, a cousin that's a cop. I've got a close friend that's a detective. Just other people, you know, other relatives that work for JSO.

Yes, a close family member has been murdered, my father. He was stabbed like so many times that it -- he was unrecognizable.

THE COURT: Take your time.

PROSPECTIVE JUROR BOSS: And a lot of people don't understand that it affects -- it affected me a lot because I --

THE COURT: Mr. Boss, I don't want you to have to go through that. You don't have to do that. We're not going to dive in deep on things like that.

PROSPECTIVE JUROR BOSS: Okay. And I never committed a crime nor a family member or a close friend.

THE COURT: Thank you, sir.

Mr. Weston.

PROSPECTIVE JUROR WESTON: My name, Ronnie Weston.

Born on March 22nd, 1990.

Live on the west side. Lived in Jacksonville for 20 years.

I'm single.

I work for W.W. Gay.

Never served on a jury.

Have one child.

Don't know nobody in law enforcement.

Never been the victim of a crime.

Never been accused of a crime.

THE COURT: Thank you, sir.

Miss Colbert.

PROSPECTIVE JUROR COLBERT: My name is Sandra Colbert.

Date of birth is 3-17-77.

I live on the west side of town. Been in Duval County for about six years and about six years at my current residence.

I am married. My spouse is unemployed at this time.

My occupation is a business analyst for Florida Blue.

Never served as a juror.

I have three stepchildren and one biological son. Ages are 22. He's unemployed. 19, he works for a lawn service. Another 19-year-old, in the Marines. And Kennedy, baby girl, 15, she's in school, of course.

Let's see. I have a brother-in-law who's in ATF police.

I have family members and myself that was exposed to a crime.

And I don't know anyone that's been arrested or accused of a crime.

THE COURT: Thank you, ma'am.

Miss Dixon.

PROSPECTIVE JUROR DIXON: My name is Rita Dixon.

My birthday is 12-2-66.

I live on the west side. I've been in Duval County 50 years. My current residence, I've been there three years. My former, 17 years.

My occupation, I'm a manager at the Duval County Schools in the cafeteria.

I'm married.

I have -- I've never been -- I never served on a jury.

I have two kids. One's 36. One is eight.

I do not have -- do not have close friends in law enforcement.

No, I haven't been convicted of a crime.

Never been to jail or arrested. I have two family members been arrested.

THE COURT: Thank you, ma'am.

Mr. Rhodes?

PROSPECTIVE JUROR RHODES: Good morning, Your Honor. My name is Derrick Rhodes.

My date of birth is December 21st, 1971.

I live on the north side, in Oceanway. I've been in Duval and Florida for 24 years. Been at my current residence for eight years.

I'm married. My wife works at Amports on Blount Island.

I am retired from the Navy. I currently work for G4S as a security site manager.

I've never served as a juror.

I have four children -- 25, 22, 17 and 14. My oldest works for Merrill Lynch. My 22-year-old works in the restaurant industry.

I don't know any -- I don't have a relative or close friend in law enforcement.

Never been the victim of a crime. Never had a family member been victim of a crime.

And I've never been arrested or had family member been arrested.

THE COURT: Thank you, sir.

Mr. Fogelsonger?

PROSPECTIVE JUROR FOGELSONGER: My name is Jerry Fogelsonger.

12-4-60.

I live in the Argyle area. I've been in Jacksonville, in Duval County 30 years.

I'm married. My wife works for Safariland.

I am restaurant manager. The name of my company, Arnold Palmer Golf.

I've never been on a jury.

I have two children, 33 and 34, something like that. One is -- one works for the school district in Seattle, and the other is in the medical industry here.

I have many friends in law enforcement.

I know of many people who have been victims of a crime.

And I've never been accused or arrested.

THE COURT: Thank you, sir.

Miss Duncan?

PROSPECTIVE JUROR DUNCAN: My name is Ella Duncan.

My date of birth is 11-17-1953.

South side of Jacksonville. Years in Duval, eight. Years in Florida, 63. Years at current residence, eight.

Marital status, widow.

Occupation, unemployed. Name of employer, my previous, worked for Walmart.

I've never been a juror.

I have a daughter, 44, who works at Walmart. I have a son that's 27 who's incarcerated.

I do not have no -- anybody that I know in law enforcement.

I have had members that have been crimes of victims [sic]. I have not but I have members of my family.

And I have not been arrested, but I have family members that have been accused of crimes.

THE COURT: Thank you, ma'am.

Mr. Kenny.

PROSPECTIVE JUROR KENNY: Yes. My name is Timothy Kenny.

I was born 8-13-1960.

I live on the west side of Jacksonville. Been in Duval for five years. State of Florida, five years. My current residence, five years. Former residence, 25 years.

Marital status, married.

Occupation, material handler. Name of my employer, Saddle Creek Logistics.

Ever served as a juror, no.

Have any children, yes, age 30 and 18. 30-year-old is a diesel mechanic for Southeastern Freight. 18-year-old's a freshman at Florida State.

Do you have any relatives or close friends in law enforcement? No.

Have you or close friends or family member -- yes, my family members have been victims of crime.

Yes, I have been arrested.

THE COURT: Thank you, sir.

Mr. Ashley.

PROSPECTIVE JUROR ASHLEY: Good morning.

My name is Louis Ashley.

My date of birth's July 1st, 1966.

I live in the Arlington area. I've spent a total of 22 years in Duval County, 21 the first time. I left for six years and I've been a current resident of Duval County for one year.

I am married. My wife is a hairstylist.

I am a teacher at UNF preschool.

I've never served as a juror.

I have two children, both boys, ages 33 and 21. They're both males. Occupation, my 33-year-old is currently incarcerated in the West Virginia penal system. My 21-year-old is physically and mentally handicapped. He lives with my wife and I in Arlington.

I have a close friend and some other associates in law enforcement, in JSO.

I have been the victim of a crime, credit card fraud and home burglary.

I have never been arrested or accused of a crime. But obviously, my 33-year-old son has and he's incarcerated at this time.

THE COURT: Thank you, sir.

Mr. Watkins.

PROSPECTIVE JUROR WATKINS: My name is Travis Watkins.

My date of birth is October 11th, 1969.

I live at the beaches. I grew up in Duval County. Currently been living here for about ten years. Years at my current residence is ten years. Years at my former residence is five.

I'm single.

Occupation would be package handler. I work at United Parcel Services, UPS.

I've never served as a juror.

I don't have any kids.

I don't have any friends currently in law enforcement.

Never been a victim of a crime. Have a close friend that was.

Have one family member that was arrested and convicted, and I've never been accused of a crime.

THE COURT: Thank you, sir.

Miss Montoto.

PROSPECTIVE JUROR MONTOTO: My name is Cristina Montoto.

My birthday's 11-21-82.

Years in -- I live in the north side near Oceanway. Years in Duval, ten. Years in Florida, 34. Years at current residence, nine. Former residence would be one.

Married.

My occupation is self-employed, real estate investment company. My husband is also self-employed with a real estate investment company.

I've never served as a juror.

I have two children, six and ten.

I have a relative in law enforcement.

I have never been a victim of a crime.

I've never been arrested.

THE COURT: Thank you, ma'am.

Miss Burkholder.

PROSPECTIVE JUROR BURKHOLDER: Patricia Burkholder.

My birthday is January 5th, 1958.

I live in the Mandarin area. I've lived in Duval for nine years. Years in Florida, 20. My current residence is five years. Former residence is four.

I'm married. And my spouse is retired.

My occupation is a buyer. My employer

is KLS Martin.

I served as a juror. It was a criminal case. We reached a verdict. And I was not a foreperson.

No children.

I do not have a relative or close friend in law enforcement.

I have not any close friends or family member as victim of a crime.

And I have not or close friends or family member been arrested or accused of a crime.

THE COURT: Thank you, ma'am.

Miss O'Neal.

PROSPECTIVE JUROR O'NEAL: I'm Janet O'Neal.

July 29th, 1957.

I live in the south side. I'm not sure how long I've been in Duval. I'm here by military order. I was born in Washington, DC, love it.

I'm married.

I'm a mortgage closer. I work for BB&T at this time.

I've served as a juror. I don't

remember what it was. It was so long ago.

I have two sons. They're grown. They work.

I have family members that are in law enforcement.

Victims of crimes, (inaudible).

(Brief interruption by the reporter.)

THE COURT: We didn't hear you. Victim of crime what?

PROSPECTIVE JUROR O'NEAL: Victim of crimes, I don't know.

THE COURT: Okay.

PROSPECTIVE JUROR O'NEAL: Close friends and family members that's been arrested, no.

THE COURT: Was that a no on that one?

PROSPECTIVE JUROR O'NEAL: No.

THE COURT: Yes, no?

Miss Link.

PROSPECTIVE JUROR LINK: Hi. My name's Latoya Link.

10-13-1978.

I live in the Argyle area. I've lived in Duval for about seven years, in Florida, for seven years. (Inaudible).

(Brief interruption by the reporter.)

THE COURT: Could you speak a little louder, please, ma'am?

PROSPECTIVE JUROR LINK: Which part? All of it?

THE REPORTER: Yes, please.

PROSPECTIVE JUROR LINK: My name is Latoya Link.

I was born October 13th, 1978.

I live in Argyle area. I've lived in Duval for seven years, Florida for seven years, current residence, seven years. I lived in New York for 31 years.

I'm not married.

I am a supervisor at BJ's Wholesale Club.

I never served on a jury.

I have one kid. She's nine years old.

I have no family and relatives in law enforcement.

And I have family members that were victims of crimes and some family members that were arrested for crimes.

THE COURT: Thank you, ma'am.

PROSPECTIVE JUROR LINK: You're welcome.

THE COURT: Miss Echevarria.

PROSPECTIVE JUROR ECHEVARRIA: Hello. My name is Jeanette Echevarria.

I was born 7 February '74.

I live at Beach Boulevard, Jacksonville. Years in Duval is one year and eight months. The same one, year and eight months. Current address is one and eight months. And former residence was four months.

I'm married. And my husband works as a driver.

My occupation is Dunkin' Donuts as a chief lead. And I work a job on Friday, cleaning office. The last job I had was in Puerto Rico as owner of a grocery store.

I never been a juror.

And I have three kids. My oldest boy is 21. He works at events. My two girls, one is 17; the other one is 12, both girls, both students.

And I don't have no friends in law enforcement.

I've never been victim or have my family.

And arrested, none of my family have been.

THE COURT: Thank you, ma'am.

Miss Abel?

PROSPECTIVE JUROR ABEL: My name is Brenda Abel.

Date of birth, 4 -- April 2nd, 1967.

I live in the Deerwood area. Been in Duval County and the state of Florida for five years. Current residence, three. Before that was two years.

My husband is a self-employed remodeling contractor.

I am a senior cabinet designer at Florida Home Store.

I have never served on a jury.

I have two daughters, ages 29 and 31. One's a stay-at-home mother. The other is a case manager at a federal prison in Indiana.

I do -- her husband is actually a law enforcement officer.

I have had a family member been a victim of a crime.

And I have not been arrested or know anyone that's been arrested.

THE COURT: Thank you, ma'am.

Mr. Strok.

PROSPECTIVE JUROR STROK: Benjamin Allen Strok.

Date of birth, January 15th, 1987.

Live on the south side. Been in Duval County about six years, in Florida, 17. Been at my current residence two years. Former residence, two years as well.

I am married. My spouse is a marketing director.

I'm a business analyst with CSX Transportation.

I've never served as a juror.

I have one child. She is ten months old. She is a female.

I do not have a relative or close friend in law enforcement.

I have been the victim of a crime. I was once robbed on the street.

And I have been accused of a crime.

THE COURT: Thank you, sir.

Miss Wyche.

PROSPECTIVE JUROR WYCHE: My name is Shandell Wyche.

Birthday is March 31st, 1975.

I live on the west side. I've been in

Duval County for a total of 21 years. I've been at my current residence for a little over a year, my former residence for about six months.

I am married. My husband is a sergeant major in the United States Army.

I'm a registered nurse at UF Health Shands.

I've never served on a jury.

I have one son, whose age is 24 years old. He's also in the United States Army.

I do have relatives or close friends in law enforcement.

I also have family members that's been victims of crime.

And I also have family members that's been arrested or accused of a crime. And I've been arrested as well.

THE COURT: Thank you, ma'am.

Miss Burry.

PROSPECTIVE JUROR BURRY: Hello. Lynn Burry.

I was born 10-2-1963.

Timuquana area, which I think is west side. 23 years in Duval County. 15 years at

my home. Eight out at the beaches.

I'm married. My husband's an occupational -- or operations manager.

I no longer work outside the home.

Never been a juror.

Have a daughter that's 31. She's in marketing.

No relatives or close friends in law enforcement.

Never been the victim of a crime and have never been arrested or accused of a crime.

THE COURT: Thank you, ma'am.

PROSPECTIVE JUROR BURRY: You're welcome.

Miss Manco?

PROSPECTIVE JUROR MANCO: Yes. Margaret Manco.

My date of birth is August 1st, 1979.

I live in Murray Hill. I have lived in Duval for 36 years. Years in Florida, 36 years. Been at my current residence for about seven years. Before that, I think two or three.

I am married. My husband is a computer

programmer.

I am a prosthetic patient care coordinator. My employer's name is One Call Care Management.

I have been a juror before. It was a criminal case. We did not reach a verdict. I was not the foreperson.

I do not have any children.

I do know a couple people in law enforcement.

I've not been a victim of a crime or know anyone who has.

And I've not been arrested or know anyone who has.

THE COURT: Thank you, ma'am.

Mr. Dempsey.

PROSPECTIVE JUROR DEMPSEY: My name's William Dempsey.

Date of birth is May 15th, 1956.

Live in East Arlington. Been in Duval and Florida since 1981. I've been at my current residence for 25 years, previous residence, about five.

I am married. My wife is a caterer.

I am a consultant with Compass

Consulting Company.

I have served as a juror in the past. It was a criminal case. We did reach a verdict. And I was not the foreperson.

I do have two daughters, one age 36, one age 25. One is a stay-at-home mom. The other is a -- in property management.

I have both a brother-in-law and a friend locally who's with JSO.

I do not have a close friend or family member that's been victim of a crime.

And I was arrested once about 35 years ago.

THE COURT: Thank you, sir.

Mr. Smalley.

PROSPECTIVE JUROR SMALLEY: Yes, Your Honor. My name is Wayne Smalley.

I was born December 29th, 1954.

I live in the East Arlington area. I've been in Duval County for 15 years. I've lived in Florida for 20. I've been in my current residence for 15 years and five years at my former residence.

I'm married. My wife is unemployed.

I'm a pension administrative. I work

with Pencor, Incorporated, in Jacksonville.

I have never served on a jury.

I have two daughters, ages 33 and 31. My oldest daughter is in operations at the international airport. My youngest daughter is a health coordinator.

I have a close -- I have cousins that work in law enforcement in New Jersey.

I have a family member that has been victim of a crime.

I have a close friend that has been arrested.

THE COURT: Thank you, sir.

Mr. West.

PROSPECTIVE JUROR WEST: My name is Sean West.

Born August 7th, 1988.

I live at the beaches. Been in Florida for 29 years. Been at my current residence for a year. One before that, a year.

I'm not married. Single.

Occupation, superintendent. I work for RBC General Contractors.

I've never served as a juror.

Have no children.

I have friends who are in law enforcement.

I do know victims of crimes.

I do know people that have been arrested and I've been arrested myself.

THE COURT: All right. Thank you, sir.

Okay, ladies and gentlemen. It's ten after 12:00. So I think we'll just take a lunch break, unless y'all want to keep going. The only problem with lunch break now is there's a bunch of people downstairs on the second floor where you came in this morning. Some of them might be at lunch. I don't know about that group across the hall 'cause that was large group like we have here. Most juries' selection process is about half of this number.

Anyway, as far as lunch options are concerned, there is a snack area on the second floor here in the building. They do serve some hot items. Whether it's going to be crowded or not, you know, who knows? If you go outside the building, straight across the street to the parking garage where you probably all parked this morning, on the

ground floor, there's several places as you walk across the street. If you go around to the back, there's a place back there. I think it's called the "Pita Pit." If you're on that side of that building, that's Forsyth Street. And if you go a little bit closer towards downtown, I think there's a sandwich shop, a barbecue place down that way. Usually, if you go out and to the right of the building a block or so, there's a food truck, sometimes two, if you like that kind of thing.

I would just -- I would say I wouldn't go all the way into downtown. Some of you may be very familiar with downtown and places to go. But if you've got to walk that far, get what you want, get back, I mean, again, we're trying to efficiently use your time as best we can, so we want to keep this thing rolling.

So couple things that are very important. We are on the fourth floor of this building. This is Courtroom 407. You need to remember that because a lot of the courtrooms look the same, and the building

kind of looks the same, depending on if you're going down the left-hand side or the right-hand side. It's like a mirror image of itself. So 407. Don't want to get confused with the people in 406. That's number one.

Number two is when you come back, you've got to sit in the exact same seat you're in right now because we've got these seating charts. So take a second, figure out what side of the room you're on, what row you're in and look to your left and right and see who you neighbor is. It's like being back in school. Because we've got to get you in the same seats.

So there you go. I'm going to let you go. And I think 50 minutes probably will do it for you. So we'll start back at 1:00 or as close to 1:00 as we can when we get everybody gathered back.

Remember, don't do anything about looking stuff up about the case, no research, no talking to anybody about it. Okay?

Did I see hand going up?

We're good?

Have a nice lunch. See you back at

1:00 o'clock.

PROSPECTIVE JUROR ISLAMOVIC: Your Honor, I have an interview today at 4:00.

THE COURT: I don't know what time we're going to finish but it may not happen. So I'd make phone call. I'm sorry. I'd like to think we're going to be finished but --

PROSPECTIVE JUROR ISLAMOVIC: Better to be safe.

THE COURT: Yeah. Thank you.

(Jury panel excused.)

(Lunch recess was taken from 12:11 p.m. until 1:06 p.m.)

(Defendant present.)

THE COURT: Ready to go?

MR. DE LA RIONDA: Yes, sir.

THE COURT: Miss Bynum?

MS. BYNUM: Yes, sir.

THE COURT: All right. Bring them on in.

(Jury panel present.)

THE COURT: Every trial I've had here in this building -- and believe it or not, we've been in this building now just over five years. Every trial but four, maybe five --

and I've probably tried 80 in this building, maybe more than that. Anyway, every time but four or five, we lose somebody. I don't care if it's a group this big or 28 people, which is usually one of the smaller groups. We lose somebody. That's why I say, we're on the fourth floor, Courtroom such and so; you know, it's a mirror image of itself, blah, blah, blah.

We have found every one of the people that we lost except for one. I do not believe the person got lost and was stuck in the building. I think they left. And I think the chief judge is looking for them. But other than that...

One more?

THE BAILIFF: One more, Your Honor. Juror No. 60.

THE COURT: While we're waiting, this is one of the -- this is the largest courtroom in the building. There is one identical to it straight across the hall. You'll also see this one was named after Lou Frost, who was the Public Defender here in Duval County for many, many -- well, the Fourth Judicial

Circuit, which covers Duval, Clay and Nassau. He was the Public Defender for many, many years. The courtroom across the hall is named after or for Ed Austin, who was the State Attorney here for years ago and years and years. He was just an icon, great man.

And so in the ceremonial -- it's for big cases like this, where we need a lot -- I say big cases, where we need a lot of jurors because we can seat more jurors in here than we can in any of the other courtrooms.

We also used it for ceremonial-type things. Like, when a new judge comes on, they have a ceremony where they get their robe and all that kind of stuff. It's called an "investiture." And so we do that either in this courtroom or the one across the hall. And they're basically identical except for the portraits that are on the wall. So there are a lot of portraits in here. There are a lot in the other courtroom across the way.

There are other portraits in the courtrooms throughout the building. So as an enticement for those of you who get selected, we will move this case from this courtroom to

the third floor to my courtroom. And then you'll get to see the portraits that are on the wall there, and I won't tell you who they are. So it will be, like, surprise. Now you're going to be anxious to be selected.

All of the people on the walls in here are retired. As I look around, most of them are still alive.

First one over here is Mack Mathis. He retired just a few years ago.

The second one there is John Southwood. He just recently passed away, great -- great guy.

Hal Taylor's there, the third one.

Al Brooke is the fourth.

And I'm quizzing myself to see if I can -- I usually am in that room over there, the other courtroom, the big one. And I can go around that courtroom and name everybody. This is going to be interesting.

Al Brooke is the fourth one.

Judge Brooke, I think, did pass away.

Judge Bowden is the next one. He's still living.

Judge Olliff is back there kind of in

the back. He passed away.

I think that looks like Judge Tygart. He's still living.

Then I think that's Nelson Harris, I believe, and he's passed away.

The next guy there, I don't know who that is. That person wasn't a judge when I started practicing.

If you come around the room, you've got Judge Buttner there.

You've got Judge Jean Johnson. She's passed away.

Peter Fryefield in the corner there, he unfortunately passed away, pretty young age.

Judge Dot Pate there is next. She's passed away.

There's more passed away than I thought.

Bernie Nachman, he's still living, great guy.

Peter Webster is still alive. He was on the First District Court of Appeal. He left from here and went to the First District Court of Appeal for a while.

Next one in the middle there is Jeff Morrow, who unfortunately died at a very

young age, real good guy.

Judge Mitchell is there. He's still here and he does senior judge work. Some of these people come back and do senior judge work.

And then the first one over here on this side, Judge Weatherby.

So I did pretty good except for that one guy in the back.

Albert Graessle. His son practices law here in town. If he knew I did that, he'd be mad. But the guy was not a judge when I got here, so that's my excuse on that one.

And then, again, a bunch of portraits on the other side of the room, and then there's some smattered around in the various courtrooms here at the courthouse.

Are we good?

THE BAILIFF: Yes, sir.

THE COURT: Hallelujah. So that wasn't bad.

So there will be a little quiz, and for those people that were late and didn't get all that information, that means you'll be like the foreperson of the jury.

All right. So we'll resume the questions, keeping in mind once we get through that, then the lawyers get to ask you some questions, and we'll be getting there towards the end of the process.

And we're going to start on this side of the room now. We'll start with Miss Lowe.

PROSPECTIVE JUROR LOWE: Good afternoon. My name is Jade Lowe.

My birth date is December 20th, 1961.

I live in East Arlington. I've lived there for 21 years.

My husband is an IT technician.

I am a staff accountant for Adecco Group North America.

I have never served as a juror.

We do not have children.

I do have close friend that is in law enforcement.

And myself or my family have not been victim of a crime.

Nor have we been arrested or accused of a crime.

THE COURT: Thank you, ma'am.

Miss Anthony.

PROSPECTIVE JUROR ANTHONY: My name is Deloise Anthony.

My birthday is September 14th, 1949.

I'm here in Jacksonville. I've been here, like, almost ten years.

I'm single.

I'm unemployed. I'm retired.

I have two children, twins. They are 31. They're working.

Okay. There's people in the family -- whole lot of them in the family, a lot of them in jail, a lot of them that's dead.

That's about it. Thank you.

THE COURT: Have you ever been on a jury before?

PROSPECTIVE JUROR ANTHONY: Oh, I forgot that one. Yes, twice.

THE COURT: Oh, okay. Do you remember, were they criminal cases or civil, if you remember?

PROSPECTIVE JUROR ANTHONY: It's been a while.

THE COURT: Okay. You know anybody in law enforcement, police officers? Do you know anybody like that?

PROSPECTIVE JUROR ANTHONY: No.

THE COURT: Okay. Thank you, ma'am. I appreciate it.

Miss Albano.

PROSPECTIVE JUROR ALBANO: Hi. My name is Gladys Albano.

My birth date is June 29, 1986.

I live in Monument. I've been here in Jacksonville for seven years. I've been with my current residence three years.

I'm married. And my spouse is a plumber.

I am a patient care technician at a dialysis center. My employer is DaVita Dialysis.

I have -- I never been a juror before.

I have two kids. They are seven months, baby girl, and a six-year-old boy.

I don't have relative and close friends in law enforcement.

I never been victim of a crime.

And I never been arrested or accused of a crime.

THE COURT: Thank you, ma'am.

Mr. Shahum?

PROSPECTIVE JUROR SHAHUM: My name is Peter Shahum.

My birth date's 8-11-54.

I live in -- on the south side of town. Years in Duval County, 30. In Florida, 40 years. 15 years is my current residency.

I'm married.

Painting contractor.

I've been on a jury before, criminal case. We reached a verdict. I wasn't the foreperson.

I have a daughter, 28. She's a NICU nurse at Baptist Hospital.

I have some close friends that are in law enforcement. I haven't had anybody -- any family members, victims of crime or friends.

And I haven't been arrested yet.

THE COURT: Thank you, sir.

Miss Mason.

PROSPECTIVE JUROR MASON: My name is Sylvia Mason.

My birthday is November 30th, 1978.

I live in the northwest side of town. I've been in Duval County and Florida all my

life, 38 years. I've been at my residence for 17 years.

I'm single.

I'm a CNA. I work for Fleet Landing.

I've never served on a jury.

I have three kids, a 22-year-old which is incarcerated. I have a one-year-old and a two-year-old.

I don't have friends that's in law enforcement.

I have been a victim and my family have been victims of crimes.

And I have been arrested and I have family members that's been arrested.

THE COURT: Did you say if you've been on jury before or not?

PROSPECTIVE JUROR MASON: No.

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

Mr. Leibowitz.

PROSPECTIVE JUROR LEIBOWITZ: My name is Martin Leibowitz.

My date of birth is September 7, 1955.

I live in south side. I've been in Duval County for 62 years. In Florida -- I'm sorry. In Florida, 62 years. In Duval

County, 55 years. 25 years at current residence. Former residence, ten years.

I'm married. My wife is an office manager.

I'm an attorney. I'm self-employed.

I have never served as a juror. I have two children. One is 31. He's an attorney. And one is 28. He's a doctor.

Have no relatives or close friends in law enforcement.

I have been and I have a family member who's been a victim of a crime.

And I have a family member who has been accused of a crime.

THE COURT: Thank you, sir.

Mr. Ingram.

I'm sorry. Miss Foster.

PROSPECTIVE JUROR FOSTER: My name is Eugenia Foster.

Date of birth, 10-22-81.

I live on the west side. Years in Duval County and Florida, 31 years. Current residence, three years. Former residence, three years.

Marital status, single.

I work as a respiratory therapist. I work for a contract company called "Anihol (phonetically) Technology."

I never served on a jury.

Do not have any children.

Do not have any relatives or close friends in law enforcement.

I've never been a victim of a crime. I have family members that have -- have been a victim of a crime.

I've never been arrested or accused of a crime, but I have family members that have been arrested and accused of a crime.

THE COURT: Thank you, ma'am.

Now Mr. Ingram.

PROSPECTIVE JUROR INGRAM: My name is John Ingram.

Born on June 21st, 1991.

I live in the Arlington area. Been in Duval County 26 years. Spent 26 years in Florida. Been at my current home for about three years now. Former residence, the remainder of my life.

I'm engaged. She is a collection specialist.

My occupation is an auto service manager and business owner. I work for Sears Auto Center during the daytime.

I've never served as a juror.

I do not have any children.

I have -- my best friend is a JSO officer. His father is a detective for JSO.

No violent crimes, robberies and things of that nature but nothing violent.

And I've never been arrested and none of my friends have ever been arrested.

THE COURT: Thank you, sir.

Mr. Dieffenbach.

PROSPECTIVE JUROR DIEFFENBACH: My name is Steve Dieffenbach.

Born March 17, 1959.

I live in Riverside area. I've been in Duval and in Florida for 40 years. I've been at former residence now for 23 years.

I am married. My wife is a professor at the college.

I am self-employed, a certified building contractor.

I have served on a jury, a year and a half for the federal grand jury.

I have two kids, two boys, ages 26 and 23.

I do know have friends that are in the law enforcement.

I have never been a victim of a crime or a family member been a victim of a crime.

Nor has anybody been arrested.

THE COURT: Thank you, sir.

Mr. Moon.

PROSPECTIVE JUROR MOON: Yes, Your Honor. My name is Jay Moon.

My date of birth October 30, 1970.

I've lived in Duval County, in Florida for 33 years. And previous residence was eight years. Current residence is nine years.

I am married.

And I'm a senior operations analyst for Merrill Lynch.

My wife is -- okay. Sorry. My wife is working. She's a graphic designer.

And let's see. I have served on a jury before. It was a civil case and it reached a verdict. I was not the foreperson.

And I have one daughter. She's seven.

Her occupation is second-grader.

And, yes, I have a close friend who is JSO, police officer.

And 12 and 13, no.

THE COURT: Thank you, sir.

Miss Arias.

PROSPECTIVE JUROR ARIAS: Good afternoon. My name is Mariazell Arias.

My date of birth is April 25th, 1950.

I live in Queens Harbour. I've lived in Duval County for five years. I've lived in Florida for 45 years. I've been at my residence for five years and my previous for 20 years.

I am married. My husband's a retired engineer.

I am the chief financial officer for a small family-owned construction company in Miami.

I have served as a juror before. It was a criminal case but it was settled before starting up our duty.

I have three children. One is 44. He is a chief operating officer for a private bank in New York. A daughter who is

homemaker, she's 40. And a younger daughter, 35, she works in the health industry.

I have very close friends in the law enforcement community.

I have been a victim of crime. And so have been family members.

And I have never been arrested or accused of a crime, and neither has been any members of my family.

THE COURT: Thank you, ma'am.

Miss Carpenter.

PROSPECTIVE JUROR CARPENTER: My name is Skylain Carpenter.

I was born October 2nd, 1996.

I live on the west side of Jacksonville. I've been in Duval County and in Florida for the past 20 years, excluding two years in Gainesville for college. Current years at residence -- or current residence, I've been there for ten years.

Marital status, engaged.

Occupation, I'm a server. I'm a part-time student. Name of my employer, Jimmy Hula's.

I've never served as a juror.

I do not have any children.

My stepfather is a correctional officer at the Florida State Prison.

And I've never been a victim of crime nor have any family members.

And I've never been arrested or accused of a crime nor have any family members.

THE COURT: Thank you, ma'am.

Miss Fitzpatrick.

PROSPECTIVE JUROR FITZPATRICK: Dionne Fitzpatrick.

Date of birth, 2-16-79.

I live on the west side of Jacksonville. I've been in Duval and Florida for 38 years.

I'm single.

I'm a QT analyst at ServiceLink.

I've never served on a jury.

I have no kids.

I have no friends or relatives in the law enforcement.

I've never been a victim of a crime, but I've had family members who have.

I've never been arrested but I've had family members who have been arrested or accused of crimes.

THE COURT: Thank you, ma'am.

Miss Roberts.

PROSPECTIVE JUROR ROBERTS: My name is Deborah Roberts.

My date of birth is November the 11th, 1954.

I live in the Arlington area. I've been in Duval County for 17 years, in my current residence for ten years.

I am single. I'm a compliance representative for Landstar Transportation.

I've never served as a juror.

I do not have any children.

I do not know anyone in law enforcement.

I have never been a victim of crime but a family member has.

I have never been arrested or know of anyone who has been arrested.

THE COURT: Thank you, ma'am.

Miss Fleming.

PROSPECTIVE JUROR FLEMING: My name is Kaniesha Fleming.

My date of birth is March 13th, 1998.

I live on the west side. I've been in Duval and Florida for 19 years. My current

residence I've been in for 11 years. Former residence, eight years.

Marital status, single.

Occupation, student. My former employer was Grabbagreen.

I've never been on a jury.

I have no children.

I don't know anybody in law enforcement.

My family has been a victim of a crime.

And family members have been arrested or accused of a crime but I haven't.

THE COURT: Thank you very much, ma'am.

Miss Madden.

PROSPECTIVE JUROR MADDEN: Hi. My name is Katherine Madden.

Date of birth is 7-29-53.

I live down by the beaches, and I have for about six years. I've been in Florida and Duval County for eight years.

I work at Fleet Landing as a nurse in the Alzheimer's unit.

I'm single.

I've never served as a juror.

I have a 35-year-old son that works for a gasket company.

I have a friend that's in the state police in Boston.

I have a brother-in-law that was in jail.

I was a victim for short time but only a short time.

And I've never been arrested.

THE COURT: Thank you, ma'am.

Miss Dunker.

PROSPECTIVE JUROR DUNKER: My name is Brittany Dunker.

My birthday is December 19th, 1990.

I live in Mandarin. Years in Duval County is six years. I've lived in Florida for 12 years. I've been at my current residence for two years.

I am single. I am a waitress at California Pizza Kitchen.

I've never served as a juror.

I have no children.

I don't have any friends or relatives in law enforcement.

I've never been a victim of a crime or a family member been a victim of crime.

And I've never been arrested or accused

of a crime.

THE COURT: Thank you, ma'am.

Miss Carroll.

PROSPECTIVE JUROR CARROLL: Deborah Carroll.

4-8-56.

Live in the Mandarin area. I've been here 30 years.

Single.

I'm a real estate closer for Gibraltar Title.

I have served as a juror a in criminal case. We did reach a verdict. I was not the foreperson.

No children.

I do have friends in law enforcement.

I have -- I have been the victim of a crime.

And I have not been arrested nor a family member.

THE COURT: Thank you, ma'am.

Mr. Bailey.

PROSPECTIVE JUROR BAILEY: My name is Patrick Bailey.

My date of birth, August 14th, 1992.

I live in Mandarin. I've lived in Florida and Duval County for a total of 20 years. Current residence, been for about three. Former residence, less than one.

Single.

I work as a medical assistant at Concentra Southside and as a tutor at Tutoring Club of Jacksonville.

I've never served as a juror.

I have no children.

No relatives or close friends in law enforcement.

My father was a victim of a crime.

And neither me nor anyone close to me has been arrested or accused.

THE COURT: Thank you, sir.

Miss Balbona.

PROSPECTIVE JUROR BALBONA: My name is Kathleen Balbona.

I was born June 19th, 1961.

I live in Avondale. I've been in Duval County and Florida 23 years. I've been at my current residence for 23 years.

I am married. My husband is a physician.

I am a medical office manager. The name of my employer is Art of Medicine.

I've never served on a jury.

I have two children. My first son is 25 and he is in law school. My second son is 23 and he is in medical school.

I do not have any family or close friends in law enforcement. I have been a victim of a crime, and I've also been a witness to a crime.

I don't have any family members, but I do have an employee who was arrested.

THE COURT: Thank you, ma'am.

Mr. Ponn?

PROSPECTIVE JUROR PONN: Yes. Hi. My name, Sopharoeun Ponn.

I was born on July 28th, 1964.

I live on Argyle area. And I live 11 years in Duval County, the same current address.

And I am married. My wife work as electronic assembler.

And I am a C and C machinist. I work for Parker Electric Corporation.

And I've never been in jury before.

And I have three daughters, age 15, 19 and 23. They all in school, two in college and one in high school.

And I have a -- my cousin in law, is a policeman.

And I and my family never been a victim of crime.

And I and my family never been arrested.

Thank you.

THE COURT: Thank you, sir.

Mr. Carr.

PROSPECTIVE JUROR CARR: My name is Thomas Carr.

Date of birth is 12-11-58.

I live on the west side. Spent all my life in Florida, all my life in Duval County. Current residence is 40 years. Six years prior to that.

Married with four children. My wife is a home -- stay-at-home wife.

Work for West Fraser. I'm a purchasing and store supervisor.

Ever been on a jury, no.

I have four children. Daughter, 39, which is a service coordinator. Son, 37,

which is a diesel mechanic. Son, which is 34, is a fire alarm technician. Have a son, which is 24, which is a heavy equipment mechanic.

I have two friends in law enforcement. I have a close friend and a family member, victims of violent crime. Myself have not.

Close family never been arrested for crimes.

THE COURT: Thank you, sir.

Mr. Rivera-Ramos.

PROSPECTIVE JUROR RIVERA-RAMOS: My name is Hector Rivera.

I was born November 13th, 1975.

I live in the Intracoastal area. I've been in Duval and Florida for 12 years. I've been living in the current residence for two years and the former was about six.

I'm single.

I'm director of acquisitions for Michaelson Realty Group.

I've never served on a jury.

I have a ten-year-old son.

I don't know anybody in law enforcement.

I haven't been a victim of a crime.

And I've never been accused of a crime.

THE COURT: Thank you, sir.

Mr. Rhoden.

PROSPECTIVE JUROR RHODEN: My name's Brad Rhoden.

10-7-79.

I live in Mandarin. 37 years for both Duval and Florida. Current, one and a half years. Former, ten.

I am married. Her occupation, she does sales for a flooring company.

I am a computer programmer for Florida Blue.

No on jury.

Two kids, little girl that's ten, little boy that's six.

I do have relatives in law enforcement.

I have not for 12 or 13, but I do for family members for 12 and 13.

THE COURT: Okay. Thank you, sir.

Mr. Kinsey.

PROSPECTIVE JUROR KINSEY: William Kinsey.

Born June 28th, 1948. Live in Mandarin. Lived in Duval County and Florida for

65 years. At my current residence for 31 years. Prior to that, 11 years.

I'm married. My wife's retired.

I'm retired. My last employment was Deutsche Bank.

I've never served as a juror.

I don't have any children.

I do have two good friends that are police officers down in Central Florida.

I have not been and I'm not aware of any friends or family members that have been victims of crime.

I have not been arrested or accused of a crime. I'm not aware of any close friends or family members that have been.

THE COURT: Thank you very much, sir.

Miss Rivera.

PROSPECTIVE JUROR RIVERA: My name is Ylatsia Rivera.

And my birthday is June 1st, '77.

I live in the Arlington area. Duval County for 11 years. In my residence for two and a half.

I'm married. We own a business. And I also work for Bank of America.

This is my first time here.

And I have three children. One is 16, 13 and 19. They all go to school.

And I do not have any family member in law enforcement.

And this -- I don't have -- I have not been convicted. And I have not been arrested.

THE COURT: Thank you very much, ma'am.

Miss Ludy.

PROSPECTIVE JUROR LUDY: My name is Meghan Ludy.

My birthday is June 15th, 1993.

I live in Mandarin. Duval County and Florida for 24 years. My current residence is six months. And my former was 23 years.

I am single. I'm a fourth-grade teacher at the Duval Charter School at Mandarin.

I've never served on a jury.

I don't have any children.

I have close friends in law enforcement.

I have not been a victim of a crime, but I have family members and close friends who have.

I have not been arrested, but I have

multiple family members who have been arrested and accused of a crime.

THE COURT: Thank you, ma'am.

Miss Scott.

PROSPECTIVE JUROR SCOTT: My name is Ida Scott.

My date of birth, 3-4-59.

I stay on the south side of town. Been in Duval and Florida for 58 years. I'm current residence, I've been there for five months. And former residence, two years.

I am married. My husband is a production cook for Marriott.

I'm an insurance adjust for Integra Financial.

I've never been a juror.

I have two kids, a daughter who's 41, a son -- I'm sorry. My daughter's 26. My son is 41. My daughter's a district manager in Naples and my son is an IT tech.

I have a relative and a friend -- or friends in law enforcement.

I have been and my hubby -- husband have been victims of crime.

And I've had family -- well, family

members who have been accused of a crime.

THE COURT: Thank you, ma'am.

Miss Gress.

PROSPECTIVE JUROR GRESS: Sandra Gress.

Date of birth, 10-22-1963.

I'm on the south side. Years in Duval County is 51. Years in Florida, 51. Current address, 51 years. Former, two years.

Divorced.

Pet sitter/vet tech. Name of employers would be various.

I have served as a juror. It was a criminal case. We did reach a verdict. I was not the foreperson.

No children.

No relatives or close friends in law enforcement.

I have been the victim of a crime twice.

And no one I know has been arrested.

THE COURT: Thank you, ma'am.

Mr. Trenschel.

PROSPECTIVE JUROR TRENSCHEL: My name is David Trenschel.

I was born April 28th, 1979.

I live in Arlington. I have been in

Duval County a little over a year. I've lived all my life in Florida except for two and a half years in Los Angeles.

I am married.

I work for Krystal Klean as a window washer.

And my wife takes care of our children at home. I have five kids.

I'm sorry. I skipped one. I have not served as a juror.

I have five kids. I have a nine-year-old, eight-year-old, six-year-old, four-year-old and two-year-old. They don't work, unfortunately.

I do have a relative who is a federal agent.

I also have -- friends and family members and myself have been victims of crime.

And I do have another family member that was arrested for a crime.

THE COURT: Thank you, sir.

Mr. Cahill?

PROSPECTIVE JUROR CAHILL: Good afternoon. My name's Lawrence Cahill.

I was born 12-11-1957.

I live in the San Pablo area of Jacksonville. Years in Duval County, 50 years. In Florida, 50. Current resident -- or excuse me -- residence, 17 years. Prior to that, six years.

I'm married. My wife's a pharmacist.

Occupation, I'm retired. I worked as an air traffic controller prior to that.

I've never been a juror.

I do have a daughter who's 34. She works in retail sales.

I have two friends that work for JSO.

And close -- yes to close friends or family members that have been victims, yes.

And have you or a close friend or family member been arrested or accused of a crime, yes.

THE COURT: Thank you, sir.

Miss Wright.

PROSPECTIVE JUROR WRIGHT: My name is Geraldine Wright.

My date of birth is 10-9-57.

I live in the northeast Jax area. My years in Duval County is 58. Years in

Florida is 58. Years at current residence is 20. Years at my former residence is five.

Marital status, divorced, yay.

My occupation, I worked for TRICARE Mental Health Association as a contractor.

I have never served as a juror.

I have three sons. Tyrone works for IBM as a system programmer. Eric is 36. He works as a neurologist tech. And Adrian is 29. He's a store manager for Ross.

Do you have any relatives close? Yes, I do.

I have had a family member that has been a victim of crime.

I was arrested and I have no family members that I know of that have been convicted of crimes.

THE COURT: Thank you, ma'am.

Miss Jordan?

PROSPECTIVE JUROR JORDAN: My name is Myra Jordan.

Born 6-21-68.

I live on the northeast side of Jacksonville. And 46 years in Duval and Jacksonville -- I mean, Florida.

I'm married. My husband is self-employed.

I'm a senior underwriting examiner for Florida Blue.

And I have never served on a jury.

I have no children.

One of my brothers works for JSO. He's a JSO officer.

And myself as well as family -- close friends and family has been the victim of crime.

And I have a brother who was arrested, and we will be going to trial for him very soon.

THE COURT: Thank you, ma'am.

Miss Scarbrough.

PROSPECTIVE JUROR SCARBROUGH: Good afternoon. Deborah Scarbrough.

8-8-62.

I live in Mandarin. I've been in Duval County 33 years and in Florida 33 years. Before that, one year.

I am married.

I am an elementary art teacher with Duval County Public Schools.

My husband is currently unemployed.

I have never served as a juror. I have two daughters, 27, who is a buyer for Wolf Medical, and a 20-year-old, who is a student.

I have one friend that's in law enforcement.

No friend or self been a victim of crime.

And I do not know anybody or myself has not been arrested.

THE COURT: Thank you, ma'am.

Mr. King.

PROSPECTIVE JUROR J. KING: John King.

4-3-1953.

Area of town has been the south side. I moved away from Jacksonville, 2012, came back after divorce.

No children.

At the same place for the past five years.

Occupation, I'm account rep for a company called "GC Services."

I have never served as a juror.

I do not have any children.

Nor close friends in law enforcement.

Nor has any of my family members been victims of crimes.

But I've been arrested and my niece have been arrested and accused.

THE COURT: Thank you, sir.

Miss Gullatt?

PROSPECTIVE JUROR GULLATT: My name is Annette Gullatt.

My date of birth is 7-4-81.

I stay on the south side of town. I've been in Duval all my life. I've been staying at my residence for five years.

I am married. I am a preschool teacher St. Paul's Preschool.

I've never served as a juror.

I have a set of twins that just turned two, a girl and a boy.

I don't know anybody in law enforcement.

I've never been a victim of crime nor has anybody I know.

I have been arrested, four years ago.

THE COURT: Thank you, ma'am.

And, Miss Lockwood.

PROSPECTIVE JUROR LOCKWOOD: My name is Brittany Lockwood.

My date of birth is 1-26-86.

I live on the north side of town. I've been in Duval 31 years. Current residence, two years. Former was six.

I am married. I am a billing consultant with Aetna.

I've never served on a jury.

I have two children, two boys, ages 5 months and 11 years old.

I have a relative that's retired law enforcement.

I've been a victim of a burglary.

And I have not been arrested before.

THE COURT: Thank you, ma'am.

All right. So that concludes that. We're ready to have the attorneys talk to you a little bit and ask you some questions. And for the State, it will be Mr. de la Rionda.

MR. DE LA RIONDA: May it please the Court?

THE COURT: Yes, sir.

MR. DE LA RIONDA: Good afternoon. Can everybody hear me all right?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: You, sir, all the way

at the end, can you hear me all right?

Okay. How about the lady at the end over there, the last person that got up, can you hear me all right?

PROSPECTIVE JUROR LOCKWOOD: Yes.

MR. DE LA RIONDA: Okay. As Judge Healey indicated, my name is Bernie de la Rionda, and along with Pam Hazel, we represent the people of the State of Florida, people of Duval County. And our job is to seek justice in this case.

I have been doing this for over 34 years, and in doing that for as long as I have, I realize, having tried a lot of cases, that most people, when they get a subpoena or summons to come serve as jurors, do not get overly excited. Every once in a while, there's somebody in the crowd that says, yes, yes, I want to be on a jury.

Is that occurring today? Nobody got -- somebody got excited?

A PROSPECTIVE JUROR: I did.

MR. DE LA RIONDA: You did, ma'am?

THE PROSPECTIVE JURORS: I did.

MR. DE LA RIONDA: You did. Okay.

Great.

Well, Judge Healey already told you already that really, you have a unique opportunity for those of you that have not served as jurors in being able to serve this great country and this state as jurors because without the jury system, our criminal justice system would not work. And so that's why we ask people to come from their every day lives and jobs to serve as jurors and we realize it's an inconvenience.

But we appreciate you taking time to serve as jurors because our criminal justice system, which I will submit is the best in the world, would not work without people as you serving as jurors.

I want to ask you some questions, and this is going to take a while. I'm not doing it just to pick on you. Neither is the defense. But we need to know a little bit about you. And it's kind of a weird situation because we're all here, as we should be, in a public setting, and we're going to ask you stuff that maybe you'd rather say personally, you know, or not in

front of other people. But I want you, if you can, to sit back and relax. I realize those are not comfortable benches that you're sitting on.

Those of you that have served as jurors before and maybe even in this wonderful building, which is really great in comparison to what we used to have, you have more comfortable chairs to look forward to you if you are picked as a juror.

But I ask you that because this is your courtroom. You know, we're all taxpayers. You-all paid for this. So you need to enjoy it as best you can, realizing that it's a weird situation in that you're being asked a bunch of questions. Most of you probably would rather not be here, rather go back to work or whatever. But just take your time because we need to know something about you in terms of whether you can be fair to both sides. Do all of you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. I'm going to ask you some group questions and also some individual questions. And you've already

answered a lot of them, quite frankly, but I need to follow up with you on some of those areas that we covered already.

And I'm going to start with what we're calling "Juror No. 1," and I'm going to look over here to my right side. You're Juror No. 1 if you don't know by now because you were the first one asked questions. And that's just luck of the draw.

And so at some points when I'm asking questions, I'm going to turn my back on -- or at least part of my body to some of you because I'm going to focus on this side. Please don't feel that I'm shunning you in any way, and I'm going to do the same when I'm over here.

Also, some of you I may ask a lot of follow-up questions. Some of you I may only ask a few questions. Let's start off with that. Those of you that I don't ask a lot of questions, will you hold it against me?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: Those of you that I ask a lot of questions, will you hold it against me?

THE PROSPECTIVE JURORS: No.

A PROSPECTIVE JUROR: Yes.

THE COURT: Yes? Somebody was honest.

Okay. Listen, I realize that you've taken time from your everyday life, and I realize this is an inconvenience. But we need to know whether you'd be a fair juror in this case. Do you understand that? Both from the victim's standpoint and also from the defendant's standpoint. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. Does everybody realize that this is an important thing we're doing?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does anybody have an issue with that?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: Okay. Mr. Watson, did you say that you had a brother that was arrested or --

PROSPECTIVE JUROR WATSON: Two.

MR. DE LA RIONDA: Two brothers that were arrested?

PROSPECTIVE JUROR WATSON: Yes.

MR. DE LA RIONDA: Are their cases still pending at this time?

PROSPECTIVE JUROR WATSON: No this was back in the late '70s.

MR. DE LA RIONDA: So I gather they're not pending, right?

PROSPECTIVE JUROR WATSON: No. One is deceased.

MR. DE LA RIONDA: I'm sorry?

PROSPECTIVE JUROR WATSON: One of them's deceased.

MR. DE LA RIONDA: I'm sorry. Was it here in Duval County?

PROSPECTIVE JUROR WATSON: No. It was in the state of Georgia.

MR. DE LA RIONDA: Okay. Realizing it's in a completely different state, do you feel they were treated fairly?

PROSPECTIVE JUROR WATSON: I was too young to know.

MR. DE LA RIONDA: Okay. So I gather

you were not a witness. You didn't have to go to Court or anything?

PROSPECTIVE JUROR WATSON: No.

MR. DE LA RIONDA: And you mentioned that you -- what did you do again for a living? You were --

PROSPECTIVE JUROR WATSON: Truck driver.

MR. DE LA RIONDA: Truck driver. Okay.

And you were the one that said you had a conflict just from a money standpoint, correct?

PROSPECTIVE JUROR WATSON: Well, I'm the only -- I'm working to pay my own mortgage. I'm not married, don't have nobody to help me, so I'm having pretty good fun now.

MR. DE LA RIONDA: So you're willing to --

PROSPECTIVE JUROR WATSON: Yes.

MR. DE LA RIONDA: You're willing to bite the bullet.

PROSPECTIVE JUROR WATSON: Yes.

MR. DE LA RIONDA: In your case, it's going to be money.

PROSPECTIVE JUROR WATSON: Yes.

MR. DE LA RIONDA: Which is important

but you're willing to serve. You've realized, having heard from Judge Healey how important it may be, from me or from maybe other jurors, how important this job is.

PROSPECTIVE JUROR WATSON: Yes.

MR. DE LA RIONDA: Okay. So you're willing to serve if you are lucky enough to sit in one of those wonderful chairs.

PROSPECTIVE JUROR WATSON: Yes, sir.

MR. DE LA RIONDA: Okay. We appreciate it. You're not just saying that?

PROSPECTIVE JUROR WATSON: No.

MR. DE LA RIONDA: All right. I appreciate you being honest.

And the other thing I ask of you is I'm not trying to get an answer for you to say one thing or another. Neither is the defense. We just want you to open up and to be honest. And this is really, if you're picked as a juror, the only opportunity that you get to interact with the prosecutors or with the judge in terms of questions, being able to talk.

And I know some of you have already sat as jurors, but if you sit as a juror, what

you do is you listen to a lot of evidence. You might make some notes. You might do some stuff and then you go back and vote. So you don't really get to participate as you do now. So this is really your chance to -- to open up and to answer our questions.

By the way, when I'm done -- and I'll ask you at the end too so be thinking of this. If we ask you something that you think is maybe a little too personal -- and I'm not saying we're going to get there. If you feel, I'd like to talk about that, but I'd rather not do it in front of everybody, just raise your hand while we're talking to you about that. And I'm sure the judge can arrange to do it in front of everybody in terms of the parties but not in front of other jurors. Do you understand that?

How long have you been doing that for a living? How long have you been driving trucks? Your whole life?

PROSPECTIVE JUROR WATSON: No.

MR. DE LA RIONDA: Okay. What did you do before that?

PROSPECTIVE JUROR WATSON: Well, I

started -- when I was 18, I started working at a paint factory.

MR. DE LA RIONDA: You know, what happens in this great room is if somebody coughs over there, this lady here who needs to take down every little thing that's said needs to be able to hear.

Mr. Watson, how do you feel about the death penalty?

PROSPECTIVE JUROR WATSON: If that's what warranted for it to be, so be it. If not, so be it too, you know. It's something -- I think in some cases, it's a win/win situation. Some cases, it's not.

MR. DE LA RIONDA: Okay. And what do you do for fun or relaxing outside of work? What do you do?

PROSPECTIVE JUROR WATSON: Watch TV. I'm a couch potato.

MR. DE LA RIONDA: What kind of shows do you watch?

PROSPECTIVE JUROR WATSON: I like watching auto racing and that's basically it. I work on my truck.

MR. DE LA RIONDA: What news do you --

what stations or what do you get your news from, locally or nationally?

PROSPECTIVE JUROR WATSON: I normally watch local.

MR. DE LA RIONDA: Thank you, sir.

PROSPECTIVE JUROR WATSON: You're welcome.

MR. DE LA RIONDA: Miss Shannon?

PROSPECTIVE JUROR SHANNON: Yes, sir.

MR. DE LA RIONDA: Good afternoon.

PROSPECTIVE JUROR SHANNON: Good afternoon.

MR. DE LA RIONDA: Did you mention you had a brother and sister arrested? Did I get that right?

PROSPECTIVE JUROR SHANNON: Yes.

MR. DE LA RIONDA: Okay. And a cousin too or was it just -- no?

PROSPECTIVE JUROR SHANNON: Just brothers and sisters.

MR. DE LA RIONDA: Okay. I was trying to read my writing, and you can see it's hard to read sometimes.

But are their cases still pending at this time?

PROSPECTIVE JUROR SHANNON: Oh, no, sir.

MR. DE LA RIONDA: Did you feel they were treated fairly?

PROSPECTIVE JUROR SHANNON: Yes, sir.

MR. DE LA RIONDA: Okay. Was it here in Duval County?

PROSPECTIVE JUROR SHANNON: No, sir.

MR. DE LA RIONDA: Okay. Where was it?

PROSPECTIVE JUROR SHANNON: Georgia.

MR. DE LA RIONDA: Okay. All right. And what do you do when you're not working or being with your kids?

PROSPECTIVE JUROR SHANNON: I'm a ballroom dancer.

MR. DE LA RIONDA: Ballroom dancer. How long have you been doing that for?

PROSPECTIVE JUROR SHANNON: Seven years.

MR. DE LA RIONDA: And you mentioned you were widowed, is that correct?

PROSPECTIVE JUROR SHANNON: That's correct.

MR. DE LA RIONDA: I'm sorry.

What did your husband do while he was alive?

PROSPECTIVE JUROR SHANNON: He was an

air traffic controller.

MR. DE LA RIONDA: Thank you very much, ma'am.

How do you feel about the death penalty?

PROSPECTIVE JUROR SHANNON: I feel that if it's necessary, yes, if the crime calls for it, yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Craw?

I apologize as I'm going along if I mispronounce anybody's name. I've got one of those last name, de la Rionda, that's always butchered. So please bear with me. I think I got your name right, but I just want to say that to everybody if I mispronounce your name as we're going. First of all, sometimes it's hard to read my writing, and -- but here I should be able total do it because it's actually typed out for us so it's nice.

Miss Craw, you mentioned -- did I understand you -- your husband, what does he do for a living?

PROSPECTIVE JUROR CRAW: He is in minor league sports.

MR. DE LA RIONDA: Okay. Well, you can

brag a little bit about him. What does he play? Baseball? Football?

PROSPECTIVE JUROR CRAW: He doesn't play. He's actually a general manager.

MR. DE LA RIONDA: Wow. So he bosses everybody around. Is it here locally or --

PROSPECTIVE JUROR CRAW: It is.

MR. DE LA RIONDA: So what team?

PROSPECTIVE JUROR CRAW: The Jacksonville Jumbo Shrimp.

MR. DE LA RIONDA: And how long has he been doing that for?

PROSPECTIVE JUROR CRAW: In Jacksonville, three years almost.

MR. DE LA RIONDA: And you stay at home with the kids? Did I get that right?

PROSPECTIVE JUROR CRAW: Yes, sir. Yes, sir.

MR. DE LA RIONDA: What do you do for fun other than maybe going to watch the baseball games?

PROSPECTIVE JUROR CRAW: We're very sports-driven so, I mean, everybody in our house is included someway, somehow.

MR. DE LA RIONDA: So would that be your

passion in life?

PROSPECTIVE JUROR CRAW: Yeah.

MR. DE LA RIONDA: Okay. Other than, obviously, your kids.

How do you feel about the death penalty, ma'am?

PROSPECTIVE JUROR CRAW: I'm in favor of it when necessary.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Laurence?

PROSPECTIVE JUROR LAURENCE: Yes.

MR. DE LA RIONDA: Good afternoon.

Did I get it right that you're married?

PROSPECTIVE JUROR LAURENCE: Yes.

MR. DE LA RIONDA: Okay. I don't know that we got what your husband does for a living.

PROSPECTIVE JUROR LAURENCE: He's a television and movie producer.

MR. DE LA RIONDA: So he's doing the same thing you are?

PROSPECTIVE JUROR LAURENCE: Yep. We're in it together.

MR. DE LA RIONDA: Now, you're a TV and movie producer too?

PROSPECTIVE JUROR LAURENCE: Uh-huh, yep.

MR. DE LA RIONDA: What kind of movies do you guys produce?

PROSPECTIVE JUROR LAURENCE: We produce movies for networks and everything we do is kind of family friendly, family movies.

MR. DE LA RIONDA: Okay. So no crime-type shows or movies?

PROSPECTIVE JUROR LAURENCE: No. Everything you can sit down with your family and watch.

MR. DE LA RIONDA: Gotcha.

How long have you been doing that for?

PROSPECTIVE JUROR LAURENCE: Probably ten years.

MR. DE LA RIONDA: What got you into that business?

PROSPECTIVE JUROR LAURENCE: My husband was a sportscaster in town. And when he left the business, we started that entertainment company and production company.

MR. DE LA RIONDA: All right. And what do you do for fun or what are your hobbies? What's your passion in life?

PROSPECTIVE JUROR LAURENCE: Probably my family and my two sons. And I like to go out and play golf with them.

MR. DE LA RIONDA: Okay. How do you feel about the death penalty?

PROSPECTIVE JUROR LAURENCE: I would say that I'm a little torn. I think that I would choose it if the circumstance warranted it, but it would be a heavy decision.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. King, you work for the -- Morales, is that correct?

PROSPECTIVE JUROR T. KING: Morales Group.

MR. DE LA RIONDA: Okay. And did I get you were married correct?

PROSPECTIVE JUROR T. KING: I am married, yes, sir.

MR. DE LA RIONDA: And does your wife work outside the home?

PROSPECTIVE JUROR T. KING: She does not. She's a homemaker and a community volunteer.

MR. DE LA RIONDA: Yes, sir.

What do you do for fun or what are your

hobbies? What's your passion in life.

PROSPECTIVE JUROR T. KING: Family, my wife, my kids. Active in sports with them, play some golf, go to the beach.

MR. DE LA RIONDA: Yes, sir.

What do you -- how do you feel about the death penalty?

PROSPECTIVE JUROR T. KING: I'm not a supporter of the death penalty. I would consider it, I guess, for cases. I've never had the opportunity to be in a legal situation to consider it, but I would have to weigh it. I'd have to consider it very heavily.

MR. DE LA RIONDA: Yes, sir.

THE COURT: I'm sorry. I didn't hear the end.

PROSPECTIVE JUROR T. KING: I would have to consider it very heavily to decide which way to go with a death verdict, I guess.

MR. DE LA RIONDA: Thank you very much, sir.

Miss Major, good afternoon.

PROSPECTIVE JUROR MAJOR: Hi.

MR. DE LA RIONDA: Did I get it right

that you had a family member that was arrested? Is that correct?

PROSPECTIVE JUROR MAJOR: I had several, yes.

MR. DE LA RIONDA: Okay. Are their cases still pending at this time?

PROSPECTIVE JUROR MAJOR: No, they're not.

MR. DE LA RIONDA: Was it here in Duval County?

PROSPECTIVE JUROR MAJOR: No, South Carolina.

MR. DE LA RIONDA: Did you feel their cases were -- they were treated fairly?

PROSPECTIVE JUROR MAJOR: Yes.

MR. DE LA RIONDA: And you're a representative for -- patient representative, I guess, for UF Health. What do you do in terms of representing patients? Are you in the medical -- you're in the medical field obviously. But do you handle billing or just --

PROSPECTIVE JUROR MAJOR: Patients. I'm sort of like a patient advocate.

MR. DE LA RIONDA: So you're like an

advocate. When they have issues with the doctor or the hospital or whatever, you're there for them?

PROSPECTIVE JUROR MAJOR: Patient complaints, yes.

MR. DE LA RIONDA: Okay. Did that require any kind of psychology degree or anything or just --

PROSPECTIVE JUROR MAJOR: No.

MR. DE LA RIONDA: Okay. And how do you feel about the death penalty, ma'am?

PROSPECTIVE JUROR MAJOR: I'm for it if it fits.

MR. DE LA RIONDA: Okay. And I neglected to ask you, you know, because all of us have jobs and other stuff. But I try to ask people, what do they really enjoy in life? Sometime it's their job. Sometimes it's family. But what -- what do you do? What's your passion in life?

PROSPECTIVE JUROR MAJOR: I love my job. I love my job.

MR. DE LA RIONDA: Okay. So that's your passion in life.

PROSPECTIVE JUROR MAJOR: Not my passion

but I love my job.

MR. DE LA RIONDA: I wasn't implying that you hated your job. This is being officially taken but, you know, we're not going to send it to your work.

PROSPECTIVE JUROR MAJOR: My family is my passion.

MR. DE LA RIONDA: Your what? Your family?

PROSPECTIVE JUROR MAJOR: My family.

MR. DE LA RIONDA: Okay. Thank you very much, ma'am.

Mr. Leonard, good afternoon, sir.

PROSPECTIVE JUROR LEONARD: Good afternoon.

MR. DE LA RIONDA: You said you were retired, correct?

PROSPECTIVE JUROR LEONARD: Yes, I am.

MR. DE LA RIONDA: Okay. Now, you retired. You used to do electrical something.

PROSPECTIVE JUROR LEONARD: I was a supervisor at a power plant.

MR. DE LA RIONDA: Okay. Now, how long have you been retired?

PROSPECTIVE JUROR LEONARD: Almost a year.

MR. DE LA RIONDA: Almost a year. So what have you been doing with yourself this year?

PROSPECTIVE JUROR LEONARD: Goodness.

MR. DE LA RIONDA: Honey to-do list?

A PROSPECTIVE JUROR: Kind of wish I hadn't retired.

MR. DE LA RIONDA: What do you do? What do you do?

PROSPECTIVE JUROR LEONARD: Oh, goodness. Since I retired, I remodeled my wife's kitchen. I did -- I did the floors -- wooden floors in two rooms. I've been working pretty hard.

MR. DE LA RIONDA: Harder than your other work?

PROSPECTIVE JUROR LEONARD: Yes. I sat down a lot, the other work.

MR. DE LA RIONDA: So you don't mind being here today or this week.

PROSPECTIVE JUROR LEONARD: Oh, no. Oh, no.

MR. DE LA RIONDA: See, Judge, we've got

to get retired people.

THE COURT: That might be the trick, I guess.

MR. DE LA RIONDA: Mr. Leonard, you mentioned, in terms of an arrest, either yourself or --

PROSPECTIVE JUROR LEONARD: Myself.

MR. DE LA RIONDA: -- family members?

PROSPECTIVE JUROR LEONARD: Myself.

MR. DE LA RIONDA: Okay. How long ago was it, sir?

PROSPECTIVE JUROR LEONARD: '84.

MR. DE LA RIONDA: Okay. Was it here in Duval County?

PROSPECTIVE JUROR LEONARD: Gainesville.

MR. DE LA RIONDA: Okay. Did you feel you were treated fairly?

PROSPECTIVE JUROR LEONARD: Oh, yes. Haven't done it again.

MR. DE LA RIONDA: And I was going to ask you what your passion in life is. I gather it's not doing floors or stuff around the house.

PROSPECTIVE JUROR LEONARD: Fishing, man.

MR. DE LA RIONDA: Fishing. And are you able to do enough of that these days?

PROSPECTIVE JUROR LEONARD: No, no.

MR. DE LA RIONDA: How do you feel about the death penalty, sir?

PROSPECTIVE JUROR LEONARD: I feel like the taking of a life is something that's real serious. You have to think about it, you know. So it's necessary.

MR. DE LA RIONDA: Okay. Thank you very much, sir.

Miss Rhone, good afternoon.

PROSPECTIVE JUROR RHONE: Good afternoon.

MR. DE LA RIONDA: I think you were one of the ones also that indicated potentially a work conflict.

PROSPECTIVE JUROR RHONE: Yes.

MR. DE LA RIONDA: But I think that you were the one that was willing to be here from whatever time to whatever time, 5:00, and then go to work after?

PROSPECTIVE JUROR RHONE: Yeah. I have a two-year-old so, you know, I have to multitask there too so --

MR. DE LA RIONDA: So you can manage it.

PROSPECTIVE JUROR RHONE: Yeah.

MR. DE LA RIONDA: Now, when you have that job -- and I think you stated you worked where, at Arby's?

PROSPECTIVE JUROR RHONE: Arby's, yes.

MR. DE LA RIONDA: Okay. But you don't work, like, all -- you only work till like 9:00 or something or 10:00, right? Or how long do you work?

PROSPECTIVE JUROR RHONE: It depends on the work schedule. The current one, I'm getting off pretty early, which is, like, 10:00ish. So I have a little leeway. I have some gap time to sleep.

MR. DE LA RIONDA: So you think you'd be able to sit through a trial and be awake and all that and go --

PROSPECTIVE JUROR RHONE: Some nights I close and then have to turn around and open. If I can manage that, then I feel like I can manage this also.

MR. DE LA RIONDA: So you don't feel like you would have an issue.

PROSPECTIVE JUROR RHONE: No, sir.

MR. DE LA RIONDA: And I wasn't implying that you would, but we just want to make sure.

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: And you're the shift manager, I gathered?

PROSPECTIVE JUROR RHONE: I'm in the process of moving up, yes, sir.

MR. DE LA RIONDA: Okay. What are you going to be next, the whole manager?

PROSPECTIVE JUROR RHONE: I'm going to be a shift manager. I'm a team member but I have shift manager attire and all that good stuff.

MR. DE LA RIONDA: I gotcha.

PROSPECTIVE JUROR RHONE: So yeah.

MR. DE LA RIONDA: You stated you also had been arrested, correct?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Okay. How long ago was that, ma'am?

PROSPECTIVE JUROR RHONE: Three years ago, four years.

MR. DE LA RIONDA: Okay. Was it here in Duval County?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Okay. Did you feel you were treated fairly?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Okay. And aside from loving the job that you obviously do and I think obviously your child, what do you do for fun? What's your passion in life?

PROSPECTIVE JUROR RHONE: I go to the beach.

MR. DE LA RIONDA: Okay. How do you feel about the death penalty?

PROSPECTIVE JUROR RHONE: I personally feel it's a case-by-case-type situation. It is a very serious situation, so, therefore, it can't be really taken lightly. But it is something that may be necessary.

MR. DE LA RIONDA: Okay. Thank you very much, ma'am.

PROSPECTIVE JUROR RHONE: You're welcome.

MR. DE LA RIONDA: Mr. Weston, I think you're one of the ones that said you had a conflict or something. Was that work-related?

PROSPECTIVE JUROR WESTON: No, my child.

MR. DE LA RIONDA: Your child.

PROSPECTIVE JUROR WESTON: Yes, sir.

MR. DE LA RIONDA: Tell us again what that was. You have child at home that you've got to go to or --

PROSPECTIVE JUROR WESTON: I've got to pick her up after school.

MR. DE LA RIONDA: Okay. And there's nobody else that can pick up that child?

PROSPECTIVE JUROR WESTON: Sometimes her mother can but not all the time.

MR. DE LA RIONDA: In other words, if you told the mother of your child, hey, listen, the judge says I've got to -- if you're picked as a juror, I've got to be here; you need to pick up your kid, she'd be able to do it?

PROSPECTIVE JUROR WESTON: She probably will.

MR. DE LA RIONDA: Okay. Well, you can tell her the judge said -- you know, in other words, do you understand how serious this is and how important it is?

PROSPECTIVE JUROR WESTON: Yeah, I

understand, sir.

MR. DE LA RIONDA: So you'd be able to do it, you think?

PROSPECTIVE JUROR WESTON: I don't think so. I've got to pick up my child.

MR. DE LA RIONDA: Okay. Tell me -- you work for W.W. Gay?

PROSPECTIVE JUROR WESTON: Yes, sir.

MR. DE LA RIONDA: Okay. And what do you do there?

PROSPECTIVE JUROR WESTON: Carpenter.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR WESTON: About five years.

MR. DE LA RIONDA: What do you do for fun other than spend time with your child obviously?

PROSPECTIVE JUROR WESTON: I play basketball.

MR. DE LA RIONDA: Okay. Do you -- like, where do you play?

PROSPECTIVE JUROR WESTON: Just for fun, go to the gym or something.

MR. DE LA RIONDA: And how do you feel

about the death penalty?

PROSPECTIVE JUROR WESTON: I mean, I really don't -- I don't think I like the death penalty too much. But, I mean, I just don't know about it.

MR. DE LA RIONDA: Okay. Thank you, sir.

Mr. Boss?

PROSPECTIVE JUROR BOSS: Yes, sir.

MR. DE LA RIONDA: How are you, sir?

PROSPECTIVE JUROR BOSS: I'm doing okay.

MR. DE LA RIONDA: Did you say you had prior jury service?

PROSPECTIVE JUROR BOSS: Yes.

THE COURT: But it was a civil case, correct?

PROSPECTIVE JUROR BOSS: That's correct.

MR. DE LA RIONDA: What do you do for fun?

PROSPECTIVE JUROR BOSS: I love spending time with my family. That's the most important part to me.

MR. DE LA RIONDA: Did I understand you're in the medical field?

PROSPECTIVE JUROR BOSS: Medical

records.

MR. DE LA RIONDA: Okay. What do you do in medical records?

PROSPECTIVE JUROR BOSS: Basically file electronically.

MR. DE LA RIONDA: Do you work at a hospital or a clinic or --

PROSPECTIVE JUROR BOSS: Clinic. It's a clinic.

MR. DE LA RIONDA: How do you feel about the death penalty, sir?

PROSPECTIVE JUROR BOSS: I don't agree with it. I don't feel like two wrongs make a right.

MR. DE LA RIONDA: You said you do not agree or --

PROSPECTIVE JUROR BOSS: I do not agree.

MR. DE LA RIONDA: Don't agree with it. Okay. Thank you, sir.

Miss Perry?

PROSPECTIVE JUROR PERRY: Yes.

MR. DE LA RIONDA: How are you doing?

PROSPECTIVE JUROR PERRY: Okay.

MR. DE LA RIONDA: I was trying to get here. Your husband does something with --

diesel mechanic? Did I get that right? And what do you do?

PROSPECTIVE JUROR PERRY: I am a medical assistant for a neurology office here in Jacksonville.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR PERRY: I've been in neurology for about ten years.

MR. DE LA RIONDA: How did you get into that field?

PROSPECTIVE JUROR PERRY: I wanted to do nursing when I was younger. Like, I was almost done with school for that, and then a doctor just took me under and taught me to do it all.

MR. DE LA RIONDA: So are you involved with doing scans and that kind of stuff or --

PROSPECTIVE JUROR PERRY: I have -- I've done X-rays and everything. Right now I mostly handle -- I'm the doctors' first right hand. I -- it's two doctors and myself. We are a team. We do all the -- I'm in charge of pretty much medications and mixing of the Botox and things of that nature.

MR. DE LA RIONDA: And did I understand correctly you had a family member that's been arrested? Correct?

PROSPECTIVE JUROR PERRY: Yes.

MR. DE LA RIONDA: Okay. Is that case still pending at this time?

PROSPECTIVE JUROR PERRY: Yes.

MR. DE LA RIONDA: Okay. Is it here in Duval County?

PROSPECTIVE JUROR PERRY: No. It's in Baker.

MR. DE LA RIONDA: And do you plan -- do you know if you're a witness in that case at all?

PROSPECTIVE JUROR PERRY: I shouldn't be, no.

MR. DE LA RIONDA: You don't think so?

PROSPECTIVE JUROR PERRY: No.

MR. DE LA RIONDA: Are you planning to go to court for court proceedings at all?

PROSPECTIVE JUROR PERRY: No. I could care less.

MR. DE LA RIONDA: You could care less. Okay.

PROSPECTIVE JUROR PERRY: I --

MR. DE LA RIONDA: And I apologize. I'm repeating some of the stuff because I want to make sure that -- you've got a soft voice. I want to make sure they can hear.

You said it's in Baker County? Did I get that correct?

PROSPECTIVE JUROR PERRY: Uh-huh, correct.

MR. DE LA RIONDA: And you could care less about the case?

PROSPECTIVE JUROR PERRY: Yeah. Sorry.

MR. DE LA RIONDA: There's no right answer other than what you feel or don't feel.

What do you do for fun?

PROSPECTIVE JUROR PERRY: We go -- we hunt in South Carolina. We have property up there that we go to almost every weekend. And then we build, like, monster trucks and we take them all over Florida, Georgia. Texas is as far as we go.

MR. DE LA RIONDA: What do you hunt up there in South Carolina?

PROSPECTIVE JUROR PERRY: Right now, deer season started two weeks ago. So we

hunt deer.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR PERRY: Circumstantial, based on each case is different.

MR. DE LA RIONDA: Thank you, ma'am.

I'm going to mispronounce your name.

PROSPECTIVE JUROR ISLAMOVIC: Good afternoon.

MR. DE LA RIONDA: Islamovic?

PROSPECTIVE JUROR ISLAMOVIC: Yes, sir.

MR. DE LA RIONDA: Okay. You're one of the ones that also said you had a work conflict, correct?

PROSPECTIVE JUROR ISLAMOVIC: Yes, sir.

MR. DE LA RIONDA: And that's purely you need to make a living, correct?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay. How long have you been at your work? How long --

PROSPECTIVE JUROR ISLAMOVIC: Four years.

MR. DE LA RIONDA: I think the judge already told you. You understand by law,

they cannot fire you or anything like that.

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: And I say that because in the past, we've had jurors that -- in fact, I think we had one time, one judge, he had to actually call the employ and says, you cannot fire legally by law.

Your concern is purely just a money -- that you will not get paid, correct?

PROSPECTIVE JUROR ISLAMOVIC: (Nods head.)

MR. DE LA RIONDA: Now, you have friends in law enforcement? Did I get that correct?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: And you, yourself, have been arrested?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay is that case still pending at this time?

PROSPECTIVE JUROR ISLAMOVIC: No.

MR. DE LA RIONDA: Was it here in Duval County?

PROSPECTIVE JUROR ISLAMOVIC: It was.

MR. DE LA RIONDA: Okay. Do you feel you were treated fairly?

PROSPECTIVE JUROR ISLAMOVIC: No.

MR. DE LA RIONDA: You were not treated fairly.

Okay. How long ago was that case?

PROSPECTIVE JUROR ISLAMOVIC: Seven years ago.

MR. DE LA RIONDA: Okay. And what kind of case was it?

PROSPECTIVE JUROR ISLAMOVIC: It was for Cinco de Mayo.

MR. DE LA RIONDA: It was what?

PROSPECTIVE JUROR ISLAMOVIC: For Cinco de Mayo.

MR. DE LA RIONDA: Cinco de Mayo. That's, like, a holiday or some people think it's something else too.

PROSPECTIVE JUROR ISLAMOVIC: Everybody get in a fight. I think there was just too much chaos and --

MR. DE LA RIONDA: So you were involved in -- I'm not trying --

PROSPECTIVE JUROR ISLAMOVIC: I was outside, mistaken identity.

MR. DE LA RIONDA: I gotcha.

PROSPECTIVE JUROR ISLAMOVIC: Somebody

else -- somebody spoke to me but he didn't and got him pissed off because of everything that was going on. And then from there, just ended up being an arrest.

MR. DE LA RIONDA: So it was at a bar, I guess?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Outside a bar?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: And there was a fight involved, and you were one of the individuals arrested?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay. Was the case dropped?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay. So after the police arrested you, the State Attorney's Office made a determination there wasn't enough evidence, and we dropped the case against you?

PROSPECTIVE JUROR ISLAMOVIC: Well, I didn't go to court proceedings. The lawyer took care of everything. And then it ended up being nol something.

MR. DE LA RIONDA: Nol-prossed.

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: The case was dropped. Okay.

All right. So you felt that you were mistreated in terms of by the police. They didn't --

PROSPECTIVE JUROR ISLAMOVIC: At the time.

MR. DE LA RIONDA: Okay. Have you been able to put that aside? And what I'm trying to ask, if you're sitting as a juror, will you be able to determine -- now, realize here, the guilt and innocence is not an issue in this case. It's determination of what the sentence should be. Would you be able to sit and listen to all the evidence and make a decision based on the law that we're going to cover in a little while, or will that fact that you've been arrested before still be in the back of your mind?

PROSPECTIVE JUROR ISLAMOVIC: No.

MR. DE LA RIONDA: You can set that aside?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay. What do you do for fun, sir?

PROSPECTIVE JUROR ISLAMOVIC: Tennis.

MR. DE LA RIONDA: Tennis?

Okay. And how do you feel about the death penalty?

PROSPECTIVE JUROR ISLAMOVIC: All for it. Just do it quicker.

MR. DE LA RIONDA: Quicker?

PROSPECTIVE JUROR ISLAMOVIC: They take too long.

MR. DE LA RIONDA: Thank you, sir.

Miss Gonyer?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: Did I get close to it?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: You mentioned your husband was retired. Did I get that right?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: I don't think you told us -- I didn't put down what he did for a living before he retired.

PROSPECTIVE JUROR GONYER: He was a senior director for Sally Beauty Supply for

35 years.

MR. DE LA RIONDA: And you mentioned you had prior jury service, is that correct?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: And you were -- and it was a criminal case.

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: Did you enjoy serving as a juror?

PROSPECTIVE JUROR GONYER: Well, I think just like everyone else, we're expected to be here and, you know, serve.

MR. DE LA RIONDA: I guess what I'm trying to say is did you get anything -- not that the attorneys were or the judge or anything. Anything about that experience, like, oh, man, this is my opportunity to get back at the system?

PROSPECTIVE JUROR GONYER: No.

MR. DE LA RIONDA: So you felt it worked and it was done properly.

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: Okay. What do you do for fun, ma'am?

PROSPECTIVE JUROR GONYER: I'm in a

master gardener training program. And then I in turn get to get trained, and then I volunteer to help the kids or whoever, sir, with gardening.

MR. DE LA RIONDA: I gotcha. So is that the master program that you would be involved in writing --

PROSPECTIVE JUROR GONYER: Duval County.

MR. DE LA RIONDA: Duval County master program?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: So we're going to see your name in the paper as one of the people that are --

PROSPECTIVE JUROR GONYER: 2017, yes.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR GONYER: I feel that it has its place.

MR. DE LA RIONDA: Thank you very much, ma'am.

Mr. Brophy, good afternoon, sir.

Did I understand that you're unemployed at this time?

PROSPECTIVE JUROR BROPHY: Yes.

MR. DE LA RIONDA: Okay. Prior to being unemployed, what did you do for a living?

PROSPECTIVE JUROR BROPHY: I managed a corporation that manufactured paper packaging products.

MR. DE LA RIONDA: You -- a manufacturing company that manufacturers paper products?

PROSPECTIVE JUROR BROPHY: Call it "cardboard."

MR. DE LA RIONDA: Okay. How long did you do that for?

PROSPECTIVE JUROR BROPHY: 10 or 11 years.

MR. DE LA RIONDA: And what are you doing with yourself these days with -- in terms of having a lot of free time?

PROSPECTIVE JUROR BROPHY: I'm just intentionally taking time off.

MR. DE LA RIONDA: So that was planned, I guess, on your part or --

PROSPECTIVE JUROR BROPHY: Yeah.

MR. DE LA RIONDA: Okay. You mentioned you had been arrested before, is that correct?

PROSPECTIVE JUROR BROPHY: Yes.

MR. DE LA RIONDA: Okay. Was it here in Duval County, sir?

PROSPECTIVE JUROR BROPHY: No, Pennsylvania.

MR. DE LA RIONDA: Virginia?

PROSPECTIVE JUROR BROPHY: Pennsylvania.

MR. DE LA RIONDA: I apologize. You need to speak up a little bit.

And I gather that's not pending at this time, correct?

PROSPECTIVE JUROR BROPHY: No.

MR. DE LA RIONDA: Okay. Were you treated fairly?

PROSPECTIVE JUROR BROPHY: Very much so.

MR. DE LA RIONDA: And what do you do for fun?

PROSPECTIVE JUROR BROPHY: Long distance trail running.

MR. DE LA RIONDA: What's the longest you've ever run?

PROSPECTIVE JUROR BROPHY: 62.2 miles, 100 kilometers.

MR. DE LA RIONDA: Tell us how long that took.

PROSPECTIVE JUROR BROPHY: 13 hours, five minutes. Fourth place.

MR. DE LA RIONDA: Congratulations.

How long ago was that?

PROSPECTIVE JUROR BROPHY: That was in February.

MR. DE LA RIONDA: When's your next one?

PROSPECTIVE JUROR BROPHY: December 3rd, I think.

MR. DE LA RIONDA: Taking a little break serving as a juror and then --

PROSPECTIVE JUROR BROPHY: It's hot in the summer.

MR. DE LA RIONDA: Okay.

All right. And how do you feel about the death penalty, sir?

PROSPECTIVE JUROR BROPHY: I'm not happy as it exists, but I think I approve of it in extreme cases.

MR. DE LA RIONDA: Thank you, sir.

PROSPECTIVE JUROR PETSCHKE: Lisa.

MR. DE LA RIONDA: Petschke?

PROSPECTIVE JUROR PETSCHKE: Petschke.

MR. DE LA RIONDA: Now, you mentioned you had prior jury service, but you didn't

actually get to deliberate.

PROSPECTIVE JUROR PETSCHKE: Correct.

MR. DE LA RIONDA: So you had to sit as an alternate throughout the whole process, and then you didn't get the opportunity to actually vote, correct?

PROSPECTIVE JUROR PETSCHKE: Correct.

MR. DE LA RIONDA: Well, this may be your lucky day.

PROSPECTIVE JUROR PETSCHKE: I know.

MR. DE LA RIONDA: So you're one of those excited people.

PROSPECTIVE JUROR PETSCHKE: Yes.

MR. DE LA RIONDA: Was it here in Duval County --

PROSPECTIVE JUROR PETSCHKE: Yes.

MR. DE LA RIONDA: -- that you served?

Okay. And you mentioned you had been arrested before but the charges were dropped, correct?

PROSPECTIVE JUROR PETSCHKE: Correct. And you know what? In my embarrassment, I forgot to mention my husband was also arrested along with -- I do have family members who have been arrested.

MR. DE LA RIONDA: All right.

PROSPECTIVE JUROR PETSCHKE: I was embarrassed. I'm sorry.

MR. DE LA RIONDA: Oh, that's all right.

Did you feel you were treated fairly?

PROSPECTIVE JUROR PETSCHKE: Yes.

MR. DE LA RIONDA: Okay. And do you feel your husband and other family members were treated fairly?

PROSPECTIVE JUROR PETSCHKE: Yes. My husband and I's arrest was in New York.

MR. DE LA RIONDA: Okay. Was it at the same time?

PROSPECTIVE JUROR PETSCHKE: Yes.

MR. DE LA RIONDA: I'm not going to get into the details.

PROSPECTIVE JUROR PETSCHKE: Just say that it was unclear thinking because my mother had just passed away. And we were taking care of his dad in nursing home. So we had to take a trip and we made a poor decision.

MR. DE LA RIONDA: I'm sorry.

You mentioned your husband was self-employed.

PROSPECTIVE JUROR PETSCHKE: Correct.

MR. DE LA RIONDA: What does he do for a living?

PROSPECTIVE JUROR PETSCHKE: Lawn and pest control.

MR. DE LA RIONDA: And what do you do for fun?

PROSPECTIVE JUROR PETSCHKE: Camping, motorcycle ride, hang out with my six grandchildren.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR PETSCHKE: If warranted.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Gay, good afternoon.

PROSPECTIVE JUROR GAY: Good afternoon.

MR. DE LA RIONDA: I'm sorry. I'm trying to read my writing here and make sure I don't go over stuff you've already covered.

You mentioned that your brother was arrested. Did I get that right?

PROSPECTIVE JUROR GAY: Yes, sir.

MR. DE LA RIONDA: Okay. Is his case still pending?

PROSPECTIVE JUROR GAY: No. It was in the '70s.

MR. DE LA RIONDA: Did you feel he was treated fairly?

PROSPECTIVE JUROR GAY: Yes.

MR. DE LA RIONDA: What is your passion in life?

PROSPECTIVE JUROR GAY: My family and church.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR GAY: I support it.

MR. DE LA RIONDA: Madam Court Reporter here, she needs take everything down. So with the Court's permission, may we ask the jurors, especially all the way at the end, if they can stand up --

THE COURT: Sure.

MR. DE LA RIONDA: -- and speak so that everybody can hear them?

I'm able to hear you but I'm standing up. We got your answers.

But in the future, I'll just remind the jurors.

Let me go to Miss Colbert.

PROSPECTIVE JUROR COLBERT: Yes.

MR. DE LA RIONDA: Okay. And with the Court's permission, can we just have all the jurors from now on stand up?

THE COURT: Sure.

MR. DE LA RIONDA: Miss Colbert, I'm sorry to put you on the spot. At least there isn't a spotlight right on you.

PROSPECTIVE JUROR COLBERT: Right.

MR. DE LA RIONDA: Okay. You have two kids and one of them's in the Marines, correct?

PROSPECTIVE JUROR COLBERT: Actually, I have four, three stepchildren and one biological son who is in the Marines.

MR. DE LA RIONDA: Okay. Congratulations.

PROSPECTIVE JUROR COLBERT: Thank you.

MR. DE LA RIONDA: And we all appreciate him serving.

You mentioned your husband was unemployed at this time, correct?

PROSPECTIVE JUROR COLBERT: Yes.

MR. DE LA RIONDA: Prior to being unemployed, what did do for a living?

PROSPECTIVE JUROR COLBERT: He was a community leader, which is kind of equivalent to a restaurant manager.

MR. DE LA RIONDA: And what do you do for fun?

PROSPECTIVE JUROR COLBERT: For fun, just hanging out with family and friends.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR COLBERT: Totally against it.

MR. DE LA RIONDA: Against it? Totally against it. Thank you, ma'am.

Miss Dixon, I got here you were married, is that correct?

PROSPECTIVE JUROR DIXON: Correct.

MR. DE LA RIONDA: And I don't know that we got down what your husband does for a living.

PROSPECTIVE JUROR DIXON: He -- he's a contractor. He has his own business, TJ Construction.

MR. DE LA RIONDA: And did I understand this correctly when I wrote it down that you had a family member that was arrested?

Correct?

PROSPECTIVE JUROR DIXON: Correct.

MR. DE LA RIONDA: Is that case still pending at this time?

PROSPECTIVE JUROR DIXON: No.

MR. DE LA RIONDA: Did you feel that family member was treated fairly?

PROSPECTIVE JUROR DIXON: Yes.

MR. DE LA RIONDA: Okay. Now, in terms of your passion in life, what would that be?

PROSPECTIVE JUROR DIXON: My family. As you know, I have a 36-year-old and an 8-year-old so -- and I've got two grandkids. So that's my passion.

MR. DE LA RIONDA: So you're juggling a lot.

PROSPECTIVE JUROR DIXON: Yes. We're in football now.

MR. DE LA RIONDA: And how do you feel about the death penalty, ma'am?

PROSPECTIVE JUROR DIXON: If warranted.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Rhodes, I've got to make sure when I'm reading the name that I look up to see whether it's a man or woman 'cause I don't

have a Mr. or ma'am here. I can't read my writing.

Mr. Rhodes, good afternoon, sir.

PROSPECTIVE JUROR RHODES: Good afternoon.

MR. DE LA RIONDA: You said -- I think I've got this down, that you're retired from the Navy, correct?

PROSPECTIVE JUROR RHODES: Yes, sir.

MR. DE LA RIONDA: Well, thank you very much for serving your country.

Tell us a little bit about your experience in the Navy. What -- what did -- how long were you there for, and what did you do in the Navy?

PROSPECTIVE JUROR RHODES: I was in the Navy for 20 years. Married my wife. We've been together now 26 years. We got married a year after I went in. We've been all over the world. Loved it. I mean, that's kind of what I was put on earth for. Went in early. I went in at 17, retired early. I retired at 37 and did that so we could raise a family and enjoy the kids as they were growing up.

MR. DE LA RIONDA: Yes, sir.

Did you actually see combat too, sir?

PROSPECTIVE JUROR RHODES: I saw some from afar. I was on aircraft carriers. So we saw the planes when they left with bombs and missiles, and we saw them come back without them.

MR. DE LA RIONDA: Yes, sir.

Is your wife working at this time or is she --

PROSPECTIVE JUROR RHODES: She is, yes.

MR. DE LA RIONDA: What is she doing?

PROSPECTIVE JUROR RHODES: She works at Blount Island.

MR. DE LA RIONDA: That's what -- I couldn't read my writing. She's -- I know that's affiliated sometimes with the military, correct?

PROSPECTIVE JUROR RHODES: Well, not what she does. She when -- when the cars come in from overseas, she is -- they intake the cars. They put all of the --

MR. DE LA RIONDA: So the big tankers you're talking about that come in?

PROSPECTIVE JUROR RHODES: Yes. So the ones that need the rearview cameras or

whatever they need, they install them and they go out.

MR. DE LA RIONDA: Okay. How do you feel about the death penalty, sir?

PROSPECTIVE JUROR RHODES: I'm for it. I think it's needed. I think that's why we are a great country because we have laws.

MR. DE LA RIONDA: Thank you, sir.

Mr. Fogelsonger?

PROSPECTIVE JUROR FOGELSONGER: Yes, sir.

MR. DE LA RIONDA: Good afternoon, sir.

PROSPECTIVE JUROR FOGELSONGER: Good afternoon.

MR. DE LA RIONDA: You're at Safari --

PROSPECTIVE JUROR FOGELSONGER: My wife works for Safariland.

MR. DE LA RIONDA: And they -- do they do the security-type thing? Are they the ones that do the vests and stuff like that?

PROSPECTIVE JUROR FOGELSONGER: Vests, holsters, yes, sir.

MR. DE LA RIONDA: And you're in the restaurant business, correct?

PROSPECTIVE JUROR FOGELSONGER: Yes,

sir.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR FOGELSONGER: Well, I run a restaurant for a golf course, and I've been in the golf industry since 1982.

MR. DE LA RIONDA: Okay. And what do you do for fun?

PROSPECTIVE JUROR FOGELSONGER: Competitive golf.

MR. DE LA RIONDA: And how do you feel about the death penalty, sir?

PROSPECTIVE JUROR FOGELSONGER: All for it.

MR. DE LA RIONDA: Thank you, sir.

Mr. Rhodes, can I get you to stand back up? I neglected to ask you what you did for fun. What do you do for -- what's your passion in life?

PROSPECTIVE JUROR RHODES: Well, we retired here because we like to travel. But I also have a senior in high school and a freshman in high school. So my son plays football and my daughter plays competitive soccer. When we're not chasing them around,

we go to the beach, go to Orlando.

MR. DE LA RIONDA: Yes, sir. Thank you very much, sir.

Miss Duncan, you were one of the ones that said you got excited when you got to serve on the jury or not?

PROSPECTIVE JUROR DUNCAN: No, I didn't get excited. I have very -- knee problems and I can't hardly walk. And I just -- I stay in bed most of the time. So I was like, oh, but I came.

MR. DE LA RIONDA: Well, on behalf of everybody, we appreciate you doing it. Thank you very much. Because you could have taken the easy way out and just said sorry, I can't come. So thank you very much.

PROSPECTIVE JUROR DUNCAN: Right.

MR. DE LA RIONDA: Did I understand you -- you mentioned something. You had -- somebody had been arrested in your family, correct?

PROSPECTIVE JUROR DUNCAN: My son's incarcerated.

MR. DE LA RIONDA: Okay. So it's still pending at this time?

PROSPECTIVE JUROR DUNCAN: No, sir.

MR. DE LA RIONDA: Okay. So he's been already found guilty or whatever, pled. Is he in prison?

PROSPECTIVE JUROR DUNCAN: He's in prison.

MR. DE LA RIONDA: Okay. Did you feel he was treated fairly?

PROSPECTIVE JUROR DUNCAN: That's hard to say. I mean, I didn't even go so I didn't -- wasn't there.

MR. DE LA RIONDA: Was it out of Duval County?

PROSPECTIVE JUROR DUNCAN: No. It was in Nassau County.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR DUNCAN: And I was so crippled up that I just couldn't go. So I don't know. He says no. But, you know, I don't know.

MR. DE LA RIONDA: People don't always tell you the truth, do they?

PROSPECTIVE JUROR DUNCAN: Well...

MR. DE LA RIONDA: Here's my question to you is if you're sitting as a juror; you get

to be picked as a juror, are you going to be thinking about the fact that your son is in prison in terms of determining whether --

PROSPECTIVE JUROR DUNCAN: Yes, sir.

MR. DE LA RIONDA: You think that would interfere?

PROSPECTIVE JUROR DUNCAN: I think that would. I just -- I don't think I could debate what's going on, you know, understand the instructions and stuff with all this pain I'm in. My mind just worries about the pain, so I would be -- I'm afraid that I wouldn't be able to give the right, you know, verdict.

MR. DE LA RIONDA: What do you do for -- for fun?

PROSPECTIVE JUROR DUNCAN: Nothing. Stay home in the bed. That's all. I don't do nothing.

MR. DE LA RIONDA: And finally, ma'am -- oh, no. I was going to ask you just one final thing. I apologize. How do you feel about the death penalty?

PROSPECTIVE JUROR DUNCAN: I don't believe in it.

MR. DE LA RIONDA: Don't believe in it.

PROSPECTIVE JUROR DUNCAN: Total joke.

MR. DE LA RIONDA: Thank you very much, ma'am.

PROSPECTIVE JUROR DUNCAN: Thank you.

MR. DE LA RIONDA: Are you all right?

PROSPECTIVE JUROR DUNCAN: No. The pain's getting real bad. I didn't take my medicine.

THE COURT: Do you need to take some medicine?

MR. DE LA RIONDA: Do you need to take medicine now, ma'am?

PROSPECTIVE JUROR DUNCAN: I sure do.

MR. DE LA RIONDA: We can hang arrange to get your some water.

THE COURT: Get you a cup of water. Do you have it right there with you?

PROSPECTIVE JUROR DUNCAN: I have it with me, sir, yes.

THE COURT: Okay. We'll get you some water here.

PROSPECTIVE JUROR DUNCAN: Thank you.

THE COURT: Yes, ma'am.

PROSPECTIVE JUROR DUNCAN: Thank you, Your Honor.

THE COURT: Yes, ma'am.

MR. DE LA RIONDA: Miss Duncan, if I can get you to do something for our behalf, if at any time, you start feeling pain, you just raise your hand or something just to get our attention. Judge Healey is watching everybody so he'll be able to see you quite clearly. Okay?

PROSPECTIVE JUROR DUNCAN: Okay.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Kenny, good afternoon, sir.

PROSPECTIVE JUROR KENNY: How you doing?

MR. DE LA RIONDA: Good.

I didn't get where you work and I apologize. I didn't write it down.

PROSPECTIVE JUROR KENNY: Company called "Saddle Creek Logistics."

MR. DE LA RIONDA: What do you do there?

PROSPECTIVE JUROR KENNY: Material handler.

MR. DE LA RIONDA: What does that mean?

PROSPECTIVE JUROR KENNY: Basically forklift operator.

MR. DE LA RIONDA: And what does your wife do for a living?

PROSPECTIVE JUROR KENNY: She's a schoolteacher, elementary, Duval County.

MR. DE LA RIONDA: What do you do for fun?

PROSPECTIVE JUROR KENNY: Well, I like fishing. I like cooking out, traveling.

MR. DE LA RIONDA: And I've got something here, an arrest. Was that yourself or a family member?

PROSPECTIVE JUROR KENNY: Myself.

MR. DE LA RIONDA: Is that case still pending?

PROSPECTIVE JUROR KENNY: No.

MR. DE LA RIONDA: Was it here out of Duval County?

PROSPECTIVE JUROR KENNY: No.

MR. DE LA RIONDA: Another state or somewhere in the state?

PROSPECTIVE JUROR KENNY: Another state.

MR. DE LA RIONDA: Okay. How long ago was that?

PROSPECTIVE JUROR KENNY: Early '90s.

MR. DE LA RIONDA: Did you feel you were treated fairly?

PROSPECTIVE JUROR KENNY: Yes.

MR. DE LA RIONDA: Okay. And how do you feel about the death penalty, sir?

PROSPECTIVE JUROR KENNY: I'm for it.

MR. DE LA RIONDA: Thank you, sir.

Mr. Ashley, good afternoon, sir.

PROSPECTIVE JUROR ASHLEY: Good afternoon.

MR. DE LA RIONDA: I got here that you're a teacher, correct, at UNF?

PROSPECTIVE JUROR ASHLEY: I'm an assistant teacher at pre-K at UNF.

MR. DE LA RIONDA: Okay. So what -- so you're teaching pre-K kids at UNF, correct? Did I get that right?

PROSPECTIVE JUROR ASHLEY: Absolutely. It's right across from the police station at UNF.

MR. DE LA RIONDA: How long have you been doing --

PROSPECTIVE JUROR ASHLEY: Most people don't even know it exists.

MR. DE LA RIONDA: Yeah. I was going to say.

How long have you been doing that for?

PROSPECTIVE JUROR ASHLEY: There's four

classrooms there and most people don't even know it's there.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR ASHLEY: I've been here a year. I've been there a year as well.

MR. DE LA RIONDA: Okay. What did you do before that?

PROSPECTIVE JUROR ASHLEY: In West Virginia, the previous six years, I taught special needs, and I -- I was in the county school system in West Virginia as well.

MR. DE LA RIONDA: I've got something here about an arrest, somebody in prison, is that correct?

PROSPECTIVE JUROR ASHLEY: I have a son in West Virginia in prison system.

MR. DE LA RIONDA: So he's serving time right now.

PROSPECTIVE JUROR ASHLEY: Actually, the case -- he's been put in but the case has not come up yet.

MR. DE LA RIONDA: Okay. So is he awaiting trial or awaiting --

PROSPECTIVE JUROR ASHLEY: He is

awaiting trial.

MR. DE LA RIONDA: Okay. And are you a witness to any part of it at all in terms of having to go up there and testify?

PROSPECTIVE JUROR ASHLEY: We -- we may go up. It was supposed to be in September. We may go up. It depends on things here, time schedules. I have a special needs son, physically, mentally challenged here as well, so we're dealing with a few balls that --

MR. DE LA RIONDA: Yes, sir. I guess my question is when whatever happened that he was accused of that he's currently got a charge pending, were you up in West Virginia or were you already here?

PROSPECTIVE JUROR ASHLEY: I was here. My wife was actually pulling into the small town in West Virginia while he was being arrested and overdosing actually, practically within a couple hours of she arriving in the small town.

MR. DE LA RIONDA: Sorry to hear that, sir.

Here's my question is if you're picked as a juror; you get to sit in one of those

nice chairs over there, are you going to be thinking about your son's case in determining what verdict to decide here?

PROSPECTIVE JUROR ASHLEY: Honestly, I would be. I don't think -- I don't think it's gone fairly for him. He's a military vet. There's a lot of extenuating circumstances, PTSD, drugs when he entered the military, things like that.

MR. DE LA RIONDA: So you don't think you can be fair. Okay.

And what do you do for fun?

PROSPECTIVE JUROR ASHLEY: Right now, my wife and I manage our schedules so we can take care of my son. And we make sure that he has the best time possible and most fulfilling life possible right now.

MR. DE LA RIONDA: Yes, sir.

How do you feel about the death penalty?

PROSPECTIVE JUROR ASHLEY: Totally against it.

MR. DE LA RIONDA: Thank you, sir.

PROSPECTIVE JUROR ASHLEY: Thank you.

MR. DE LA RIONDA: Miss Abel, yes, ma'am.

PROSPECTIVE JUROR ABEL: Yes. Good afternoon.

MR. DE LA RIONDA: Good afternoon, ma'am. Trying to read my writing here.

Your husband is a contractor? Did I get that right?

PROSPECTIVE JUROR ABEL: Correct, self-employed.

MR. DE LA RIONDA: And you're a cabinet designer.

PROSPECTIVE JUROR ABEL: Right.

MR. DE LA RIONDA: And I've got something here. You've got a daughter that works in corrections?

PROSPECTIVE JUROR ABEL: She's a case manager at a federal penitentiary.

MR. DE LA RIONDA: Okay. How long has she been doing that for?

PROSPECTIVE JUROR ABEL: Four years.

MR. DE LA RIONDA: Does she have to have any kind of degree to do that?

PROSPECTIVE JUROR ABEL: Yes.

MR. DE LA RIONDA: What kind of degree?

PROSPECTIVE JUROR ABEL: Criminal justice.

MR. DE LA RIONDA: Okay. How did she end up getting there? Was she --

PROSPECTIVE JUROR ABEL: She's always been into that. She started off going through the military, ROTC. She's done a tour in Kuwait.

MR. DE LA RIONDA: Sure. Thank you for her service.

But -- so she ended up -- after she did her tour, she ended up going there?

PROSPECTIVE JUROR ABEL: She started off in corrections and worked her way up to case manager.

MR. DE LA RIONDA: Have you had occasions to discuss the cases that she handles there?

PROSPECTIVE JUROR ABEL: No. She can't do that. She's over, like, 40 different prisoners. She just handles their daily needs.

MR. DE LA RIONDA: What do you do for fun?

PROSPECTIVE JUROR ABEL: Watch HGTV, go shopping, FaceTime with the grandkids.

MR. DE LA RIONDA: How do you feel about

the death penalty?

PROSPECTIVE JUROR ABEL: I'm not opposed to it.

MR. DE LA RIONDA: Thank you, ma'am. Thank you.

Miss Echevarria, you're the one also that said you had a conflict because of work, is that correct?

PROSPECTIVE JUROR ECHEVARRIA: Yes.

MR. DE LA RIONDA: What do you do for fun other -- I know you've got two jobs, right? You work a regular job and then also you work another job, correct?

PROSPECTIVE JUROR ECHEVARRIA: Yes. Well, with family and mini vacations whenever we have the opportunity.

MR. DE LA RIONDA: Okay. How do you feel about the death penalty?

PROSPECTIVE JUROR ECHEVARRIA: I'm not -- I'm not a fan of that.

MR. DE LA RIONDA: You're not in favor of it?

PROSPECTIVE JUROR ECHEVARRIA: No.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Link, I think you're another one

that said you had child care issues, is that correct? Tell us what that was again.

PROSPECTIVE JUROR LINK: My daughter's in school. She's nine years old. I put her on the bus, and I pick her up from extended care.

MR. DE LA RIONDA: Okay. You may have had more time to think about it. Is there somebody else that can pick her up at all?

PROSPECTIVE JUROR LINK: Just me.

MR. DE LA RIONDA: You stated you worked as a supervisor at BJ's. Did I get that right?

PROSPECTIVE JUROR LINK: Yes.

MR. DE LA RIONDA: Is that BJ's the wholesaler or --

PROSPECTIVE JUROR LINK: Yes.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR LINK: 18 years.

MR. DE LA RIONDA: What do you do for fun?

PROSPECTIVE JUROR LINK: Just spend time with her.

MR. DE LA RIONDA: Is she nine years

old? Did I get that right?

PROSPECTIVE JUROR LINK: (Nods head.)

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR LINK: I am for the death penalty because my mom was murdered.

MR. DE LA RIONDA: Okay. Thank you very much. I'm sorry about that. Thank you, ma'am.

Miss O'Neal, could I bother you and ask you to stand up? I can see you perfectly and I can hear you. But this lady -- are you all right?

PROSPECTIVE JUROR O'NEAL: Yeah. I'm all right. I'm just tired, just a little tired.

MR. DE LA RIONDA: Are you going to be able to answer my questions?

PROSPECTIVE JUROR O'NEAL: Yes. I will answer your questions.

MR. DE LA RIONDA: Okay. I appreciate it.

PROSPECTIVE JUROR O'NEAL: Thank you.

MR. DE LA RIONDA: I've got something here about -- did you have a conflict too or

not? No. You were the one that asked about the hurricane, correct?

PROSPECTIVE JUROR O'NEAL: The hurricane, yes. I'm terrified. I'd rather go now.

MR. DE LA RIONDA: You sound like my wife but anyway -- and I say that respectfully to my wife. I mean, understand, we've been married 30-some years.

So are you one of the people that just you hear hurricane and you're terrified?

PROSPECTIVE JUROR O'NEAL: I'm terrified right now.

MR. DE LA RIONDA: How long have you been living in Duval County?

PROSPECTIVE JUROR O'NEAL: Off and on. My husband's military.

MR. DE LA RIONDA: Okay. Do you understand the bottom line is that, you know, the hurricane will either do what it will do but you'll have plenty of time? You're not going to be forced to do anything. If the hurricane hits --

PROSPECTIVE JUROR O'NEAL: Base housing.

MR. DE LA RIONDA: I'm sorry. What?

Are you all right? I'm asking you because --

PROSPECTIVE JUROR O'NEAL: Yes. I'm fine, sir.

MR. DE LA RIONDA: Okay.

THE COURT: I didn't hear what she said about the hurricane part.

PROSPECTIVE JUROR O'NEAL: I'm ready to go.

THE COURT: What? What?

MR. DE LA RIONDA: What did you ask, the judge to let her -- let you go?

PROSPECTIVE JUROR O'NEAL: The hurricane is a Category 5 right now.

MR. DE LA RIONDA: What -- are you in the middle of break or something --

PROSPECTIVE JUROR O'NEAL: I checked it.

MR. DE LA RIONDA: Are you getting flashes or something on your --

PROSPECTIVE JUROR O'NEAL: I checked it at lunchtime so I could tell my husband we need to go.

THE COURT: Ma'am, it's not even near Puerto Rico. Do you know how far it is from here to Puerto Rico? At best, it's going to be next week. Well, I say at best. At

worst, it will be next week.

Where are you going to go?

PROSPECTIVE JUROR O'NEAL: Go back to DC.

THE COURT: Huh? Where are you going?

PROSPECTIVE JUROR O'NEAL: Go north.

THE COURT: Where up north do you think?

PROSPECTIVE JUROR O'NEAL: Well, I would go back to my mom and dad's house.

THE COURT: Which is where?

PROSPECTIVE JUROR O'NEAL: Washington, DC.

THE COURT: Guess what? That's on the east coast.

Go on, Mr. de la Rionda. Let's go.

MR. DE LA RIONDA: All right. Miss O'Neal, here's the bottom line is, you know, a hurricane is a serious matter, but nobody in this county, especially this judge is not going to let anything happen to anybody without you having warning. In other words, he's not going to force you to sit here while the hurricane's outside.

PROSPECTIVE JUROR O'NEAL: Thank you.

MR. DE LA RIONDA: We're not going to go

there, so you don't need to worry about anything. As Judge Healey already indicated, you know, that hurricane may just miss us and may go all will the way up the coast and up to Washington, DC.

So here's my question is are you going to be able to pay attention through this trial while you hear about a hurricane that's in Puerto Rico? May hit Cuba next. You never know where it's going.

PROSPECTIVE JUROR O'NEAL: I'm fine.

MR. DE LA RIONDA: Okay. Are you sure?

PROSPECTIVE JUROR O'NEAL: I'm sure it will be difficult but I'll be fine.

MR. DE LA RIONDA: Well, you know, we've been kind of laughing, but this is a very serious matter --

PROSPECTIVE JUROR O'NEAL: I'll be fine.

MR. DE LA RIONDA: -- for the victims and for the defendant. And it's important that if you're sitting as a juror that you treat this as a case that it is important. And my question is are you going to be able to pay attention while this trial's going on, or is your mind going to be on that -- what's

the name of the hurricane?

THE PROSPECTIVE JURORS: Irma.

THE COURT: Irma.

MR. DE LA RIONDA: Are you going to be thinking about Irma? Are you having issues with that?

PROSPECTIVE JUROR O'NEAL: No.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR O'NEAL: I'll be ready to go.

MR. DE LA RIONDA: So you're going to be able to pay attention and listen to the Court's instruction and more importantly, pay attention to all the evidence? You sure?

PROSPECTIVE JUROR O'NEAL: Yeah.

MR. DE LA RIONDA: Okay. Is this the first hurricane you've experienced or --

PROSPECTIVE JUROR O'NEAL: No. I leave in all of them.

MR. DE LA RIONDA: Are you one of these hurricane junkie-type people?

PROSPECTIVE JUROR O'NEAL: I leave. I leave.

MR. DE LA RIONDA: Okay. All right. I'm not going to ask you what you do for fun.

Or what do you do for fun?

THE COURT: Watches The Weather Channel.

MR. DE LA RIONDA: Is that a good answer that the judge gave on your behalf?

PROSPECTIVE JUROR O'NEAL: Excellent.

MR. DE LA RIONDA: How do you -- how do you feel about the death penalty, ma'am?

PROSPECTIVE JUROR O'NEAL: It's a lot to think about.

MR. DE LA RIONDA: A lot to think about. Okay. Thank you, ma'am.

Miss Burkholder?

PROSPECTIVE JUROR BURKHOLDER: Yes.

MR. DE LA RIONDA: Good afternoon, ma'am.

PROSPECTIVE JUROR BURKHOLDER: Good afternoon.

MR. DE LA RIONDA: I think you also mentioned you had prior jury service, is that correct?

PROSPECTIVE JUROR BURKHOLDER: Yes.

MR. DE LA RIONDA: And did you enjoy that?

PROSPECTIVE JUROR BURKHOLDER: Yes.

MR. DE LA RIONDA: Okay. You mentioned

your husband was retired, but I didn't get where he retired from.

PROSPECTIVE JUROR BURKHOLDER: He retired from South Florida at Johnson & Johnson Company.

MR. DE LA RIONDA: And what do you do for -- for fun?

PROSPECTIVE JUROR BURKHOLDER: Hmm. We go to Disney and we also -- I'm in the Jacksonville Gem and Mineral Society.

MR. DE LA RIONDA: In the what?

PROSPECTIVE JUROR BURKHOLDER: Jacksonville Gem and Mineral Society. I make jewelry and things like that.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR BURKHOLDER: I'm all for it.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Montero -- Montoto.

PROSPECTIVE JUROR MONTOTO: Montoto.

MR. DE LA RIONDA: Montoto. Okay.

What do you do for fun, ma'am?

PROSPECTIVE JUROR MONTOTO: Spend time with my children, my family.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR MONTOTO: I support it.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Watkins, all the way there at the end. I think I've got here something that you had a family member that was arrested, is that correct?

PROSPECTIVE JUROR WATKINS: Yes.

MR. DE LA RIONDA: And is that case still pending?

PROSPECTIVE JUROR WATKINS: No.

MR. DE LA RIONDA: Was it here in Duval County?

PROSPECTIVE JUROR WATKINS: North Carolina.

MR. DE LA RIONDA: Okay. Did you feel that family member was treated fairly?

PROSPECTIVE JUROR WATKINS: From what I understand of the situation, no, but --

MR. DE LA RIONDA: You weren't witness to it or anything like that?

PROSPECTIVE JUROR WATKINS: No.

MR. DE LA RIONDA: Here's the question:

Are you going to be able to set it aside if you're picked as a juror and sitting in that chair?

PROSPECTIVE JUROR WATKINS: I would, yes.

MR. DE LA RIONDA: Okay. And what do you do for fun, sir?

PROSPECTIVE JUROR WATKINS: Mostly help family and music.

MR. DE LA RIONDA: Listen to music or you produce music?

PROSPECTIVE JUROR WATKINS: I play and write.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR WATKINS: I'm opposed to it.

MR. DE LA RIONDA: You're opposed to it? Thank you, sir.

Mr. Strok.

PROSPECTIVE JUROR STROK: Strok.

MR. DE LA RIONDA: Sorry.

PROSPECTIVE JUROR STROK: It's close enough.

MR. DE LA RIONDA: You mentioned you had

somebody in the family that was arrested. Did I get that right?

PROSPECTIVE JUROR STROK: I was a issued citation but the charges were dropped in 2006.

MR. DE LA RIONDA: So did you feel you were treated fairly?

PROSPECTIVE JUROR STROK: Charges were dropped. I do.

MR. DE LA RIONDA: What do you do for fun, sir?

PROSPECTIVE JUROR STROK: I'm a student of jazz fusion guitar, and I like to surf as well when I can.

MR. DE LA RIONDA: Thank you, sir.

How do you feel about the death penalty?

PROSPECTIVE JUROR STROK: I feel that it's a necessary element of our society, unfortunately.

MR. DE LA RIONDA: Thank you very much, sir.

Miss Wyche, you're an RN, is that correct? Did I get that right?

PROSPECTIVE JUROR WYCHE: Yes.

MR. DE LA RIONDA: And did you say your

husband was a -- he's a sergeant?

PROSPECTIVE JUROR WYCHE: Yes, sergeant major in the United States Army.

MR. DE LA RIONDA: Thank you very much for his service, ma'am, and for your sacrifice.

And you've also got a child also in the army, correct?

PROSPECTIVE JUROR WYCHE: Yes.

MR. DE LA RIONDA: Okay. You mentioned you had relatives that were arrested. Did I get that right or you, yourself, was arrested?

PROSPECTIVE JUROR WYCHE: Both.

MR. DE LA RIONDA: Okay. Let's talk about yourself. Was it here in Duval County?

PROSPECTIVE JUROR WYCHE: Yes.

MR. DE LA RIONDA: Is it still pending at this time?

PROSPECTIVE JUROR WYCHE: No, sir.

MR. DE LA RIONDA: Did you feel you were treated fairly?

PROSPECTIVE JUROR WYCHE: Yes, sir.

MR. DE LA RIONDA: Can you hear her all right?

(Off-record discussion.)

MR. DE LA RIONDA: She's reading lips. So if you could just speak a little bit louder -- you've got a soft voice -- that's fine.

PROSPECTIVE JUROR WYCHE: Yes, sir.

MR. DE LA RIONDA: So you were arrested and you felt you were treated fairly, correct?

PROSPECTIVE JUROR WYCHE: Yes, sir.

MR. DE LA RIONDA: How about your family members that were arrested? Was it here in Duval County?

PROSPECTIVE JUROR WYCHE: Yes.

MR. DE LA RIONDA: And did you feel they were treated fairly?

PROSPECTIVE JUROR WYCHE: Yes.

MR. DE LA RIONDA: What do you do for fun?

PROSPECTIVE JUROR WYCHE: Watch movies.

MR. DE LA RIONDA: What kind of movies do you like to watch?

PROSPECTIVE JUROR WYCHE: Any type of action movie?

MR. DE LA RIONDA: Are you a fan of CSI

and all that other stuff?

PROSPECTIVE JUROR WYCHE: No.

MR. DE LA RIONDA: Okay. And how do you feel about the death penalty?

PROSPECTIVE JUROR WYCHE: I'm against it.

MR. DE LA RIONDA: Against it? Thank you, ma'am. Thank you.

Miss Burry?

PROSPECTIVE JUROR BURRY: Yes.

MR. DE LA RIONDA: What did you do -- or did you work outside the home prior to being --

PROSPECTIVE JUROR BURRY: I did.

MR. DE LA RIONDA: What did you do?

PROSPECTIVE JUROR BURRY: I ran three animal hospitals.

MR. DE LA RIONDA: You did what?

PROSPECTIVE JUROR BURRY: Ran three animal hospitals.

MR. DE LA RIONDA: Animal hospitals?

PROSPECTIVE JUROR BURRY: Uh-huh.

MR. DE LA RIONDA: How long did you do that for?

PROSPECTIVE JUROR BURRY: Almost ten

years.

MR. DE LA RIONDA: Okay. And what do you do for fun?

PROSPECTIVE JUROR BURRY: I travel with my husband and we take our golden retriever out hiking. We kayak.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR BURRY: I support it.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Manco?

PROSPECTIVE JUROR MANCO: Yeah.

MR. DE LA RIONDA: You were also one of the ones that had prior jury service, is that correct?

PROSPECTIVE JUROR MANCO: I did.

MR. DE LA RIONDA: Did you enjoy it?

PROSPECTIVE JUROR MANCO: Yeah. It was interesting.

MR. DE LA RIONDA: Okay. What do you do for fun?

PROSPECTIVE JUROR MANCO: For fun, my husband and I, we are really into music. So we go to a lot of concerts, travel around, travel, playing -- travel around, watching

bands play.

MR. DE LA RIONDA: Any particular -- rock, jazz, country or --

PROSPECTIVE JUROR MANCO: We kind of have different styles. He's more classic rock. I'm more the new rock.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR MANCO: To me, it's not something to be taken lightly. I would have to -- it would depend on what's going on. Kind of make the decision from there.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Mr. Dempsey?

PROSPECTIVE JUROR DEMPSEY: Yeah.

MR. DE LA RIONDA: I think you mentioned -- I think you had a Saturday potential conflict if we're here Saturday and the hurricane doesn't hit us or whatever.

PROSPECTIVE JUROR DEMPSEY: Yeah.

MR. DE LA RIONDA: But you might be able to get somebody to fill in for you if it's necessary.

PROSPECTIVE JUROR DEMPSEY: Yeah. I

think she's available here.

MR. DE LA RIONDA: Okay.

You mentioned something about an arrest 35 years ago, 25 years ago. Did you feel you were treated fairly?

PROSPECTIVE JUROR DEMPSEY: Close to 40. Yes.

MR. DE LA RIONDA: Okay. And what do you do for fun, sir?

PROSPECTIVE JUROR DEMPSEY: I do yard work, family, and kind of like the lady before me, I chase rock and roll bands with my wife.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR DEMPSEY: Necessary evil. Be nice if we didn't need it but, yeah, I think we do.

MR. DE LA RIONDA: Thank you.

Mr. Smalley?

PROSPECTIVE JUROR SMALLEY: Yes, sir.

MR. DE LA RIONDA: I think you mentioned something about an arrest, either yourself or family members?

PROSPECTIVE JUROR SMALLEY: Close --

very close friend.

MR. DE LA RIONDA: I'm sorry. Close friend. Was it -- is that case still pending?

PROSPECTIVE JUROR SMALLEY: No, sir.

MR. DE LA RIONDA: Was it here in Duval County?

PROSPECTIVE JUROR SMALLEY: Yes, it was.

MR. DE LA RIONDA: Did you feel that close friend was treated fairly?

PROSPECTIVE JUROR SMALLEY: I personally didn't. But actually he was -- Judge Healey sentenced him based on the statute, so I was not either side of that fence.

MR. DE LA RIONDA: Okay. Did you actually come to court and --

PROSPECTIVE JUROR SMALLEY: Yes, I did.

MR. DE LA RIONDA: Okay. Did you feel Judge Healey treated him fairly?

PROSPECTIVE JUROR SMALLEY: Yes.

MR. DE LA RIONDA: Okay. Is there anything about the nature of that that you feel that would impact you being able to sit as a juror?

PROSPECTIVE JUROR SMALLEY: Not that

particular case, no.

MR. DE LA RIONDA: Okay. You mentioned at this time -- did I get this right? Your wife is unemployed at this time?

PROSPECTIVE JUROR SMALLEY: That's correct.

MR. DE LA RIONDA: Prior to being unemployed, what did she do for a living?

PROSPECTIVE JUROR SMALLEY: She worked in a hospital.

MR. DE LA RIONDA: And you're in the pension business?

PROSPECTIVE JUROR SMALLEY: That's correct.

MR. DE LA RIONDA: Did I get that correct?

PROSPECTIVE JUROR SMALLEY: That's correct.

MR. DE LA RIONDA: Okay. And did I already ask you what you did for fun? I'll ask you then. What do you do for fun?

PROSPECTIVE JUROR SMALLEY: I enjoy spending time with my German shepherd dog. I like to watch the Yankees. And I look forward being with my grandson.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR SMALLEY: I'm in favor.

MR. DE LA RIONDA: Thank you, sir.

And finally, over here on this side, Mr. West, you mentioned you, yourself, were arrested and family or just a family member?

PROSPECTIVE JUROR SMALLEY: Both.

MR. DE LA RIONDA: Okay. Tell us about your experience, sir. Was it here in Jacksonville, sir?

PROSPECTIVE JUROR SMALLEY: Yes, sir.

MR. DE LA RIONDA: Is it still pending at this time?

PROSPECTIVE JUROR SMALLEY: No, sir.

MR. DE LA RIONDA: Did you feel you were treated fairly?

PROSPECTIVE JUROR SMALLEY: Depends on which case.

MR. DE LA RIONDA: Oh, okay. So you had more than one case?

PROSPECTIVE JUROR SMALLEY: Yes, sir.

MR. DE LA RIONDA: Okay. Was there one case you felt you were treated fairly, and

the other case you felt you were treated unfairly?

PROSPECTIVE JUROR SMALLEY: Yes, sir.

MR. DE LA RIONDA: Okay. The case you were treated fairly, was that -- what kind of case was that?

PROSPECTIVE JUROR SMALLEY: Misdemeanor.

MR. DE LA RIONDA: Okay. The case that you were treated unfairly, was that also a misdemeanor?

PROSPECTIVE JUROR SMALLEY: Yes, sir.

MR. DE LA RIONDA: Okay. Which one happened first? Which -- was it --

PROSPECTIVE JUROR SMALLEY: The unfairly one.

MR. DE LA RIONDA: The unfairly one.

All right. How long ago was the one you were treated -- the one you felt you were treated unfairly, how long ago was that?

PROSPECTIVE JUROR SMALLEY: Two or three years ago.

MR. DE LA RIONDA: Okay. The one that you felt were treated fairly, was it the same police officers or different police officers?

PROSPECTIVE JUROR SMALLEY: Same police

officers.

MR. DE LA RIONDA: Same ones or different?

PROSPECTIVE JUROR SMALLEY: Same ones.

MR. DE LA RIONDA: So the first time, they didn't treat you fairly. The second time, they did treat you fairly.

PROSPECTIVE JUROR SMALLEY: Yes.

MR. DE LA RIONDA: Okay. Was it the same place you got arrested the second time?

PROSPECTIVE JUROR SMALLEY: No, two different places.

MR. DE LA RIONDA: All right. Here's the question: What happened to the one you felt you were treated unfairly? Did you end up pleading to that? Was the case dropped or what happened to it.

PROSPECTIVE JUROR SMALLEY: I got found guilty.

MR. DE LA RIONDA: Okay. Well, here's my question. If you get to pick -- you get picked on this jury; you get to sit on those chairs -- in one of those chairs, are you going to be thinking about the case that you were treated unfairly or the case you were

treated fairly or -- here's my question: Can you set that aside?

PROSPECTIVE JUROR SMALLEY: Yes.

MR. DE LA RIONDA: Are you going to be thinking about your case?

PROSPECTIVE JUROR SMALLEY: No.

MR. DE LA RIONDA: You sure?

PROSPECTIVE JUROR SMALLEY: Uh-huh.

MR. DE LA RIONDA: All right. What do you do for fun, sir?

PROSPECTIVE JUROR SMALLEY: Golf.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR SMALLEY: Depends on the case.

MR. DE LA RIONDA: Thank you, sir.

Your Honor, may we approach the bench?

THE COURT: You can but I'm going to give the jurors a break.

MR. DE LA RIONDA: Oh, that's what I was going to ask for.

THE COURT: So, ladies and gentlemen, it's five of 3:00. The snack area down on the second floor closes at about 3:00. There are vending machines and things in there if

you wanted to get a snack that you can always access. But there's some other items there you might be able to get your hands on. They're on a rack that you pay for at the counter.

So let's take about a -- I guess by the time you get down and back, let's call it 20 minutes. Let's go to 3:15. Come back. Let's try be in our seats at 3:15 so we can continue.

Remember where your seat is.

(Jury panel excused.)

THE COURT: So I'm guessing, Mr. de la Rionda, when you finish that side there with these types of questions, you're done, right?

MR. DE LA RIONDA: No, sir. I'm speeding it up. Believe me, I -- if you look at my -- what I was going to ask and what I've been asking, I've really cut it down. But I've got to cover the death penalty a little bit more extensively.

THE COURT: I know. I was just kidding.

MR. DE LA RIONDA: I understand.

(Short recess.)

(Defendant present.)

(Jury panel present.)

THE COURT: Got everybody?

THE BAILIFF: Missing two.

THE COURT: So I'll tell y'all about the portraits again.

I'll tell you, in the other room over there, it's an interesting dynamic because at one point in time, there were -- there's five on that side of the room and five on this, just like that. But the interesting thing was the person that was here directly across from that person was their child who also became a judge.

So, for instance, one of them is a guy named Bill Durden and he was a judge. And his daughter, Mallory Cooper, was a judge. Well, she's a senior judge. She's retired now. But -- so her portrait was across the way.

And then there's Judge Haddock and his son, Page Haddock -- Lawrie Haddock was his nickname -- was across the way. He's also retired.

Then there was Judge Soud and his son is

still a sitting judge now. So his portrait wasn't across the way because you don't get -- that was the other thing I was going to tell you. You don't get your portrait up -- didn't used to get your portrait up until you died. Okay?

Well, again, in the other room is Judge Don Moran's portrait. He was the chief judge here for many, many years. When he started getting older and getting closer to retirement, he said, you know, that dying idea for your portrait to go up is not such a hot idea. So he decided change the thing and say, we're going to put your portraits up when you retire. So that way the judge, him or herself, and their family can come when they unveil, and they show everybody the picture and all that.

And so now that's why some of these people are up there and they're still living.

The other thing I'll tell you and then we'll move on is that I think most all of these in here are real portraits. Some of them might not be, like, Judge Mathis and maybe Judge Weatherby. Those are actually

pictures that they enhance or do whatever they do, and it looks like a real portrait. I mean, some of them, they're real paintings. Somebody painted them, which used to be very expensive so they couldn't do that anymore. So now you get a picture. Now you just get a picture, shoot, get it off your iPhone, I guess. And you give it to somebody, and they do whatever they do to fancify it. And boom, it looks like a portrait but it's cheap. So there you go.

Is that everybody?

THE BAILIFF: Yes, sir.

THE COURT: Perfect timing.

So back to Mr. de la Rionda.

MR. DE LA RIONDA: May it please the Court?

Counsel.

THE COURT: Wait a minute. I might have hit a button that locked the doors.

THE BAILIFF: You did.

A PROSPECTIVE JUROR: Good job.

THE COURT: It's in a different spot. In my courtroom, I know exactly where the buttons are. In here, it's a little roomer

up here, and if your knee hits it, you're in trouble. And if Mr. de la Rionda goes on, then we have to hit the button so I can't let y'all leave.

Go ahead.

MR. DE LA RIONDA: Thank you, sir.

Good afternoon again. I'm going to switch over to this side. Mr. Ingram, we'll start with you.

PROSPECTIVE JUROR INGRAM: Still want us to stand?

MR. DE LA RIONDA: The people on the front row need to stand too?

People in the front row are all right because you might hit your head on that TV.

Mr. Ingram, good afternoon, sir.

What I needed to ask you is what are you passionate about in life?

PROSPECTIVE JUROR INGRAM: Racing cars pretty much. I'm an engine builder by trade, so anything that goes fast, I'm in it. I'm in the driver's seat or I'm in the passenger seat or somewhere near it.

MR. DE LA RIONDA: So you're actually racing yourself.

PROSPECTIVE JUROR INGRAM: Yes, sir.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR INGRAM: Since I turned 16, I've been tinkering with drag cars, and I've been doing it for the duration of my life since then.

MR. DE LA RIONDA: How do you feel about the death penalty, sir?

PROSPECTIVE JUROR INGRAM: I'm 100 percent for it. I raised in the old south, where, you know, killing another human being was not tolerated in any way, shape or form, so it's a necessary evil for our justice system.

MR. DE LA RIONDA: Thank you very much, sir.

Miss Foster, how are you?

PROSPECTIVE JUROR FOSTER: Fine.

MR. DE LA RIONDA: You're glad you're not having to stand up, right?

PROSPECTIVE JUROR FOSTER: It's okay.

MR. DE LA RIONDA: Okay. You mentioned you had a family member that had been arrested, is that correct?

PROSPECTIVE JUROR FOSTER: Yeah.

MR. DE LA RIONDA: Is that still pending at this time?

PROSPECTIVE JUROR FOSTER: No.

MR. DE LA RIONDA: Was it here out of Duval County?

PROSPECTIVE JUROR FOSTER: Yes.

MR. DE LA RIONDA: Okay. How long ago was it, about?

PROSPECTIVE JUROR FOSTER: Couple years ago. I don't remember.

MR. DE LA RIONDA: You're very soft-spoken.

Can you hear her all right?

(Off-record discussion.)

MR. DE LA RIONDA: She's reading lips.

PROSPECTIVE JUROR FOSTER: Sorry.

MR. DE LA RIONDA: That's all right.

And did you feel that family member -- was it a friend or family member? I misunderstood.

PROSPECTIVE JUROR FOSTER: Family member.

MR. DE LA RIONDA: Okay. Did you feel that family member was treated fairly?

PROSPECTIVE JUROR FOSTER: Yes.

MR. DE LA RIONDA: Okay. And what are you passionate about in life, ma'am?

PROSPECTIVE JUROR FOSTER: Family.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR FOSTER: Depends on the crime.

MR. DE LA RIONDA: Thank you very much.

And you mentioned -- I was trying to write down where you worked. You do contract or something? No?

PROSPECTIVE JUROR FOSTER: Yes. I'm a contractor. I work at a hospital.

MR. DE LA RIONDA: You work at a hospital. What do you do there?

PROSPECTIVE JUROR FOSTER: I work as a respiratory therapist.

MR. DE LA RIONDA: Thank you very much, ma'am.

Mr. Leibowitz, I've known you for a long time. As you stated, you worked as a prosecutor years ago, and we all know you as an attorney here in town. So I don't really have a lot to ask other than you did mention

that you had somebody in the family that had been arrested or accused of a crime, is that correct?

PROSPECTIVE JUROR LEIBOWITZ: That's correct.

MR. DE LA RIONDA: Is that case still pending, sir?

PROSPECTIVE JUROR LEIBOWITZ: No.

MR. DE LA RIONDA: Was that person treated fairly, to your knowledge?

PROSPECTIVE JUROR LEIBOWITZ: Persona, yes, but in law --

MR. DE LA RIONDA: Gotcha.

And how do you feel about the death penalty, sir?

PROSPECTIVE JUROR LEIBOWITZ: I support it where the circumstances are warranted.

MR. DE LA RIONDA: Thank you very much sir.

Oh, and by the way, let's make sure we put it on the record. We've known each other. Will you rule -- will you decide the case based on the fact that you knew me or have known me for years, or will you decide based on evidence and the law that will come

out?

PROSPECTIVE JUROR LEIBOWITZ: Based on the evidence and the law.

MR. DE LA RIONDA: And I knew the answer to that, but we just need to put it officially on the record.

Miss Mason, good afternoon, ma'am.

PROSPECTIVE JUROR MASON: Hello.

MR. DE LA RIONDA: I've got here you had -- yourself and family members were arrested, is that correct?

PROSPECTIVE JUROR MASON: Uh-huh.

MR. DE LA RIONDA: And let's talk about yourself first. Was that here in Duval County?

PROSPECTIVE JUROR MASON: (Nods head.)

MR. DE LA RIONDA: Is that a "yes"?

PROSPECTIVE JUROR MASON: Yes. I'm sorry.

MR. DE LA RIONDA: No, no. I apologize. We're used to -- you know, we all nod our heads. I knew where you were going. But this lady here needs to make sure there's a verbal answer.

PROSPECTIVE JUROR MASON: Okay.

MR. DE LA RIONDA: I don't mean to pick on you but --

PROSPECTIVE JUROR MASON: Yes, I was.

MR. DE LA RIONDA: -- we need to have it on the record because somebody years from now may say, oh, no, that was a nod versus a shake, you know, that kind of stuff.

So you were arrested here in Duval County.

PROSPECTIVE JUROR MASON: Yes.

MR. DE LA RIONDA: Okay. Is that case still pending?

PROSPECTIVE JUROR MASON: No. That was over 20-something years ago.

MR. DE LA RIONDA: So do you believe you were treated fairly?

PROSPECTIVE JUROR MASON: The charges were dropped so yeah.

MR. DE LA RIONDA: All right. So in other words, you were arrested by the police, correct.

THE PROSPECTIVE JURORS: (Nods head.)

MR. DE LA RIONDA: The State made a decision not to proceed, is that correct?

PROSPECTIVE JUROR MASON: Yeah.

MR. DE LA RIONDA: All right. Is there anything about the nature of that that you feel if you got a seat in one of these nice chairs -- to sit in one of these nice chairs, it would interfere with you being able to be fair in this case?

PROSPECTIVE JUROR MASON: It wouldn't be for me. It would be towards my son.

MR. DE LA RIONDA: Okay. So let's talk about -- is that the other -- is that the family member that had been arrested too?

PROSPECTIVE JUROR MASON: Yes.

MR. DE LA RIONDA: Okay. Is that case still pending now?

PROSPECTIVE JUROR MASON: Yes.

MR. DE LA RIONDA: Here in Duval County?

PROSPECTIVE JUROR MASON: Yes.

MR. DE LA RIONDA: Do you know who the judge is?

PROSPECTIVE JUROR MASON: No.

MR. DE LA RIONDA: Okay. Have you gone --

PROSPECTIVE JUROR MASON: They haven't even started. They haven't started.

MR. DE LA RIONDA: Did he just get

arrested within the last few weeks?

PROSPECTIVE JUROR MASON: He's been arrested but the State haven't filed the charges yet. So it's still in the process.

MR. DE LA RIONDA: So he's been arrested within the last month or two?

PROSPECTIVE JUROR MASON: It's been -- yeah.

MR. DE LA RIONDA: Okay. Were you?

PROSPECTIVE JUROR MASON: Been there about a month now.

MR. DE LA RIONDA: Were you a witness to any of what happened?

PROSPECTIVE JUROR MASON: No, I wasn't a witness. But before it got to this point, I tried to get him some help because he has a mental problem. So -- but I couldn't get no help, so it wound up with him committing a crime.

MR. DE LA RIONDA: Okay. And so --

PROSPECTIVE JUROR MASON: I wouldn't be focused.

MR. DE LA RIONDA: You would not be focused. You don't think you could be fair in this case.

PROSPECTIVE JUROR MASON: (Shakes head.)

MR. DE LA RIONDA: Is that correct?

PROSPECTIVE JUROR MASON: Yes, yes. I'm sorry.

MR. DE LA RIONDA: Let's make sure we get it on the record. You don't believe you could be fair.

PROSPECTIVE JUROR MASON: I don't think I will be fair.

MR. DE LA RIONDA: Well, I've asked everybody, might as well ask you too. What are you passionate about in life?

PROSPECTIVE JUROR MASON: I don't -- that's not my place to judge.

MR. DE LA RIONDA: So you -- let me ask the question this way: How do you feel about the death penalty? You said you don't believe in it.

PROSPECTIVE JUROR MASON: I don't believe in it.

MR. DE LA RIONDA: Okay. Now I'm going to ask you the other question. What are you passionate about in life?

PROSPECTIVE JUROR MASON: My passion is my kids.

MR. DE LA RIONDA: Okay. Thank you very much, ma'am.

PROSPECTIVE JUROR MASON: You're welcome.

MR. DE LA RIONDA: Mr. Shahum?

PROSPECTIVE JUROR SHAHUM: Shahum.

MR. DE LA RIONDA: You were the one -- one of the ones that had a conflict. And is that at work? Correct?

PROSPECTIVE JUROR SHAHUM: Yes, sir.

MR. DE LA RIONDA: And is that just because -- purely a money thing?

PROSPECTIVE JUROR SHAHUM: Excuse me?

MR. DE LA RIONDA: Is that purely a money thing?

PROSPECTIVE JUROR SHAHUM: Yes, sir.

MR. DE LA RIONDA: Okay. I don't think I got down in terms of what your wife did for a living. What does she do for living?

PROSPECTIVE JUROR SHAHUM: She's an assistant teacher, teacher's assistant.

MR. DE LA RIONDA: And you're a painter by trade.

PROSPECTIVE JUROR SHAHUM: Painting contractor, yes, sir.

MR. DE LA RIONDA: Now, you mentioned something funny with the question about have you ever been arrested. You said, no not yet.

PROSPECTIVE JUROR SHAHUM: Right.

MR. DE LA RIONDA: Are you anticipating or just trying to be funny?

PROSPECTIVE JUROR SHAHUM: No. That has nothing --

MR. DE LA RIONDA: I don't mean to pick on you. I heard that answer.

PROSPECTIVE JUROR SHAHUM: No, has nothing to do with anything, that something is pending, no.

MR. DE LA RIONDA: Okay. I didn't know.

What are you passionate about in life, sir?

PROSPECTIVE JUROR SHAHUM: That's a good question.

MR. DE LA RIONDA: A lot of answers or --

PROSPECTIVE JUROR SHAHUM: No. I guess my family.

MR. DE LA RIONDA: Okay. And how do you feel about the death penalty, sir?

PROSPECTIVE JUROR SHAHUM: I'm for it.

MR. DE LA RIONDA: Thank you, sir.

Miss Albano, did I get that right?

PROSPECTIVE JUROR ALBANO: Yes.

MR. DE LA RIONDA: Okay. You also mentioned you had a conflict and is that your baby? Is that correct?

PROSPECTIVE JUROR ALBANO: Yes.

MR. DE LA RIONDA: How old is your baby?

PROSPECTIVE JUROR ALBANO: She's seven months.

MR. DE LA RIONDA: And I don't know that I put down what your husband does for living.

PROSPECTIVE JUROR ALBANO: He's a plumber.

MR. DE LA RIONDA: Plumber. Okay.

And you're in patient care, is that correct?

PROSPECTIVE JUROR ALBANO: Yes. I'm a patient care technician in a dialysis center.

MR. DE LA RIONDA: Where? Where at?

PROSPECTIVE JUROR ALBANO: In St. Augustine.

MR. DE LA RIONDA: What are you passionate about in life other than obviously

your two kids?

PROSPECTIVE JUROR ALBANO: My family.

MR. DE LA RIONDA: Your family?

How do you feel about the death penalty?

PROSPECTIVE JUROR ALBANO: I'm against it.

MR. DE LA RIONDA: You're against it? Thank you, ma'am.

Miss Anthony, hi there.

PROSPECTIVE JUROR ANTHONY: Yes.

MR. DE LA RIONDA: You mentioned you were retired.

PROSPECTIVE JUROR ANTHONY: Yes.

MR. DE LA RIONDA: Correct?

PROSPECTIVE JUROR ANTHONY: Uh-huh.

MR. DE LA RIONDA: What are you retired from?

PROSPECTIVE JUROR ANTHONY: I was working for the See-Land Service in New Jersey. I was there 30 years.

MR. DE LA RIONDA: What did you do there?

PROSPECTIVE JUROR ANTHONY: I was a dispatcher.

MR. DE LA RIONDA: And I think you also

mentioned you had two kids, 31 and 32?

PROSPECTIVE JUROR ANTHONY: I have twins.

MR. DE LA RIONDA: Oh, they're both 31. Okay. Gotcha.

PROSPECTIVE JUROR ANTHONY: Yeah.

MR. DE LA RIONDA: I was trying to look at my writing.

But I don't know that you told us what they did for living, or if you did, I didn't write it down.

PROSPECTIVE JUROR ANTHONY: My son works for VISTAKON. He has a good job there. My daughter, she goes here and there right now. She's not working.

MR. DE LA RIONDA: And I think you mentioned also that you have family members, and I think you used the language, a lot of them had been arrested, is that correct? Did I write that down?

PROSPECTIVE JUROR ANTHONY: Did I?

MR. DE LA RIONDA: Didn't you say that or --

PROSPECTIVE JUROR ANTHONY: Well, yeah, yeah. A lot of them are --

MR. DE LA RIONDA: I was just trying to write down.

PROSPECTIVE JUROR ANTHONY: A lot of them are. And a lot of them are dead now. They're young but they're dead.

MR. DE LA RIONDA: So here's the bottom line regarding that is are -- any of those individuals that were arrested that are family members, are any of their cases pending at this time?

PROSPECTIVE JUROR ANTHONY: No.

MR. DE LA RIONDA: Did you feel any of them were treated unfairly? Yes or no?

PROSPECTIVE JUROR ANTHONY: Yes.

MR. DE LA RIONDA: Okay. All right. Okay. And all of them or just some of them or -- can you understand my question?

PROSPECTIVE JUROR ANTHONY: Yeah. It's -- it's all right now, you know. It's -- it's okay.

MR. DE LA RIONDA: Okay. If you're picked as a juror and you get to sit in one of these nice chairs over here -- okay? -- you get to listen to the evidence; everything's going and -- here's my question

is are you going to be thinking about those family members that were arrested and you feel were treated unfairly?

PROSPECTIVE JUROR ANTHONY: No.

MR. DE LA RIONDA: Can you set that aside?

PROSPECTIVE JUROR ANTHONY: Yes.

MR. DE LA RIONDA: So you can completely disregard that. Whatever happened, happened. Is that correct?

PROSPECTIVE JUROR ANTHONY: Uh-huh.

MR. DE LA RIONDA: Is that a "yes"?

PROSPECTIVE JUROR ANTHONY: Yes.

MR. DE LA RIONDA: Okay. I see you shaking your -- nodding your head. But she needs to get an answer.

PROSPECTIVE JUROR ANTHONY: Okay.

MR. DE LA RIONDA: What are you passionate about, ma'am?

PROSPECTIVE JUROR ANTHONY: I like to cruise a lot.

MR. DE LA RIONDA: You like to cruise a lot?

PROSPECTIVE JUROR ANTHONY: Go cruising. I cruise all the time.

MR. DE LA RIONDA: You're not doing it anytime soon, are you, like, this week or next week?

PROSPECTIVE JUROR ANTHONY: Two weeks ago, I was on a cruise. So now I'm fine until around Christmas.

MR. DE LA RIONDA: Okay. And did you say you had prior jury service?

PROSPECTIVE JUROR ANTHONY: Yes.

MR. DE LA RIONDA: Okay. I didn't put -- was it a criminal or civil case?

PROSPECTIVE JUROR ANTHONY: Criminal.

MR. DE LA RIONDA: Was it here in Duval County?

PROSPECTIVE JUROR ANTHONY: No. It was in New Jersey.

MR. DE LA RIONDA: So how long ago was that?

PROSPECTIVE JUROR ANTHONY: I don't know. Maybe 30 years or something.

MR. DE LA RIONDA: Okay. Did you actually sit on the jury and deliberate? Did you go out and deliberate?

PROSPECTIVE JUROR ANTHONY: No, no, I didn't.

MR. DE LA RIONDA: Were you, like, an alternate?

PROSPECTIVE JUROR ANTHONY: For a while, yeah, yeah. They just said, okay, that's it. Everybody can go. They did what they had to do and that was it.

MR. DE LA RIONDA: Okay. So you didn't participate in any deliberations or --

PROSPECTIVE JUROR ANTHONY: No, no.

MR. DE LA RIONDA: Okay. Anything about that experience that you remember about in terms that impacted you one way or the other? Was it a good experience, bad experience?

PROSPECTIVE JUROR ANTHONY: It was -- it was all right. It was all right.

MR. DE LA RIONDA: Okay. You obviously have a much better judge today, don't we?

PROSPECTIVE JUROR ANTHONY: Well, it was a long time ago.

MR. DE LA RIONDA: Now, do you remember -- it was a criminal case or was it a civil case? Do you remember?

PROSPECTIVE JUROR ANTHONY: It was criminal.

MR. DE LA RIONDA: How do you feel about

the death penalty?

PROSPECTIVE JUROR ANTHONY: I'm not sure about that. That's just not --

MR. DE LA RIONDA: You're nodding -- you're shaking your head no?

Okay. Now you're doing something with your shoulders.

PROSPECTIVE JUROR ANTHONY: No.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR ANTHONY: I don't know.

MR. DE LA RIONDA: Okay. You don't know. I just needed to get a verbal answer from you. I saw movements but I'm trying to describe them.

Thank you, ma'am.

PROSPECTIVE JUROR ANTHONY: You're welcome.

MR. DE LA RIONDA: Miss Lowe, good afternoon.

PROSPECTIVE JUROR LOWE: Hello.

MR. DE LA RIONDA: I've got here you're a staff accountant, right?

PROSPECTIVE JUROR LOWE: Yes, sir.

MR. DE LA RIONDA: How long have you

been doing that for?

PROSPECTIVE JUROR LOWE: 12 years.

MR. DE LA RIONDA: And I think you're one of the individuals that also said you had a conflict too?

PROSPECTIVE JUROR LOWE: Only because my not being there puts a hardship on my coworkers 'cause we're a small department.

MR. DE LA RIONDA: All right. You realize that everybody's making sacrifices that you've heard from talking to everybody. We have Juror No. 1 here, who's going to be losing a lot --

PROSPECTIVE JUROR LOWE: They might appreciate me more when I get back.

MR. DE LA RIONDA: Yes, ma'am.

What are you passionate about in life, ma'am?

PROSPECTIVE JUROR LOWE: My family and my church.

MR. DE LA RIONDA: Okay. How do you feel about the death penalty?

PROSPECTIVE JUROR LOWE: I support it if the circumstances require it.

MR. DE LA RIONDA: Thank you, ma'am.

All right. Mr. Dieffenbach?

PROSPECTIVE JUROR DIEFFENBACH: Yes, sir.

MR. DE LA RIONDA: Did I get close? Would you mind standing, sir?

You were also one of the individuals who said you might have a conflict, correct?

PROSPECTIVE JUROR DIEFFENBACH: I only get paid if I work.

MR. DE LA RIONDA: Yes, sir. And you realize, there's other people in that predicament too, correct?

PROSPECTIVE JUROR DIEFFENBACH: Sure.

MR. DE LA RIONDA: Okay. I've got here your wife works --

PROSPECTIVE JUROR DIEFFENBACH: Professor at the college.

MR. DE LA RIONDA: Professor at college. And I guess that's why I had a question mark there. What does she teach?

PROSPECTIVE JUROR DIEFFENBACH: English lit.

MR. DE LA RIONDA: And is that at Florida State College or UNF or --

PROSPECTIVE JUROR DIEFFENBACH: FSCJ.

MR. DE LA RIONDA: FSCJ.

And you mentioned you had two boys, 23 and 24, I think, or --

PROSPECTIVE JUROR DIEFFENBACH: Yeah, 25.

MR. DE LA RIONDA: Or 25.

I didn't get what they did for a living.

PROSPECTIVE JUROR DIEFFENBACH: The oldest one's a mechanic, and the youngest one goes to the University of Florida.

MR. DE LA RIONDA: Did I understand you correctly to state that you were on a prior grand jury, federal grand jury?

PROSPECTIVE JUROR DIEFFENBACH: Correct.

MR. DE LA RIONDA: And did you say one and a half years?

PROSPECTIVE JUROR DIEFFENBACH: Correct.

MR. DE LA RIONDA: Now, they pay a lot better than the State grand juries, don't they?

PROSPECTIVE JUROR DIEFFENBACH: They still take your time.

MR. DE LA RIONDA: So you were actually -- were you having to go, like, once a week, once a month or how often would you

go?

PROSPECTIVE JUROR DIEFFENBACH: Two to three days every month for the first year, and then one to two days for the second part.

MR. DE LA RIONDA: How did you manage to do that financially?

PROSPECTIVE JUROR DIEFFENBACH: I didn't have a choice.

MR. DE LA RIONDA: Oh, okay. Did you enjoy it?

PROSPECTIVE JUROR DIEFFENBACH: I felt that I served my time.

MR. DE LA RIONDA: Well, you're honest. We appreciate that. But as a taxpayer and a citizen of this great country, I appreciate you doing that, as should all of us.

What do you do for fun?

PROSPECTIVE JUROR DIEFFENBACH: We travel a lot.

MR. DE LA RIONDA: Where do you go?

PROSPECTIVE JUROR DIEFFENBACH: We just got back from Alaska, and we were in Cuba earlier this year.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR DIEFFENBACH: I'm for it.

MR. DE LA RIONDA: Thank you, sir.

Mr. Moon, good afternoon, sir.

PROSPECTIVE JUROR MOON: Afternoon.

MR. DE LA RIONDA: You work at Merrill Lynch. What do you do at Merrill Lynch?

PROSPECTIVE JUROR MOON: I'm an operation analyst for Enterprise Covenants. It's hard to explain but --

MR. DE LA RIONDA: You make people -- do you make -- help people get money or --

PROSPECTIVE JUROR MOON: No. I don't touch the money part.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR MOON: I analyze the business side, make sure it flows correctly.

MR. DE LA RIONDA: How is the economy doing?

PROSPECTIVE JUROR MOON: So far so good.

MR. DE LA RIONDA: And what are you passionate about in life, sir?

PROSPECTIVE JUROR MOON: Whatever my wife tells me. It changes every week.

THE COURT: Smart guy.

MR. DE LA RIONDA: You're a smart and an honest man.

A PROSPECTIVE JUROR: I tell you, it took me 17 years to figure that out.

MR. DE LA RIONDA: How do you feel about the death penalty, sir?

PROSPECTIVE JUROR MOON: Circumstantial.

MR. DE LA RIONDA: Pardon me?

PROSPECTIVE JUROR MOON: Depends on the case, case by case.

MR. DE LA RIONDA: Thank you very much, sir.

Miss Arias, good afternoon, ma'am.

PROSPECTIVE JUROR ARIAS: Good afternoon.

MR. DE LA RIONDA: I've got something -- did you say you had a conflict or you did not have a conflict?

PROSPECTIVE JUROR ARIAS: I have a plane ticket to go down to Miami on Monday, unless there's a hurricane.

MR. DE LA RIONDA: Okay. Don't get going on the hurricane.

PROSPECTIVE JUROR ARIAS: My office is in Miami so I work part of the time from

home, and part of the time, I fly down to Miami.

MR. DE LA RIONDA: So you're actually -- you're the --

PROSPECTIVE JUROR ARIAS: Chief financial officer.

MR. DE LA RIONDA: And is it a family-run business?

PROSPECTIVE JUROR ARIAS: It's a family-owned business, construction and I've been their chief financial officer for 39 years.

MR. DE LA RIONDA: Wow. Congratulations.

So your issue is, I guess, Monday, if we had to go Monday, that's still to be decided.

PROSPECTIVE JUROR ARIAS: Right.

MR. DE LA RIONDA: You'd like to be in Miami.

PROSPECTIVE JUROR ARIAS: I would like to. If I cannot, I cannot.

MR. DE LA RIONDA: Okay. So you can agree to make a sacrifice, just --

PROSPECTIVE JUROR ARIAS: Yes.

MR. DE LA RIONDA: Everybody else has.

Okay.

What are you passionate about in life?

PROSPECTIVE JUROR ARIAS: I have six grandchildren and I have a 94-year-old mother that lives with me.

MR. DE LA RIONDA: Wow.

PROSPECTIVE JUROR ARIAS: And I married my college sweetheart after being separated for 23 years. And we love traveling and we love going to the movies every Friday night.

MR. DE LA RIONDA: Congratulations.

PROSPECTIVE JUROR ARIAS: Thank you.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR ARIAS: You know, it's funny. Until today, I thought I was all for it, and as I've sat here, I have sort of mixed emotions.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Miss Carpenter?

PROSPECTIVE JUROR CARPENTER: Yes, sir.

MR. DE LA RIONDA: How are you this afternoon?

PROSPECTIVE JUROR CARPENTER: Good. How

are you?

MR. DE LA RIONDA: Good.

You're engaged, correct?

PROSPECTIVE JUROR CARPENTER: Yes.

MR. DE LA RIONDA: And what is your husband to be doing for a living?

PROSPECTIVE JUROR CARPENTER: He works at Citibank but he's a full-time student.

MR. DE LA RIONDA: What is he studying to be?

PROSPECTIVE JUROR CARPENTER: An athletic director for a college.

MR. DE LA RIONDA: And are you, yourself, a student too?

PROSPECTIVE JUROR CARPENTER: Part-time student, yes, sir.

MR. DE LA RIONDA: What are you studying to be?

PROSPECTIVE JUROR CARPENTER: Dental hygienist.

MR. DE LA RIONDA: And did you mention -- did I have this right here in my notes? Your father's a correctional officer at Florida State Prison?

PROSPECTIVE JUROR CARPENTER: My

stepfather, yes.

MR. DE LA RIONDA: Stepfather. How long has he been doing that for?

PROSPECTIVE JUROR CARPENTER: Gosh, as long as I can remember. Probably at least the past seven or more years.

MR. DE LA RIONDA: Do you at all discuss what goes on there at all or is it more --

PROSPECTIVE JUROR CARPENTER: He and I don't speak anymore so no cases.

MR. DE LA RIONDA: What do you do for fun, other than obviously getting ready to get married? What do you for --

PROSPECTIVE JUROR CARPENTER: Planning our wedding at the end of the month, but me and my fiancé have Disney passes. So we do that a lot.

MR. DE LA RIONDA: Disney passes?

PROSPECTIVE JUROR CARPENTER: Yes.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR CARPENTER: It's a really tough decision. I think if the crime calls for it, unfortunately, it may be necessary.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Fitzpatrick, good afternoon, ma'am.

PROSPECTIVE JUROR FITZPATRICK: Hello.

MR. DE LA RIONDA: You're an analyst? Did I get that right?

PROSPECTIVE JUROR FITZPATRICK: Yeah, QT analyst.

MR. DE LA RIONDA: What do you do there?

PROSPECTIVE JUROR FITZPATRICK: We analyze mortgage -- like, previous mortgages for companies.

MR. DE LA RIONDA: Okay. And did you -- I've got here, family arrested. Somebody in the family was arrested, is that correct?

PROSPECTIVE JUROR FITZPATRICK: Yeah, a couple people.

MR. DE LA RIONDA: Okay. Was it here in Jacksonville, ma'am?

PROSPECTIVE JUROR FITZPATRICK: Yeah.

MR. DE LA RIONDA: Did you feel they were treated fairly?

PROSPECTIVE JUROR FITZPATRICK: I mean, I really can't say. I wasn't there. So, I mean, I assume they were.

MR. DE LA RIONDA: Okay. So you

didn't -- you weren't a witness or anything like that. You didn't come to court?

PROSPECTIVE JUROR FITZPATRICK: No.

MR. DE LA RIONDA: Okay. What are you passionate about in life?

PROSPECTIVE JUROR FITZPATRICK: Family, friends.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR FITZPATRICK: All for it.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Roberts?

PROSPECTIVE JUROR ROBERTS: Yes.

MR. DE LA RIONDA: Good afternoon, ma'am.

PROSPECTIVE JUROR ROBERTS: Good afternoon.

MR. DE LA RIONDA: You're a computer representative?

PROSPECTIVE JUROR ROBERTS: No. I'm a compliance representative.

MR. DE LA RIONDA: Compliance. My writing -- okay. What does that require?

PROSPECTIVE JUROR ROBERTS: We have

about 8,000 drivers with Landstar, and we make sure that they are in compliance with DOT recommendations.

MR. DE LA RIONDA: I gotcha.

What are you passionate about in life?

PROSPECTIVE JUROR ROBERTS: Anything Reality Housewife.

MR. DE LA RIONDA: Reality Housewife, is that --

PROSPECTIVE JUROR ROBERTS: Shows on television, yes.

Family.

MR. DE LA RIONDA: Okay. Let me just ask you. I have to ask this: Reality Housewife, does that mean it's real or it's -- like, there's real women talking or --

PROSPECTIVE JUROR ROBERTS: Well, I don't know. It's kind are hard to say. It's entertainment, you know.

MR. DE LA RIONDA: Okay. Gotcha. Okay. I was just curious as to what --

And how do you feel about the death penalty?

PROSPECTIVE JUROR ROBERTS: I don't

know.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR ROBERTS: I guess if the crime warranted it. But I just don't know.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

PROSPECTIVE JUROR ROBERTS: Sure.

MR. DE LA RIONDA: Miss Fleming, I think you had a conflict because you're a student, correct?

PROSPECTIVE JUROR FLEMING: Yes.

MR. DE LA RIONDA: And the judge already told you that it's actually one of the best civic lessons that you can tell your professor. Hey, I actually participated in this great country -- one of the great systems we have in this country, the criminal justice system.

PROSPECTIVE JUROR FLEMING: But I don't think my teachers will be too interested in civics.

MR. DE LA RIONDA: Where are these coming from?

PROSPECTIVE JUROR FLEMING: I'm going to

be honest. We don't learn civics at all in my classes.

MR. DE LA RIONDA: What school do you go to?

PROSPECTIVE JUROR FLEMING: I go to UNF.

THE COURT: Can I tell you something?

PROSPECTIVE JUROR FLEMING: I don't have those courses because my major is psychology and sociology so --

THE COURT: I don't care.

PROSPECTIVE JUROR FLEMING: I'm just saying.

THE COURT: Do me a big fat favor. And I'm dead, dead serious about this. I want you, at the next break, to write down the names of your professors. One of my best friends that I went to law school with -- and we have been friends forever -- is John Delaney. I plan on calling him and telling him that one of his students that he loves thinks that one or more of her professors would take a dim view to one of their students participating in any case, whether it's civil, criminal, this or that -- I don't care -- and that civics is not a high

priority with them just because maybe they're teaching psychology or economics or whatever. I get it. But I'm going to have that conversation.

PROSPECTIVE JUROR FLEMING: Okay.

THE COURT: I am dead serious. Please jot down their names.

PROSPECTIVE JUROR FLEMING: Okay.

THE COURT: I don't need phone numbers. I just need to know what course it is. You know, economics, for instance, Professor Smith. Psychology, Professor Cochran. I don't know. That's all I need.

PROSPECTIVE JUROR FLEMING: Okay.

THE COURT: Thank you.

PROSPECTIVE JUROR FLEMING: Uh-huh.

THE COURT: Now I'll calm back down. As you can see, that drives me out of my mind. I used to have a big long speech that I did when I was the guy downstairs qualifying you first thing in the morning or when you came up here about lawyers who didn't want to participate or be on the jury, doctors who didn't want to do it, professors who didn't want to do it and students who didn't want to

do it for a variety of different reasons, which is just -- it's not right. Everybody has the duty to be a juror and, quite frankly, ought to be proud to be here and participate.

But I'm killing time. Go ahead, Mr. De la Rionda. We need to get through this.

MR. DE LA RIONDA: Yes, Your Honor.

If I can just say something about that too, I know who he speaks of, your president at UNF. And Mr. Delaney was a prosecutor. He was, in fact, the chief assistant at one time. He was also the major so he's real big. But anyway, I'll just shut up.

So you're telling me that the professors are telling you that you have -- that they don't care about civics and they don't care --

PROSPECTIVE JUROR FLEMING: They don't say that exactly. But they say like, there's no excuses for you being absent. It's -- like, the way my class is set up, we don't have attendance every day, but you get, like, random participation points for assignments

on that day. So if I miss today, I don't know if she took attendance today or not. So those are points that I will miss, even if it excused because I will look at the syllabus just to be sure. Because classes just started two weeks ago. And she was like, there's no excuse. I can't say, oh, I had jury duty, and I get points for that day.

But I e-mailed her and she hasn't e-mailed me back so I don't know.

MR. DE LA RIONDA: Did you e-mail and say that you actually were subpoenaed in terms of you had to be here?

PROSPECTIVE JUROR FLEMING: Yeah. But today was a review day for an exam I have on Thursday. That was my problem, the exams. I don't care about missing class 'cause those are only, like, five minutes. My only problem is exams.

THE COURT: Well, when you say "exam," you mean test.

PROSPECTIVE JUROR FLEMING: Yeah.

THE COURT: 'Cause classes just started so we're not to exams yet, which that to means the end of the term.

PROSPECTIVE JUROR FLEMING: Well, yeah, a test. What they call "exam," which is, like, a big portion of my grade which is this week. That's the only problem I have. We already have a test.

MR. DE LA RIONDA: You e-mailed your professor and said, can I make it up, and she hasn't responded?

PROSPECTIVE JUROR FLEMING: No. She hasn't responded at all. I told her I have jury duty specifically. I said, hello, Professor such and such. I have jury duty on this day at this time. The review is this day at this time also. So is it possible if I can get the review e-mailed to me?

But she hadn't responded yet so I don't know.

MR. DE LA RIONDA: All right. I didn't mean to -- but I was just making sure I understood the issue about your conflict.

And what do you do for fun?

PROSPECTIVE JUROR FLEMING: We draw, watch movies.

MR. DE LA RIONDA: What are you trying to become? You're going to college, going to

UNF, which is a good school. What do you want to be?

PROSPECTIVE JUROR FLEMING: My major in sociology, psychology, minor in social work, minor in child psychology. I want to be a social worker. Once I get four years, then go back for a master's and then eventually become a clinical psychologist.

MR. DE LA RIONDA: Clinical psychologist.

PROSPECTIVE JUROR FLEMING: Uh-huh.

MR. DE LA RIONDA: Anything to do with forensics at all or not?

PROSPECTIVE JUROR FLEMING: I did want to do that but then I changed my mind.

MR. DE LA RIONDA: Why is that?

PROSPECTIVE JUROR FLEMING: Just because I was watching SVU, and it just seemed like too much work. It's so much dedication to it.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR FLEMING: I'm against it.

MR. DE LA RIONDA: Okay. Thank you very

much, ma'am.

Miss Madden, I think you mentioned --

Oh, I apologize. Miss Fleming, can I get you back up? You mentioned you had family also that was arrested. Was it here in Duval County?

PROSPECTIVE JUROR FLEMING: Yes, sir, it was.

MR. DE LA RIONDA: Did you feel they were treated fairly?

PROSPECTIVE JUROR FLEMING: I wouldn't know. Everybody else said they were treated unfairly. But I don't know. I wasn't there at the scene.

MR. DE LA RIONDA: So you don't have an opinion one way or the other?

PROSPECTIVE JUROR FLEMING: No.

MR. DE LA RIONDA: So if you got picked on the jury, you could set that aside? You wouldn't be thinking about your family being arrested?

PROSPECTIVE JUROR FLEMING: No, because that's not related to this case.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

I'm sorry, Miss Madden.

PROSPECTIVE JUROR MADDEN: That's okay.

MR. DE LA RIONDA: You mentioned about family. I think you said brother-in-law or something's in jail?

PROSPECTIVE JUROR MADDEN: He was.

MR. DE LA RIONDA: He was.

PROSPECTIVE JUROR MADDEN: He's out now. It's resolved.

MR. DE LA RIONDA: Okay. Did you feel he was treated unfairly or fairly?

PROSPECTIVE JUROR MADDEN: I think he was. I was in nursing school up in Boston, so I didn't really hear too much about it. And my sister was dating him at the time so --

MR. DE LA RIONDA: I gotcha. So it was a while ago and --

PROSPECTIVE JUROR MADDEN: Yeah.

MR. DE LA RIONDA: -- it was up in Boston?

PROSPECTIVE JUROR MADDEN: In Boston.

MR. DE LA RIONDA: Okay. So you can set that aside or can you --

PROSPECTIVE JUROR MADDEN: Yeah.

MR. DE LA RIONDA: Okay. What are you passionate about, ma'am?

PROSPECTIVE JUROR MADDEN: I think I'd have to say my animals. I have quite a few of them.

MR. DE LA RIONDA: The in-laws?

PROSPECTIVE JUROR MADDEN: My animals. No, not my in-laws.

MR. DE LA RIONDA: Sorry. Your animals.

PROSPECTIVE JUROR MADDEN: My animals.

MR. DE LA RIONDA: I gotcha. I apologize. We were talking about your brother-in-law. Sorry.

How do you feel about the death penalty, ma'am?

PROSPECTIVE JUROR MADDEN: I'm for the death penalty if the crime warrants it.

MR. DE LA RIONDA: Thank you very much, ma'am.

PROSPECTIVE JUROR MADDEN: You're welcome.

MR. DE LA RIONDA: Mr. Rivera?

PROSPECTIVE JUROR RIVERA-RAMOS: Yes.

MR. DE LA RIONDA: Good afternoon, sir.

You're in real estate, correct?

PROSPECTIVE JUROR RIVERA-RAMOS: Yes, sir.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR RIVERA-RAMOS: Since 2002.

MR. DE LA RIONDA: Now, are you actually involved in selling houses or do you --

PROSPECTIVE JUROR RIVERA-RAMOS: Buying apartment communities.

MR. DE LA RIONDA: And I'm just trying to look at my notes and make sure I've got this right. You've got one boy who's ten years old and is going to school?

PROSPECTIVE JUROR RIVERA-RAMOS: Right.

MR. DE LA RIONDA: Okay. What do you do for fun, sir?

PROSPECTIVE JUROR RIVERA-RAMOS: Golf, basketball, go to the beach.

MR. DE LA RIONDA: How do you feel about the death penalty, sir?

PROSPECTIVE JUROR RIVERA-RAMOS: I think it's a necessary evil.

MR. DE LA RIONDA: Thank you very much, sir.

Mr. Carr?

PROSPECTIVE JUROR CARR: Yes, sir.

MR. DE LA RIONDA: What do you do for fun?

PROSPECTIVE JUROR CARR: Family, fishing and got a place in the woods.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR CARR: For it.

MR. DE LA RIONDA: Thank you, sir.

Mr. Ponn?

PROSPECTIVE JUROR PONN: Yes, sir.

MR. DE LA RIONDA: You're an electrical something?

PROSPECTIVE JUROR PONN: No. I'm a machinist.

MR. DE LA RIONDA: Oh, okay. I was just trying to read my writing.

PROSPECTIVE JUROR PONN: My wife is an electronic assembler.

MR. DE LA RIONDA: That's where I had it mixed up. Thank you, sir.

And what are you passionate about in life, sir? What do you do for fun?

PROSPECTIVE JUROR PONN: When I was

young, I played a lot of soccer. I like sport but lately, getting old, can't do any more.

MR. DE LA RIONDA: What do you mean, old?

Okay. And how do you feel about the death penalty?

PROSPECTIVE JUROR PONN: I don't know but I would say the law is the law, you know. That's all I can say.

MR. DE LA RIONDA: Okay. Thank you, sir.

Miss Balbona, I think you stated -- I've got here in my notes, if I read correctly here, that you have one kid that's in law school, a boy that's in law school?

PROSPECTIVE JUROR BALBONA: Uh-huh.

MR. DE LA RIONDA: What is he trying to be? What kind of lawyer? Do you know? Does he want to do any criminal law?

PROSPECTIVE JUROR BALBONA: He doesn't think he wants to be a lawyer anymore. It's burned him out.

MR. DE LA RIONDA: What -- what law school is he in?

PROSPECTIVE JUROR BALBONA: Florida State.

MR. DE LA RIONDA: What year is he in?

PROSPECTIVE JUROR BALBONA: Third.

MR. DE LA RIONDA: So he's almost done.

PROSPECTIVE JUROR BALBONA: I know. But he's unhappy.

MR. DE LA RIONDA: Okay. Do you know why he decided to go to law school, other than his brother went to medical school so he decided to go to law school? Is that --

PROSPECTIVE JUROR BALBONA: Oh, no. He's the first one. He was a philosophy major and when he was young, he said he wanted to change the world. I said, well, how are you going to do that? He said, I'm going to be on the Supreme Court.

So it's burned him out.

MR. DE LA RIONDA: Gotcha.

And you also mentioned, I guess, you didn't have family here but you had an employee of yours that was arrested?

PROSPECTIVE JUROR BALBONA: Yes.

MR. DE LA RIONDA: Is that case still pending?

PROSPECTIVE JUROR BALBONA: No, couple years ago.

MR. DE LA RIONDA: Did you feel that employee was treated fairly?

PROSPECTIVE JUROR BALBONA: Oh, yes, she was. She got community service.

MR. DE LA RIONDA: Gotcha.

Was it related to the work or was it --

PROSPECTIVE JUROR BALBONA: No.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR BALBONA: I think it depends on how heinous the crime.

MR. DE LA RIONDA: Okay. Thank you very much, ma'am.

Mr. Bailey, good afternoon, sir.

PROSPECTIVE JUROR BAILEY: Good afternoon.

MR. DE LA RIONDA: I've got here you're a medical assistant, correct?

PROSPECTIVE JUROR BAILEY: Yes.

MR. DE LA RIONDA: And you're -- I can't read my writing -- something about title or something. Who -- no?

PROSPECTIVE JUROR BAILEY: Probably

being a tutor. I work as a medical assistant for the first half of the day and a tutor for the second half.

MR. DE LA RIONDA: Oh, I'm sorry. You're right. You were a tutor. So tell me what type -- who do you tutor?

PROSPECTIVE JUROR BAILEY: It can be anywhere from kindergarten through seniors in high school or college kids, if someone's taking classes for it.

MR. DE LA RIONDA: Any particular subject?

PROSPECTIVE JUROR BAILEY: Usually math and science for me.

MR. DE LA RIONDA: And what are you passionate about other than tutoring?

PROSPECTIVE JUROR BAILEY: Going to concerts and music festivals. I try to go to at least couple a year.

MR. DE LA RIONDA: You seen any of our other jurors that like to go to concerts and music festivals?

PROSPECTIVE JUROR BAILEY: Not that I can remember.

MR. DE LA RIONDA: How do you feel about

the death penalty?

PROSPECTIVE JUROR BAILEY: Opposed.

MR. DE LA RIONDA: Thank you, sir.

Miss Carroll, good afternoon, ma'am.

You're in the real estate business, correct?

PROSPECTIVE JUROR CARROLL: Correct.

MR. DE LA RIONDA: Okay. How long? Your whole career or --

PROSPECTIVE JUROR CARROLL: Pretty much.

MR. DE LA RIONDA: Okay. Now, you also mentioned that you had prior jury service, correct?

PROSPECTIVE JUROR CARROLL: Yes, sir.

MR. DE LA RIONDA: Criminal case?

PROSPECTIVE JUROR CARROLL: Yes, sir.

MR. DE LA RIONDA: And you were actually able to go out and deliberate, correct?

PROSPECTIVE JUROR CARROLL: Yes, sir.

MR. DE LA RIONDA: You were able to reach a verdict.

PROSPECTIVE JUROR CARROLL: Yes, sir.

MR. DE LA RIONDA: Did you enjoy that experience?

PROSPECTIVE JUROR CARROLL: Except for

the bad pictures I had to look at and things I had to hear. I did not enjoy that at all.

MR. DE LA RIONDA: But you did it as part of your obligation and responsibility.

PROSPECTIVE JUROR CARROLL: Yes, I did.

MR. DE LA RIONDA: What are you passionate about, ma'am?

PROSPECTIVE JUROR CARROLL: Cooking.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR CARROLL: I'm not sure.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Finally, Miss Dunker. You're a waitress? Did I get that right? Correct?

PROSPECTIVE JUROR DUNKER: Yes.

MR. DE LA RIONDA: Okay. And how long have you been doing that for?

PROSPECTIVE JUROR DUNKER: Seven years.

MR. DE LA RIONDA: And are you going to school too or you just waitressing?

PROSPECTIVE JUROR DUNKER: No, not right now.

MR. DE LA RIONDA: Okay. What are you

passionate about?

PROSPECTIVE JUROR DUNKER: I like to listen to music, go to concerts, camping.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR DUNKER: I honestly don't know.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Mr. Rhoden?

PROSPECTIVE JUROR RHODEN: Yes.

MR. DE LA RIONDA: How are you, sir?

PROSPECTIVE JUROR RHODEN: Wonderful.

MR. DE LA RIONDA: Great.

You mentioned you had a family member, I think, that was arrested, is that correct?

PROSPECTIVE JUROR RHODEN: Yes.

MR. DE LA RIONDA: Is that case still pending?

PROSPECTIVE JUROR RHODEN: Not that I know of.

MR. DE LA RIONDA: Do you believe that -- was it here in Duval County?

PROSPECTIVE JUROR RHODEN: Yes.

MR. DE LA RIONDA: Was that person

treated fairly, to your knowledge?

PROSPECTIVE JUROR RHODEN: They probably should have gotten more than what they got. Repeat offender but obviously didn't learn.

MR. DE LA RIONDA: And what are you passionate about, sir?

PROSPECTIVE JUROR RHODEN: My kids.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR RHODEN: I'm for it.

MR. DE LA RIONDA: Thank you, sir.

Mr. Kinsley (phonetic) -- or Kinsey?

PROSPECTIVE JUROR KINSEY: Yep.

MR. DE LA RIONDA: You mentioned that -- are you and your wife retired?

PROSPECTIVE JUROR KINSEY: Yes.

MR. DE LA RIONDA: Okay. Your wife's retired. And what's she doing now? I'm sorry. What is she retired from?

PROSPECTIVE JUROR KINSEY: She was a commercial service representative.

MR. DE LA RIONDA: And were you in the banking business before you retired?

PROSPECTIVE JUROR KINSEY: Financial services industry, yes.

MR. DE LA RIONDA: So what are you guys doing for fun?

PROSPECTIVE JUROR KINSEY: We travel when we can. We both like to read, both like to do yard work. And we like spend time with family and friends.

MR. DE LA RIONDA: How do you feel about the death penalty, sir?

PROSPECTIVE JUROR KINSEY: Support it.

MR. DE LA RIONDA: Thank you, sir.

Miss Rivera?

PROSPECTIVE JUROR RIVERA: Yes, sir.

MR. DE LA RIONDA: I think you stated you own your business with your husband?

PROSPECTIVE JUROR RIVERA: Uh-huh.

MR. DE LA RIONDA: What kind of business is it?

PROSPECTIVE JUROR RIVERA: Construction.

MR. DE LA RIONDA: And you have three kids and they're all in school?

PROSPECTIVE JUROR RIVERA: Yes, sir.

MR. DE LA RIONDA: Okay. What do you guys do for to fun other than obviously the kids?

PROSPECTIVE JUROR RIVERA: Disney.

MR. DE LA RIONDA: I'm sorry?

PROSPECTIVE JUROR RIVERA: Disney, Universal.

MR. DE LA RIONDA: Disney.

PROSPECTIVE JUROR RIVERA: Yes.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR RIVERA: In between, 50/50.

MR. DE LA RIONDA: In between?

PROSPECTIVE JUROR RIVERA: Yeah.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss Ludy?

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: I think you put -- or I've got on my notes here, you had a family member or members that were arrested, is that correct?

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: Is it out of Duval County?

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: And do you feel they were treated fairly?

PROSPECTIVE JUROR LUDY: Yes and no.

MR. DE LA RIONDA: Okay. So is there one person that had it more than once or was it two separate people?

PROSPECTIVE JUROR LUDY: Two separate people.

MR. DE LA RIONDA: Okay. Let's think about the one that was treated fairly. Anything about that experience that would interfere with you being able to sit as a juror?

PROSPECTIVE JUROR LUDY: No.

MR. DE LA RIONDA: The one that was treated unfairly, was that a person that's closer to you or --

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: Okay. Like, a brother or --

PROSPECTIVE JUROR LUDY: Brother.

MR. DE LA RIONDA: Okay. Is that case still pending?

PROSPECTIVE JUROR LUDY: One of his, yes.

MR. DE LA RIONDA: Okay. Is it a felony or misdemeanor?

PROSPECTIVE JUROR LUDY: It's going as a felony.

MR. DE LA RIONDA: Okay. Do you know who the judge is that's handling that case?

PROSPECTIVE JUROR LUDY: No.

MR. DE LA RIONDA: Okay. Has the case been filed?

PROSPECTIVE JUROR LUDY: Not yet.

MR. DE LA RIONDA: Okay. So it's one of those cases where the person, your brother, was arrested within the last month or so?

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: And the State Attorney's Office is a making decision as to what to charge or if to charge, making an investigation? Is that correct?

PROSPECTIVE JUROR LUDY: Yes, sir.

MR. DE LA RIONDA: Okay. Were you a witness to any of this?

PROSPECTIVE JUROR LUDY: No.

MR. DE LA RIONDA: Okay. Do you think you're going to be called as a character witness or anything, to your knowledge?

PROSPECTIVE JUROR LUDY: No.

MR. DE LA RIONDA: Okay. Have you -- is

your brother -- have you talked to him about it at all? I'm not trying to get into the terms of what was said. Have you found out what happened or didn't happen?

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: Okay. Your basis for believing that your brother was treated unfairly is based on what other people told you?

PROSPECTIVE JUROR LUDY: No.

MR. DE LA RIONDA: Your, yourself, heard it or saw it?

PROSPECTIVE JUROR LUDY: I -- just from what my brother said.

MR. DE LA RIONDA: Okay. All right. That case is still pending.

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: So I know no decision has been made. If you're sitting as a juror in this case, are you going to be thinking about your brother's case when you're trying to decide what the verdict should be in terms of whether this defendant is sentenced to death or life imprisonment without the possibility of role?

PROSPECTIVE JUROR LUDY: Probably.

MR. DE LA RIONDA: Do you think that would interfere?

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: Thank you very much, ma'am.

Oh, I apologize. I didn't ask you -- how do you feel about the death penalty?

PROSPECTIVE JUROR LUDY: I'm opposed.

MR. DE LA RIONDA: Thank you.

I've asked everybody so I don't want you to feel left out. What are you passionate about?

PROSPECTIVE JUROR LUDY: Dancing.

MR. DE LA RIONDA: Dancing. Okay.

Miss Scott?

PROSPECTIVE JUROR SCOTT: Yes. Hi.

MR. DE LA RIONDA: Good afternoon.

PROSPECTIVE JUROR SCOTT: Hi.

MR. DE LA RIONDA: Let's see. You're in the insurance business, correct?

PROSPECTIVE JUROR SCOTT: I am.

MR. DE LA RIONDA: Has that been your career for a while?

PROSPECTIVE JUROR SCOTT: Hostel

management, insurance.

MR. DE LA RIONDA: And I may have messed up my writing here. Did you say you had a relative in some way in the law?

PROSPECTIVE JUROR SCOTT: I have a nephew that's a corrections officer, and I have several church friends that are police officers.

MR. DE LA RIONDA: Any impact in you being able to be a fair juror as result of that?

PROSPECTIVE JUROR SCOTT: No.

MR. DE LA RIONDA: Okay. Now, you also mentioned you had family that had been arrested before, is that correct?

PROSPECTIVE JUROR SCOTT: A niece and a grandson.

MR. DE LA RIONDA: Okay. Are those cases pending at this time?

PROSPECTIVE JUROR SCOTT: No.

MR. DE LA RIONDA: Were they out of Duval County?

PROSPECTIVE JUROR SCOTT: Yes.

MR. DE LA RIONDA: Did you feel your niece and your grandson were treated fairly?

PROSPECTIVE JUROR SCOTT: Yes.

MR. DE LA RIONDA: Can you set that aside then?

PROSPECTIVE JUROR SCOTT: Yes.

MR. DE LA RIONDA: All right. What do you do for fun?

PROSPECTIVE JUROR SCOTT: Travel, love long walks on the beach with my hubby and passionate about my church.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR SCOTT: Very torn. I would say my answer would be I guess the situation, depending on the circumstances.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss Gress, can you see me over there?

PROSPECTIVE JUROR GRESS: Yes, sir.

MR. DE LA RIONDA: Did I get this right? You're a pet sitter and a vet tech?

PROSPECTIVE JUROR GRESS: Yes, sir.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR GRESS: Ten years.

MR. DE LA RIONDA: And you also had

prior jury service?

PROSPECTIVE JUROR GRESS: Yes, sir.

MR. DE LA RIONDA: Okay. Did you actually go back and deliberate?

PROSPECTIVE JUROR GRESS: Yes, sir.

MR. DE LA RIONDA: Okay. Did you enjoy that experience?

PROSPECTIVE JUROR GRESS: Yes, sir.

MR. DE LA RIONDA: Okay. What are you passionate about, ma'am?

PROSPECTIVE JUROR GRESS: Rescuing homeless animals.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR GRESS: Depends on the case.

MR. DE LA RIONDA: Thank you, ma'am.

PROSPECTIVE JUROR GRESS: Yes, sir.

MR. DE LA RIONDA: Mr. Trenschel?

PROSPECTIVE JUROR TRENSCHEL: Yes, sir.

MR. DE LA RIONDA: You mentioned you had a family member that had been arrested, correct?

PROSPECTIVE JUROR TRENSCHEL: Yes, sir.

MR. DE LA RIONDA: Is that a case that's

still pending?

PROSPECTIVE JUROR TRENSCHEL: No. It's long gone.

MR. DE LA RIONDA: Here out of Duval County?

PROSPECTIVE JUROR TRENSCHEL: No, sir. Idaho.

MR. DE LA RIONDA: Iowa?

PROSPECTIVE JUROR TRENSCHEL: Idaho.

MR. DE LA RIONDA: Idaho. Okay.

Did you feel they were treated fairly?

PROSPECTIVE JUROR TRENSCHEL: Yes, sir.

MR. DE LA RIONDA: What are you passionate about, sir?

PROSPECTIVE JUROR TRENSCHEL: Film work, my family, ministry work.

MR. DE LA RIONDA: What kind of films are you involved in making or --

PROSPECTIVE JUROR TRENSCHEL: Independent film, you know, been working on things for a while, just anything.

MR. DE LA RIONDA: Yes, sir.

I think you also are one of the individuals that you mentioned you have five kids, right? In terms of from a work/money

stand point, you have a conflict?

PROSPECTIVE JUROR TRENSCHEL: Yes, sir.

MR. DE LA RIONDA: And how do you feel about the death penalty, sir?

PROSPECTIVE JUROR TRENSCHEL: I think it is important to the structure of our republic that we, you know, make sure that it serves as a reminder of what can be taken from you when you take life from someone else.

MR. DE LA RIONDA: Thank you very much, sir.

Miss Lockwood, all the way over there at the end, can you still hear me over there?

PROSPECTIVE JUROR LOCKWOOD: Yes.

MR. DE LA RIONDA: Great.

I think -- I don't have here what your husband does for a living. I don't know if you told us or that I wrote it. I may have been negligent in not writing it.

PROSPECTIVE JUROR LOCKWOOD: He's a warehouse worker.

MR. DE LA RIONDA: And what are you passionate about in life, ma'am?

PROSPECTIVE JUROR LOCKWOOD: My boys.

MR. DE LA RIONDA: I think you said you

have two kids at home, correct?

PROSPECTIVE JUROR LOCKWOOD: Yes.

MR. DE LA RIONDA: How old are they?

PROSPECTIVE JUROR LOCKWOOD: 5 months and 11.

MR. DE LA RIONDA: Wow.

And how do you feel about the death penalty?

PROSPECTIVE JUROR LOCKWOOD: It depends on the crime.

MR. DE LA RIONDA: Thank you, ma'am.

I'm going to probably mispronounce your name. Gullatt?

PROSPECTIVE JUROR GULLATT: Uh-huh.

MR. DE LA RIONDA: I also didn't get what your husband does for a living.

PROSPECTIVE JUROR GULLATT: He's a restaurant manager.

MR. DE LA RIONDA: Tell me -- you're a preschool teacher?

PROSPECTIVE JUROR GULLATT: Uh-huh.

MR. DE LA RIONDA: What preschool?

PROSPECTIVE JUROR GULLATT: St. Paul's Preschool. It's a Christian school.

MR. DE LA RIONDA: Right.

Okay. And what do you do for fun, ma'am?

PROSPECTIVE JUROR GULLATT: Spend time with my kids.

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR GULLATT: It depends on the situation.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. King, you mentioned you, yourself, were arrested and also a niece or a family member?

PROSPECTIVE JUROR J. KING: Yes.

MR. DE LA RIONDA: Okay. Let's take yourself first. Was it here in Duval County?

PROSPECTIVE JUROR J. KING: I was extradited from Duval to Tennessee.

MR. DE LA RIONDA: So it was a case out of Tennessee. You were here. They did an extradition so you went back to Tennessee.

PROSPECTIVE JUROR J. KING: Yes.

MR. DE LA RIONDA: Is that a case still pending?

PROSPECTIVE JUROR J. KING: No.

MR. DE LA RIONDA: Was it resolved, I

gather, in some way?

PROSPECTIVE JUROR J. KING: Yes. It was dropped.

MR. DE LA RIONDA: Did you feel anything about bad about the way you were treated?

PROSPECTIVE JUROR J. KING: Not at all.

MR. DE LA RIONDA: Was Tennessee fair to you and Jacksonville fair to you?

PROSPECTIVE JUROR J. KING: Yes, sir.

MR. DE LA RIONDA: Okay. Anything about that experience that you think if you sat as a juror would interfere with you being able to --

PROSPECTIVE JUROR J. KING: Absolutely not.

MR. DE LA RIONDA: Then I think if I get it right, your niece also was arrested?

PROSPECTIVE JUROR J. KING: Correct.

MR. DE LA RIONDA: Was that here out of Duval County?

PROSPECTIVE JUROR J. KING: Nashville, Tennessee.

MR. DE LA RIONDA: Same case or different case?

PROSPECTIVE JUROR J. KING: No, it's

different.

MR. DE LA RIONDA: Anything about -- do your feel she was treated fairly?

PROSPECTIVE JUROR J. KING: I think she was, yes.

MR. DE LA RIONDA: Okay. Anything about that and you being able to sit as a juror? Are you going to be thinking about her case or your case?

PROSPECTIVE JUROR J. KING: Absolutely not.

MR. DE LA RIONDA: Okay. What are you passionate about, sir?

PROSPECTIVE JUROR J. KING: SEC football, golf. And I volunteer at the Florida Theatre.

MR. DE LA RIONDA: How do you feel about the death penalty, sir?

PROSPECTIVE JUROR J. KING: Sir?

MR. DE LA RIONDA: How do you feel about the death penalty?

PROSPECTIVE JUROR J. KING: I oppose it.

MR. DE LA RIONDA: Oppose it? Thank you, sir.

Miss Scarbrough.

I apologize. Let me go back to Miss Gullatt. I didn't ask you. Did you say you had been arrested before?

PROSPECTIVE JUROR GULLATT: Uh-huh.

MR. DE LA RIONDA: Would you mind standing up? I apologize. I didn't ask you about that.

Is that case still pending?

PROSPECTIVE JUROR GULLATT: No. It was years ago.

MR. DE LA RIONDA: Were you treated fairly?

PROSPECTIVE JUROR GULLATT: Uh-huh.

MR. DE LA RIONDA: Is that a "yes"?

PROSPECTIVE JUROR GULLATT: Yes.

MR. DE LA RIONDA: I see you nodding your head, but we need to get it on the record.

PROSPECTIVE JUROR GULLATT: Yes, I was treated fairly.

MR. DE LA RIONDA: Okay. You think you can set that aside if you're picked as a juror?

PROSPECTIVE JUROR GULLATT: Yes, sir.

MR. DE LA RIONDA: Thank you very much,

ma'am.

I apologize, Miss Scarbrough.

PROSPECTIVE JUROR SCARBROUGH: That's all right.

MR. DE LA RIONDA: You mentioned your husband was unemployed at this time?

PROSPECTIVE JUROR SCARBROUGH: That is correct.

MR. DE LA RIONDA: Prior to being unemployed, what did do for a living?

PROSPECTIVE JUROR SCARBROUGH: He was an assistant manager with Walgreens.

MR. DE LA RIONDA: And you are an art teacher?

PROSPECTIVE JUROR SCARBROUGH: Yes.

MR. DE LA RIONDA: Okay. Is that preschool?

PROSPECTIVE JUROR SCARBROUGH: No, Duval County. It's an elementary school.

MR. DE LA RIONDA: Elementary school. How long have you been doing that for?

PROSPECTIVE JUROR SCARBROUGH: 33 years.

MR. DE LA RIONDA: And what are you passionate about?

PROSPECTIVE JUROR SCARBROUGH: Faith,

family and football.

MR. DE LA RIONDA: Can't beat that.

And how do you feel about the death penalty?

PROSPECTIVE JUROR SCARBROUGH: It's punishment but not a deterrent.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Jordan, good afternoon.

PROSPECTIVE JUROR JORDAN: Hi.

MR. DE LA RIONDA: Your husband is self-employed? Did I get that right or --

PROSPECTIVE JUROR JORDAN: Yes.

MR. DE LA RIONDA: What does he do? What kind of business?

PROSPECTIVE JUROR JORDAN: Landscape.

MR. DE LA RIONDA: Landscape.

And you, yourself, work for Florida Blue?

PROSPECTIVE JUROR JORDAN: Yes.

MR. DE LA RIONDA: And you're an examiner there? Did I get that right?

PROSPECTIVE JUROR JORDAN: Yes.

MR. DE LA RIONDA: Okay. I was just trying to make sure my notes were right.

You mentioned your brother was arrested

and he's got a pending case?

PROSPECTIVE JUROR JORDAN: Yes.

MR. DE LA RIONDA: Is -- here in Duval County?

PROSPECTIVE JUROR JORDAN: Yes.

MR. DE LA RIONDA: So has that case actually been filed, the charges been filed? Your brother was arrested, correct? Make sure I understand.

PROSPECTIVE JUROR JORDAN: Right, two months ago.

MR. DE LA RIONDA: A few months ago.

Do you know if he's actually been formally charged by the State of Florida?

PROSPECTIVE JUROR JORDAN: Not exactly. He goes to court again on the 19th.

MR. DE LA RIONDA: Okay. Do you know what judge he's going to appear in front of?

PROSPECTIVE JUROR JORDAN: No.

MR. DE LA RIONDA: I'm sorry?

PROSPECTIVE JUROR JORDAN: No.

MR. DE LA RIONDA: Okay. Do you know if it's a felony or a misdemeanor?

PROSPECTIVE JUROR JORDAN: Felony, I think it is.

MR. DE LA RIONDA: Do you know anything about the case itself?

PROSPECTIVE JUROR JORDAN: Somewhat.

MR. DE LA RIONDA: Okay. Were you a witness to it?

PROSPECTIVE JUROR JORDAN: No.

MR. DE LA RIONDA: Okay. So all you know is based on what somebody else has told you?

PROSPECTIVE JUROR JORDAN: When we went to court last week.

MR. DE LA RIONDA: Oh, so you did show up? He did have -- appeared in court? And were you present for that hearing?

PROSPECTIVE JUROR JORDAN: Yes.

MR. DE LA RIONDA: Okay. Did you have to testify at all?

PROSPECTIVE JUROR JORDAN: No.

MR. DE LA RIONDA: Okay. Do you feel your brother was treated fairly or unfairly?

PROSPECTIVE JUROR JORDAN: No.

MR. DE LA RIONDA: No, he was treated fairly or he was treated unfairly?

PROSPECTIVE JUROR JORDAN: Well, it's still going on so I don't think he's being

tread fairly.

MR. DE LA RIONDA: Okay. You know, there's no right answer other than how you feel. I'm not trying to get you to say one thing or the other. I'm just making sure, I guess, as best I can to try to get from you how you feel about it and whether that would impact you being able to sit as a juror in determining fairness to both sides.

PROSPECTIVE JUROR JORDAN: It would.

MR. DE LA RIONDA: You think it would?

PROSPECTIVE JUROR JORDAN: It would.

MR. DE LA RIONDA: What are you passionate about, ma'am?

PROSPECTIVE JUROR JORDAN: Living.

MR. DE LA RIONDA: Living?

PROSPECTIVE JUROR JORDAN: Staying at home, living, trying not to get caught up in this wonderful, great system we have.

MR. DE LA RIONDA: And how do you feel about the death penalty?

PROSPECTIVE JUROR JORDAN: I totally disagree.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss Wright, good afternoon.

PROSPECTIVE JUROR WRIGHT: Hello.

MR. DE LA RIONDA: I've got here that you -- somebody -- you're in the mental health -- you're a mental health counselor?

PROSPECTIVE JUROR WRIGHT: No. I work in the -- I work for TRICARE. I'm a contractor for TRICARE Mental Health.

MR. DE LA RIONDA: Okay. Mental Health? Okay. So you're not a counselor yourself.

PROSPECTIVE JUROR WRIGHT: No.

MR. DE LA RIONDA: Okay. What do you do there?

PROSPECTIVE JUROR WRIGHT: Well, I'm the health care finder for the military.

MR. DE LA RIONDA: I gotcha.

PROSPECTIVE JUROR WRIGHT: I find mental health doctors, like, psychiatrists, psychologists.

MR. DE LA RIONDA: So you're involved with making sure that happens.

PROSPECTIVE JUROR WRIGHT: Making sure they have the care they need.

MR. DE LA RIONDA: How long have you been doing that for?

PROSPECTIVE JUROR WRIGHT: I've been -- seven years.

MR. DE LA RIONDA: Okay. What did you do before that?

PROSPECTIVE JUROR WRIGHT: I worked for Chase Bank. I did mortgage.

MR. DE LA RIONDA: Gotcha.

So you weren't in the military arena prior to that.

PROSPECTIVE JUROR WRIGHT: No. I'm a contractor for them.

MR. DE LA RIONDA: I gotcha. I gotcha. So you're an independent contractor.

PROSPECTIVE JUROR WRIGHT: Yes.

MR. DE LA RIONDA: And you mentioned, I think, you, yourself, was arrested, right?

PROSPECTIVE JUROR WRIGHT: Yes, I was.

MR. DE LA RIONDA: Was that here in Duval County?

PROSPECTIVE JUROR WRIGHT: Yes, it was.

MR. DE LA RIONDA: How long ago was it?

PROSPECTIVE JUROR WRIGHT: It was traumatic. It was 11 years ago and it was a mistake.

MR. DE LA RIONDA: Okay. Mistake?

PROSPECTIVE JUROR WRIGHT: So they dropped it.

MR. DE LA RIONDA: The police arrested you. The State Attorney's Office decided there wasn't enough evidence and made a decision not to prosecute you, correct?

PROSPECTIVE JUROR WRIGHT: That's true and it was that lady.

MR. DE LA RIONDA: Okay. Okay.

THE COURT: What lady?

MR. DE LA RIONDA: Miss Bynum?

PROSPECTIVE JUROR WRIGHT: I think she was the defendant. She was standing with me when I went up. It was a long time ago.

MR. DE LA RIONDA: 11 years ago? I think you may have her confused with somebody else.

PROSPECTIVE JUROR WRIGHT: She looks like her.

MR. DE LA RIONDA: Well, let's go ahead and get that out of the way. Are you going to be more favorable to her side now?

PROSPECTIVE JUROR WRIGHT: No.

MR. DE LA RIONDA: Because you believe she got you off?

THE COURT: If it's about looks, they will.

MR. DE LA RIONDA: Not even a close call.

No. All kidding aside, did you feel you were treated unfairly?

PROSPECTIVE JUROR WRIGHT: Oh, no. I was treated fairly 'cause they dropped it.

MR. DE LA RIONDA: Okay. Now that you know it wasn't Miss Bynum that represented you --

PROSPECTIVE JUROR WRIGHT: That's right.

MR. DE LA RIONDA: -- or that did whatever for you.

PROSPECTIVE JUROR WRIGHT: Right.

MR. DE LA RIONDA: Either way, can you set that aside?

PROSPECTIVE JUROR WRIGHT: Oh, yeah. I want to set it aside. I put it out of my mind. If you wouldn't have asked me about it today, I wouldn't have thought about it.

MR. DE LA RIONDA: Let's say you're one of the lucky individuals, and you get to sit in one of chose chairs, and you're listening to all the evidence. Are you going to be

able to render a verdict based on the law and the evidence that's presented to you?

PROSPECTIVE JUROR WRIGHT: If I'm explained the law, yes.

MR. DE LA RIONDA: Okay. Now, are you going to be able to do that, even though this is one of the attorneys there and you're going to be seeing her get up and ask you -- or argue, are you going to be thinking that, oh, she's the lady that got me off?

PROSPECTIVE JUROR WRIGHT: No. You determined that she wasn't the lady, so that wouldn't even be in my mind.

MR. DE LA RIONDA: Okay. All right. So you're able to completely disregard that.

PROSPECTIVE JUROR WRIGHT: That's right.

MR. DE LA RIONDA: All right. Now, tell us what you're passionate about.

PROSPECTIVE JUROR WRIGHT: I like yard work. I like football. I have a brother that played for the Jaguars. So I love football. I understand it. And I love sewing. I do a lot of sewing.

MR. DE LA RIONDA: Now that you threw the Jaguars in there, tell us your brother's

name.

PROSPECTIVE JUROR WRIGHT: Micah Ross.

MR. DE LA RIONDA: And what position?

PROSPECTIVE JUROR WRIGHT: He played wide receiver on the special teams. He went from the Jaguars to San Diego Chargers. Then he went to Carolina Panthers and he retired.

MR. DE LA RIONDA: Great.

And how do you feel about the death penalty?

PROSPECTIVE JUROR WRIGHT: I'm not confident and I don't really trust the system. So I -- I don't --

MR. DE LA RIONDA: You can't do it?

PROSPECTIVE JUROR WRIGHT: (Shakes head.)

MR. DE LA RIONDA: Can't participate?

PROSPECTIVE JUROR WRIGHT: No.

MR. DE LA RIONDA: Thank you very much, ma'am.

And finally, Mr. Cahill?

PROSPECTIVE JUROR CAHILL: Yes.

MR. DE LA RIONDA: You mentioned that, in terms of an arrest, you had family and you, yourself, were arrested, correct?

PROSPECTIVE JUROR CAHILL: No. I've never been arrested but friends and family, DUIs.

MR. DE LA RIONDA: I'm sorry. Okay.

All right. Anything about those that would impact you one way or the other?

PROSPECTIVE JUROR CAHILL: As far as I know, everything was fair.

MR. DE LA RIONDA: They were treated fairly? You can put that aside?

PROSPECTIVE JUROR CAHILL: Yes.

MR. DE LA RIONDA: Okay. And what are you passionate about, sir?

PROSPECTIVE JUROR CAHILL: Spending quality time with my dog and wife, maybe not in that order. I'm retired. My wife still works. So I try to make her happy.

MR. DE LA RIONDA: Yes, sir.

You're retired from what again?

PROSPECTIVE JUROR CAHILL: Air traffic control.

MR. DE LA RIONDA: Oh, that's right.

And how do you feel about the death penalty?

PROSPECTIVE JUROR CAHILL: I'm for it.

MR. DE LA RIONDA: Thank you very much, sir.

Can all of you give the defendant a fair trial in terms of rendering a verdict that -- we're going to briefly go over the law. The judge explained some of the law. Can you do that? Can you give the defendant a fair trial?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Can you give the State of Florida a fair trial too?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In other words, can you give both sides a fair trial?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In rendering a verdict in this case, can you listen to evidence and the law and arrive at a decision based on the evidence and the law?

PROSPECTIVE JUROR ISLAMOVIC: No.

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Some of you said no? Is that -- somebody yelled out no. Okay. And that's because what you've already expressed.

PROSPECTIVE JUROR ISLAMOVIC: I've kind of already made a decision just based off what was --

MR. DE LA RIONDA: All right. So let me make sure on the record, since you yelled no -- and I'm going to go back individually to all of you. But Mr. Islamovic?

PROSPECTIVE JUROR ISLAMOVIC: Yes, sir.

MR. DE LA RIONDA: Okay. You can't be fair, correct?

PROSPECTIVE JUROR ISLAMOVIC: No.

MR. DE LA RIONDA: All right.

Somebody else had their hand up?

Okay. Miss Duncan?

PROSPECTIVE JUROR DUNCAN: Yeah. I don't think I could -- I could understand the justice system, you know, what is being --

MR. DE LA RIONDA: Right. You already stated you couldn't --

PROSPECTIVE JUROR DUNCAN: Yeah. I just would not be able to.

MR. DE LA RIONDA: Okay. And was there somebody else?

Mr. Watkins?

PROSPECTIVE JUROR WATKINS: Yes.

MR. DE LA RIONDA: Is that because you're opposed to it?

PROSPECTIVE JUROR WATKINS: Yes.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR WATKINS: I couldn't support the death penalty.

MR. DE LA RIONDA: Okay. All right. I'm going to get into that. I was just talking about in general but that's fine.

Judge Healey already told you about the aggravators which the State has to prove. We've got to prove them beyond a reasonable doubt. Do all of you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. Are you going to be able to follow the law about what beyond a reasonable doubt is and is not?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. Do you understand that no matter what, everybody's entitled to a trial? Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. Anybody have an issue with that?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: And you understand the State has the burden in terms of proving the aggravators beyond a reasonable doubt. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Do you understand the defendant has no burden at all? In other words, the defendant can decide not to testify, and you can't hold that against him. Do all of you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does anybody have an issue with that?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Anybody?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: You do, Mr. Islamovic, right?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Is that correct?

Okay. Anybody else? Is that a collective -- oh.

THE COURT: Mr. Ingram.

MR. DE LA RIONDA: Mr. Ingram?

PROSPECTIVE JUROR INGRAM: I think I

could give a fair trial if it was the initial trial to where I was hearing both sides of the story, but since a guilty verdict has already been handed down, I think that would influence my decision.

MR. DE LA RIONDA: Okay. All right. Thank you, sir.

Do all of you -- I'm sorry. Do we need to take a break, Your Honor?

THE COURT: Somebody's phone's going --

THE BAILIFF: We've got a phone over here.

THE COURT: Go ahead.

MR. DE LA RIONDA: Do you understand speculation plays no part in your decision at all? Can everybody agree with that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does anybody have an issue with that?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: People sometimes speculate about things, correct?

A PROSPECTIVE JUROR: Right.

MR. DE LA RIONDA: Okay. You understand sympathy and bias are not part of the

process?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Do you agree with that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Anybody have an issue with that?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: So your verdict should not be influenced by feelings of prejudice or bias or sympathy. Your verdict must be based on the evidence and the law contained in the instructions that you will be provided. And so you can't make your decision because you're sorry for anyone or are angry at anyone. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Can everybody agree with that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does everybody agree that the law applies equally to everybody?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: No? All right. We've got somebody back there shaking their

head. Is that Miss --

PROSPECTIVE JUROR JORDAN: Jordan.

MR. DE LA RIONDA: I'm sorry?

THE COURT: Jordan.

MR. DE LA RIONDA: Miss Jordan, okay. You've already stated you think -- so you don't believe the system is fair, correct?

PROSPECTIVE JUROR JORDAN: Not at all.

MR. DE LA RIONDA: Okay. Other than Miss Jordan, anybody else?

All right. Let's go ahead and get Miss Jordan.

And you have -- Miss Fleming, you don't think the system is fair?

PROSPECTIVE JUROR FLEMING: No.

MR. DE LA RIONDA: Okay. Is that -- fair against who?

PROSPECTIVE JUROR FLEMING: Like, what are you asking me? Other people are -- have more privilege than others.

MR. DE LA RIONDA: Okay. Well, my question was does everybody agree that the law applies equally to everybody, no matter what?

PROSPECTIVE JUROR FLEMING: To me, it

doesn't 'cause I see -- like, people have more privilege than other people.

MR. DE LA RIONDA: Okay. And you believe it's a matter of race?

PROSPECTIVE JUROR FLEMING: Yes.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR FLEMING: Depending on the situation.

MR. DE LA RIONDA: Okay. And, Miss Mason, do you also believe that? Is that correct?

PROSPECTIVE JUROR MASON: Yes, I do.

MR. DE LA RIONDA: Okay. Was there anybody else?

PROSPECTIVE JUROR BOSS: Me too.

MR. DE LA RIONDA: And that is Mr. Boss. Okay. Anybody else?

PROSPECTIVE JUROR ASHLEY: I believe it's a matter of wealth.

MR. DE LA RIONDA: You think it's a matter of wealth?

THE COURT: Who's that?

MR. DE LA RIONDA: Mr. Ashley.

THE COURT: Okay.

MR. DE LA RIONDA: Okay. Is that

correct, Mr. Ashley?

PROSPECTIVE JUROR ASHLEY: Yes.

MR. DE LA RIONDA: All right. But do all of you agree that the law applies equally to everybody?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does everybody agree with that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Correct?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: So it shouldn't matter what the person's race or gender is, is that correct?

THE PROSPECTIVE JURORS: Correct.

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Correct?

A PROSPECTIVE JUROR: Shouldn't.

MR. DE LA RIONDA: That is for the victim either. If you find out that the victims in this case were both African-American or black individuals, does that matter?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: Should it matter?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: How about what part of town the person lives in?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: Does that matter?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: You think there's a law that applies to people who live in Mandarin versus people that live out at the beach versus people that live out in the north side?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: We agree that the law should apply equally to everybody, correct?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Other than the ones that have already mentioned something -- I believe it was Mr. Ashley, Mr. Ingram, Miss Mason and Miss Jordan -- anybody else disagree with that in terms of the law in terms of how people are treated?

I think I mentioned you -- I'm sorry. Did I say Miss Fleming? I apologize.

PROSPECTIVE JUROR ROBERTS: It should be applied equally. It depends on who's

enforcing it. That's where you run into problems.

MR. DE LA RIONDA: And you're Miss?

PROSPECTIVE JUROR ROBERTS: Roberts.

MR. DE LA RIONDA: Roberts.

So you think the law decides to pick on certain individuals?

PROSPECTIVE JUROR ROBERTS: No. Well, I'm -- I'm 62 years old. So my thing is who you are makes a difference. That's the way I've seen it growing up, especially in the deep south.

MR. DE LA RIONDA: Yes, sir -- yes, ma'am. But -- so do you then believe that a victim -- that a black individual cannot be a victim of a murder?

PROSPECTIVE JUROR ROBERTS: When you say a black --

MR. DE LA RIONDA: A black man can't be a victim of a murder. Do you believe a black man can be -- an African-American can be a victim of a murder?

PROSPECTIVE JUROR ROBERTS: Can be a victim of a murder?

MR. DE LA RIONDA: Yes, ma'am.

PROSPECTIVE JUROR ROBERTS: I'm not sure what you're asking.

MR. DE LA RIONDA: My question is do you agree that a victim can be black, white, Hispanic, male, female?

PROSPECTIVE JUROR ROBERTS: Absolutely.

MR. DE LA RIONDA: Okay.

PROSPECTIVE JUROR ROBERTS: I think that is the case. That can happen. But it all goes back to that's just my belief, who you are and how much money you have.

MR. DE LA RIONDA: Yes, ma'am.

PROSPECTIVE JUROR ROBERTS: That's just --

MR. DE LA RIONDA: Here's my question, to make sure -- I'm going to ask you specifically, and I'd ask the rest of the jurors to listen. My question is do you believe that if the individual is -- the victim is black, in this case two black men, that the person who murdered them should not get the death penalty because the victim is black?

PROSPECTIVE JUROR ROBERTS: It depends -- no. It depends on the situation.

MR. DE LA RIONDA: Right. So you agree that a victim -- if that victim happens to be black, the person who murdered could still get the death penalty.

PROSPECTIVE JUROR ROBERTS: That's true.

MR. DE LA RIONDA: Right?

PROSPECTIVE JUROR ROBERTS: Yes.

MR. DE LA RIONDA: Do you understand what I'm asking?

PROSPECTIVE JUROR ROBERTS: I understand exactly.

MR. DE LA RIONDA: Does everybody understand the question?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In other words, do you automatically assume that because the victim is black, then we shouldn't seek the death penalty because the victim happens to be black?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: Do you agree that that would be unfair?

THE PROSPECTIVE JURORS: Yes.

A PROSPECTIVE JUROR: Right.

MR. DE LA RIONDA: Correct?

Would you agree with that, Miss --

THE COURT: Roberts.

MR. DE LA RIONDA: Roberts. You agree with that?

PROSPECTIVE JUROR ROBERTS: Yes.

MR. DE LA RIONDA: How about you, Miss Mason? Do you agree with that?

PROSPECTIVE JUROR MASON: Yeah, I agree with it but, I mean...

MR. DE LA RIONDA: Okay. How about you, Miss Fleming?

PROSPECTIVE JUROR FLEMING: Yeah, I agree with it.

MR. DE LA RIONDA: You agree a black individual's life is worth as much as a white person's, right?

PROSPECTIVE JUROR FLEMING: Yeah. That's not what I was implying when you first asked the --

MR. DE LA RIONDA: Okay. I'm just trying to find out what you believe or don't. You believe the system is unfair to certain --

PROSPECTIVE JUROR FLEMING: Yeah, certain individuals. I believe the system is

unfair. But the way you just put it is different from how you were saying it prior.

MR. DE LA RIONDA: Okay. All right. I appreciate you clarifying that.

Anybody else have an issue about that, that a black person can be a murder victim and that because a person is black, the State should not seek the death penalty?

PROSPECTIVE JUROR FOSTER: I'm sorry. I don't --

MR. DE LA RIONDA: I apologize, Miss Foster.

PROSPECTIVE JUROR FOSTER: That's okay. No.

MR. DE LA RIONDA: You want me to repeat the question?

PROSPECTIVE JUROR FOSTER: No. I understand the question. Kind of to add on to what you're saying, I was wondering in cases like this, not necessarily race, but it's the theory of nature versus nurture. Do you-all look at the person's childhood or was it a planned murder or was it something that was --

MR. DE LA RIONDA: We can't get into the

specifics. You're going to hear about that once you -- if you're picked as a juror.

PROSPECTIVE JUROR FOSTER: Does the attorneys -- what do you-all look at, the childhood or, what was going on in their life at the present time? Is that looked upon?

MR. DE LA RIONDA: You're going to hear the facts when you --

PROSPECTIVE JUROR FOSTER: At trial. Okay. All right.

MR. DE LA RIONDA: Did I -- have I answered your question?

PROSPECTIVE JUROR FOSTER: You did. You did. Thank you.

MR. DE LA RIONDA: Thank you.

Anybody else have any issue about that?

All right. I used to ask this question. I've been doing it so long that I used to ask people if they ever heard of CSI. Now I ask it opposite. Who has not heard about CSI?

Right. Everybody's heard about it.

Law & Order?

A PROSPECTIVE JUROR: Yes.

MR. DE LA RIONDA: Now, I used to ask people if you ever watched it, and I'm not

going to ask you because a lot of people in some way have watched it.

Do all of you understand that's not the real world?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: I mean, seriously. Do you understand that's not the real world?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: That in the real world, they don't get from the deceased victim's eyeball, like, a video of what happened, stuff like that. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does everybody agree that's not the real world?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Nowadays, we also -- I grew up watching Perry Mason. That's tells you how old I am. Anybody here heard of Perry Mason?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: But nowadays, aside from CSI and Law & Order, we've got all these shows, people who are either lawyers or claim

to know the law that are their mouthpieces, I call them, or pundits that talk about the law and what the law should be and all that. You know what I'm talking about, on all the stations? You heard of it? Anybody watch those shows?

Most people? Do you believe everything they say?

PROSPECTIVE JUROR WATSON: No.

MR. DE LA RIONDA: No. Who said no?

Why is that, Mr. Watson?

PROSPECTIVE JUROR WATSON: I just know it's all scripted.

MR. DE LA RIONDA: Mr. -- Miss Lockwood, where are you back there? Do you believe everything those people say on TV?

PROSPECTIVE JUROR LOCKWOOD: No.

MR. DE LA RIONDA: Why is that?

PROSPECTIVE JUROR LOCKWOOD: (Inaudible) scripted.

MR. DE LA RIONDA: Scripted?

PROSPECTIVE JUROR LOCKWOOD: Yes.

MR. DE LA RIONDA: Okay.

How about you, Mr. West? Do you believe that stuff?

PROSPECTIVE JUROR WEST: No.

MR. DE LA RIONDA: No?

PROSPECTIVE JUROR WEST: Do you believe everything you read on the Internet?

MR. DE LA RIONDA: Okay. I'm glad you brought that up because now we have Facebook, Twitter and all that stuff on the Internet, right? Do all of you -- do you believe that, everything that's written on there, Mr. West?

PROSPECTIVE JUROR WEST: I don't believe it.

MR. DE LA RIONDA: Okay. Here's my question is all that stuff that you've seen or heard about on those shows and all that, can you agree to leave that outside the courtroom?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In rendering a verdict?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Isn't that what's important?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: What the judge tells you in terms of what the law is and what the

evidence is?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. Is somebody going to have a problem with that? I mean, dig deep down inside your soul and inside yourself and say, hold on, if I'm sitting as a juror, you mean I can't take into account what they had on Law & Order, or I can't take into account what this guy said about the law? Somebody going to have problem doing that, setting that aside?

Somebody here's got to be one of those junkies that loves to watch those shows, right? I mean, I don't want you to fess up. But you agree that there are some people who really -- like, they're -- like, they're captured with that stuff? You know, they can't let it go? Right?

Here's my question: Those of you that applies to -- I'm not asking for a show of hands -- can you agree to leave that outside the courtroom?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Can we agree that everybody has their opinion on almost

anything?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Right?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And we all understand we don't ask people who, you know, have lived in a cave or be a hermit or lived on an island somewhere and not be exposed to stuff. So everybody has formed opinions either through their life experiences, through family, et cetera. We've all formed opinions about things, haven't we?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Everybody agree with that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In life, have we learned that sometimes our opinions may not be accurate?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And who said yes?

Let's pick on you, Miss --

PROSPECTIVE JUROR RHONE: Rhone.

MR. DE LA RIONDA: -- Rhone. And how have you decided that sometimes your opinions

aren't accurate?

PROSPECTIVE JUROR RHONE: Because it's not a fact.

MR. DE LA RIONDA: Because you find out the truth somewhere else, correct?

PROSPECTIVE JUROR RHONE: Yes, absolutely.

MR. DE LA RIONDA: Everybody agree with her?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: How about sometimes we form assumptions on things? Correct?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Pick, again, on you, Miss Rhone. Right? You agree with that?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Sometimes those assumptions aren't accurate, correct?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Let me ask you brief questions about attorneys. How do you feel about them? Anybody have an issue with attorneys?

Go ahead. You're over there, Miss Wright -- or Miss Jordan. Excuse me.

PROSPECTIVE JUROR JORDAN: I'm Mrs. Jordan.

MR. DE LA RIONDA: Huh?

PROSPECTIVE JUROR JORDAN: I said I'm Mrs. Jordan.

MR. DE LA RIONDA: Miss Jordan, you're the one. Do you have issues with attorneys?

PROSPECTIVE JUROR JORDAN: I think they're liars.

MR. DE LA RIONDA: They're liars? Okay.

All right. We're all entitled -- you know, the greatest thing we have in this country --

PROSPECTIVE JUROR JORDAN: Because of experience and facts.

MR. DE LA RIONDA: No, no, ma'am. But the greatest thing we have in this country no matter what, everybody's got the right -- the First Amendment. We've got the right to speak. It may be completely off base, but we have the right to speak. Right? Don't we? Don't you agree with that?

PROSPECTIVE JUROR JORDAN: (Inaudible).

MR. DE LA RIONDA: Pardon me?

PROSPECTIVE JUROR JORDAN: I said I'm

glad you said it that way.

MR. DE LA RIONDA: Right? So you've already formed opinions about attorneys that they're all liars, correct?

PROSPECTIVE JUROR JORDAN: I didn't say all. Some.

MR. DE LA RIONDA: Oh, okay. And who are those some? Because you're going to be listening to attorneys on both sides here, so if we get up and ask you -- and ask something and you're going to go, oh, that's a liar, scratch that thing out, right? Disregard whatever they say.

Let me ask you this way: Does anybody agree with her?

PROSPECTIVE JUROR MASON: I feel like if you're getting paid as a lawyer, you're going to do what you're supposed to do and try to win that case or whatever.

MR. DE LA RIONDA: No matter what.

PROSPECTIVE JUROR MASON: Yeah. But Public Defenders, they don't really -- I don't think they put forth the most effort that they should to try to help the person or whatever the case is.

MR. DE LA RIONDA: And you're -- for the record, you're Miss Mason, correct?

PROSPECTIVE JUROR MASON: Yeah.

MR. DE LA RIONDA: Okay. All right. Well, here, I'm not going to get into a debate about attorneys. But here's my question. You're going to have attorneys on both sides. Miss Hazel and I are attorneys. We're prosecutors but we're attorneys. Miss Bynum and Mr. Williams are both attorneys too. And the judge is -- technically, he's a judge but he's an attorney too. In fact, you've got an attorney as one of the jurors too.

Do you understand that we do the best we can based on the evidence and on the law?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. And can everybody agree to listen to the evidence and the law?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Correct?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Aside from maybe Miss Jordan and Miss Mason, does anybody have

an issue in terms of the fact that there are going to be attorneys representing both sides? Anybody else?

All right. Let's go, if we can, on the left side. And, Mr. Leibowitz, we're going to count you out of this because you're an attorney, and you know a lot of other attorneys.

But over here on this side, does anybody know an attorney?

All right. A few of you, right?

Anybody know attorneys that represent or handle criminal matters?

Okay. Mr. Ingram, who do you know, sir?

PROSPECTIVE JUROR INGRAM: I'm assuming he's a criminal attorney. He's one of the partners for Moffitt & Baker. His name's Phillip Moffitt.

MR. DE LA RIONDA: Okay. And how do you know him?

PROSPECTIVE JUROR INGRAM: He was employee of mine for about two and a half years.

MR. DE LA RIONDA: He was employee of you before he became an attorney?

PROSPECTIVE JUROR INGRAM: Yes. When he got out of law school, he was working to pay back a lot of his law bills and he worked for my company.

MR. DE LA RIONDA: So he was good man, I gather?

PROSPECTIVE JUROR INGRAM: Phenomenal guy. I still keep in touch with him.

MR. DE LA RIONDA: Because he became an attorney, did he become a bad person?

PROSPECTIVE JUROR INGRAM: No, sir.

MR. DE LA RIONDA: So being an attorney is still an honorable profession.

PROSPECTIVE JUROR INGRAM: He's one of our -- he's one of the most straight-up people you'll ever meet.

MR. DE LA RIONDA: Okay. All right.

Okay. Anybody else over on this side that said -- Miss Arias, yes, ma'am.

PROSPECTIVE JUROR ARIAS: Through the course of business, I deal with a lot of attorneys down in Miami.

MR. DE LA RIONDA: And I realize Miami's a different city, but it's still in the United States of America.

PROSPECTIVE JUROR ARIAS: Yes.

MR. DE LA RIONDA: Are they honorable people down there?

PROSPECTIVE JUROR ARIAS: So far that I've met, yes.

MR. DE LA RIONDA: Okay. All right. How about Mr. -- I'm trying to find you. Is it Mr. Bailey?

PROSPECTIVE JUROR BAILEY: Yes.

MR. DE LA RIONDA: Okay. Who do you know here in town?

PROSPECTIVE JUROR BAILEY: Brooke (inaudible).

(Brief interruption by the reporter.)

MR. DE LA RIONDA: Would you mind standing up? I apologize.

PROSPECTIVE JUROR BAILEY: Brooke Gasson. She works here. She just started, I think, a couple weeks ago.

MR. DE LA RIONDA: Okay. Started where?

PROSPECTIVE JUROR BAILEY: Well, she works here at this courthouse. I think she said something about misdemeanors.

MR. DE LA RIONDA: Okay. Do you have an occasion to talk about the law with her?

PROSPECTIVE JUROR BAILEY: Yeah. I have in the past.

MR. DE LA RIONDA: Okay. Anything influence you one way or the other to take one side versus the other as a result of that?

PROSPECTIVE JUROR BAILEY: Not that I can think of.

MR. DE LA RIONDA: Okay. Thank you, sir.

All right. Anybody else over on that side?

Mr. -- is it Rhoden? Yes, sir. Would you mind standing up, sir?

Who do you know, sir?

PROSPECTIVE JUROR RHODEN: Three family members, Steven and Jenifer Worley and then Tyler Pettingill.

MR. DE LA RIONDA: Okay. Anything about that that you feel you would be unfair?

PROSPECTIVE JUROR RHODEN: No.

MR. DE LA RIONDA: Okay. Are they honorable people?

PROSPECTIVE JUROR RHODEN: Of course.

MR. DE LA RIONDA: How about over there?

Mr. Cahill, yes, sir.

PROSPECTIVE JUROR CAHILL: I know a C. Cole Smith who's an attorney and Cynthia LaBuz is a neighbor. She's an attorney.

MR. DE LA RIONDA: Do you have occasion to discuss the law with them?

PROSPECTIVE JUROR CAHILL: Yeah.

MR. DE LA RIONDA: Okay. Do you think that would interfere with you being able to sit as a juror?

PROSPECTIVE JUROR CAHILL: No, I don't.

MR. DE LA RIONDA: All right. Thank you, sir.

Those that stated you have family members or knew attorneys, do you understand when you're picked as a juror, you can't go and say, hey, I'm on this case, tell me what the real deal here is; what does the law say about -- you understand you can't reach out to them, correct?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. All right. Let me go over to this side in terms of people who knew attorneys that practice criminal law or just attorneys in general.

Anybody?

Okay. Let's get the front row over here -- hold on. Let me get my seating chart here. Miss Craw, you didn't have your hand up, did you?

PROSPECTIVE JUROR CRAW: No, sir.

MR. DE LA RIONDA: Miss Laurence, you had your hand up. Who do you know?

PROSPECTIVE JUROR LAURENCE: Malcolm Anthony, who works in town, and my sister-in-law, who lives in Gainesville.

MR. DE LA RIONDA: Anything about knowing them that you think would interfere?

PROSPECTIVE JUROR LAURENCE: No.

MR. DE LA RIONDA: Bless you.

Mr. Thomas, who do you know, sir?

PROSPECTIVE JUROR T. KING: Know several friends who are attorneys but the most --

MR. DE LA RIONDA: I called you "Mr. Thomas." I apologize. Mr. King. I'm sorry.

PROSPECTIVE JUROR T. KING: My sister-in-law is Judge Marcia Howard.

MR. DE LA RIONDA: Okay. Yes. I know her well.

PROSPECTIVE JUROR T. KING: As well as some friends, Hank Coxe and --

MR. DE LA RIONDA: Anything about that that you think would -- you'd have one way or the other?

PROSPECTIVE JUROR T. KING: No.

MR. DE LA RIONDA: Thank you very much, Mr. King.

Miss Major, did you have your hand up too?

PROSPECTIVE JUROR MAJOR: No, sir.

MR. DE LA RIONDA: You all right? Do you need something? Do you need a --

THE COURT: You need Kleenex? We've got some.

MR. DE LA RIONDA: Okay. Second row, I think we had somebody. Miss Petschke, yes, ma'am. Who do you know?

PROSPECTIVE JUROR PETSCHKE: Yeah. Albert Duval, attorneys and, you know, we had criminal lawyer for our case.

MR. DE LA RIONDA: Sure.

PROSPECTIVE JUROR PETSCHKE: I don't remember the name 'cause it was somebody in New York.

MR. DE LA RIONDA: Yes, ma'am.

Anything about that experience that you think would interfere with you being able to sit as a juror?

PROSPECTIVE JUROR PETSCHKE: Not at all.

MR. DE LA RIONDA: Okay. Anybody else in that row?

How about the third row, fourth row, fifth row?

Fourth row, Miss Burkholder?

PROSPECTIVE JUROR BURKHOLDER: Yes. I know somebody that --

MR. DE LA RIONDA: Would you mind standing up? I can hear you fine but this lady over here --

PROSPECTIVE JUROR BURKHOLDER: I know an attorney down in Miami but family law.

MR. DE LA RIONDA: Anything about that that you think would interfere?

PROSPECTIVE JUROR BURKHOLDER: No.

MR. DE LA RIONDA: Anybody else?

Yes, sir, Mr. -- is it Dempsey?

PROSPECTIVE JUROR DEMPSEY: Yes. Rod Schloth is a friend of mine. He's primarily a title attorney. And Judge Mack and Karen

are neighbors. So they've been over a few times.

MR. DE LA RIONDA: Anything about that experience --

PROSPECTIVE JUROR DEMPSEY: No.

MR. DE LA RIONDA: I know who you're talking about. The Karen is Karen Mathis -- correct? -- Judge Mathis's wife.

PROSPECTIVE JUROR DEMPSEY: (Inaudible).

MR. DE LA RIONDA: Thank you, sir.

(Brief interruption by the reporter.)

MR. DE LA RIONDA: Would you mind repeating your answer? I heard but -- your last answer, Mr. Dempsey.

PROSPECTIVE JUROR DEMPSEY: Yes. I just said that Judge Mack and Karen are neighbors, and they've been over to our house a few times.

MR. DE LA RIONDA: When you called Judge Mack -- Mack Mathis you're talking about.

PROSPECTIVE JUROR DEMPSEY: Excuse me.

MR. DE LA RIONDA: No, no. Making sure the record's clear.

Anybody else that I've overlooked?

Anybody ever been a witness in a case,

actually had to come to court for a hearing or to testify or in a deposition? Let me go over on the left side first. Anybody?

Okay. Mr. Leibowitz, yes, sir.

PROSPECTIVE JUROR LEIBOWITZ: Just in a deposition as an expert.

MR. DE LA RIONDA: Okay. Anybody else?

Second row, Miss Arias, yes, ma'am.

PROSPECTIVE JUROR ARIAS: I've done several depositions related to work.

MR. DE LA RIONDA: Okay. Anybody else on that side over there?

Miss Madden, yes, ma'am.

PROSPECTIVE JUROR MADDEN: I had someone assault me that I was dating, and I had to give an impact statement in front of the jury and to the judge.

MR. DE LA RIONDA: So you had to come to court yourself.

PROSPECTIVE JUROR MADDEN: Yes.

MR. DE LA RIONDA: Anybody else?

Miss Arias, yes, ma'am.

PROSPECTIVE JUROR ARIAS: I just remembered I had a dishonest employee, and the State of Florida persecuted [sic] her.

And I had to come to Court several times.

MR. DE LA RIONDA: Okay. Thank you.

Miss Balbona, yes, ma'am.

PROSPECTIVE JUROR BALBONA: I was witness to --

MR. DE LA RIONDA: Would you mind standing up?

PROSPECTIVE JUROR BALBONA: -- witness to an attempted robbery. And I had to come and give a deposition but it didn't go to court.

MR. DE LA RIONDA: Okay. All right.

Okay. And, Miss Gress?

PROSPECTIVE JUROR GRESS: Yes, sir. I was also a witness to an attempted robbery in a restaurant and had to give a deposition.

MR. DE LA RIONDA: Okay. All right. And then was there somebody else?

Mr. Cahill.

PROSPECTIVE JUROR CAHILL: Yeah. I was called as a witness for a traffic accident.

MR. DE LA RIONDA: Okay. Thank you.

All right. Those of you that stood up or raised your hand and spoke in terms of having been a witness, whether as an expert

witness or in some proceeding, deposition or whatever, is there anything about that experience that you think would interfere with you being able to reach a verdict in this case?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: Anybody?

All right. Let me go to the right-hand side. You understand the question? Have you ever been a witness in some kind of proceeding, either having to come to court, to a deposition, to a hearing? And let's go -- first row anybody?

Second row?

Miss Pesh (phonetic)?

PROSPECTIVE JUROR PETSCHKE: Lisa Petschke and it was a traffic accident.

MR. DE LA RIONDA: Okay. Third row?

Oh, I'm sorry. Miss Gay?

PROSPECTIVE JUROR GAY: I was deposed before several times. I was director of nursing in a nursing home.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Third row, is there somebody?

Miss Duncan?

PROSPECTIVE JUROR DUNCAN: Yeah. I had to go for a deposition for my husband. He was murdered and I had to go to court. I had to go for depositions. I had to go to trial. I had to sit there every day watching it so --

MR. DE LA RIONDA: Yes, ma'am. Sorry to hear.

Anybody else in that row? Fourth row, fifth row?

Okay. I'm sorry. Mr. Dempsey, yes, sir.

PROSPECTIVE JUROR DEMPSEY: Yes. I was a character witness one time, and I was deposed once for something for work.

MR. DE LA RIONDA: Okay. Thank you, sir.

Anybody, in terms of that experience over on the right hand side, having been a witness, having that experience, would you think interfere with you being able to be a fair juror in this case?

A PROSPECTIVE JUROR: No.

MR. DE LA RIONDA: Okay. Some of you

have already stated that you were a victim of a crime, or loved one or close friend was a victim of crime. I'm not going to ask you again because you've already stated in terms of what you answered in that questionnaire.

But here's my question to you: Do you understand that by law, you've got to leave that outside the courtroom? That cannot interfere with you being able to be a juror in this case. Do you understand that? My question is the law requires you -- you understand that -- I know you won't forget it unfortunately, but you've got to leave that outside. That cannot impact in terms of you being a juror, in terms of fairness for both sides. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Those of you that have been a victim of a crime or a loved one has been victim of a crime, if you don't think -- let me go over to left side. If you don't think that you can set that aside and leave that outside the courtroom, can you let me know now, anybody?

That is Miss Mason.

THE COURT: Mr. de la Rionda, they already did when you went through one by one, with all of them.

A PROSPECTIVE JUROR: Right.

MR. DE LA RIONDA: The victim? I don't know that I did that, Your Honor.

MS. BYNUM: You did arrests.

MR. DE LA RIONDA: I did the arrests. I didn't do the victim.

THE COURT: All right. Go ahead.

MR. DE LA RIONDA: Miss Mason, you don't think you can be fair?

PROSPECTIVE JUROR MASON: (Shakes head.)

MR. DE LA RIONDA: All right. Anybody else over there? I believe they did state it at some point.

Miss -- Miss Dempsey -- Miss Jordan, is that correct?

PROSPECTIVE JUROR JORDAN: That's correct.

MR. DE LA RIONDA: All right. Over here on the right-hand side, anybody?

Okay. And that is Miss -- can you tell me your name?

PROSPECTIVE JUROR LINK: Latoya Link.

THE COURT: I'm sorry?

MR. DE LA RIONDA: You said Latoya?

PROSPECTIVE JUROR LINK: Yeah.

THE COURT: Your last name?

PROSPECTIVE JUROR LINK: Link.

THE COURT: Link.

MR. DE LA RIONDA: Link. Thank you, ma'am.

Okay. Anybody else over here on this side?

Okay. Thank you.

During this trial, you may see photographs as part of seeing the evidence, and I think there was already some mention about a prior case that they had to see some photographs. You understand the law requires you just to review it in terms of making a decision? Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Is anybody going to have an issue with that?

THE PROSPECTIVE JURORS: No.

MR. DE LA RIONDA: As is obvious, based on what the judge has already instructed you with, the State is seeking the death penalty

in this case. And what I want to do is review or cover something and ask you specifically about that.

The State is seeking the death penalty in terms of the murders of Derrick King and Randall Brown. Do all of you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And you understand that they're two separate murders, even though you heard the fact that they both occurred on the same date and at the same place, that they're each two separate murders. Do you-all understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And you have to render verdict in terms of either death or life without the possibility of parole as to each of those murders. Do all of you understand that?

THE PROSPECTIVE JURORS: Yes.

A PROSPECTIVE JUROR: How old were the victims?

THE COURT: I'm sorry. I didn't hear you.

A PROSPECTIVE JUROR: How old were the victims?

THE COURT: That's something that will come out during the course of the trial. We're not going to start getting into facts now because then we would be trying the case, and it will take us a week to pick a jury. What I want to do is pick the jury and then take a few days to try the case.

MR. DE LA RIONDA: And as Judge Healey already told you, guilt is not an issue. Do all of you understand that? From a prior proceeding, guilt was already determined. So the issue here today in terms of this week is what verdict you will decide on. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does anybody have an issue with that? Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In other words, you're not too concerned about, if you're pick as juror, in terms of guilt. Guilt has already occurred. Question is, in terms of

the prior proceeding, this is determination of what the penalty should be. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Now, you haven't heard any evidence. As Judge Healey just mentioned, we can't get into the facts of the case in terms of what the evidence is. But Judge Healey already mentioned to you in terms of this proceeding, you have what are called "aggravators," and then you have what's called "mitigation."

So how do you make a decision? And an aggravator, as Judge Healey has already told you and will tell you in terms of the instructions, is the statutorily enumerated circumstance that increases the gravity of a crime or the harm to a victim. Do you understand that? That is what is referred to as an aggravator.

And the State is required by law to prove those aggravators beyond a reasonable doubt. Do all of you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Can everybody follow

that law?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And in order to find an aggravator, you as a juror and the jury collectively have to unanimously agree that that aggravator has been proven beyond a reasonable doubt. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And by law, in order to proceed in terms of the death penalty that this death -- case qualifies for death penalty, you've got to find that least one aggravator has been found, and each of you individually and then collectively all have to be in a unanimous position that an aggravator has been proven beyond a reasonable doubt. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Can all of you follow that law?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And then you've got to decide in terms of whether those aggravators or aggravator are sufficient to warrant the death penalty. Do you understand

that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Can everybody follow that law?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: I know that some of you were opposed to the death penalty and we're going to cover that. But do you understand the law is what I'm asking you?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. And then if you get to that point, then you go in terms of what are the mitigating circumstances. The mitigating circumstances don't have to be proven beyond a reasonable doubt. Do you understand that? And it doesn't have to be unanimous. Do you understand that?

A mitigator can be any circumstance that is not limited to the facts surrounding the crime. It can be anything in the life of the defendant which might indicate that the death penalty is not appropriate for the defendant. In other words, mitigating circumstance may include any aspect of the defendant's character, background or life. Do all of you

understand that? Can all of you apply that part of the law too?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Can you, all of you?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: And then what happens is you've got the aggravators. Assuming you find the aggravator has been proven beyond a reasonable doubt and assuming that you find that it qualifies for death penalty, then you look at the mitigators, and assuming you find mitigators. And then you weigh them. And it's not a counting process. It's not like the State has so many aggravators and mitigation -- defense's mitigators. You weigh them in terms of how much weight you put to a particular aggravator, how much weight you put to a mitigator, and you do a balancing or weighing things in terms of what -- how much weight. And you individually assess the weight as to each one. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does anybody have an issue with following that law?

And then if the aggravators outweigh the mitigators, you decide in terms of aggravation outweighs mitigators whether the verdict merits the death penalty, in other words, if the aggravators outweigh the mitigators. You understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Do you understand by law, a person who's convicted of first-degree murder is not automatically going to get the death penalty. You've got to go through this process and that's why we're here today. You understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Some of you may disagree with that and I'm going to cover that. But do you understand that you've got to by law? It's not automatic. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: You've got to weigh the aggravators, and you've got to weigh the mitigators. If you didn't have that law, then you would never be able to have a trial. You would never be able to do anything. Do

you understand?

THE PROSPECTIVE JURORS: Yes?

MR. DE LA RIONDA: So I'm going to ask each of you -- may we approach the bench, Your Honor?

THE COURT: Sure.

Want the court reporter?

MR. DE LA RIONDA: No, no.

(Sidebar conference without the reporter.)

THE COURT: All right, ladies and gentlemen. I guess I'm the messenger. Yeah.

Here's the deal: I've got 74 of you here in this room. I've got 26 more of you downstairs waiting in case I need more people.

You can clearly see, I think, that we're not going to finish this today. I didn't really expect we were going to finish this today. Okay? But I want to minimize as best I can what we're going to do tomorrow, so I want to get as much done today as I possibly can, which means I want to finish with Mr. de la Rionda. Because then when we come back tomorrow, you're going to hear from Miss Bynum and have her questions, which

generally is less because a lot of the questions the attorneys ask are generally the same. They've already been asked once so they don't need to be asked again.

And then we'll see if we have enough people to seat a jury, and then that way, those other people that are -- they probably sent them home and they're going to bring them back tomorrow if I need them.

I'm trying to do least amount of inconvenience to those that don't get chosen as I can.

So anyway, I'm killing time again. What we're going to do is I know we've been going for an hour and 45 minutes again roughly. We're going to take a 15-minute break. And then we are going to finish with Mr. de la Rionda after that, and that will be it for today.

I know that's going to be a long day, but I want to make sure with the storm coming and hurricane and the weather and the trial and everything else -- have a seat. Have a seat.

I know we're trying to be jovial from

time to time and lighten the mood a little bit from time to time because it's a long day. And I get some of you are probably tired. So am I. At least you guys get to talk. I have to sit here and listen. That's hard to do for a lawyer or former lawyer.

You okay there, Mr. Weston?

PROSPECTIVE JUROR WESTON: Yes, sir.

THE COURT: Good.

I do get to run the show in here once in a while. And while I try and make it as easy as I can and light as I can, I expect you to listen, and I expect you to get up and go when I tell you to go and come back when I tell you to come back.

You know where we're seated. It's 5:00 o'clock. I'll see you at 5:15.

(Jury panel excused.)

(Short recess.)

(Defendant present.)

THE COURT: The bailiffs indicated that No. 21, Miss Duncan -- that's the lady with the walker and was in pain and had to take some pills during the process -- is complaining more about pain and didn't know

if she could make it through tomorrow.

My understanding was the attorneys were going to agree at the end of today, we would let her know she did not need to come back tomorrow. She's excused. Is that correct?

MR. DE LA RIONDA: That is correct on behalf of the State, Your Honor.

MS. BYNUM: Yes, sir, Your Honor, on behalf of the defense.

THE COURT: In addition to that, she said she didn't believe in the death penalty and further that she would be thinking about her son and his case and her pain. So I had her written down as a cause challenge anyway, quite frankly.

The other person that they mentioned who indicated she has child care issues tomorrow is No. 41, Miss Mason. And I understand the State's okay with letting her go. Defense may not. But let me point out that she's one whose child has a pending case, that she would be thinking of her son and that she does not believe in the death penalty. I had her written down as a cause challenge, in all likelihood, unless you did some remarkable

rehabilitation.

MS. BYNUM: Yes, Your Honor. May I have a moment with my client just briefly?

THE COURT: Yeah, sure.

MS. BYNUM: Thank you.

THE COURT: I mean, I don't care if you bring her back personally but --

MS. BYNUM: Yes, Your Honor.

(Conferring with the defendant.)

Your Honor, we'd ask for Juror No. 41 to actually come back. I'd like to speak with her during my time.

THE COURT: Okay. Mr. Bright?

THE DEFENDANT: Yes, sir.

THE COURT: So you're okay with, at the end of today, excusing Miss Duncan, the lady with the walker?

THE DEFENDANT: Yes, sir.

THE COURT: Okay.

All right. There you go. Bring them in.

(Jury panel present.)

THE COURT: All right, ladies and gentlemen. Everybody's back. Very good. Thank you very much.

Okay. All right. So back to Mr. de la Rionda.

MR. DE LA RIONDA: Please the Court? Counsel.

Good afternoon again.

A PROSPECTIVE JUROR: Hello.

MR. DE LA RIONDA: We left off in terms of the process that -- in terms of following the law. Did you-all understand what I've covered already?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In terms of the weighing process, do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. You know, some of you, when we went through and I asked you each individually how you felt about the death penalty, you expressed either support for it or against it or opposed or whatever. And the bottom line is, as we stated earlier, everybody's entitled to an opinion. That's what great about this country.

So I want to ask you about that again and just briefly cover in terms of whether you can follow the law.

You know, it's not automatic that when the State charges somebody and seeks the death penalty that it's automatic that a person who's convicted of first-degree murder, that person gets the death penalty.

But also, you've got to be able to sit as a juror and agree to follow the law and read the instructions -- or actually, you'll be given a copy of the instructions -- but be given the instructions and follow the law. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: In order to arrive at a verdict, it's got to be unanimous. Each of you is going to vote as to whether this defendant should be -- get the death penalty or not. Do you understand that. It's your vote exactly and it has to be unanimous. Do all of you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: That's why it's so important that I ask you individually about that. And this is your opportunity to tell us because you can't sit as a juror and then go okay, yeah, you know, probably. I don't

know. Probably I will, and then get up there and go, oh, my God, no, I can't and then, oh, well, I'll just vote no.

You understand it doesn't work that way. The question is whether you can actually vote in appropriate cases when you follow the law in favor of the death penalty, whether you could do it. And some people, if you can't, that's fine, philosophically, religiously or whatever reason. I'm not trying to convince you one way or the other, but I'm just trying to determine in terms of whether you can be fair and whether your opinions or beliefs about the death penalty, whatever they may be, whether they would substantially impair your ability to follow the law in this case. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does anybody have a question about that?

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Your Honor, I'm sorry to do this. But can we approach with the court reporter?

THE COURT: Sure.

(The following sidebar conference was had out of the hearing of the jury panel:)

THE COURT: Keep your voices down because we don't have white noise over here.

MS. BYNUM: Yes, Your Honor. I just -- I didn't want to stand up, but I did want to make an objection to misstatement of the law. I think I know where Mr. de la Rionda is going and what he's trying to say, but what he's asking them is inappropriate; can they vote death. They never have to vote death. What they have to agree to do is consider the aggravation.

And in my opinion, it was a absolutely misstatement of the law to tell them, in an appropriate case, can you vote death. You're kind of asking them to -- if all of these things are found to vote death, when in reality, they never have to -- they have to agree to consider the aggravation.

THE COURT: Well, that's true and I didn't take what he said in that vein. So while it might have been a little misstatement, I don't think -- I'm sure he can fix that.

MS. BYNUM: Yes, Your Honor.

THE COURT: In addition to that, if they say they could not under any set of circumstances impose the death penalty --

MS. BYNUM: Sure.

THE COURT: -- they are excluded.

MS. BYNUM: Sure. And I agree.

THE COURT: I assume that's really what he's driving at but I get it.

So maybe be careful a little more.

MR. DE LA RIONDA: I thought I was but I'll be glad to. I was trying to -- I'll slow down and go through it each step at a time. I'll be glad to.

THE COURT: So to that extent, it's overruled.

(At the conclusion of the sidebar conference, the following further proceedings were had in the presence of the jury panel:)

MR. DE LA RIONDA: May it please the Court?

Counsel.

As I was talking about in terms of the aggravators and mitigators, did you-all understand that in terms of the weighing

process? And as I stated earlier, you're not -- you don't have to find death penalty. The question is whether you can, in an appropriate case, vote for death? You understand that? You're not required to but the question is whether you can consider the death penalty in an appropriate case based on the aggravators and mitigators when you went through all that process. Do you understand that?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Okay. Some of you stated you could not and that's fine. That's what I want to explore. Some of you said you don't know. It depends. So that's why I want to explore with you or talk to you each individually about that.

So let's go -- if we could, let's go back to Juror No. 1, Mr. Watson. I believe you stated that some cases, it's a win-win or sometimes it's not. So it depends, correct?

PROSPECTIVE JUROR WATSON: Correct.

MR. DE LA RIONDA: Okay. You've heard now a little bit about the law. And my question is could you, in an appropriate

case, vote for the death penalty?

PROSPECTIVE JUROR WATSON: I think I could.

MR. DE LA RIONDA: Okay. Do you have any issue on your mind about that?

PROSPECTIVE JUROR WATSON: Nope.

MR. DE LA RIONDA: In other words, if you -- you went through all the steps -- in other words, Step No. 1 is where the aggravator is proven beyond a reasonable doubt, if you found that, at least one aggravator. And then you went to Step No. 2, which is it a death-qualified case in terms of the aggravator itself, the type of aggravator it is based on all the circumstances, you decided yes. And then you go to the third process in terms of looking at the mitigators, keeping an open mind and looking at the mitigators. Could you do that?

PROSPECTIVE JUROR WATSON: I could.

MR. DE LA RIONDA: Okay. And in the fourth step, then you weigh them, and you figure out if the aggravators outweigh the mitigators. Could you then in that case

determine that, yes, I could vote for the death penalty at that point?

PROSPECTIVE JUROR WATSON: I think I could.

MR. DE LA RIONDA: And then you decide, okay, is this the case -- then after doing all that, should I vote for the death penalty in this case? Is this the type of case that merits the death penalty? Could you do that?

PROSPECTIVE JUROR WATSON: I could.

MR. DE LA RIONDA: Okay. So you can go through all those steps in arriving at your verdict in this case.

PROSPECTIVE JUROR WATSON: I could.

MR. DE LA RIONDA: Okay. And in other words, can you do that, and then can you come back out here in court and tell the Court, say, yes, I voted for the death penalty in that appropriate case?

PROSPECTIVE JUROR WATSON: I could.

MR. DE LA RIONDA: Okay. Juror No. 2, Miss Shannon.

PROSPECTIVE JUROR SHANNON: Yes.

MR. DE LA RIONDA: I think you stated, if necessary, yes, if the crime calls for it,

yes. Do you understand now a little bit more about the law?

PROSPECTIVE JUROR SHANNON: Yes.

MR. DE LA RIONDA: Can you go through all those steps, and could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR SHANNON: Yes.

MR. DE LA RIONDA: Okay. Juror No. 3, Miss Craw, I think you stated you were in favor of it, correct, when necessary?

PROSPECTIVE JUROR CRAW: Yes, sir.

MR. DE LA RIONDA: Okay. You've heard a little bit about this now, correct?

PROSPECTIVE JUROR CRAW: Yes, sir.

MR. DE LA RIONDA: Could you follow all those steps under the law? You understand it's not automatic, that you've got to go through all that process. And each of those processes, you've got to find yourself that it merits the death penalty. Could you do that?

PROSPECTIVE JUROR CRAW: Yes, sir.

MR. DE LA RIONDA: And in an appropriate case, could you vote to -- for death sentence?

PROSPECTIVE JUROR CRAW: Yes, sir.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Juror No. 4, that is Miss Laurence, correct?

PROSPECTIVE JUROR LAURENCE: That's correct.

MR. DE LA RIONDA: I think you stated that you were a little torn, correct? Something -- when I asked you about how you felt about the death penalty originally, I think you stated you were a little torn, choose if the circumstances warranted but something about it's a heavy decision, I think were you exact words.

PROSPECTIVE JUROR LAURENCE: Right.

MR. DE LA RIONDA: You've had a little bit of time, maybe not enough. But, you know, this is the time in terms of being able to tell us whether you could. If you're still -- you don't know -- the question is whether your beliefs or your feelings would substantially impair your ability to actually vote, in an appropriate case, go through all those steps. Do you understand that? Do you

think you could?

PROSPECTIVE JUROR LAURENCE: I don't think I could.

MR. DE LA RIONDA: You don't think you can. Okay. Thank you, ma'am.

Juror No. 5, Mr. King, I think you stated you did not support it, correct?

PROSPECTIVE JUROR T. KING: Correct.

MR. DE LA RIONDA: Okay. So you couldn't go through this process, is that correct?

PROSPECTIVE JUROR T. KING: I believe I'd be leaning towards the other way. I mean, I would consider all the mitigators and everything, but I probably would be leaning not towards.

MR. DE LA RIONDA: Okay. Is that just based on philosophical, whatever -- religious, whatever reasons, you don't believe you could?

PROSPECTIVE JUROR T. KING: Yes.

MR. DE LA RIONDA: Okay. So your beliefs would impair your ability to be able to do that, correct?

PROSPECTIVE JUROR T. KING: Yes.

MR. DE LA RIONDA: Thank you very much, sir.

Juror No. 6, Miss Major?

PROSPECTIVE JUROR MAJOR: Uh-huh.

MR. DE LA RIONDA: Do you understand -- I think you stated you were in favor of it, correct?

PROSPECTIVE JUROR MAJOR: I said if --

MR. DE LA RIONDA: If it fits or something to that effect, is that correct?

Okay. You've had now an opportunity to listen a little bit to the law in terms of -- do you think you could follow that law in an appropriate case and actually vote for the death penalty? And I'm kind of sidestepping all the steps. You still have to go through Step No. 1, state proving the aggravators beyond a reasonable doubt. Does it merit death penalty just based on that in terms of these aggravators merit the death penalty, in terms does it qualify, should it get the death penalty. That's independent. Then you go to that third step in terms of looking at the mitigation. Do you understand that? And then you weigh. Could you do all that stuff?

PROSPECTIVE JUROR MAJOR: I don't -- after listening to how you broke it down, I -- I don't think I could.

MR. DE LA RIONDA: You don't think you can.

PROSPECTIVE JUROR MAJOR: No.

MR. DE LA RIONDA: Okay. And is that just based on just your beliefs, religious or moral beliefs? Is that correct? You couldn't vote?

PROSPECTIVE JUROR MAJOR: Yes.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Mr. Leonard, Juror No. 7, you understand a little bit of what I've covered? Do you think, in the appropriate case, you could vote for the death penalty?

PROSPECTIVE JUROR MAJOR: Yes, I could.

MR. DE LA RIONDA: Thank you, sir.

Juror No. 8, Miss Rhone, I think you stated personally feel case by case, very serious case, don't take it lightly, something to that effect. You've heard a little bit more about this. Do you understand the process you've got to go

through --

PROSPECTIVE JUROR RHONE: Yes.

MR. DE LA RIONDA: -- in terms of, number one, aggravators beyond a reasonable doubt; number two, even when you find an aggravator, even if you find, you still have to determine if that is death-qualified in terms of that's a death case. Then you've got to move on to the next step in terms of mitigators. Then you've got to weigh them, and even then you've got to decide, am I going to still vote for death even after that. It's not automatic. You understand that?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Do you think you can go through all those steps?

PROSPECTIVE JUROR RHONE: Yes, sir?

MR. DE LA RIONDA: In an appropriate case, do you think you could vote for death?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Do you think you could come into this courtroom and say, I voted for death?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Okay. Any issue in your mind?

PROSPECTIVE JUROR RHONE: No, sir.

MR. DE LA RIONDA: Thank you, ma'am.

Juror No. 9, Mr. Weston?

PROSPECTIVE JUROR WESTON: Yes, sir.

MR. DE LA RIONDA: Okay. I think you stated, I really don't like the death penalty too much, just don't know about it. I think those were your -- when I asked you about how you felt about the death penalty. She was taking great notes. I think I got that right. But do you remember saying something to that effect?

PROSPECTIVE JUROR WESTON: Yes, sir.

MR. DE LA RIONDA: Okay. When I say "she," my co-counsel, Miss Hazel.

My question is now you've heard a little bit about this. You've heard about the process that's required, and you've got to go through all that process. Do you believe you could go through that process?

PROSPECTIVE JUROR WESTON: No, sir.

MR. DE LA RIONDA: Is that because of just religious or moral beliefs that you

don't believe in the death penalty?

PROSPECTIVE JUROR WESTON: Yes, sir.

MR. DE LA RIONDA: Okay. Thank you, sir.

Juror No. 10, Mr. Boss, I think you already stated you could not vote for the death penalty, is that correct?

PROSPECTIVE JUROR BOSS: That's correct.

MR. DE LA RIONDA: Okay. I've gone through the whole process. You think you can't go through that?

PROSPECTIVE JUROR BOSS: Nope.

MR. DE LA RIONDA: And is that just based on religious, moral beliefs or whatever?

PROSPECTIVE JUROR BOSS: Moral, religious.

MR. DE LA RIONDA: Okay. Thank you very much, sir.

Juror No. 11, Mr. Islamovic? I'm sorry. I messed up. Juror No. 11 is actually Miss Perry. I apologize, Miss Perry. I skipped you.

I think you said it was circumstantial; each case is different, when I asked you

about the death penalty. You've gotten a little bit of an education now about the death penalty. Do you think you could go through all those process -- all those steps, and could you, in a particular case, vote for the death penalty?

PROSPECTIVE JUROR PERRY: Uh-huh.

MR. DE LA RIONDA: Is that a "yes"?

PROSPECTIVE JUROR PERRY: Yes.

MR. DE LA RIONDA: So you could come into this courtroom, and if you were asked by the clerk, by the judge in terms of is your vote here for the death penalty, you could vote for death?

PROSPECTIVE JUROR PERRY: Correct.

MR. DE LA RIONDA: You could? Is that a "yes"?

PROSPECTIVE JUROR PERRY: Yes.

MR. DE LA RIONDA: I see you nodding your head.

PROSPECTIVE JUROR PERRY: I said correct and I nodded.

MR. DE LA RIONDA: Okay. I know. I just wanted to get it on the record. Sorry. Thank you, ma'am.

Juror No. 12, Mr. Islamovic, I think you said you were all for it, correct?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay. So you could?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay. Do you understand it's not automatic? You can't just say, okay, he's been convicted already, so I'm just going to go -- I'm going to bypass everything and just go straight to death penalty.

PROSPECTIVE JUROR ISLAMOVIC: That's the issue I'm having.

MR. DE LA RIONDA: So you don't think you could.

PROSPECTIVE JUROR ISLAMOVIC: I've already made a decision.

MR. DE LA RIONDA: You don't think you can be fair to the defense?

PROSPECTIVE JUROR ISLAMOVIC: No.

THE COURT: Mr. de la Rionda, he's clear. Move on.

MR. DE LA RIONDA: Okay. Thank you.

Juror No. 13, Miss Gonyer?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: Okay. Did you understand my questions that I've asked of all the other jurors in terms of the steps that are required to do that? And I think you stated something to the effect of you feel that it has its place.

PROSPECTIVE JUROR GONYER: Right.

MR. DE LA RIONDA: You've had now a little bit more time to think about it. Could you follow all that process?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: Do you have any hesitation in your mind?

PROSPECTIVE JUROR GONYER: No.

MR. DE LA RIONDA: Okay. In an appropriate case, could you vote for the death penalty?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: You understand you're not required to. But could you, following all those steps in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR GONYER: Yes.

MR. DE LA RIONDA: You could come into the courtroom and say yes.

PROSPECTIVE JUROR GONYER: Uh-huh.

MR. DE LA RIONDA: Thank you very much, ma'am.

Juror No. 14, Mr. Brophy, I think you stated, not happy it exists but I approve of it under extreme --

THE COURT: Mr. de la Rionda, I don't think y'all need to tell him what he said. It's in the record.

MR. DE LA RIONDA: Yes, sir.

You remember what you said --

THE COURT: Because otherwise, you're going to do that with everybody, and we're going to be here way past when I want to be tonight.

MR. DE LA RIONDA: Yes, sir.

PROSPECTIVE JUROR BROPHY: I remember.

MR. DE LA RIONDA: You remember what you said?

Okay. And you've now heard about the process. Do you think you could follow each step of the process?

PROSPECTIVE JUROR BROPHY: I do.

MR. DE LA RIONDA: Okay. Do you think you could, in an appropriate case, vote for

the death penalty?

PROSPECTIVE JUROR BROPHY: Yes.

MR. DE LA RIONDA: Okay. Any hesitation on your part about that?

PROSPECTIVE JUROR BROPHY: Yes.

MR. DE LA RIONDA: You have some hesitation. Okay. What are you hesitating about? There's no right answer other than how you feel. Is it because of just your beliefs or what?

PROSPECTIVE JUROR BROPHY: Well, I just -- I don't want to say that I choose death for someone, but I believe that it's my responsibility to participate in this process. And I can do that.

MR. DE LA RIONDA: Yes, sir. The question -- the question is -- and I appreciate your responsibility to participate. The question is once you've participated, could you, yourself, come into this courtroom and say, yes, I voted for death as to this case or any case?

PROSPECTIVE JUROR BROPHY: Again, yes, I could.

MR. DE LA RIONDA: Okay. Thank you,

sir.

Juror No. 15, Miss Petschke, you remember what you said before. You understand the process in terms of you've got to go through all those process, each step to determine whether it's death-qualified or not in terms of the aggravators, all that. Could you do all that process?

PROSPECTIVE JUROR PETSCHKE: Yes.

MR. DE LA RIONDA: Okay. You could vote -- in an appropriate case, you could say, yes, merits the death penalty and I'm going to vote for death?

PROSPECTIVE JUROR PETSCHKE: Yes.

MR. DE LA RIONDA: Okay. Any question in your mind about that?

PROSPECTIVE JUROR PETSCHKE: No.

MR. DE LA RIONDA: Thank you very much, ma'am.

Juror No. 16, Miss Gay, do you understand the questions that I've asked already?

PROSPECTIVE JUROR GAY: Yes, sir.

MR. DE LA RIONDA: Do you have any questions about any of that?

PROSPECTIVE JUROR GAY: I do not.

MR. DE LA RIONDA: Okay. Could you, in an appropriate case, vote to impose the death penalty?

PROSPECTIVE JUROR GAY: I could.

MR. DE LA RIONDA: Thank you very much, ma'am.

Juror No. 17, Miss Colbert, I believe you could not, is that correct?

PROSPECTIVE JUROR COLBERT: Right. That is correct. I cannot.

MR. DE LA RIONDA: Is that based on religious or moral beliefs?

PROSPECTIVE JUROR COLBERT: Just personal beliefs, yes.

MR. DE LA RIONDA: Okay. Thank you very much, ma'am.

Juror No. 18, Miss Dixon, you've had an opportunity now to listen to some of the law about that. Could you follow all those steps?

PROSPECTIVE JUROR DIXON: Yes.

MR. DE LA RIONDA: Okay. And in an appropriate case, if you felt the case was death worthy, could you vote actually for

death?

PROSPECTIVE JUROR DIXON: Yes.

MR. DE LA RIONDA: Okay. Any question in your mind about that?

PROSPECTIVE JUROR DIXON: No.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Rhodes, same questions I've asked the other ones. Could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR RHODES: If it's appropriate, yes.

MR. DE LA RIONDA: And when you say "if it's appropriate," what do you mean by that?

PROSPECTIVE JUROR RHODES: If it's appropriate for this case.

MR. DE LA RIONDA: Okay. So you could listen to the aggravators, mitigators, all that and make an appropriate case vote for the death penalty?

PROSPECTIVE JUROR RHODES: Yes.

MR. DE LA RIONDA: Thank you, sir.

Mr. Fogelsonger, do you understand what I asked before?

PROSPECTIVE JUROR FOGELSONGER: Yes.

MR. DE LA RIONDA: Could you, in an

appropriate case, vote for the death penalty.

PROSPECTIVE JUROR FOGELSONGER: Yes.

MR. DE LA RIONDA: Understand it's not automatic. You've got to go and make each of those findings, the aggravators, et cetera. Could you do that?

PROSPECTIVE JUROR FOGELSONGER: I do.

MR. DE LA RIONDA: Thank you.

Miss Duncan, I think we've already covered that, so I'm not going to ask any questions we've already about.

Let me go to Mr. Kenny. You understand what we just went over. Could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR KENNY: Yes.

MR. DE LA RIONDA: Any question in your mind about being able to do that?

PROSPECTIVE JUROR KENNY: No.

MR. DE LA RIONDA: Thank you very much, sir.

Juror No. 23, Miss Ashley -- I'm sorry -- Mr. Ashley. I apologize. I'm looking at you and I'm looking -- Mr. Ashley, you said you could not be fair, right? You're against it?

PROSPECTIVE JUROR ASHLEY: I am against it.

MR. DE LA RIONDA: So you could not vote for it, is that correct?

PROSPECTIVE JUROR ASHLEY: I would not be able to vote for the death penalty.

MR. DE LA RIONDA: Thank you very much. And is that based on just religious, moral beliefs or whatever?

PROSPECTIVE JUROR ASHLEY: Moral.

MR. DE LA RIONDA: Okay. Thank you very much, sir.

Let's move on to Juror No. 24, Miss Abel. Can you hear me all right there, see me all right? Would you mind standing up? We're moving a little bit further back.

Do you understand the process that we've covered in terms of --

PROSPECTIVE JUROR ABEL: Yes.

MR. DE LA RIONDA: You understand the steps required? Each step, you've got to decide each independent step. Could you do each one of those steps?

PROSPECTIVE JUROR ABEL: Yes.

MR. DE LA RIONDA: And in an appropriate

case, could you vote for the death penalty?

PROSPECTIVE JUROR ABEL: Yes.

MR. DE LA RIONDA: Thank you very much, ma'am.

Juror No. 25, Miss Echevarria, you stated you were not in favor of it, is that correct? Would you mind standing up?

I'm assuming you could not do this, is that correct?

PROSPECTIVE JUROR ECHEVARRIA: Yes, sir.

MR. DE LA RIONDA: You could not vote for the death penalty?

PROSPECTIVE JUROR ECHEVARRIA: Yes. I can't.

MR. DE LA RIONDA: And is that just based on your beliefs?

PROSPECTIVE JUROR ECHEVARRIA: Yes.

MR. DE LA RIONDA: Okay. Thank you very much, ma'am.

Juror No. 26, Miss Link? Okay. Could you -- in an appropriate case, could you follow all those steps that is required by law?

PROSPECTIVE JUROR LINK: Yes.

MR. DE LA RIONDA: Could you vote in an

appropriate case for the death penalty?

PROSPECTIVE JUROR LINK: Yes.

MR. DE LA RIONDA: Do you understand it's not automatic? Because I think you stated your -- you had a relative. Your mother was murdered or something. You understand that you can't just say, okay, now is my time to get even. Do you understand that?

PROSPECTIVE JUROR LINK: I understand.

MR. DE LA RIONDA: Okay. So you could make your decision based on the law here only and not on the fact that your mother was murdered?

PROSPECTIVE JUROR LINK: It's kind of hard but --

MR. DE LA RIONDA: I'm not trying to get you to say one thing. I'm just trying to get fairness for both sides. So that's what I'm asking. There is no right answer.

PROSPECTIVE JUROR LINK: But I would vote yes for death penalty.

THE COURT: I'm sorry. I couldn't hear you.

PROSPECTIVE JUROR LINK: I said I would

vote yes for death penalty. But it's kind of hard because (inaudible).

THE COURT: I still didn't hear you.

PROSPECTIVE JUROR LINK: I would say yes to the death penalty, but it's kind of hard to sit on the jury like that.

THE COURT: Because of your personal situation --

PROSPECTIVE JUROR LINK: Yes.

THE COURT: -- with your mother?

PROSPECTIVE JUROR LINK: Yes.

THE COURT: Okay.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss O'Neal, you're there. Would you mind standing up, ma'am?

Do you understand the questions that I've asked now?

PROSPECTIVE JUROR O'NEAL: Yes.

MR. DE LA RIONDA: Okay. Could you -- in an appropriate case, after considering all the steps you've got to take, could you vote for the death penalty?

PROSPECTIVE JUROR O'NEAL: No.

MR. DE LA RIONDA: You could not. And

is that just based on your beliefs?

PROSPECTIVE JUROR O'NEAL: Yes.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Miss Burkholder?

PROSPECTIVE JUROR BURKHOLDER: Burkholder, yes.

MR. DE LA RIONDA: Sorry I mispronounced the name.

Could you vote to -- go through all the steps here? It's not automatic. Could you do that, in an appropriate case, vote for death penalty?

PROSPECTIVE JUROR BURKHOLDER: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Montoto, could you go through all the steps and in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR MONTOTO: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Watkins -- I'm sorry. Mr. Watkins. I don't know why I've got -- sorry.

Mr. Watkins, I think you stated you were opposed to it, is that correct?

PROSPECTIVE JUROR WATKINS: Yes.

MR. DE LA RIONDA: And is that just based on religious or whatever, moral beliefs?

PROSPECTIVE JUROR WATKINS: Ethical, moral grounds, yes.

MR. DE LA RIONDA: And so you could not vote for the death penalty, correct?

PROSPECTIVE JUROR WATKINS: No.

MR. DE LA RIONDA: Thank you very much, sir.

Mr. Strok?

PROSPECTIVE JUROR STROK: Yes, sir.

MR. DE LA RIONDA: Strok. Sorry.

Going through all those steps again, could you, in an appropriate case, vote -- you, yourself, vote death penalty?

PROSPECTIVE JUROR STROK: Yes, sir.

MR. DE LA RIONDA: Okay. You could come into this courtroom and say, I voted for the death penalty.

PROSPECTIVE JUROR STROK: Yes, sir. In an appropriate case, yes, sir.

MR. DE LA RIONDA: Yes, sir.

Miss Wyche, same question to you. I believe you stated you were against it, is

that correct?

PROSPECTIVE JUROR WYCHE: That's correct.

MR. DE LA RIONDA: And is that just on religious or moral beliefs?

PROSPECTIVE JUROR WYCHE: Religious beliefs.

MR. DE LA RIONDA: Okay. So you could not vote for the death penalty, is that correct?

PROSPECTIVE JUROR WYCHE: I cannot.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss Burry, good afternoon.

PROSPECTIVE JUROR BURRY: Good afternoon.

MR. DE LA RIONDA: Could you, in an appropriate case, vote for the death penalty.

PROSPECTIVE JUROR BURRY: I could.

MR. DE LA RIONDA: You could come into this courtroom and say, I voted for the death penalty.

PROSPECTIVE JUROR BURRY: Yes.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss Manco, sorry to keep you waiting. The court reporter dropped something.

Could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR MANCO: Yes, I could.

MR. DE LA RIONDA: Okay. You could come into this courtroom, and if asked by the Court or by the clerk, I voted for the death penalty in this case.

PROSPECTIVE JUROR MANCO: Yes.

MR. DE LA RIONDA: Or appropriate case, is that correct?

PROSPECTIVE JUROR MANCO: Yes. Going through everything and thinking logically, yes.

MR. DE LA RIONDA: Pardon me?

PROSPECTIVE JUROR MANCO: I said after going through --

MR. DE LA RIONDA: Of course.

PROSPECTIVE JUROR MANCO: -- the steps and things --

MR. DE LA RIONDA: You go through all the steps that are required.

PROSPECTIVE JUROR MANCO: -- and make the decision.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Dempsey, you understand what we -- the process that we talked about?

PROSPECTIVE JUROR DEMPSEY: Yes, I could.

MR. DE LA RIONDA: Could you follow all that process?

PROSPECTIVE JUROR DEMPSEY: I could.

MR. DE LA RIONDA: And could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR DEMPSEY: Yes, sir.

MR. DE LA RIONDA: Thank you very much, sir.

Mr. Smalley?

PROSPECTIVE JUROR SMALLEY: Yes.

MR. DE LA RIONDA: In an appropriate case, could you follow all those steps in an appropriate case? And you understand it's not automatic, that you don't have to. But could you vote for the death penalty in an inappropriate case?

PROSPECTIVE JUROR SMALLEY: Yes, sir.

MR. DE LA RIONDA: Thank you, sir.

And finally, Mr. West, same process, could you follow all that process?

PROSPECTIVE JUROR WEST: Yes.

MR. DE LA RIONDA: And could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR WEST: Yes.

MR. DE LA RIONDA: Thank you.

Okay. Mr. Ingram, you listened to the process. Could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR INGRAM: I would (inaudible) in a murder trial.

MR. DE LA RIONDA: You would what?

PROSPECTIVE JUROR INGRAM: I would only vote for the death sentence in a murder trial.

MR. DE LA RIONDA: So you don't think you could be fair to the defense.

PROSPECTIVE JUROR INGRAM: No, sir.

MR. DE LA RIONDA: Okay. Thank you, sir.

Miss Foster, you've heard a little bit. Do you understand the process? Do you need me to repeat it?

PROSPECTIVE JUROR FOSTER: No. I have a question.

MR. DE LA RIONDA: Yes, ma'am. Would

you mind -- you've got a soft voice. Would you mind standing up?

PROSPECTIVE JUROR FOSTER: I have a question. When this individual was determined guilty, was there 12 jurors as well? 'Cause I know we're here to determine death or imprisonment. Was -- did they have 12 jurors to determine if he was guilty?

THE COURT: Well, let me say this: In any first-degree murder case, you have to have 12 people as a jury --

PROSPECTIVE JUROR FOSTER: Okay.

THE COURT: -- whether it's to determine guilt or to determine penalty. You always have to have a 12-person jury on a first-degree murder case.

PROSPECTIVE JUROR FOSTER: Okay.

MR. DE LA RIONDA: Did that answer your question?

PROSPECTIVE JUROR FOSTER: Okay.

MR. DE LA RIONDA: I'm sorry.

PROSPECTIVE JUROR FOSTER: Yes, yes.

MR. DE LA RIONDA: Okay. And did you have any other questions? You're hesitating a little bit. There's no right answer other

than how you feel. The question is do you understand the process?

PROSPECTIVE JUROR FOSTER: I do. I do. I do.

MR. DE LA RIONDA: Okay. Could you? I'm sorry.

A PROSPECTIVE JUROR: Well, I do have another question. I kind of asked the question earlier. Was -- the person that was found guilty, was everything looked at as a whole or -- never mind.

MR. DE LA RIONDA: Well, let me make sure you understand. And the judge has already told you when you first were picked that guilt has already been determined so guilt is not an issue. And I think the instruction he read to you is the prior proceeding, the defendant -- so this is the person right here. The defendant, Raymond Bright, has been found already previously in terms of -- guilt has already been determined so you're not to concern yourself about whether he's guilty or not. That's not the issue here.

PROSPECTIVE JUROR FOSTER: Okay.

MR. DE LA RIONDA: There's no right answer. But the question is in terms of the death penalty which is what we're talking about now, is there some hesitation in your mind, for whatever reason? That's fine. Do you believe you have some issue?

PROSPECTIVE JUROR FOSTER: After I looked look at all the evidence, then I would be able -- I would be able to make a decision.

MR. DE LA RIONDA: Okay. So --

PROSPECTIVE JUROR FOSTER: Either way.

MR. DE LA RIONDA: Right. So in an appropriate case, you could come into this courtroom. If the judge asked you, is your vote for death, then you could say yes.

THE PROSPECTIVE JURORS: Yes, after I look at all the evidence.

MR. DE LA RIONDA: Of course. You have to look at all the evidence, yeah. You've got to follow along. You could do that?

PROSPECTIVE JUROR FOSTER: Yeah.

MR. DE LA RIONDA: Okay. Mr. Leibowitz, you obviously have an understanding of the law. Could you follow the law and in an

appropriate case, vote to impose the death penalty?

PROSPECTIVE JUROR LEIBOWITZ: Yes.

MR. DE LA RIONDA: Thank you, sir.

PROSPECTIVE JUROR MASON: No.

MR. DE LA RIONDA: Miss Mason, you're the next one. You could not because you're opposed to it, is that correct?

PROSPECTIVE JUROR MASON: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Shahum, could you, in an appropriate case, vote to impose the death penalty?

PROSPECTIVE JUROR SHAHUM: Yes.

MR. DE LA RIONDA: Okay. Thank you, sir.

Miss Albano, I think you stated you were against it, is that correct?

PROSPECTIVE JUROR ALBANO: Yes, sir.

MR. DE LA RIONDA: So you could not vote for the death penalty?

PROSPECTIVE JUROR ALBANO: I can't.

MR. DE LA RIONDA: On any case?

Okay. Thank you, ma'am.

Mr. Anthony? I'm sorry. Miss Anthony. I've got to look at the person and not look

at my writing.

You understand the process we've talked about?

PROSPECTIVE JUROR ANTHONY: (Inaudible).

MR. DE LA RIONDA: Is that a "yes"?

A PROSPECTIVE JUROR: No.

MR. DE LA RIONDA: You could not vote for the death penalty?

PROSPECTIVE JUROR ANTHONY: (Shakes head.)

MR. DE LA RIONDA: Okay. Is that just based on your beliefs?

PROSPECTIVE JUROR ANTHONY: Yes.

MR. DE LA RIONDA: Okay. Miss Lowe, do you understand the process we talked about?

PROSPECTIVE JUROR LOWE: I do.

MR. DE LA RIONDA: Okay. Could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR LOWE: I could.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Dieffenbach, you understand the process we talked about?

PROSPECTIVE JUROR DIEFFENBACH: I do.

MR. DE LA RIONDA: Thank you for

standing up, by the way.

PROSPECTIVE JUROR DIEFFENBACH: No problem.

Admittedly, I've already made a decision and --

MR. DE LA RIONDA: Well, you understand you can't --

PROSPECTIVE JUROR DIEFFENBACH: I think it would be a bad outcome. I'm an eye-for-an-eye type of person.

MR. DE LA RIONDA: So you don't think you could wait and listen to the aggravators, mitigators and all that stuff and assess each one at a time.

PROSPECTIVE JUROR DIEFFENBACH: No.

MR. DE LA RIONDA: You don't think you could.

PROSPECTIVE JUROR DIEFFENBACH: No.

MR. DE LA RIONDA: Okay. Thank you, sir.

Mr. Moon, do you understand the process we talked about?

PROSPECTIVE JUROR MOON: Yes.

MR. DE LA RIONDA: Okay. Could you, in an appropriate case, vote to impose the death

penalty?

PROSPECTIVE JUROR MOON: I don't think so.

MR. DE LA RIONDA: You cannot? Okay. Thank you, sir.

Miss Arias, I think we covered the process. Do you think, in an appropriate case, you could vote to impose the death penalty?

PROSPECTIVE JUROR ARIAS: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Carpenter, same questions I've asked. In an appropriate case, could you vote to impose the death penalty?

PROSPECTIVE JUROR CARPENTER: Yes, sir.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Fitzpatrick?

PROSPECTIVE JUROR FITZPATRICK: Yes.

MR. DE LA RIONDA: Okay. I'm looking here at my chart. Sorry.

Could you vote in an appropriate case for the death penalty?

PROSPECTIVE JUROR FITZPATRICK: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Roberts, could you, in an

appropriate case, vote to impose the death penalty?

PROSPECTIVE JUROR ROBERTS: No.

MR. DE LA RIONDA: You could not? Is that based on just your beliefs?

PROSPECTIVE JUROR ROBERTS: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Fleming, I think you stated you were against it, is that correct?

PROSPECTIVE JUROR FLEMING: Yes.

MR. DE LA RIONDA: So I'm assuming you could not vote for the death penalty, is that correct?

PROSPECTIVE JUROR FLEMING: No.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Madden?

PROSPECTIVE JUROR MADDEN: After reviewing all the processes, yes, I could.

MR. DE LA RIONDA: Okay. Thank you very much, ma'am.

Mr. Rivera, could you -- assuming you went through all the process -- obviously, not assuming. You have to go through all the process. Could you vote in an appropriate case for the death penalty?

PROSPECTIVE JUROR RIVERA-RAMOS: Yes, sir.

MR. DE LA RIONDA: Thank you, sir.

Mr. Carr, same question. Could you do that?

PROSPECTIVE JUROR CARR: Yes.

MR. DE LA RIONDA: Could you vote for death?

PROSPECTIVE JUROR CARR: Yes.

MR. DE LA RIONDA: Thank you, sir.

Mr. Ponn?

PROSPECTIVE JUROR PONN: Yes.

MR. DE LA RIONDA: Same process. Could you do that?

PROSPECTIVE JUROR PONN: No, I don't think so. Because I can't vote for death penalty because of my religion.

MR. DE LA RIONDA: Okay. Thank you very much, sir.

Miss Balbona, same process that we talked about. Going through every process, all the steps required, could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR BALBONA: Yes.

MR. DE LA RIONDA: Okay. Thank you,

ma'am.

Miss Bailey, I believe -- oh, Mr. Bailey.

PROSPECTIVE JUROR BAILEY: It's okay.

MR. DE LA RIONDA: You said you were opposed to it, is that correct?

PROSPECTIVE JUROR BAILEY: Yes.

MR. DE LA RIONDA: And you could not vote for the death penalty?

PROSPECTIVE JUROR BAILEY: I believe I could.

MR. DE LA RIONDA: You believe you could.

PROSPECTIVE JUROR BAILEY: Uh-huh.

MR. DE LA RIONDA: Okay. And so you were originally opposed to it. Now you've heard all the process.

PROSPECTIVE JUROR BAILEY: I'm opposed to the idea of the death penalty, but I don't think my personal views should affect my performance as a juror.

MR. DE LA RIONDA: Okay. So your personal views would not substantially impair your ability to actually come into this courtroom and say, I voted for death.

PROSPECTIVE JUROR BAILEY: Correct.

MR. DE LA RIONDA: Is that correct?

PROSPECTIVE JUROR BAILEY: Yes.

MR. DE LA RIONDA: Thank you very much, sir.

Miss Carroll, could you follow that process and in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR CARROLL: No.

MR. DE LA RIONDA: You could not. Okay. Thank you, ma'am.

Miss Dunker, same process. Could you follow all that process and in an appropriate case vote, for the death penalty?

PROSPECTIVE JUROR DUNKER: No.

MR. DE LA RIONDA: You could not? Thank you, ma'am.

Mr. Rhoden, could you, in an appropriate case, follow all that process and in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR RHODEN: Yes.

MR. DE LA RIONDA: Thank you, sir.

Mr. Kinsey, follow -- could you follow all that process? You understand it's not automatic. Could you follow all that process

and in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR KINSEY: Yes, sir.

MR. DE LA RIONDA: Thank you, sir.

Miss Rivera, could you follow all that process and in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR RIVERA: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Ludy, I believe you stated you were opposed to it, is that correct?

PROSPECTIVE JUROR LUDY: Yes.

MR. DE LA RIONDA: So you could not vote for the death penalty?

PROSPECTIVE JUROR LUDY: No.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Scott?

PROSPECTIVE JUROR SCOTT: Yes.

MR. DE LA RIONDA: Could you go through all that process?

PROSPECTIVE JUROR SCOTT: I couldn't do it.

MR. DE LA RIONDA: You couldn't vote for the death penalty?

PROSPECTIVE JUROR SCOTT: No.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss Gress, could you, in an appropriate case, after following all that process -- and understand it's not automatic. Could you vote for the death penalty?

PROSPECTIVE JUROR GRESS: No, sir.

MR. DE LA RIONDA: You could not?

PROSPECTIVE JUROR GRESS: No, sir.

MR. DE LA RIONDA: Thank you, ma'am.

Mr. Trenschel?

PROSPECTIVE JUROR TRENSCHEL: Yes, sir.

MR. DE LA RIONDA: Could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR TRENSCHEL: Yes.

MR. DE LA RIONDA: Thank you.

Miss Lockwood, all the way back there at the end, go through all that process, could you do that and could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR LOCKWOOD: No.

MR. DE LA RIONDA: You could not?

Thank you, ma'am.

Miss Gullatt, could you, in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR GULLATT: Yes, I could.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Mr. King, I believe you stated you were opposed to it, is that correct?

PROSPECTIVE JUROR J. KING: Yes. But I think I can.

MR. DE LA RIONDA: Even though you're against it --

PROSPECTIVE JUROR J. KING: Yes.

MR. DE LA RIONDA: -- you think in an appropriate case, you could come back?

PROSPECTIVE JUROR J. KING: Yes.

MR. DE LA RIONDA: You could come into this courtroom and say, voted for the death penalty.

PROSPECTIVE JUROR J. KING: Yes.

MR. DE LA RIONDA: Thank you, sir.

Miss Scarbrough?

PROSPECTIVE JUROR SCARBROUGH: Yes.

MR. DE LA RIONDA: Could you go through all that process and in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR SCARBROUGH: Yes.

MR. DE LA RIONDA: Thank you, ma'am.

Miss Jordan, I believe you stated you were opposed to it, is that correct?

PROSPECTIVE JUROR JORDAN: Right.

MR. DE LA RIONDA: You could not vote for the death penalty?

PROSPECTIVE JUROR JORDAN: Nope.

MR. DE LA RIONDA: Thank you very much, ma'am.

Miss Wright, could you vote in an appropriate case and follow all that procedure and then vote in an appropriate case for the death penalty?

PROSPECTIVE JUROR WRIGHT: No, sir.

MR. DE LA RIONDA: Thank you, ma'am.

And finally, Mr. Cahill, could you follow all that process and in an appropriate case, vote for the death penalty?

PROSPECTIVE JUROR CAHILL: Yes, I could.

MR. DE LA RIONDA: Thank you, sir.

If I could -- on the left-hand side, anybody have military service? Let me just -- show of hands and let me go very quickly.

On the left-hand side, we have --

Miss Foster, did you have your hand up?

PROSPECTIVE JUROR FOSTER: Yes.

MR. DE LA RIONDA: How long were you in the military for?

PROSPECTIVE JUROR FOSTER: Four years.

MR. DE LA RIONDA: Four years?

What branch?

PROSPECTIVE JUROR FOSTER: Army.

MS. BYNUM: I can't hear her.

MR. DE LA RIONDA: I'm sorry. She can't hear you. Would you mind standing up?

PROSPECTIVE JUROR FOSTER: Army, four years.

MR. DE LA RIONDA: Second row, was there anybody?

Mr. Dieffenbach yes, sir. What branch?

PROSPECTIVE JUROR DIEFFENBACH: Navy, eight years.

MR. DE LA RIONDA: Okay. Thank you very much, sir.

Third row, anybody, military service?

Fourth row, somebody's got their hand up. Mr. Kinsey?

PROSPECTIVE JUROR KINSEY: Four years, Navy.

MR. DE LA RIONDA: Thank you very much, sir.

Anybody else on that side over there?

Okay. Let me shift over to the right-hand side, military service. I know we've got one person who already mentioned it.

Yes, sir, front row, Mr. King.

PROSPECTIVE JUROR T. KING: Navy, seven years.

MR. DE LA RIONDA: How long?

PROSPECTIVE JUROR T. KING: Seven years.

MR. DE LA RIONDA: Seven years in the Navy? Thank you, sir.

Second row, anybody?

Third row, I know we have Mr. Rhodes. Other than Mr. Rhodes, anybody?

Mr. Ashley?

PROSPECTIVE JUROR ASHLEY: Yes, Army, four years.

MR. DE LA RIONDA: Thank you very much, sir.

Next row, anybody?

And last row, anybody, military service?

Thank you very much.

Has anybody had any training in psychology or psychiatry or any of those fields? I think we had a few people that were taking some -- wanted to be a major or something in psychology.

And that's you, Miss Fleming, is that correct?

Anybody else?

Miss Arias, yes, ma'am.

PROSPECTIVE JUROR ARIAS: I worked for two years for University of Miami, psychiatric department.

MR. DE LA RIONDA: Okay. Anybody else over on the left-hand side?

Miss Madden, yes, ma'am.

PROSPECTIVE JUROR MADDEN: I took psychology in school.

MR. DE LA RIONDA: Anybody else over on the left-hand side?

Mr. Trenschel?

PROSPECTIVE JUROR TRENSCHEL: Psychology in college.

MR. DE LA RIONDA: Okay. Did you major in it or just took a class?

PROSPECTIVE JUROR TRENSCHEL: Just took

a class.

MR. DE LA RIONDA: Okay. Anybody else over on the left-hand side?

How about on the right-hand side? Anybody in terms of psychology, psychiatry?

And let me just cover. Miss Laurence?

PROSPECTIVE JUROR LAURENCE: I majored, in college, in psychology.

MR. DE LA RIONDA: Okay. And, Miss Rhone, yes, ma'am.

PROSPECTIVE JUROR RHONE: I'm trying to minor in psychology. I've taken multiple classes in psychology.

THE COURT: Okay. Are you going to move on to that area and leave where you're working at now or --

PROSPECTIVE JUROR RHONE: Well, my major is criminal justice with a minor in psychology.

MR. DE LA RIONDA: I gotcha. Okay.

And the purpose in taking a minor in psychology is what?

PROSPECTIVE JUROR RHONE: Because I was kind of stuck between the two fields.

MR. DE LA RIONDA: Okay. But major,

you're definitely doing criminal justice.

PROSPECTIVE JUROR RHONE: I'm sorry?

MR. DE LA RIONDA: You're definitely doing criminal justice as your major?

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: What do you -- what do you envision doing with that, law enforcement or --

PROSPECTIVE JUROR RHONE: Yes, sir.

MR. DE LA RIONDA: Okay. Thank you, ma'am.

Anybody else in that first row?

Second row, Mr. Brophy, yes, sir.

PROSPECTIVE JUROR BROPHY: My undergraduate degree was in psychology.

MR. DE LA RIONDA: Okay. Thank you, sir.

Anybody else?

I'm sorry. Miss Perry, yes, ma'am.

PROSPECTIVE JUROR PERRY: In nursing school, I've taken psychology classes. And working in neurology, we deal with the psych as well.

MR. DE LA RIONDA: Okay. Thank you very much.

Anybody else in that third row, fourth row, fifth row?

Nobody?

Do all of you agree that people should be held accountable and responsible for their actions?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Does anybody disagree with that?

And if you're picked as a juror in this case, would you be able to follow the law and the evidence and use your God-given common sense in evaluating all the evidence and coming to a verdict in this case?

THE PROSPECTIVE JURORS: Yes.

MR. DE LA RIONDA: Anybody have any issue about that, about using their God-given common sense?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Somebody has an issue about using their God-given common sense?

PROSPECTIVE JUROR ISLAMOVIC: Yes.

MR. DE LA RIONDA: Okay. And that, for the record, is Mr. Islamovic, is that correct?

PROSPECTIVE JUROR ISLAMOVIC: (Nods head.)

MR. DE LA RIONDA: Okay. All right. I'm going to sit down in two minutes. I know you're ready to get out of here. I want to thank you for your time.

But I want to ask you this. I've asked a lot of questions. The judge asked some questions. And obviously the defense, tomorrow morning, will be able to ask you some questions. But at this time, as you're sitting here right now, is there something you're thinking of: I wish Mr. de la Rionda had asked me this. If they only knew this about me that's relevant to why you're here or your decision in this case. Anybody over here on the left-hand side?

Anybody on the right-hand side?

No?

Okay. Thank y'all very much.

THE COURT: Thank you, Mr. de la Rionda.

Ladies and gentlemen, that will do it for today. We will start at 9:00 o'clock tomorrow morning. I suggest then that you come at about 8:30 to get to the parking lot,

the parking garage where you parked this morning. Get your little ticket. I think you probably need to bring it here to the courtroom. I'm not sure. But we'll pay for the parking or validate your tag, the ticket. I'm not sure how that works. But be sure and hang on to that.

If you get there about a half an hour early, that way, you get across the street, through the security, get you up here. You've got to come back here to Courtroom 407 on the fourth floor. We will seat you back in here. Please remember where you're seated so we can get y'all back into the same place because we need to use the seating charts again tomorrow.

And, again, let me remind you not to do any research. Don't look up terminology. Don't discuss this case with anybody. A lot of time has been spent here today, and more is going to be spent tomorrow getting to know you and where you're coming from and what you do and/or don't know about the case. We don't really want that to change. So if you will please help me with that, that would be

greatly appreciated.

Other than that, let me thank you for your time today. I know it's an extremely long day, but I want to get us through this process as best we can. We will finish up the jury selection tomorrow. I'll let you know tomorrow who the jurors will be, hopefully by lunch. And then we'll go from there.

So have -- what, parking?

THE BAILIFF: We have the two --

THE COURT: I'll deal with that in a minute.

So with that said, y'all have a safe drive home, and for those you who are wondering, right now they kind of show the hurricane being south of Miami on Sunday. But that's one of about 50 different models. So there you go.

See y'all tomorrow. Thank y'all very much. See you tomorrow.

PROSPECTIVE JUROR DUNCAN: I don't have a babysitter.

THE COURT: Just hang -- hang here.

PROSPECTIVE JUROR DUNCAN: I don't have

a babysitter.

THE COURT: Ma'am, if you stay here, I'll talk to you about it because the lawyers need to be involved in it.

(Jury panel excused with the exception of Prospective Juror Duncan.)

THE COURT: Miss Duncan, your situation was brought to the attention of the attorneys, and they have agreed that you do not need to come back tomorrow.

PROSPECTIVE JUROR DUNCAN: Thank you. God bless you.

THE COURT: Yes, ma'am.

PROSPECTIVE JUROR DUNCAN: Thank you.

THE COURT: Thank you for being here. I appreciate you hanging in there with us.

(Prospective Juror Duncan excused.)

(Prospective Juror Mason present.)

THE COURT: Miss Mason, unfortunately, your situation was brought to the attention of the attorneys, and we couldn't come to a consensus. That's why I was saying that you needed to come back tomorrow. I'm not sure what -- I know you --

What?

MS. BYNUM: If I might just have a moment to question her about one thing, then that could probably resolve that. My mind changed a little bit after Mr. de la Rionda followed up, so I'd be willing do that if that's okay with the Court.

THE COURT: Sure.

MS. BYNUM: Hi, ma'am.

PROSPECTIVE JUROR MASON: Hi.

MR. DE LA RIONDA: My name is Kelly Bynum. You haven't heard from me really at all yet. I'll be speaking tomorrow.

But I just wanted to ask you a few follow-up questions to see if we could figure out whether you needed to come back.

I know you said, when you were asked what your thoughts were on the death penalty, that you don't believe in it. And then you said you could not consider aggravation. Knowing that you never have to vote death, are you telling the Court and all of us today that you could not even consider the potential or the possibility for death or consider the aggravating circumstances?

PROSPECTIVE JUROR MASON: No. I don't

think that's my place. I think that's God place to make a decision on somebody's life.

MS. BYNUM: Okay. And you were -- I'm sorry. I don't know if it was you or a family member that was victim? Did you say --

PROSPECTIVE JUROR MASON: Both.

MS. BYNUM: Both.

PROSPECTIVE JUROR MASON: I just a lost brother three months ago. He got killed.

MS. BYNUM: I'm sorry to hear that.

PROSPECTIVE JUROR MASON: They don't know who did it.

And I've been a victim of rape, burglary, all kinds of different stuff.

MS. BYNUM: Would those things be on your mind throughout the course of this trial?

PROSPECTIVE JUROR MASON: Yes.

MS. BYNUM: And it would cause you to be unfair and partial?

PROSPECTIVE JUROR MASON: Yes.

MS. BYNUM: Your Honor, thank you. I just wanted to flesh those things out. I have no objection.

THE COURT: Mr. Bright, you have any objection to this juror being excused?

THE DEFENDANT: No, sir.

THE COURT: Okay. Now you're excused, Miss Mason.

PROSPECTIVE JUROR MASON: Thank you very much.

(Prospective Juror Mason excused.)

THE COURT: State, have any objection, by the way?

MR. DE LA RIONDA: No, sir. As I stated earlier, I did not.

MS. BYNUM: Thank you, Judge.

THE COURT: And, Mr. Bright, you didn't have any objection to Miss Duncan, the lady with the walker, being excused either, correct?

THE DEFENDANT: Right, correct. No, sir.

THE COURT: You're okay with that.

THE DEFENDANT: Yes.

THE COURT: All right. And so you know, we're down to 72 people now instead of 74. And you're okay with that.

THE DEFENDANT: Yes, sir.

THE COURT: Okay.

All right. There you go. See you at 9:00 o'clock.

(Whereupon the proceedings were adjourned.)

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IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA

CASE NO: 16-2008-CF-002887-AXXX-MA

DIVISION: CR-I

STATE OF FLORIDA

-vs-

RAYMOND CURTIS BRIGHT,

Defendant.

STATE OF FLORIDA)

COUNTY OF DUVAL)

Trial before the Honorable RUSSELL L. HEALEY, Judge of the Circuit Court, Division CR-I, as cause in this matter came to be heard on the 6th of September, 2017, before Karen Waugerman, a Notary Public in and for the State of Florida at Large and Registered Professional Reporter.

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PAGE # 431

APPEARANCES:

BERNARDO ENRIQUE DE LA RIONDA and PAMELA J. HAZEL, Esquires, Office of the State Attorney, appearing on behalf of the State of Florida.

KELLI JANE BYNUM and CHARLES MICHAEL WILLIAMS, Esquires, Private Attorneys, appearing on behalf of the Defendant.

PROCEEDINGS

PROCEEDING	PAGE
JURY SELECTION (CONTINUED)	435
PRELIMINARY JURY CHARGE	604
OPENING STATEMENT BY MR. DE LA RIONDA	623
OPENING STATEMENT BY MR. WILLIAMS	639
JURY CHARGE CONFERENCE	786

STATE WITNESSES

WITNESS	PAGE
CARRIE MAE BROWN GRAY	
DIRECT EXAMINATION BY MS. HAZEL	654
CROSS EXAMINATION BY MS. BYNUM	660
MICHAEL JEROME MAJORS	
DIRECT EXAMINATION BY MS. HAZEL	663
CROSS EXAMINATION BY MS. BYNUM	680
CHRISTOPHER ROBINSON	
DIRECT EXAMINATION BY MR. DE LA RIONDA	683
DEBORAH BROOKINS	
DIRECT EXAMINATION BY MS. HAZEL	691
DAN JANSON	
DIRECT EXAMINATION BY MS. HAZEL	737
CROSS EXAMINATION BY MS. BYNUM	744
TRACY STAPP	
DIRECT EXAMINATION BY MR. DE LA RIONDA	746

STATE WITNESSES (CONTINUED)

WITNESS	PAGE
CARRIE MAE BROWN GRAY	
DIRECT EXAMINATION BY MS. HAZEL	771
ROBERT BELL	
DIRECT EXAMINATION BY MR. DE LA RIONDA	775
CROSS EXAMINATION BY MS. BYNUM	779
REDIRECT EXAMINATION BY MR. DE LA RIONDA	781
RECROSS EXAMINATION BY MS. BYNUM	781

EXHIBITS

DESCRIPTION	PAGE
State's Exhibit Nos. 144 through 154 and Defendant's Exhibit Nos. 3 through 11	734
State's Exhibit No. 155	782

P R O C E E D I N G S

(September 6, 2017) (9:08 a.m.)

(Defendant present.)

THE COURT: Juror No. 33 is having a little medical issue outside as we speak.

I guess while they're tending to her, let's talk about this storm. There's talk now that -- first off, Juror No. 33's in the hallway and has a medical issue, and they're tending to her, about her blood pressure.

There's talk that the -- I guess, the governor's closing State offices. I don't know that he can -- has power over the executive -- or the legislative branch. I think that has to come from the Supreme Court as to whether or not we close on Friday. But I can see it coming, maybe, which means that we can do today and tomorrow.

And I see the panic written on everybody's face, and Monday's going to be a bad day too. And so who knows what Tuesday will bring if the storm really does come? And so some thoughts.

One, we keep plowing the ground, and we do what we can today and tomorrow. And

assuming that they close on Friday and Monday, maybe, maybe we tell these jurors, you've got to be ready to reconvene next Wednesday to finish the trial.

That's a thought. I don't know. I don't know what other thoughts there are.

There is always the thought of we just punt this now, but I don't want to do that. I suspect you-all don't want to do that. And that means picking a new trial date. For me, it would be easy. For you guys, probably not so much. You know me. I pick next week or week after. I'll try whatever week you'd want it, if that's what happened.

But just -- I'm not saying you've got to respond to it now. It's something to think about as to what we're going to do. This thing could get convoluted.

I can tell you this: There are no hotel rooms for Monday night. If we do this sequestration business, that's -- that's a disaster. There could be on Friday night, maybe. But the problem is if the Supremes close us down, we're closed on Friday and Saturday. So we couldn't get it done, even

if we -- now, of course, if he waives the sequestration, we don't have that problem. I get that. But then we're back to can we get it done, finished, you know, like we thought, which would have been Monday. Odds don't seem to be lining up for that.

MS. BYNUM: Your Honor, and not to, I guess, add any more difficulty to the situation, but I have an expert who is from South Florida who has an elderly mother who cannot leave her, and he is requesting to testify via Skype. I already have that in the works if that's amenable to the Court.

THE COURT: Fine by me.

MS. BYNUM: Okay. I just wanted to bring that to the Court's attention.

THE COURT: Any objection to that, Mr. de la Rionda?

MR. DE LA RIONDA: No. Miss Bynum notified me yesterday evening after we had left here, and I told her I had no objection.

THE COURT: Yeah. That's -- that's fine. I mean, that's not the ideal way, but sometimes you've got to do what you've got to do. So, yeah, that would be okay with me.

MS. BYNUM: Yes, Your Honor. Okay, well, that was my biggest concern.

Your Honor, I would have no objection to picking another trial date but the difficulty in that -- and I don't even know if the Court's aware. I'm actually dissolving my firm in November.

THE COURT: I do.

MS. BYNUM: Okay.

THE COURT: I do know that. And I know you've got one other death case, I think.

MS. BYNUM: Two more.

THE COURT: Two. So, yeah, I've already mulled that over in my head. Out of respect for you, I thought we need to get this done 'cause I know you're trying to close things up. And my -- not to get in your business, but my understanding is you're moving, like, across the country.

MS. BYNUM: Yes, sir. I'm moving. Yes, sir, I am.

THE COURT: So, you know, I can see that, yes, you'd want to get these things wrapped up. I didn't know you had two more. I knew you had one.

MS. BYNUM: I do have two more. I have one set 10-9 and one set 10-30. Obviously, the one on 10-30, you know, if -- I would never do anything to jeopardize my client's trial. So that one might actually have to be punted off of. But I am -- I am trying my best to get these resolved before I leave, especially because the ones on 10-9 and 10-30 I've already tried.

With that being said, I know that the other weeks in October are problematic for Mr. de la Rionda. So I -- I don't know. It's an interesting situation just with the weather, and, I mean, there are so many things out of our control for this week. I understand that.

MR. DE LA RIONDA: I guess if I were to vote right now, I would vote to continue, and I realize the dilemma we're all in.

THE COURT: Wait. You said continue. Keep moving.

MR. DE LA RIONDA: I'm sorry. Keep moving. No. I apologize. Not to continue the trial. You're absolutely right. I unartfully phrased that. I would like to

keep plowing. And the reason why is because let's say we all agree or we -- okay. It's feasible that we can do it in two weeks. Well, two weeks, we may have Hurricane Jose or -- there actually is Jose apparently down the -- further down. I mean, you never know what's going to happen. We've got all our witnesses lined up as best as possible in terms of everybody's geared up.

So I would like to continue, and I think at the end of the day today, we'll have better idea of whether Friday or not, you know, how likely this hurricane, whatever the hurricane's name -- I forgot her name.

THE COURT: Irma.

MR. DE LA RIONDA: Irma.

THE COURT: Well, the only this is I'm thinking by lunch, we're going to get a jury, and then we're going to swear that jury. And jeopardy attaches and then off we go. And we may not know by that time what Friday looks like. Maybe we will. Maybe we won't.

And then so -- then comes -- perhaps we need to have conversation with these jurors that, look, this thing is in a state of flux.

We get it. You might need to be prepared to come back here next Wednesday, Thursday Friday. We might be done tomorrow and then we have to reconvene. What problem does that pose for some people?

MR. DE LA RIONDA: Right. I think the evidence, we will definitely be able to get it done tomorrow. I think we have Dr. Rao tomorrow -- that's only time she's available -- at 9:00 o'clock. And then we have one victim impact statement. But other than that, we'll be done in the morning. So at --

THE COURT: Well, you will be.

MR. DE LA RIONDA: I'm sorry. The State will. And I believe the defense, based on their lineup, they will have all the witnesses. So I think we could have all the evidence, maybe arguments whatever day it is that we would have them deliberate -- start deliberating, start that morning. But you're right. It could either be Tuesday, Wednesday, and I think, as the Court has already indicated, we should explore with them their schedule next week. And they'll

all probably say, well, we don't know. The hurricane hit our house, that type of thing.

MS. BYNUM: Your Honor, I do intend to put -- now that the State will be done by tomorrow morning and one of my experts is testifying via Skype, I intend to put everything on tomorrow. So I will be done with my case tomorrow. That obviously only leaves closing and deliberations.

I will tell the Court that next Friday, I have a flight out of the country, and so I would be available obviously Monday through Thursday. But Friday at 3:30, I'd be leaving the country. I've had that for about a year planned and so I just don't know. I mean, that would be my biggest hang-up with next week. But I'm -- I will be done with the case tomorrow, short of closing.

MR. DE LA RIONDA: My understanding, at least -- and I'm not a weather person. But whichever way the hurricane goes, it should be done with Jacksonville by Monday at the latest, right? I mean, I'm saying but -- or Tuesday at the latest. So we -- we'll have one day next week where we can do arguments

and deliberations -- and instructions and deliberations.

THE COURT: Well, I'm going to bring these people in here, and I'll tell them where we are. And I'll tell them, you know, if the Supreme Court closes the courthouse on Friday, then we would have to come back next week to finish it. You know, has anybody got plans to be out of town next week or, you know, whatever. We'll see what we get.

So I'm going to jump back in before you go.

MS. BYNUM: Very well.

THE COURT: And then they can say whatever they're going to say.

MS. BYNUM: Yes, sir.

THE COURT: Where are we on this person?

THE BAILIFF: They're calling rescue.

THE COURT: Okay. So they're calling Rescue on Juror No. 33, Lynn Burry.

So my question then would be is everybody okay excusing her, or do you want to wait to see if rescue says she's okay to continue on?

MS. BYNUM: I'm okay excusing her, Your

Honor. I can speak with my client.

THE COURT: The people in the building were checking her out and now they're calling rescue.

Her blood pressure's way out of whack so they're calling rescue.

THE BAILIFF: Her heartbeat is way up there.

MR. DE LA RIONDA: That's fine. If the defense has no objection, I have no observation.

THE COURT: All right. So by agreement -- Mr. Bright, if you'll do me another favor and stand up and raise your right. Hand we'll do this probably every day.

(Defendant sworn by the Court.)

THE COURT: Okay. You heard what I said about No. 33, Miss Burry. She's outside, got blood pressure and heart issues. They're calling rescue. Are you okay with excusing her?

THE DEFENDANT: Yes, sir, I am.

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

And then let's see. Yesterday we got rid of Miss Mason and Miss Duncan.

MR. DE LA RIONDA: 21.

THE COURT: All right.

MR. WILLIAMS: Your Honor, I have another issue with Dr. Ouaou. He's another one of our experts. He's in a very similar situation. He's complaining about elderly relatives, and he's got property he's got to secure and pets and a wife pregnant also. He can't leave Naples, Florida, is what he's telling me. He wants to appear via Skype as well.

I'm just now telling the State this. I keep trying to get him here, but if they don't have objection to Gold appearing by Skype, I'm assume they don't have an objection.

MR. DE LA RIONDA: We have no objection to Dr. Ouaou, I guess is how you pronounce. But I have no objection.

THE COURT: Okay. All right. Bring them on in.

THE CLERK: Your Honor, I've also been informed by jury services Mr. Islamovic had a

flat tire en route.

THE COURT: Hang on.

THE BAILIFF: Hold on.

THE CLERK: It's Juror No. 12.

THE COURT: Right. That was Juror No. 12.

MS. BYNUM: I was going to move to strike him for cause, Judge, but I don't know how the Court wants to handle that.

MR. DE LA RIONDA: I don't think I can object, based on his answers.

THE COURT: I don't think you could either. So I saw that coming. I'll grant the defense's cause challenge without really any objection from the State. So he's gone. And then that way, when he gets here, you can tell him he can go on home.

Can we bring anybody else in? We got anybody else out there?

THE BAILIFF: Yes, sir.

THE COURT: Bring in the rest of them.

(Jury present.)

THE BAILIFF: We're missing two over here, plus the -- Mr. Islamovic over here. There's one in the restroom we know of.

She's down checking on them.

THE COURT: Do we have the two over there?

THE BAILIFF: We're missing two additional.

THE COURT: I mean, did we have them, though, and we lost them since they got here or they haven't gotten here?

THE BAILIFF: We don't know 'cause we couldn't keep up with who was out there.

THE COURT: Oh, my gosh.

THE BAILIFF: That is Miss Dunker.

THE COURT: No. 60.

Do we know how many people we've got in the room? We should have 70.

THE BAILIFF: I'm sorry?

THE COURT: Do we know how many people we have literally in the room? We should have 70.

THE BAILIFF: We have -- on this side, we have 33 and on this side, we have 35. So --

MR. DE LA RIONDA: 68.

THE COURT: Well, I've already scratched Mr. Islamovic.

THE BAILIFF: Okay.

THE COURT: So I've scratched four people, which means we should have 70 people in the room 'cause we had 74 yesterday. We lost a couple people, not literally. I think we know where they are. Obviously, we've had some issues. I suspect this case is going to have issues swirling around it without trying to make a pun about the weather.

THE BAILIFF: Yes, sir. We have 70 people in the room.

THE COURT: We do?

THE BAILIFF: Yes, sir.

THE COURT: Well, then we're perfect.

A PROSPECTIVE JUROR: Want us to count off?

THE COURT: We might. We might get to that.

THE BAILIFF: You forget, I went to Auburn.

THE COURT: And that's why we have counting problems.

THE BAILIFF: I know.

THE COURT: Everybody who went to Florida, raise your hand. We know how to

count.

Let's just start with Mr. Watson. Just start counting off, 1, and go down.

Go, Mr. Watson.

A PROSPECTIVE JUROR: 1.

A PROSPECTIVE JUROR: 2.

A PROSPECTIVE JUROR: 3.

A PROSPECTIVE JUROR: 4.

A PROSPECTIVE JUROR: 5.

A PROSPECTIVE JUROR: 6.

A PROSPECTIVE JUROR: 7.

A PROSPECTIVE JUROR: 8.

A PROSPECTIVE JUROR: 9.

A PROSPECTIVE JUROR: 10.

A PROSPECTIVE JUROR: 11.

A PROSPECTIVE JUROR: 12.

A PROSPECTIVE JUROR: 13.

A PROSPECTIVE JUROR: 14.

A PROSPECTIVE JUROR: 15.

A PROSPECTIVE JUROR: 16.

A PROSPECTIVE JUROR: 17.

A PROSPECTIVE JUROR: 18.

A PROSPECTIVE JUROR: 19.

A PROSPECTIVE JUROR: 20.

A PROSPECTIVE JUROR: 21.

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A PROSPECTIVE JUROR: 32.

A PROSPECTIVE JUROR: 33.

A PROSPECTIVE JUROR: 34.

A PROSPECTIVE JUROR: 35.

A PROSPECTIVE JUROR: 34.

THE COURT: 36.

A PROSPECTIVE JUROR: 37.

A PROSPECTIVE JUROR: 38.

A PROSPECTIVE JUROR: 39.

A PROSPECTIVE JUROR: 40.

A PROSPECTIVE JUROR: 41.

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A PROSPECTIVE JUROR: 66.
A PROSPECTIVE JUROR: 67.
A PROSPECTIVE JUROR: 68.
A PROSPECTIVE JUROR: And 69.
THE COURT: So we're one short.

THE BAILIFF: No. 60.

THE CLERK: Dunker.

THE COURT: Miss Dunker.

THE BAILIFF: Yes, sir.

THE COURT: Do we know if she was ever here this morning?

THE BAILIFF: I have not seen her.

THE BAILIFF: I have not seen her. She has been late coming back forever, every time.

THE COURT: Let me see counsel and court reporter at the bench.

(The following sidebar conference was had out of the hearing of the jury panel:)

THE COURT: Miss Dunker is not here. It's almost 9:30. She was one I had written down as a probable cause challenge because at the end of things, she said she could not under any circumstances vote for the death penalty. So I don't know. I suspect the State was going to move to challenge.

MR. DE LA RIONDA: That's correct, Your Honor.

THE COURT: I don't know where that leaves the defense.

MS. BYNUM: Your Honor, as of last night, I was going to try to talk to her, but she was extremely late yesterday on coming back from all of the breaks. And just watching her demeanor in court, I don't even really know how to engage interest. She is -- so I would have no objection to the strike.

THE COURT: She is gone for cause.

Have they got leg iron on him, on Mr. Bright?

MR. WILLIAMS: They have something on his leg.

THE COURT: All right. Well, I'll deal with that at the break.

He's okay with that strike?

MS. BYNUM: Oh, sure.

THE COURT: I want it on record but we will deal with it on break.

(At the conclusion of the sidebar conference, the following further proceedings were had in the presence of the jury panel:)

THE COURT: Well, first off, good morning and welcome back. Look how bright-eyed and smiley-faced everybody seems

to be. You must have had a great evening's rest. So if you come down here and do that kind of thing all day long, you'll go home and sleep like a baby.

So thank you very, very much for being here again today. Thank you again for yesterday. I know it was a long day. We are obviously under some outside pressures to try and make this work.

And so without asking Miss O'Neal to give us an update on the weather -- I know you've got an update. I knew you would. She probably can tell us about all 50 different models of the storm.

And I'm sure everybody's gone home, looked at it to see where we were, and, you know, everybody's probably got a different opinion on what's going to happen in this, that and the other.

Right now what we're going to do is we're going to continue to plow the ground, but I want to make you aware of a couple of things because this is a very unusual situation for me. I've never had this happen, been a judge now for 15 years and

have not had this kind of situation pop up where I don't really have a good answer for you as to how this thing is going to progress. Usually, I've got way more -- better -- control might not be the greatest word but idea of how it's all going to move forward. Because there are some things that are out of my control.

One, some of you may have seen that the governor has issued a news release, I guess, or something wherein he has closed State offices for Friday. And that's for the whole State of Florida, which is kind of interesting because I guess the Panhandle people get to go home on Friday and I get the Miami people. But whatever, not my call.

The -- there is a line of thinking that the governor does not control the judicial branch of government, and so the Florida Supreme Court has to come down with an edict as to what will happen with the courts. We are not a State office. Well, we, judges, are State employees. The Court system is not, in the traditional sense, a State office. So the closing of it would come from

a directive from the Florida Supreme Court, which has not happened. Not saying it won't but it hasn't to this point.

So the potential exists for us to do our work today and begin the trial today once we select the jury out of your group and try the with tomorrow. And potentially, we could be closed down on Friday. I had thought at one point, in order to try and avoid Monday, if things went smoothly as I'm now told by the lawyers we're hoping that it could, we might be able to be finished by Friday. And if by chance we weren't, I thought maybe we could role into Saturday and avoid this next week problem.

Of course, if the Supreme Court closes the courthouse, that's not happening, which means then we're pushed into next week, which we'd talked about anyway. I told you maybe Monday, maybe Tuesday, depending on what's going on really with the storm.

That being said and not knowing what the aftermath of the storm could be and in hopes that we did as much and got as much done as I think we can today and tomorrow, we would

still need to come back next week, and it might be later in the week. So we might scratch Monday and Tuesday, and we might be need to come back and Wednesday or Thursday, something like that to actually finish, which is kind of odd. But once you get a jury in place, that's the jury that needs to ultimately decide the case.

So with that kind of in mind and getting that this is -- it's nothing etched in stone, I'm going to keep updating you and updating myself as the day wears on as to what we might be able to do scheduling-wise.

But as far as scheduling is concerned, we only talked about how this kind of case would affect folks through Monday or Tuesday. Let's just take Monday and Tuesday off the -- out of the equation. What about Wednesday and/or Thursday next week? Does anybody have any -- something that is so pressing that would keep them from being able to do what we've got to do this week, adjourn, let's say, tomorrow at the end of the day and come back and finish it next Wednesday or next Thursday? Does that -- is somebody, like,

flying out of the country next Wednesday or Thursday?

I've got one hand in the back. That's Mr. Watkins? No. I'm sorry. Mr. West.

PROSPECTIVE JUROR WEST: I will be in Colorado.

THE COURT: Oh, yeah. Right. We already -- I already wrote that down. I wrote that. Okay. So Colorado.

Anybody on that side? Anybody else on that side with a problem other than Mr. West?

I got a couple more hands. Mr. Dempsey.

PROSPECTIVE JUROR DEMPSEY: Just for Friday potentially, if it were to carry over.

THE COURT: Next Friday, it will not. Next Friday is out of the equation. So next week, it would be Wednesday and/or Thursday if we couldn't do Monday and/or Tuesday. So other than that, Mr. Dempsey's okay. We've got to avoid Saturday for you this week but we're good.

Saw another hand on that side. Is that Miss Echevarria?

PROSPECTIVE JUROR ECHEVARRIA: Yes.

THE COURT: Yes, ma'am.

PROSPECTIVE JUROR ECHEVARRIA: Got a job. I just started one.

THE COURT: Back to the work issue. I get it.

PROSPECTIVE JUROR ECHEVARRIA: Yes.

THE COURT: Okay. Anybody else on that side?

Miss Perry? Yes, ma'am.

PROSPECTIVE JUROR PERRY: I don't know the date of it yet. We're still waiting on test results.

THE COURT: I'm sorry? I didn't hear.

PROSPECTIVE JUROR PERRY: I don't know the date of it yet. We're still waiting on lab results to come back for -- my brother-in-law has leukemia and we submitted for my husband to be the donor. Once the match comes down, we're supposed to go down to Tampa for -- to start the transplant.

THE COURT: Do you have any idea when you'll know that?

PROSPECTIVE JUROR PERRY: We submitted the results last week, and we're hoping they come back this week. But I don't know a definite date.

THE COURT: Okay.

All right. Is that it on that side?

Moving over to the left -- my left side.

Miss Fleming.

PROSPECTIVE JUROR FLEMING: It's the same problem.

THE COURT: Yeah. Okay.

By the way, I was glad to see that that professor said absolutely no problem with this.

PROSPECTIVE JUROR FLEMING: Yeah.

THE COURT: Had nothing to do with me. I didn't make any calls.

Who else on that side? Mr. Bailey?

PROSPECTIVE JUROR BAILEY: I have a flight to New York on Thursday.

THE COURT: Okay. Who else on that side? Behind Mr. Bailey, is that Miss Scott?

PROSPECTIVE JUROR SCOTT: Yes.

THE COURT: Yes.

PROSPECTIVE JUROR SCOTT: My husband's scheduled for surgery on Wednesday.

THE COURT: Okay. Who else on that side?

Great. Okay. Perfect.

All right. Well, that helps. I don't know if that's where we're going but we'll see. I'll keep you posted as we go along.

So now we're ready to resume our normal business, and that will be for you-all to hear from and get some questions from Miss Bynum.

MS. BYNUM: Thank you, Your Honor.

THE COURT: Yes, ma'am.

MS. BYNUM: May it please the Court?

THE COURT: Yes, ma'am.

MS. BYNUM: Counsel.

Good morning.

THE PROSPECTIVE JURORS: Good morning.

MS. BYNUM: I know y'all have heard my name, but I want to introduce myself personally. My name is Kelli Bynum and together with Mike Williams, we have what has been a pleasure and privilege of representing Mr. Raymond Bright to my right.

Behind us seated here is Micky Silcox. I don't think she was introduced yesterday, but she's going to help me throughout jury selection and probably the course of the trial.

And it actually came to my attention -- and I wanted to address that first -- Miss Gay?

PROSPECTIVE JUROR GAY: Yes.

MS. BYNUM: Might you know Miss Silcox?

PROSPECTIVE JUROR GAY: I do.

MS. BYNUM: Okay. And can you stand up for me? I'm sorry. Just so Madam Court Reporter can hear everything.

Would knowing her influence you in any way throughout the course of this trial?

PROSPECTIVE JUROR GAY: No, absolutely not.

MS. BYNUM: Would you be able to give the State a fair trial and defense a fair trial based on how you know her?

PROSPECTIVE JUROR GAY: Yes. And I just wanted to say, the reason I didn't say anything the first time, he said attorneys, and I wasn't sure what her even reason for being here was. So I didn't say anything.

MS. BYNUM: That is completely fine. I appreciate that. I just wanted -- she notified me yesterday and I wanted to bring it to your attention and the Court's

attention.

PROSPECTIVE JUROR GAY: Thank you very much.

MS. BYNUM: And while we're on that, Miss Petschke?

PROSPECTIVE JUROR PETSCHKE: Yes.

MS. BYNUM: Do you know a bailiff maybe in the courtroom? Did that come to my attention or --

PROSPECTIVE JUROR PETSCHKE: Yes.

MS. BYNUM: Okay. And I'm just asking these things because this was brought to my attention yesterday. Would that influence your ability -- would that influence you in any way or your ability to be fair and impartial in this case?

PROSPECTIVE JUROR PETSCHKE: No.

MS. BYNUM: Okay.

PROSPECTIVE JUROR PETSCHKE: And on the questionnaire, it said close. And so a friend of mine is not to me somebody I consider close unless I talk to them every week or couple times a month.

MS. BYNUM: Sure. And, again, that's no problem. It was just something you noticed

throughout the course of the day?

PROSPECTIVE JUROR PETSCHKE: Yes.

MS. BYNUM: Okay. Great. Thank you. You can have a seat.

I kind of want to give you-all a road map, so to speak, of how I'm going to do my portion of the questions. Mr. de la Rionda was up for quite a bit yesterday and it was for good reason. He -- he covers a lot that both of us need to cover. He covers a lot for both sides. So he does a lot of the work on the front end so that I can get up and then ask some follow-up.

I assure you, I still will be, you know, maybe two hours but by lunchtime, I'll be finished. And I tell you that just so you can kind of understand where I'm going and have an idea of how long this is going to take.

And what I anticipate doing is going over some bigger items, some group questions, just to make sure everybody's on the same page, see if anybody has questions from last night that have rolled over and to kind of flesh out and highlight things that -- that

the defense finds important to the case.

And then after that, I do intend to go juror by juror, but I will only speak to each of you once because I had the luxury and the opportunity between last night and tonight to kind of compile my notes, figure out what exactly I want to clarify with each of you and then be done.

Does that sound fair?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Okay. Great.

Two things I want to touch on, and Mr. de la Rionda did talk about them. But I do want to make sure that there's no questions with regards to the burden of proof and my client's right to remain silent. And the first thing I want to talk about is the burden of proof.

I know that's we're for a penalty phase and not the guilt phase. And everybody at this point understands that, right?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Okay. Does everybody understand that the burden of proof as to the aggravating circumstances is the same burden

of proof as in the guilt phase? And that is beyond a reasonable doubt. Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Does anybody have a question as to what that level of proof is or that burden of proof? I think we're all pretty familiar with that. Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: And that burden never shifts. And what I mean by that is it starts here with the State Attorney's Office, with Mr. de la Rionda and Miss Hazel and it never jumps over here. It never jumps to my side of the room or to my table. And what I mean by that is I could sit there for -- I was going to say for the rest of the week. But this week, next week, whenever we're here, because of the storm, I could sit there and -- and not do anything.

And I know this sounds weird, but I'd be doing my job because the State is the one who has filed a notice of their intent to seek the death penalty. And it is up to them to

convince you beyond a reasonable doubt that all of those aggravating circumstances have been proven beyond a reasonable doubt. And you have to unanimously find that, right? Everybody has to find that. If not everybody agrees on that, then you don't even get to the next step. But every single aggravating -- I'm sorry. At least one aggravating circumstance has to be proven beyond a reasonable doubt.

Then you get to the next part. Do you unanimously find that those aggravating circumstances are sufficient to justify death? And if you don't unanimously find that, then you don't even get to the mitigating circumstances. If you find they are -- have been proven -- at least one has been proven beyond a reasonable doubt and they are sufficient to justify death, then you look at the mitigating circumstances.

Now, when I say I don't have to do anything, it's the State's burden to prove it to you, and even absent any sort of mitigating circumstances that you may or may not hear from the defense side, if they

haven't proven to you beyond a reasonable doubt that at least one aggravating circumstance exists and it's sufficient enough to justify death, does everybody understand that at that point, that's a life sentence?

A PROSPECTIVE JUROR: Yes, ma'am.

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Does anybody have a problem with that? Does anybody think that I -- I should have to prove or say or do something?

Nobody thinks that. Is that a resounding no?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Yes, it's a resounding no. Okay.

And everybody agrees to hold the State to that burden.

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Now, as far as my client's right to -- to remain silent or right not to testify, does anybody -- is anybody demanding to hear from him throughout the course of this case, throughout the course of this penalty phase?

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Okay. There's no one here that in order to render a sentence would need to hear from my client.

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Okay. Now, I'm not allowed to get into the specifics or the facts of the case. I think that was made very clear to you yesterday, that if you're selected for this jury, that's when you will start to hear those things.

What I do need to know -- and the only reason I am -- and I'm not going to say specifically anything about the victims. But somebody did raise a question yesterday as to their age. And not knowing the age of the victims, does everybody understand that that cannot be an -- that the State will explain to you what the aggravating circumstances are that they're trying to prove, and it's to shows and those alone that you look for the aggravation? Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Okay. Is there anybody here that whatever the age of the victims is,

young or old, that that would be something you wouldn't being able to get past and you might consider as aggravating?

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Okay. Is that -- I'm sorry. Okay. And that is Miss Rhone?

PROSPECTIVE JUROR RHONE: I'm not saying that. I didn't make the comment about the age, but it was because I thought that I may have known that person.

MS. BYNUM: Oh, and you weren't the juror I was thinking of.

PROSPECTIVE JUROR RHONE: Oh, okay. All right.

MS. BYNUM: Somebody else had a question about it, so I just wanted to address it and make sure that nobody needed to -- that nobody was going to consider that aggravating one way or another.

PROSPECTIVE JUROR RHONE: Okay. Yes, ma'am.

MS. BYNUM: But thank you.

PROSPECTIVE JUROR RHONE: You're welcome.

MS. BYNUM: Now, the two penalties here,

the two different sentences, is either life without the possibility of parole or the death penalty. Who here is confused in any way about what life without the possibility of parole means? Does anyone have a question on that?

And I see no hands.

And why I'm asking that is in the State of Florida, a life sentence, life is life is life, which means that there is no parole; there is no review. Life is life, day for day. Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Okay. Now, back to, just briefly, like I said, the aggravating circumstances, what the State is going to present to you are the only things that you can use -- the only things you can rely on when considering aggravation. And why I bring that up again is that you will have an opportunity to hear from the victims' families in this case. It's called "victim impact statements." And it is their right. It is it is their day in court. It is their -- it is their chance to get up and to

speak about the life of their loved one, what they meant to them, their life since losing them.

I take no issue with that. I want everyone to understand that.

What I need to know, though, is -- well, first of all, let me tell you that you cannot use that as aggravation. You can't -- you can't then take that back and think about that as an aggravating circumstance. And that might be hard. That might be hard because you're going to be hearing from, you know, family members who are obviously extremely upset that they've lost a loved one.

Who here thinks that after hearing those victim impact statements that they might go back and actually consider that as mitigation and not be able to just listen to that for what it is but actually use that as aggravation when determining the sentence? Is there anybody here that thinks they might have a hard time doing that?

I see no hands.

Okay. So everybody understands that

obviously you're to listen to the victim impact statements. It is their day in court. It is their time but that you can't use that as aggravation. I know that sounds strange but I just want it to make sure that everybody understands that.

Okay. And nobody has a problem with that?

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Okay. I see no hands.

I want to talk about mitigation. We've heard a lot about aggravation. We know that not every first-degree murder is a death penalty case. We know that it's not an automatic death penalty-type situation. You have to weigh the aggravating circumstances and the mitigation, the mitigating circumstances.

And you were told yesterday that -- and, again, I'm not going to get into what the mitigation -- proposed mitigation is in this case.

But you were told yesterday that it can be anything in -- in my client's background, childhood, the way he was raised, good things

he's done, bad, bad experiences he's had, things he suffers, I mean, anything in his -- in his life and in his background. And mitigation doesn't -- just because one juror finds one thing mitigating doesn't mean another juror is going to find that same thing mitigating. Mitigation can touch one person and not touch another. And that's what's so interesting about the penalty phase is that, you know, in guilt, you have to kind of remove all -- all emotion. And I'm not asking for sympathy here because you're not supposed to bring sympathy into even a penalty phase.

But it's interesting in a penalty phase. You can actually look at these -- at these mitigating circumstances, and however that touches you, if it does touch you, it might touch you differently than it touches somebody else.

And the example I wanted to use -- where is -- where is my art teacher? I know back here. Can you stand up and say your name for the record?

PROSPECTIVE JUROR SCARBROUGH: Deborah

Scarbrough.

MS. BYNUM: Okay. And, ma'am, when you say you're an art teacher, I didn't catch what -- what age you taught.

PROSPECTIVE JUROR SCARBROUGH: Kindergarten through fifth grade and then I have ESE students as well.

MS. BYNUM: Okay. So K through five.

So some of those -- some of those creations might -- might truly be fantastic, and some might just be fantastic for the parents. I'm not really sure.

PROSPECTIVE JUROR SCARBROUGH: True.

MS. BYNUM: Okay. And would -- would you agree that you might see a student's piece of art and go, okay, that's nice, and somebody else might find it just magical?

PROSPECTIVE JUROR SCARBROUGH: Yes.

MS. BYNUM: Okay. And a better example that -- because I'm sure that parents are going to find anything that their child does magical, a better example of that might be -- and you can have a seat thank you -- might be work that's -- that's more well-known. I'm a huge Salvador Dali fan, and some people might

look at that art and go, that's ridiculous. That's kind of the same with all art. I wasn't an art history major at all. For some reason, I just like Salvador Dali.

Is anybody -- is anybody who thinks that his work is garbage going to look at me and say that I'm wrong to think -- that I'm wrong that I love that art? Is anything going to tell me I'm wrong?

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Okay. I see a no.

And that's true a with lot of art, and I guess you could also say beauty is in the eye of the beholder-type thing.

But that's -- that's -- what I'm trying to do is illustrate that that's the same thing for mitigation, that one person can find something mitigating, and another person might not see it as mitigating at all and that's okay. Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Okay. And, again, I don't want to get into the specific mitigators, but I do need to touch on something that I think is kind of important because a lot of people

sometimes will see alcohol or substance abuse as aggravation. Is there anybody here that absolutely could not find that mitigating, alcohol and/or substance abuse? And it might be -- did I see a hand? No. Okay. I'm sorry.

And it might be because of experiences in your own life or just the way that you view that. But is there anybody that, one, could not -- could not consider that mitigating at all?

Okay. I see no hands.

And then I'm to assume also that nobody actually considers that aggravating.

Okay. I see no hands. Thank you.

Now, we've talked a lot about what is actually required to render a sentence of death. And, again, it's that at least one aggravating circumstance has to be proven beyond a reasonable doubt, and you have to find that unanimously. If that is not a unanimous decision, you don't even get to B. If it is, if at least one happens to be proven beyond a reasonable doubt, you go to B.

Then you have to determine beyond a reasonable doubt, unanimously, that the -- at least one aggravator is significant enough to justify death.

Then let's say both of those have been met, and you get to the mitigating circumstances. And I want to -- I don't even think this was stated yesterday, but I want to let you know that the mitigating circumstances only have to be proven by a greater weight of the evidence. So my burden, when I am presenting mitigating circumstances to you, is not beyond a reasonable doubt. Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

THE COURT: That I have a different burden than the State Attorney's Office?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Does anybody have a problem with that?

Okay. So if you find that a mitigating circumstance by a greater weight of the evidence was proven, then you can consider that -- or I'm sorry -- then you can -- you

can consider that proven and then work on considering whether or not you find it mitigating.

So let's say I've done that. So the first three are checked off. Then let's say you get to the part where you have to weigh the aggravating circumstances against the mitigating circumstances. And let's say that unanimously, you-all find that the aggravating circumstances actually do outweigh the mitigation. Okay? You still don't have to vote death.

Does everybody understand that, that if after -- after the -- after everything has been presented and after closing arguments, let's say we release you guys. And this is just hypothetical. And you come back on whatever day to deliberate. And I didn't hear that anybody's passion here was yoga. But let's say you get up, and you have an amazing yoga session that the morning. And the guy in front of you at Starbucks buys your coffee, and every light on the way here is green. And you're just in a great mood. And you walk in and every single thing has

been met unanimously beyond a reasonable doubt. All those boxes are checked. You still don't have to vote death.

Does anyone have a problem with that? Does anyone -- okay. And I'm going -- let me pull out my charts. They're so big. Hang on a second.

Mr. Trenschel? Okay. You have a problem with that?

PROSPECTIVE JUROR TRENSCHEL: I guess maybe I just would like some clarification real quick.

MS. BYNUM: Sure.

PROSPECTIVE JUROR TRENSCHEL: I'll try to phrase my question in a way that you can answer and not take up too much time.

Understandably, we're not -- we don't want to, in this session, discuss actual facts of this particular case. But just so that we're clear on a general sense of how things work, what is the difference between, for example, murder in the first degree that would require a death penalty versus one that requires just a life sentence? 'Cause it almost sounds like what you're saying is in

the end, we could check all the boxes, and it could all go back to where it needs to go to the next level from there and they're still both equally options.

So you're saying that technically, we could prove that, yes, all the boxes for death penalty are checked as well as for life sentence. And then it's just kind of like, well, whatever you guys feel. Based on what? I mean, why -- why are we why -- would we then be looking at it as, well, we can all choose to pay for somebody to sit in prison for the next 100 years, or we can choose to put somebody to death because they took somebody's life. What is the -- what's the separator? What makes one one thing versus another? I guess that's where I'm looking for clarification.

MS. BYNUM: Sure.

Your Honor, would you like me --

THE COURT: That's a good question, quite frankly, a very good question. And I'm not sure this explanation is going to help much because there is some subjective parts to it, quite frankly. You-all have to

decide, as Miss Bynum and Mr. de la Rionda said -- well, let me back up.

There could be first-degree murders that don't have any aggravating factors in them, that the State Attorney's Office, when they bring a case to court, they say, well, that's a first-degree murder, but it doesn't rise to the level where we're going to seek the death penalty because they don't believe they could prove to you that there were any aggravating factors. And if you don't have any aggravating factors, you can't go towards trying to move towards the death penalty. You just can't. So there are occasions where that -- that is the case.

Then there are occasions where the State believes they do have aggravating factors, and there's a whole list of them, not that they present every one in every case because they can't. The facts and circumstances of the case don't always warrant every single aggravating factor. They might only warrant one or two because of the facts of that particular case.

So they present those to you. And as

has been explained, if you find unanimously that those are aggravating factors, then you move forward to the next step.

Okay. Are those aggravating factors sufficient to warrant the death penalty in your view? Yes or no. If it's no, then it's a life sentence. If it's yes, you keep moving. And that's when you get to the mitigating circumstances.

All right. Well, we know what the aggravating situations were, and we think it was bad or whatever. And now we're listening to these mitigating circumstances or circumstance -- it could be one; it could be more -- to get more information and background and such. And so you say, yes, we believe there are some mitigating circumstances because you have to find those as well. Different burden of proof. Okay? Greater weight of the evidence versus beyond a reasonable doubt.

So the State has the burden of beyond a reasonable doubt for these aggravating factors, and if then mitigating factors come forward, it only has to be proven to you by a

greater weight of the evidence.

So if you find that they exist, then, as has been said, you kind of weigh the two against one another to determine do the aggravating factors outweigh these mitigating factor? And if they do, then you can keep moving towards voting for the -- for the death penalty. If they don't, it's over.

And all this is going to be on a verdict form for you, and the verdict form has questions that you're going to have to answer. And it's, like, three or four pages per count 'cause remember, there are two folks that were killed in this situation. So there's two counts. And you have to decide on each particular count as to each person that died or was killed.

And once we get to the jury, I will show you this verdict form and show you the questions. And it's pretty self-explanatory but I go over it with you so you'll know how that flows and makes you make these decisions in the proper order. Okay?

And then when you get to the point where you say, okay, if you find aggravating

factors and you find they would warrant the death penalty and you find some mitigating factors but you find that the aggravators outweigh the mitigators, then you come down to voting for life or death.

And to have a death sentence, if you will, it has to be unanimous. So everybody would have to vote for death. If not everybody did, then it's a life sentence.

That may not have explained it real well but, yeah, things can be different. And that's, I think, what Miss Bynum was pointing out. What might be mitigating to you might not be to me. What might be aggravating to you might not be to me. And that's how you-all as a group will get together when you deliberate and collectively get together and talk about these things and to come to a decision. Some of those decisions have to be unanimous as you move along.

PROSPECTIVE JUROR TRENSCHEL: Thank you, Your Honor.

THE COURT: Okay. And then ultimately, obviously, the ultimate decision has to be unanimous. So hopefully that helps a little

bit. I know it's hard to come in here, quite frankly -- I get it -- cold, if you will, and not really know how this exactly works. And unfortunately, we are very limited, for whatever reason, in how we get to explain it all to you on the front end, which seems counterintuitive. I get it. But we're directed by case law and the instructions that are handed down by the Florida Supreme Court on what instructions to give you and how to explain things at this early stage.

And so there you go. Hopefully that helps a little bit.

Anybody got a question on what I've said?

Okay. Miss Bynum.

MS. BYNUM: Thank you, Your Honor.

And does that help a little bit?

Okay. And I guess the only other thing I'll say on that is does anybody have a problem? Does anybody think that, well, if all of these things have been met that you should have to vote death? Does anybody have a problem with always than being able to vote life no matter what?

Okay. And I see no hands to that question.

That brings me to -- I want to talk a little bit about the actual verdict and how -- and Judge Healey just touched on it. And I think it may have been the first time it was explained like that.

But a verdict for death, a sentence for death, has to be unanimous. If even one person votes life, then it's a life sentence. But there will always be a sentence rendered. So meaning it doesn't have to be unanimous for life and unanimous for death. Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Okay. And to illustrate that, I just want to talk to a couple of the people who have been on juries in the past. Miss Gonyer?

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: You were on a jury, correct?

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: And without telling me the verdict, you were able to render a verdict.

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: And that was a criminal case?

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: So the -- to render a verdict at all, either guilty or not guilty, had to be unanimous, meaning everybody in the room had to vote one way or the other.

PROSPECTIVE JUROR GONYER: Correct.

MS. BYNUM: And so does it make sense that in this type of phase, it can -- to do death, it has to be everybody? But even one person going the other way, that still is a verdict.

PROSPECTIVE JUROR GONYER: That makes sense to me.

MS. BYNUM: Okay. Does everybody else understand that?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: And I think we had somebody in here -- Miss Manco, can you stand up for me? You were actually on a jury that was hung.

PROSPECTIVE JUROR MANCO: That's right, yeah. It wasn't me but --

MS. BYNUM: It wasn't you. Okay.

And is that -- and obviously that's because not everybody was unanimous on one or the other.

PROSPECTIVE JUROR MANCO: Right.

MS. BYNUM: Okay. That's fine.

Does everybody -- and you can sit down for me.

Does everybody understand that there's no such thing as a hung penalty phase? And the reason why I want to talk about that is a lot of times when a jury in the guilt phase is deliberating for hours and hours and hours, a big reason for that is because everybody has to be on the same page to render a verdict. Right? Everybody has to be on the same page to go home. Everybody has to be on the same page to give a verdict to the judge. And there's a lot of -- sometimes there's even quarrelling back there. There's a lot of heavy discussion on getting everybody to reach a verdict.

Because sometimes people have been in trial for days, maybe weeks. Jurors feel like they might be letting the system down or somebody in the courtroom down if they don't

render a verdict because then it's hung and there's no verdict.

So does everybody understand that in this case, a verdict or a sentence will be reached no matter what your vote is?

Okay. And can anybody tell me why I'm talking about that or why I'm emphasizing that? That no one should be pressured to -- to, I guess, jump on board with a majority just because they feel like they need to render a sentence. Does that make sense?

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: Okay. Because a sentence will be rendered after you guys deliberate. So does anybody have a problem with that?

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Or any questions about that?

THE PROSPECTIVE JURORS: No.

MS. BYNUM: Mr. --

A PROSPECTIVE JUROR: Ingram.

MS. BYNUM: Thank you.

PROSPECTIVE JUROR INGRAM: I stated yesterday that I was not aware of that. I was not aware of those situations yesterday. I would definitely not want to be part of a

jury where I was forced, no matter what I chose, to -- to have to accept a life sentence because I am not okay with that.

So I don't believe in disregard for human life in a murder trial where a guilty verdict has been handed down is acceptable in a life sentence.

MS. BYNUM: Okay. And yeah you made that clear yesterday so I appreciate that. Thank you.

Now, understanding all of the above, everything we just talked about, understanding all of that, that you don't have to have a reason to vote life and you never have to vote death and that the verdict doesn't need to be unanimous for there to be a verdict -- Miss Carpenter, can you stand up for me?

Understanding -- and I assume you understand everything that we just went over.

PROSPECTIVE JUROR CARPENTER: Yes, ma'am.

MS. BYNUM: Okay. Understanding all of that -- and for purposes of this illustration and hypothetical, I'm going to -- just

hypothetically speaking, you decide at the end of this that you want to cast your vote for life. Okay? I'm just going -- I'm not holding anybody to anything. This is just a hypothetical for illustration purposes. You decide to vote life. And understanding everything we just talked about, you never have to vote death. You don't have to give a reason for your vote. Can I count on you to be steadfast? If that's what you're convicted of, if you -- you know, if that mitigation moved you -- or maybe it didn't. You just don't feel like voting death. Can I count on you to remain steadfast in that conviction, in that vote?

PROSPECTIVE JUROR CARPENTER: Absolutely.

MS. BYNUM: Okay. Thank you. You can have a seat.

Does everyone understand that if Miss Carpenter is part of the minority, like I said, a verdict or sentence will be rendered? No one can bully her. Does everybody understand that? I know that sounds like common sense. But no one -- no

one can bully her or -- or demand reasons from her. Does everybody understand that?

MR. DE LA RIONDA: Your Honor, I'm going to object at some point in terms of the jury being allowed to discuss this.

THE COURT: Right.

MR. DE LA RIONDA: So I would object to the way it's being phrased.

THE COURT: Okay. It's sustained.

Ladies and gentlemen, I don't want you to think that you can't get in there and discuss things and back -- ideas back and forth and talk about each other's positions because you can.

But at the end of the day, if you are steadfast, to use that word, in whatever your decision is one way or the other, you can stand by it, you know. But that doesn't mean you shouldn't be open to conversation from others who might say, well, did you consider this or did you think of that or how about this, and that type of thing? You've got to be open for those kind of things, but at the end, yes, individually, you make your choice. And that's, you know, kind of how that works.

But I don't want you to close your mind and not listen. That's what deliberation are kind of all about. Okay? Does everybody understand that?

THE PROSPECTIVE JURORS: Yes.

THE COURT: All right. Thanks.

MS. BYNUM: Yes, sir. And I'll rephrase.

And I don't -- I don't mean for -- for it to sound like you can't go back and discuss. I'm just trying to get a feel for -- or trying to explain that there can't be any bullying. Discussion is totally fine. That's what deliberations are. So I apologize if I -- if I misled anybody in that regard.

THE COURT: And let me just say this: You can have one decision to begin with, and then after listening to people go round and round, you might say, well, huh, and you change your mind and you decide the other way. And during the course of it, you might say, ah, and you go back. I mean, those things can happen. And then at a point, you have to come to a decision that you're going

to stand by. But it can go back and forth. You understand that?

A PROSPECTIVE JUROR: Yes, sir.

THE PROSPECTIVE JURORS: Yes.

MS. BYNUM: And the only other point I have, I guess, that I want to make on that is -- and if I could pick on -- is it Mr. Fogelsonger?

PROSPECTIVE JUROR FOGELSONGER: Jerry.

MS. BYNUM: Okay. And this is -- this is the last thing that I'll say on this. But because we talked about, you know, somebody with a life vote -- and, again, hypothetically speaking, let's say that after discussing and deliberating and finding things and maybe going back and forth, you have -- you've decided that death is your vote. Okay. Let's just hypothetically say that this is what you're convinced of; this is what you feel that you want to be done.

Can I count on you -- and I'm not going to say you're the bully to Miss Carpenter. But can I count on you -- he gave you a side eye. If she too is in the same spot after discussing, deliberating -- and like Judge

Healey said, you can go back and forth. I don't want to make it sound like this can't be a discussion. But let's say you get to a point where you're set. I'm voting death. You know, this is what I feel and I discussed it and this is where I'm at. And Miss Carpenter says, I'm voting life. Can I count on you then to, well, one respect her vote? Can I count on you to do that?

PROSPECTIVE JUROR FOGELSONGER: Yes.

MS. BYNUM: Even if you don't -- even if you don't agree with it, respect the fact that she has the right to do that. And in addition to that, can I count on you to -- if you see anybody else trying to bully her or get her to change her mind after she has said, I'm resolute in this, can I counted on you to say, no, that's not the way this works?

PROSPECTIVE JUROR FOGELSONGER: If I may answer, the way that I would understand that, I'm a Michigan football fan --

MS. BYNUM: Okay.

PROSPECTIVE JUROR FOGELSONGER: -- sitting next to just say a -- a Florida Gator

or whatever.

A PROSPECTIVE JUROR: That's true.

PROSPECTIVE JUROR FOGELSONGER: We both feel as passionately about our team. He has a right to his opinion the same as I do.

MS. BYNUM: Thank you very much. That was a much more eloquent, simpler way of putting it than me. I appreciate that.

Okay. So everybody understands that. I can move on. Okay.

Now, what I want to do -- and like I said, I do want to speak to everybody individually, but it will only be once because I kind of have an idea of what I want to ask you just based on my review of everything last night. And -- and there might be some people I don't talk to at all. And don't get offended. There's a few of you that I probably won't talk to at all and don't be offended by that.

But just based on some of the things that Mr. de la Rionda asked you yesterday, I want to follow up with that. And also, something that I do that I'm going to be asking of you -- so maybe start thinking

about it as I, you know, start on this side. Start thinking about what your answer would be. We already got a feel from you yesterday on your -- your thoughts on the death penalty. You guys kind of all gave, you know, a very succinct one-sentence line on your thoughts on the death penalty, and then you were asked about, you know, whether or not you could consider the mitigation, whether or not you would totally impaired to voting death.

And what I want to know is -- and I'm going to give you scale, 0 to 5, 0 meaning you absolutely under no circumstances could vote for the death penalty; you can't consider the aggravation; you just -- you just can't vote death. 5 would be you're all for death.

And obviously, you don't know anything about this case, and I apologize to the extent that I can for that. But just as -- the death penalty as a whole, I'm going to be asking you 0 to 5. And then like I said, I might have some follow-up questions for -- for some others of you.

But I'm going to start with Mr. 1. We called you "1" all day yesterday, No. 1, Mr. Watson. Okay? 0 to 5.

PROSPECTIVE JUROR WATSON: 5.

MS. BYNUM: Okay. And you said yesterday that you could vote death; you could consider the aggravating circumstances. After hearing about mitigation today, do you think you'd be able to listen to the mitigation and consider the mitigation --

PROSPECTIVE JUROR WATSON: I could.

MS. BYNUM: -- in a case?

Okay. Very well. Thank you.

Miss Shannon.

PROSPECTIVE JUROR SHANNON: Yes.

MS. BYNUM: You said that you could -- you could vote death. And after hearing about mitigation today, is mitigation something that you could also consider?

PROSPECTIVE JUROR SHANNON: Yes.

MS. BYNUM: And 0 to 5, where are you?

PROSPECTIVE JUROR SHANNON: Five.

MS. BYNUM: Okay. I also have noted that you have three children.

PROSPECTIVE JUROR SHANNON: Yes.

MS. BYNUM: And some of the victim impact statements might be from mothers or grandmothers or -- or people like that. Do you think that would affect you at all, your ability to be impartial in this case?

PROSPECTIVE JUROR SHANNON: No.

MS. BYNUM: Okay. Thank you.

Miss Craw, you said you could vote death.

PROSPECTIVE JUROR CRAW: Yes, ma'am.

MS. BYNUM: And after hearing about mitigation today, could you consider mitigation --

PROSPECTIVE JUROR CRAW: Yes.

MS. BYNUM: -- in rendering a sentence?

PROSPECTIVE JUROR CRAW: Yes.

MS. BYNUM: 0 to 5?

PROSPECTIVE JUROR CRAW: 4.

MS. BYNUM: Same question about the children. Do you -- would you be able to set the victim impact statements aside when actually rendering a sentence?

PROSPECTIVE JUROR CRAW: Yes, ma'am.

MS. BYNUM: Madam Court Reporter, is that okay that everyone's still seated or --

(Off-record discussion.)

MS. BYNUM: And then when I get to the second row, I'll have you guys stand.

Miss Laurence, you -- now, the question I have for you is that at first, you said you were a little torn, if the circumstances warranted it, but then you said, no, you could not. Can you -- did your mind change throughout the course of yesterday?

PROSPECTIVE JUROR LAURENCE: Yeah. I think it weighed -- it made me really think and it weighed heavy on me. And even thinking about it overnight, I just think that I could not vote for death at all.

MS. BYNUM: Okay. So would you be a 0?

PROSPECTIVE JUROR LAURENCE: I would be a 0.

MS. BYNUM: Thank you, ma'am.

Mr. King, my question to you is you actually said that you would consider it, but then Mr. de la Rionda -- as he was talking to you, I believe Mr. de la Rionda said, so your beliefs would impair you? And you said yes. I kind of want to know what your answer is.

PROSPECTIVE JUROR T. KING: I'm not

supportive of the death penalty. I would say -- rating on your scale, I'd say I would probably consider it if there was severe aggravators, I guess you'd call it. I could certainly follow the law and, you know, consider those things. On your scale of 1 to 5, I'd say I'm probably a 1.5.

MS. BYNUM: Very well.

Okay. So I just wanted to clarify that. So you could listen to the aggravating circumstances and --

PROSPECTIVE JUROR T. KING: Yes.

MS. BYNUM: Okay. Thank you.

And same question about the children. I know you have children. Would you be able to put that out of your mind, the victim impact statements?

PROSPECTIVE JUROR T. KING: Yes.

MS. BYNUM: Miss Major?

PROSPECTIVE JUROR MAJOR: Yes.

MS. BYNUM: Kind of the same question. At first, you said you were for it if it fits, but then you said you could not vote death.

PROSPECTIVE JUROR MAJOR: After

listening to Mr. -- to Mr. de la Rionda, I can't.

MS. BYNUM: You can't do it. You can't -- okay. So 0 to 5?

PROSPECTIVE JUROR MAJOR: 0.

MS. BYNUM: Thank you, ma'am.

Mr. Leonard, I know that -- I know that you could. You said you could listen to the aggravating circumstances. Could you also listen to mitigation?

PROSPECTIVE JUROR LEONARD: Yes.

MS. BYNUM: And consider the mitigating circumstances?

PROSPECTIVE JUROR LEONARD: Yes.

MS. BYNUM: Okay. 0 to 5, where would you be?

PROSPECTIVE JUROR LEONARD: 4.

MS. BYNUM: 4?

And you have children. Would you be able to set that aside when listening to the victim impact statements?

PROSPECTIVE JUROR LEONARD: Yes.

MS. BYNUM: And I know you had friends that were victims. I don't know if they were violent crimes or not but would that --

PROSPECTIVE JUROR LEONARD: Not violent.
MS. BYNUM: I'm sorry?
PROSPECTIVE JUROR LEONARD: Not violent.
MS. BYNUM: And would that impair your ability to be --
PROSPECTIVE JUROR LEONARD: No.
MS. BYNUM: -- unbiased in this case?
PROSPECTIVE JUROR LEONARD: No.
MS. BYNUM: Okay. That wouldn't have any effect on you.
PROSPECTIVE JUROR LEONARD: No.
MS. BYNUM: Okay. Thank you, sir.
Miss Rhone, you said that you could vote death --
PROSPECTIVE JUROR RHONE: Yes, ma'am.
MS. BYNUM: -- and that you could consider aggravating circumstances. After listening to mitigation today or what mitigation could be, could you consider that --
PROSPECTIVE JUROR RHONE: Yes, ma'am.
MS. BYNUM: -- when rendering a sentence?
PROSPECTIVE JUROR RHONE: Yes, ma'am.
MS. BYNUM: Okay. And you have a

two-year-old son.

PROSPECTIVE JUROR RHONE: Yes, ma'am.

MS. BYNUM: Would you be able to set that aside in listening to victim impact statements?

PROSPECTIVE JUROR RHONE: Yes, ma'am.

MS. BYNUM: And you also had friends that were victims. Would that affect your ability to be impartial in this case?

PROSPECTIVE JUROR RHONE: No, ma'am.

MS. BYNUM: Thank you.

Mr. Weston -- and now that we're on the second row, I'm going to have you guys stand up, if that's okay.

Oh, I'm sorry. 0 to 5. I didn't ask you 0 to 5.

PROSPECTIVE JUROR RHONE: Oh, 5.

MS. BYNUM: Okay. Thank you. I'm sorry.

PROSPECTIVE JUROR RHONE: I knew I had a number but --

MS. BYNUM: I'm sorry. And that's my fault. I didn't even ask.

Mr. Weston, go ahead and stand up for me.

And I asked you this same thing. You said you didn't like it too much. You didn't know but then your ultimate answer was that, no, you couldn't do it.

PROSPECTIVE JUROR WESTON: Yes.

MS. BYNUM: Did something sway you throughout the course of yesterday?

PROSPECTIVE JUROR WESTON: Yeah. I just can't do it.

MS. BYNUM: Okay. Very well.

So on a scale of 0 to 5?

PROSPECTIVE JUROR WESTON: 0.

MS. BYNUM: Thank you. You can have a seat.

And, Mr. Boss, go ahead and stand up for me.

I anticipate the same being true for you after what you said yesterday.

PROSPECTIVE JUROR BOSS: It's a 0.

MS. BYNUM: Thank you. Go ahead and have a seat. Thank you.

Miss Perry, I know you said that you could consider aggravating circumstances. Could you consider mitigation, if presented?

PROSPECTIVE JUROR PERRY: Yes.

MS. BYNUM: And could you use that when rendering a sentence?

PROSPECTIVE JUROR PERRY: Correct.

MS. BYNUM: 0 to 5, where are you?

PROSPECTIVE JUROR PERRY: 4.

MS. BYNUM: Thank you.

Oh, also -- I'm sorry -- I have a notation that you had friends who were victims. Would that effect your ability to be impartial in this case?

PROSPECTIVE JUROR PERRY: I don't believe so. No.

MS. BYNUM: Okay. You say you don't believe so. Do you -- I'm sorry. Without going into too much detail -- can you stand back up for me? -- were the crimes violent in nature?

PROSPECTIVE JUROR PERRY: Yes.

MS. BYNUM: Okay. Obviously, this is a case with two first-degree murders. Is there anything about those crimes -- and I -- and I hate to --

PROSPECTIVE JUROR PERRY: Based on what you said, I have actually one that was similar. It was similar like that.

MS. BYNUM: Okay.

PROSPECTIVE JUROR PERRY: It was --

MS. BYNUM: I'm very, very sorry to hear that. Do you think that at all, that would be in your mind when determining a sentence in this case?

PROSPECTIVE JUROR PERRY: I mean, I hope not but I don't know.

MS. BYNUM: You don't know. Okay. All right. Thank you.

Miss Gonyer, you said you could consider the aggravating circumstances.

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: Could you also, after hearing about mitigation, consider mitigating circumstances?

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: And on a scale of 0 to 5.

PROSPECTIVE JUROR GONYER: 3.

MS. BYNUM: 3.

And you also have a son.

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: Would you be able to set that aside in listening to the victim impact statements?

PROSPECTIVE JUROR GONYER: Yes.

MS. BYNUM: Okay. Just wanting to know. Thank you very much.

Mr. Brophy, and you said you could, in extreme cases, I think you said, you could listen to the aggravating circumstances and vote death. Could you give weight or -- or listen to the mitigating circumstances?

PROSPECTIVE JUROR BROPHY: Yes.

MS. BYNUM: And 0 to 5, where are you?

PROSPECTIVE JUROR BROPHY: To clarify, 5 means I'm confident that I could, if circumstances warranted it, vote for death penalty?

MS. BYNUM: No. Let me clarify. 5 would be your level of support for the death penalty, like, what your feelings -- your personal feelings, not on a case-by-case bases but just overall, how you feel about the death penalty.

I know you said that you could consider aggravating circumstances and mitigating circumstances. So I appreciate your willingness to do both and be able to render a sentence. But just how do you feel about

it?

PROSPECTIVE JUROR BROPHY: 4.

MS. BYNUM: Okay. Thank you.

And you had some friends that were victims of crimes?

PROSPECTIVE JUROR BROPHY: Not violent crimes.

MS. BYNUM: Not violent. Okay. So it wouldn't impair your ability in any way to sit in this case?

PROSPECTIVE JUROR BROPHY: No.

MS. BYNUM: Okay. Thank you.

Miss Petschke, did I do that right?

PROSPECTIVE JUROR PETSCHKE: Yes, ma'am.

MS. BYNUM: Okay. You said you could vote death. You could consider aggravating circumstances. Could you consider mitigation?

PROSPECTIVE JUROR PETSCHKE: Yes.

MS. BYNUM: And 0 to 5, where are you?

PROSPECTIVE JUROR PETSCHKE: I guess a 5.

MS. BYNUM: Okay. And you have two children.

PROSPECTIVE JUROR PETSCHKE: Yes.

MS. BYNUM: Would you be able to set that aside when listening to victim impact statements?

PROSPECTIVE JUROR PETSCHKE: Yes.

MS. BYNUM: Okay. Thank you.

Miss Gay, you said you could listen to the aggravating circumstances.

PROSPECTIVE JUROR GAY: Yes.

MS. BYNUM: After hearing about mitigation today, do you think you would be able to listen to mitigation?

PROSPECTIVE JUROR GAY: Yes.

MS. BYNUM: And consider mitigating circumstances?

PROSPECTIVE JUROR GAY: I could.

MS. BYNUM: You have -- I'm sorry. 0 to 5, where are you?

PROSPECTIVE JUROR GAY: 4.

MS. BYNUM: You have a son?

PROSPECTIVE JUROR GAY: I do.

MS. BYNUM: Would you be able to set that aside when listening to the victim impact statements?

PROSPECTIVE JUROR GAY: Yes, I could.

MS. BYNUM: And I think you were the

victim of a burglary.

PROSPECTIVE JUROR GAY: Correct.

MS. BYNUM: Okay. Would that -- I know that's much a different crime. But being yourself personally a victim, would that affect your ability to be impartial in this case?

PROSPECTIVE JUROR GAY: No. I would be impartial.

MS. BYNUM: Okay. All right. Thank you.

Miss Colbert, good morning.

PROSPECTIVE JUROR COLBERT: Good morning.

MS. BYNUM: You -- I believe you said that you were totally against it, that you could not vote death.

PROSPECTIVE JUROR COLBERT: That is correct, yes.

MS. BYNUM: Okay. And that's still true today?

PROSPECTIVE JUROR COLBERT: That's true.

MS. BYNUM: You couldn't listen to the aggravating circumstances?

PROSPECTIVE JUROR COLBERT: No.

MS. BYNUM: So what would you be on the scale?

PROSPECTIVE JUROR COLBERT: 0.

MS. BYNUM: Okay. Thank you.

Miss Dixon, you said that you could listen to the aggravating circumstances.

PROSPECTIVE JUROR DIXON: Yes.

MS. BYNUM: Could you listen to mitigating circumstances?

PROSPECTIVE JUROR DIXON: Yes.

MS. BYNUM: And could you consider both?

PROSPECTIVE JUROR DIXON: Yes.

MS. BYNUM: And what are you on a scale of 0 to 5?

PROSPECTIVE JUROR DIXON: 5.

MS. BYNUM: You have children and grandchildren, I think.

PROSPECTIVE JUROR DIXON: Yes.

MS. BYNUM: Okay. Could you set -- could you set that aside in listening to the victim impact statements?

PROSPECTIVE JUROR DIXON: Yes.

MS. BYNUM: Okay. Thank you.

Mr. Rhodes.

PROSPECTIVE JUROR RHODES: Yes.

MS. BYNUM: You said you could vote death. You could listen to the aggravating circumstances.

PROSPECTIVE JUROR RHODES: Yes.

MS. BYNUM: You also said that, you know, you're for it if it's needed. So am I -- and you can also listen to mitigating circumstances.

PROSPECTIVE JUROR RHODES: Absolutely.

MS. BYNUM: Okay. And where are you on the scale of 0 to 5?

PROSPECTIVE JUROR RHODES: 5.

MS. BYNUM: And you have four children.

PROSPECTIVE JUROR RHODES: Yes.

MS. BYNUM: Could you set that aside in listening to the victim impact statements?

PROSPECTIVE JUROR RHODES: Yes.

MS. BYNUM: Okay. Thank you.

Mr. Fogelsonger, you said you could vote death and listen to the aggravating circumstances.

PROSPECTIVE JUROR FOGELSONGER: Yes.

MS. BYNUM: Can you listen to the mitigation?

PROSPECTIVE JUROR FOGELSONGER:

Absolutely.

MS. BYNUM: And you can consider the mitigating circumstances?

PROSPECTIVE JUROR FOGELSONGER: Yes.

MS. BYNUM: Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR FOGELSONGER: 5.

MS. BYNUM: And you have two children?

PROSPECTIVE JUROR FOGELSONGER: Yes.

MS. BYNUM: Could you set that aside in listening to victim impact statements?

PROSPECTIVE JUROR FOGELSONGER: Yes.

MS. BYNUM: And you have friends that were victims of crime? Did I hear you say that?

PROSPECTIVE JUROR FOGELSONGER: Yes.

MS. BYNUM: Were they violent in nature?

PROSPECTIVE JUROR FOGELSONGER: No.

MS. BYNUM: Okay. So they would have no bearing on this case at all?

PROSPECTIVE JUROR FOGELSONGER: No.

MS. BYNUM: All right. Thank you.

Mr. Kenny, you said you could listen to the aggravating circumstances.

PROSPECTIVE JUROR KENNY: Yes.

MS. BYNUM: Could you also listen to mitigating circumstances when rendering a sentence?

PROSPECTIVE JUROR KENNY: Yes.

MS. BYNUM: And where are you on a scale of 0 to 5?

PROSPECTIVE JUROR KENNY: 5.

MS. BYNUM: And you have two children.

PROSPECTIVE JUROR KENNY: Yes.

MS. BYNUM: One at FSU, I think I wrote down. We had a tough game last weekend.

So could you -- because of your father, could you set that aside in listening to victim impact statements?

PROSPECTIVE JUROR KENNY: Yes.

MS. BYNUM: Okay. Thank you.

Mr. Ashley, and I understand what you said yesterday. I just want to clarify. You said you're totally against it.

PROSPECTIVE JUROR ASHLEY: I am.

MS. BYNUM: And that you could never vote death in any situation?

PROSPECTIVE JUROR ASHLEY: I would not be able to.

MS. BYNUM: Okay. Would you be a 0?

PROSPECTIVE JUROR ASHLEY: Yes.

MS. BYNUM: Okay. Thank you.

Miss Abel, hi there.

PROSPECTIVE JUROR ABEL: Yes.

MS. BYNUM: You said you're not opposed to it. You can vote death. You can listen to aggravating circumstances. Can you also consider mitigation --

PROSPECTIVE JUROR ABEL: Yes.

MS. BYNUM: -- when a rendering sentence?

PROSPECTIVE JUROR ABEL: Yes.

MS. BYNUM: Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR ABEL: 5.

MS. BYNUM: And you have two children.

PROSPECTIVE JUROR ABEL: Yes.

MS. BYNUM: Would you be able to set that aside when listening to the victim impact statements?

PROSPECTIVE JUROR ABEL: Yes.

MS. BYNUM: And you've had family that's been victims of crimes?

PROSPECTIVE JUROR ABEL: No.

MS. BYNUM: Oh, I'm sorry. Then

that's --

PROSPECTIVE JUROR ABEL: Oh, yes, I did. I'm sorry.

MS. BYNUM: Oh, okay.

PROSPECTIVE JUROR ABEL: Yes, I did. And, no, it would not affect...

MS. BYNUM: Anything here.

PROSPECTIVE JUROR ABEL: Anything in the case.

MS. BYNUM: Okay. Thank you very much. You can sit down.

Miss Echevarria, Mr. de la Rionda pronounced that much better than I did 'cause he can role his Rs and I don't think I can. So I apologize for that.

But you said you could not vote death?

PROSPECTIVE JUROR ECHEVARRIA: No.

MS. BYNUM: Not in any situation? You couldn't listen to the aggravating circumstances?

PROSPECTIVE JUROR ECHEVARRIA: No.

MS. BYNUM: 0 to 5?

PROSPECTIVE JUROR ECHEVARRIA: 0.

MS. BYNUM: All right. Thank you.

Miss Link, I think I know where you

stand on this as well. You -- you're for the death penalty. You could listen to the aggravating circumstances.

PROSPECTIVE JUROR LINK: Yes.

MS. BYNUM: Could you listen to mitigation?

PROSPECTIVE JUROR LINK: Yes.

MS. BYNUM: You could. Okay. So you could listen to the mitigating circumstances, despite everything that's happened in your family?

PROSPECTIVE JUROR LINK: Yes.

MS. BYNUM: Okay. Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR LINK: 5.

MS. BYNUM: I do want to follow up on one thing, not when it comes to the death penalty, but I think previously, yesterday, when Mr. de la Rionda was asking about people who were either victims themselves or had family that were victims, you shared what had happened to your mother. I'm very sorry about that.

Was I right in hearing that you also said that you might not be able to be fair

and impartial in this case because of that?

PROSPECTIVE JUROR LINK: That is true.

MS. BYNUM: Okay. All right. Thank you. I just wanted to clarify. Thank you.

Miss O'Neal, you said that, no, you could not vote death?

PROSPECTIVE JUROR O'NEAL: Correct.

MS. BYNUM: In any case.

PROSPECTIVE JUROR O'NEAL: Correct.

MS. BYNUM: All right. Would you be a 0?

PROSPECTIVE JUROR O'NEAL: Correct.

MS. BYNUM: Okay. Thank you.

Miss Burkholder.

PROSPECTIVE JUROR BURKHOLDER: Yes.

MS. BYNUM: You said you could listen to the aggravating circumstances and vote death.

PROSPECTIVE JUROR BURKHOLDER: Yes.

MS. BYNUM: After hearing about mitigation today, do you feel like you could listen to mitigating circumstances?

PROSPECTIVE JUROR BURKHOLDER: Yes.

MS. BYNUM: And on a scale of 0 to 5, where would you be?

PROSPECTIVE JUROR BURKHOLDER: 5.

MS. BYNUM: Thank you.

Miss Montoto?

PROSPECTIVE JUROR MONTOTO: Montoto.

MS. BYNUM: You said you could vote for the death penalty and listen to the aggravating circumstances. Could you listen to mitigation in this case?

PROSPECTIVE JUROR MONTOTO: Yes.

MS. BYNUM: And use that when rendering a sentence.

PROSPECTIVE JUROR MONTOTO: Yes.

MS. BYNUM: On a scale of 0 to 5, where would you be?

PROSPECTIVE JUROR MONTOTO: 5.

MS. BYNUM: And you have two children?

PROSPECTIVE JUROR MONTOTO: Uh-huh.

MS. BYNUM: Would you be able to set that aside when listening to the victim impact statements?

PROSPECTIVE JUROR MONTOTO: I hope so. I'm not sure. I've never been put in that position. Just -- I hope so.

MS. BYNUM: Okay. But you don't know for sure.

PROSPECTIVE JUROR MONTOTO: I don't know

for sure.

MS. BYNUM: Okay. That's fair. Thank you.

Mr. Watkins, you said you're opposed to it and you could not vote death?

PROSPECTIVE JUROR WATKINS: Yes.

MS. BYNUM: Is there any situation that you could listen to aggravating circumstances and weigh those with mitigating circumstances?

PROSPECTIVE JUROR WATKINS: No.

MS. BYNUM: Okay. Would you be a 0?

PROSPECTIVE JUROR WATKINS: Yes.

MS. BYNUM: Okay. Thank you.

Mr. Strok.

PROSPECTIVE JUROR STROK: Very good on the name.

MS. BYNUM: Oh, seriously?

PROSPECTIVE JUROR STROK: Yeah.

MS. BYNUM: You said it's necessary unfortunately. But then you said you could consider aggravating circumstances when rendering a sentence. Could you also consider mitigating circumstances?

PROSPECTIVE JUROR STROK: Absolutely.

MS. BYNUM: And where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR STROK: 2 1/2. I'm a facts guy so until I could be -- hear more about the case, I don't think I can start to even make a decision.

MS. BYNUM: Sure. I understand that.

You have a ten-month-old?

PROSPECTIVE JUROR STROK: Yes.

MS. BYNUM: And would you be able to set that aside when listening to the victim impact statements?

PROSPECTIVE JUROR STROK: Yes.

MS. BYNUM: And I think you said you were robbed?

PROSPECTIVE JUROR STROK: Yes, ma'am.

MS. BYNUM: Okay. I'm sorry to hear that. Would anything about -- well, first of all how long did that happen?

PROSPECTIVE JUROR STROK: That happened in 2006, in a parking lot.

MS. BYNUM: Okay. Would anything about that affect your ability to be impartial here?

PROSPECTIVE JUROR STROK: No, separate

incident.

MS. BYNUM: All right. Thank you.

Miss Wyche, good morning.

PROSPECTIVE JUROR WYCHE: Good morning.

MS. BYNUM: You said that you're against it and you could not vote for death. Is there any situation that you would be able to listen to aggravating circumstances and weigh those with mitigation?

PROSPECTIVE JUROR WYCHE: No, ma'am.

MS. BYNUM: Okay. And 0 to 5?

PROSPECTIVE JUROR WYCHE: 0.

MS. BYNUM: Thank you.

Miss Burry? Oh, I'm sorry. Miss Manco. And you said that you could consider aggravating circumstances. I think you actually said that you'd like to consider everything, that you needed to know what's going on. So am I to assume that you could also consider mitigation?

PROSPECTIVE JUROR MANCO: Yes.

MS. BYNUM: Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR MANCO: I'd say 2 or 3.

MS. BYNUM: Thank you.

Mr. Dempsey, you said you could consider aggravating circumstances. Could you consider mitigation and mitigating circumstances?

PROSPECTIVE JUROR DEMPSEY: Yes.

MS. BYNUM: You could, when rendering a sentence.

Where are you on 0 to 5?

PROSPECTIVE JUROR DEMPSEY: 4.

MS. BYNUM: And you have two children.

PROSPECTIVE JUROR DEMPSEY: Yes.

MS. BYNUM: Would you be able to set that aside in listening to victim impact statements?

PROSPECTIVE JUROR DEMPSEY: Yes.

MS. BYNUM: Thank you.

Mr. Smalley, you said that you could listen to aggravating circumstances and vote for death in an appropriate case.

PROSPECTIVE JUROR SMALLEY: Yes, ma'am.

MS. BYNUM: Could you listen to mitigating circumstances and potentially vote for life?

PROSPECTIVE JUROR SMALLEY: Yes, ma'am.

MS. BYNUM: Okay. 0 --

PROSPECTIVE JUROR SMALLEY: (Inaudible).

MS. BYNUM: I'm sorry?

PROSPECTIVE JUROR SMALLEY: Rephrase? Rephrase that last question.

MS. BYNUM: Could you listen to -- would you be able to listen to mitigating -- mitigating circumstances and potentially vote for life?

PROSPECTIVE JUROR SMALLEY: Yes.

MS. BYNUM: Yes? Okay.

0 to 5, where are you?

PROSPECTIVE JUROR SMALLEY: I'm a 5.

MS. BYNUM: And you have two children.

PROSPECTIVE JUROR SMALLEY: Two daughters.

MS. BYNUM: Would you be able to set that aside in listening to victim impact statements?

PROSPECTIVE JUROR SMALLEY: I could have an issue with that.

MS. BYNUM: You could have an issue with that.

PROSPECTIVE JUROR SMALLEY: Yes, ma'am.

MS. BYNUM: Okay. So you don't know if

you could totally set that aside.

PROSPECTIVE JUROR SMALLEY: I'm not so sure I could.

MS. BYNUM: Okay. And you've had family members that were victims of crimes?

PROSPECTIVE JUROR SMALLEY: My daughter had a break-in.

MS. BYNUM: Would that, not the victim impact statements. But would that affect your ability to be impartial?

PROSPECTIVE JUROR SMALLEY: No, ma'am.

MS. BYNUM: Okay. Thank you.

Mr. West? And I know you have that flight next week, right? You're going to Colorado? Okay. I just wanted to make a note of that.

You said that you can vote for death in an appropriate case. Would you be able to listen to mitigating circumstances and weigh those and potentially vote for life if you're convinced?

PROSPECTIVE JUROR WEST: Yes.

MS. BYNUM: Okay. 0 to 5, where are you?

PROSPECTIVE JUROR WEST: 3.

MS. BYNUM: And I have written down that you, yourself, were the victim of something?

PROSPECTIVE JUROR WEST: Yeah. But it wouldn't affect me.

MS. BYNUM: Okay. Very good. Thank you.

Mr. Ingram, it's safe to say I know where you're at. So -- okay.

PROSPECTIVE JUROR INGRAM: Yeah. I don't want to sound cold or heartless.

MS. BYNUM: No. And that's --

PROSPECTIVE JUROR INGRAM: But I'm set in that way.

MS. BYNUM: Listen, we're in the trust tree. I mean, this is -- you know, this is my -- this is the only chance; this is the only opportunity for me to actually have dialogue with you-all. The rest of time, I'm going to be talking at you. So I appreciate -- I need to know that. So I appreciate that. Thank you.

Miss Foster.

PROSPECTIVE JUROR FOSTER: 3.

MS. BYNUM: 3? Okay.

So you can listen to the aggravating

circumstances and the mitigating circumstances.

PROSPECTIVE JUROR FOSTER: Yes.

MS. BYNUM: Okay. Thank you.

Mr. -- and Mr. de la Rionda knows you so he can pronounce your name but --

PROSPECTIVE JUROR LEIBOWITZ: Leibowitz.

MS. BYNUM: Leibowitz. Okay. I apologize.

You could listen to the aggravating circumstances?

PROSPECTIVE JUROR LEIBOWITZ: Yes.

MS. BYNUM: Can you also listen to mitigation when rendering a sentence?

PROSPECTIVE JUROR LEIBOWITZ: Yes.

MS. BYNUM: And did you -- when you were at the State Attorney's Office, did you actually handle death penalty cases?

PROSPECTIVE JUROR LEIBOWITZ: No.

MS. BYNUM: Okay. You have two children.

PROSPECTIVE JUROR LEIBOWITZ: Yes.

MS. BYNUM: Could you set that -- could you set that aside, the fact that you're a father, when listening to the victim impact

statements?

PROSPECTIVE JUROR LEIBOWITZ: Yes.

MS. BYNUM: And I have listed that you were also a victim of crime.

PROSPECTIVE JUROR LEIBOWITZ: Yes.

MS. BYNUM: Would you be able to set that aside when rendering a sentence?

PROSPECTIVE JUROR LEIBOWITZ: Yes. It was nonviolent.

MS. BYNUM: Not violent. Okay.

And 0 to 5, where are you?

PROSPECTIVE JUROR LEIBOWITZ: 5.

MS. BYNUM: Okay.

Mr. Shahum, you could listen to the aggravating circumstances.

PROSPECTIVE JUROR SHAHUM: Yes.

MS. BYNUM: Can you listen to mitigation when rendering a sentence?

PROSPECTIVE JUROR SHAHUM: Yes.

MS. BYNUM: And if the mitigation outweighs the aggravation and convinces you a life sentence is appropriate, you could do that?

PROSPECTIVE JUROR SHAHUM: Yes.

MS. BYNUM: You have one child. Can you

set that aside when listening to victim impact?

PROSPECTIVE JUROR SHAHUM: Yes.

MS. BYNUM: Okay. And 0 to 5, where are you?

PROSPECTIVE JUROR SHAHUM: 5.

MS. BYNUM: Okay. Thank you.

Miss Albano, you said you could not vote death in any situation?

PROSPECTIVE JUROR ALBANO: No, ma'am.

MS. BYNUM: Okay. So would you be a 0?

PROSPECTIVE JUROR ALBANO: Yes.

MS. BYNUM: All right. Miss Anthony?

PROSPECTIVE JUROR ANTHONY: Yes.

MS. BYNUM: At first, you said that you're not sure and you didn't really know. But then when Mr. de la Rionda, I guess, went back and asked if you could consider aggravating circumstances, you said you could not.

PROSPECTIVE JUROR ANTHONY: Correct.

MS. BYNUM: Okay. So am I to understand that in no situation would you be able to consider the death penalty?

PROSPECTIVE JUROR ANTHONY: Correct.

MS. BYNUM: Okay. And you would be a 0?

PROSPECTIVE JUROR ANTHONY: 0.

MS. BYNUM: All right. Thank you.

Miss Lowe.

PROSPECTIVE JUROR LOWE: Yes.

MS. BYNUM: You said something and this might actually -- everything I said earlier may have clarified this. But you said something interesting. You said you would support it if the circumstances required it.

PROSPECTIVE JUROR LOWE: Yes.

MS. BYNUM: And at this point now, you probably realize that it's never required. Do you -- do you understand that?

PROSPECTIVE JUROR LOWE: Similar to what other people said. If the aggravated circumstances were proven, then I could, yes.

MS. BYNUM: Okay. So if it warranted it, I guess. I just wanted to clarify that it's never required.

PROSPECTIVE JUROR LOWE: Right, if warranted, yes.

MS. BYNUM: Okay. Very good.

So you could consider aggravation. Could you consider mitigation?

PROSPECTIVE JUROR LOWE: I could, yes.

MS. BYNUM: And if that swayed you towards life, could you vote life?

PROSPECTIVE JUROR LOWE: Yes, I could. If that swayed me, yes.

MS. BYNUM: Okay. 0 to 5, where are you?

PROSPECTIVE JUROR LOWE: 4.

MS. BYNUM: Okay. Thank you.

Mr. Dieffenbach, I think that yesterday, you said that you had almost, I think, made up your mind or you were -- you couldn't consider mitigation.

PROSPECTIVE JUROR DIEFFENBACH: Correct. I will not.

MS. BYNUM: All right. Thank you. You can have a seat.

Mr. Moon, you said that you could not vote death under any circumstance.

PROSPECTIVE JUROR MOON: No.

MS. BYNUM: Okay. So you would never be able to listen to any aggravating circumstance.

PROSPECTIVE JUROR MOON: No, probably not.

MS. BYNUM: And where would you be on a scale of 0 to five?

PROSPECTIVE JUROR MOON: 0.

MS. BYNUM: Okay. Thank you.

Miss Arias, you said that you could vote death and listen to aggravating circumstances.

PROSPECTIVE JUROR ARIAS: Yes.

MS. BYNUM: Could you listen to mitigating circumstances?

PROSPECTIVE JUROR ARIAS: Yes.

MS. BYNUM: And if those swayed you, could you potentially vote life?

PROSPECTIVE JUROR ARIAS: Yes.

MS. BYNUM: And where are you on a scale of 0 to 5?

PROSPECTIVE JUROR ARIAS: 4.

MS. BYNUM: You also have three children?

PROSPECTIVE JUROR ARIAS: And six grandchildren.

MS. BYNUM: And six grandchildren. Okay. Congratulations.

Could you set that aside when listening to victim impact?

PROSPECTIVE JUROR ARIAS: I probably would be able to, probably.

MS. BYNUM: Probably would be able to. Okay.

Understanding that that's not -- you can't use that as an aggravating circumstance, could you put that aside and just look at what the State's presenting for aggravation?

PROSPECTIVE JUROR ARIAS: Yes.

MS. BYNUM: Okay. Thank you.

Miss Carpenter.

PROSPECTIVE JUROR CARPENTER: Yes, ma'am.

MS. BYNUM: You said you could listen to aggravating circumstances and vote for the death penalty. Could you also consider mitigation?

PROSPECTIVE JUROR CARPENTER: Absolutely.

MS. BYNUM: And mitigating circumstances. And if that swayed you, could you potentially vote life?

PROSPECTIVE JUROR CARPENTER: Yes, ma'am.

MS. BYNUM: Where are you on a scale of 0 to 5?

PROSPECTIVE JUROR CARPENTER: If I understood your question, 5 would be my support for the death penalty but not saying I would automatically vote.

MS. BYNUM: Oh, right.

PROSPECTIVE JUROR CARPENTER: I would be able to consider both options. I would say about a 4.

MS. BYNUM: Okay. Thank you very much.

Miss Fitzpatrick, you said you could vote for the death penalty and consider aggravating circumstances.

PROSPECTIVE JUROR FITZPATRICK: Yes.

MS. BYNUM: Could you consider mitigation in a case?

PROSPECTIVE JUROR FITZPATRICK: Yes.

MS. BYNUM: And if that outweighed the aggravation or convinced you to vote life, could you vote life?

PROSPECTIVE JUROR FITZPATRICK: Yes.

MS. BYNUM: Okay. Where are you on a scale of 0 to 5?

PROSPECTIVE JUROR FITZPATRICK: 5.

MS. BYNUM: And I think I have written down that you had a family member who was a victim of a crime?

PROSPECTIVE JUROR FITZPATRICK: Yes.

MS. BYNUM: Was it violent in nature?

PROSPECTIVE JUROR FITZPATRICK: Yes.

MS. BYNUM: Would that affect your ability -- knowing what this case is, would that affect your ability to be impartial in this case?

PROSPECTIVE JUROR FITZPATRICK: I think it would.

MS. BYNUM: You think it would? Okay. Thank you. You can have a seat.

Miss Roberts.

PROSPECTIVE JUROR ROBERTS: Yes.

MS. BYNUM: You said you could not vote for death penalty. Is that in any circumstance?

PROSPECTIVE JUROR ROBERTS: Correct.

MS. BYNUM: Okay. You couldn't listen to aggravation at all?

PROSPECTIVE JUROR ROBERTS: No.

MS. BYNUM: Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR ROBERTS: 0.

MS. BYNUM: Okay. Thank you.

Miss Fleming, you said that you could not vote for death.

PROSPECTIVE JUROR FLEMING: Correct.

MS. BYNUM: So you can't listen to any aggravating circumstance whatsoever? Nothing would convince you to vote death?

PROSPECTIVE JUROR FLEMING: No.

MS. BYNUM: Okay. All right. Thank you.

And I'm sorry. Am I trusting you'd be a 0?

PROSPECTIVE JUROR FLEMING: Yes, ma'am.

MS. BYNUM: Miss Madden, you said you could listen to aggravating circumstances and vote death.

PROSPECTIVE JUROR MADDEN: Yes. The aggravators would have to be extremely high for me to vote death penalty.

MS. BYNUM: Okay. So am I to assume that you could listen to mitigating circumstances?

PROSPECTIVE JUROR MADDEN: Yes.

MS. BYNUM: And if those outweighed the

aggravation or convinced you to vote life, you could do that.

PROSPECTIVE JUROR MADDEN: Yes.

MS. BYNUM: Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR MADDEN: I would say 4.

Could I just have something clarified for the two victims?

MS. BYNUM: Sure.

PROSPECTIVE JUROR MADDEN: If the aggravators are outweighing in both, could you still render a death penalty, or does it have to be both victims?

MS. BYNUM: The aggravators always have to outweigh the mitigators.

PROSPECTIVE JUROR MADDEN: For both victims? That's what I'm -- where there's two victims, say one of your victims, the aggravating weren't as outweighing as with the other. Can you still render --

THE COURT: You have to -- you have to look at each victim or each count independently of the other. So I think what you're saying is could you, in theory, find

that the aggravating factors either didn't exist or they weren't --

PROSPECTIVE JUROR MADDEN: As high with the, say, the second victim.

THE COURT: -- as high in one as the other.

PROSPECTIVE JUROR MADDEN: Yes.

THE COURT: So you might vote life for this one and death for that one. Could you do that? Yes, you can.

PROSPECTIVE JUROR MADDEN: Okay. That's what I want. Thank you.

MS. BYNUM: And I'm sorry. Did you give a number, 0 to 5?

PROSPECTIVE JUROR MADDEN: 4.

MS. BYNUM: 4. Okay.

Mr. Rivera-Ramos, you said you could listen to the aggravating circumstances and vote death.

PROSPECTIVE JUROR RIVERA-RAMOS: Yes, ma'am.

MS. BYNUM: Could you consider mitigation?

PROSPECTIVE JUROR RIVERA-RAMOS: Yes.

MS. BYNUM: And if that swayed you or

outweighed aggravation, you could vote life?

PROSPECTIVE JUROR RIVERA-RAMOS: Yes.

MS. BYNUM: You have a son?

PROSPECTIVE JUROR RIVERA-RAMOS: Yes.

MS. BYNUM: Would you be able to set that aside when listening to victim impact?

PROSPECTIVE JUROR RIVERA-RAMOS: Yes.

MS. BYNUM: Okay. Thank you.

And 0 to 5?

PROSPECTIVE JUROR RIVERA-RAMOS: 3.

MS. BYNUM: Mr. Carr, you said that you could listen to aggravating circumstances and vote for the death penalty.

PROSPECTIVE JUROR CARR: Yes.

MS. BYNUM: Would you be able to listen to mitigating circumstances and consider that when rendering a sentence?

PROSPECTIVE JUROR CARR: Yes.

MS. BYNUM: And so if the mitigation outweighed the aggravation, you could potentially vote life?

PROSPECTIVE JUROR CARR: Yes.

MS. BYNUM: Where are you on a scale of 0 to 5?

PROSPECTIVE JUROR CARR: 4.

MS. BYNUM: I'm sorry?

PROSPECTIVE JUROR CARR: 4.

MS. BYNUM: And you have four children?

PROSPECTIVE JUROR CARR: Yes.

MS. BYNUM: Can you set that aside when listening to victim impact statements?

PROSPECTIVE JUROR CARR: Yes.

MS. BYNUM: Okay. Thank you.

Mr. Ponn.

PROSPECTIVE JUROR PONN: Yes.

MS. BYNUM: I have a question specifically as it relates to the description you gave and then, I guess, your answer eventually. You said, I think the law is the law. And then you said that, no, you -- you couldn't vote death.

PROSPECTIVE JUROR PONN: I couldn't vote death because of my religion belief.

MS. BYNUM: Okay.

PROSPECTIVE JUROR PONN: Because if I vote somebody to die, to me, like, I killed this person.

MS. BYNUM: Okay. So under no circumstance could you vote death.

PROSPECTIVE JUROR PONN: Yes.

MS. BYNUM: Okay. Very good. Thank you.

Miss Balbona, you said you could vote death and listen to aggravating circumstances.

PROSPECTIVE JUROR BALBONA: Uh-huh.

MS. BYNUM: Could you listen to the mitigation in the case?

PROSPECTIVE JUROR BALBONA: Yes.

MS. BYNUM: And if that outweighed the aggravation presented to you, otherwise, you could vote life?

PROSPECTIVE JUROR BALBONA: Yes.

MS. BYNUM: Where are you on a scale 0 to 5?

PROSPECTIVE JUROR BALBONA: I'm sure what the difference of 3 and 5 is.

MS. BYNUM: Okay. Good question.

Obviously, 0 is you just can't. 5 is that you -- you are really on board with it; you support it. And so obviously, 5 can consider mitigation and potentially vote life. 3 is you just -- you don't have super strong feelings one way or the other. You know, I think some people have said, you

know, if it's necessary. But kind of -- you're just kind of in between. And so you can certainly listen to both and render a sentence that you think is appropriate, but you don't really, really love it and you can't absolutely. It's not like you can't do it.

PROSPECTIVE JUROR BALBONA: I'm a 3.

MS. BYNUM: Okay. And you have two children?

PROSPECTIVE JUROR BALBONA: Yes.

MS. BYNUM: Could you set that aside when listening to victim impact?

PROSPECTIVE JUROR BALBONA: Yes.

MS. BYNUM: Okay. And you had family members who were victims?

PROSPECTIVE JUROR BALBONA: Nonviolent.

MS. BYNUM: So that wouldn't affect your ability to be unbiased here.

PROSPECTIVE JUROR BALBONA: No.

MS. BYNUM: Okay. Thank you.

Mr. Kinsey.

PROSPECTIVE JUROR BAILEY: Bailey.

MS. BYNUM: Oh, what did I do? I skipped down. I'm sorry. I apologize. I

was looking up and flailing my arms and then I skipped down. That's my fault.

Okay. Mr. Bailey, I'm sorry.

Now, you said that you were opposed but that you could listen to aggravators, aggravating circumstances.

PROSPECTIVE JUROR BAILEY: Yes.

MS. BYNUM: And so I'm going to assume that you could probably also listen to mitigating circumstances.

PROSPECTIVE JUROR BAILEY: Correct.

MS. BYNUM: And render whatever sentence you felt appropriate after listening to all of that.

PROSPECTIVE JUROR BAILEY: Yes.

MS. BYNUM: Okay. You have -- your father was a victim of something?

PROSPECTIVE JUROR BAILEY: Nonviolent.

MS. BYNUM: Nonviolent. Okay. So that wouldn't affect your ability to be impartial here?

PROSPECTIVE JUROR BAILEY: Yes. It would not affect my ability.

MS. BYNUM: Okay. And on a scale of 0 to 5.

PROSPECTIVE JUROR BAILEY: Well, I had my answer but I guess the most recent explanation confused me a little bit. I guess it would be 0 for no support of the death penalty, but that doesn't affect what I feel my responsibility as juror is to follow the law.

MS. BYNUM: Okay. And 0 is you absolutely could never vote death. What I'm hearing is that you're opposed to it, but when you get in there, you could listen to the aggravating circumstances and consider those, and in an appropriate case, you could do that.

PROSPECTIVE JUROR BAILEY: Yes.

MS. BYNUM: Okay. So I would say probably a 1 -- or a 0 is you absolutely, for religion beliefs or whatever, couldn't do it. So maybe a 1 or a 2?

PROSPECTIVE JUROR BAILEY: I guess 2.

MS. BYNUM: Fair? Okay. All right. Thank you.

THE COURT: So -- Mr. Bailey, so you can vote death if you think that's the appropriate thing to do.

PROSPECTIVE JUROR BAILEY: If I felt like the -- the aggravators were sufficient, at least in my view, I feel like the rule -- I can't pick and choose what parts of the law to disregard or not in a courtroom.

THE COURT: Okay.

PROSPECTIVE JUROR BAILEY: And if the law states I should be weighing these to determine death penalty in the State of Florida, then my job as a juror would be to try and uphold that responsibility.

THE COURT: Okay. Thank you.

PROSPECTIVE JUROR BAILEY: Not let my personal view affect it.

THE COURT: Thank you.

MS. BYNUM: Thank you.

Miss Carroll, we're back on track. Okay.

You said that you could not vote death.

PROSPECTIVE JUROR CARROLL: Correct.

MS. BYNUM: Does that remain today?

PROSPECTIVE JUROR CARROLL: Correct.

MS. BYNUM: In no circumstance could you render a death verdict.

PROSPECTIVE JUROR CARROLL: Correct.

MS. BYNUM: So would you be a 0?

PROSPECTIVE JUROR CARROLL: Yes, ma'am.

MS. BYNUM: All right. Thank you.

Now we're at Mr. Rhoden. Okay. You said you could consider the aggravating circumstances when rendering a sentence?

PROSPECTIVE JUROR RHODEN: Yes.

MS. BYNUM: And could you consider mitigation, mitigating circumstances?

PROSPECTIVE JUROR RHODEN: Yes.

MS. BYNUM: Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR RHODEN: 3.

MS. BYNUM: And you have two children.

PROSPECTIVE JUROR RHODEN: I do.

MS. BYNUM: Could you put that out of your head when listening to the victim impact statements?

PROSPECTIVE JUROR RHODEN: Yes.

MS. BYNUM: And you have family that was victims -- that were victims of crime?

PROSPECTIVE JUROR RHODEN: Victims and prosecuted for doing crimes.

MS. BYNUM: Okay. As far as the victims are concerned, were they the victims of

violent crimes?

PROSPECTIVE JUROR RHODEN: No. It was just home burglaries.

MS. BYNUM: All right. Very well. So would that affect your ability to be impartial in this case?

PROSPECTIVE JUROR RHODEN: No.

MS. BYNUM: No? Okay. Thank you.

Mr. Kinsey, you said that you could consider aggravating circumstances when rendering a sentence?

PROSPECTIVE JUROR KINSEY: Yes.

MS. BYNUM: Could you consider mitigating circumstances?

PROSPECTIVE JUROR KINSEY: Yes.

MS. BYNUM: And if those outweighed the aggravation or swayed you in some other way, you could potentially vote life?

PROSPECTIVE JUROR KINSEY: Yes.

MS. BYNUM: What is your -- what's your number on a scale of 0 to 5?

PROSPECTIVE JUROR KINSEY: 5.

MS. BYNUM: Okay. Thank you.

Miss Rivera, you said you could vote death and you could consider aggravating

circumstances.

PROSPECTIVE JUROR RIVERA: Yes, ma'am.

MS. BYNUM: Do you think you could consider mitigating circumstances and potentially vote life?

PROSPECTIVE JUROR RIVERA: Yes, ma'am.

MS. BYNUM: What are you on a scale of 0 to 5?

PROSPECTIVE JUROR RIVERA: 2.

MS. BYNUM: 2.

And you have three children?

PROSPECTIVE JUROR RIVERA: Yes, ma'am.

MS. BYNUM: Could you set that aside when listening to victim impact statements?

PROSPECTIVE JUROR RIVERA: Yes.

MS. BYNUM: Okay. Thank you.

Miss Ludy?

A PROSPECTIVE JUROR: Ludy.

MS. BYNUM: Okay. I know that you spoke kind of extensively yesterday about it, and I understand that you cannot do it no matter what.

PROSPECTIVE JUROR LUDY: Correct.

MS. BYNUM: You can't vote death?

PROSPECTIVE JUROR LUDY: Yes.

MS. BYNUM: Okay. So under no circumstances.

PROSPECTIVE JUROR LUDY: Yes.

MS. BYNUM: You would be a 0?

PROSPECTIVE JUROR LUDY: Yes.

MS. BYNUM: All right. Thank you.

Miss Scott.

PROSPECTIVE JUROR SCOTT: Yes.

MS. BYNUM: You said, no, you could not vote death, but originally, you had said the situation would depend on the circumstances.

PROSPECTIVE JUROR SCOTT: Yeah. When I arrived here yesterday, I really had -- very difficult. But after thinking about my faith, for one thing, I just -- I can't do it.

MS. BYNUM: Okay.

PROSPECTIVE JUROR SCOTT: So I would be a 0.

MS. BYNUM: Okay. Thank you, ma'am.

Miss Gress.

PROSPECTIVE JUROR GRESS: Yes, ma'am.

MS. BYNUM: Kind of the same question. At first, you had said it depends on the case, and then you said, no, you absolutely

could not do it.

PROSPECTIVE JUROR GRESS: I'm a 0.

MS. BYNUM: Was that just after thinking about it a little bit or --

PROSPECTIVE JUROR GRESS: Yes, ma'am.

MS. BYNUM: Okay. Very good. Thank you.

PROSPECTIVE JUROR GRESS: You're welcome.

MS. BYNUM: Mr. Trenschel.

PROSPECTIVE JUROR TRENSCHEL: Yes.

MS. BYNUM: You said that you could vote death and you could consider aggravating circumstances.

PROSPECTIVE JUROR TRENSCHEL: Yes.

MS. BYNUM: Do you think after -- and I'm sorry to have been so confusing at first. But do you think after listening to everything today and hearing what mitigation was and that process, do you think you could go through that process and consider the mitigation?

PROSPECTIVE JUROR TRENSCHEL: Yes.

MS. BYNUM: Okay. On a scale of 0 to 5, where would you be?

PROSPECTIVE JUROR TRENSCHEL: 5.

MS. BYNUM: And you have five children, right?

PROSPECTIVE JUROR TRENSCHEL: Yes, ma'am.

MS. BYNUM: Would you be able to set that aside when listening to victim impact?

PROSPECTIVE JUROR TRENSCHEL: I don't know that we should set that aside. We're not jury of robots. We're a jury of people. We have connections to life circumstances, children, whatnot.

So while I would say that I think we draw from our feelings, our families and experiences and whether loved ones have been murdered or -- and criminalized in some form, I think that at the same time, I'm just as open to hearing a circumstance that's not been discussed so far that would, therefore, say, yes, I empathize or sympathize so some degree with what these victims are expressing and feeling that feeling for my own daughters.

But at the same time, if I also were to hear the facts of the case and say, maybe I

feel like the previous jury was a little off in their -- you know, their verdict, then maybe I would be swayed based on the evidence to say, you know, perhaps it would be better to suit life, only for the opportunity for somebody to find new evidence or whatever.

MS. BYNUM: I understand and hearing -- and I hear you. If you're told from the judge that the two things you can consider are the aggravating circumstances and the mitigating circumstances, do you think -- and I totally understand what you're saying, and I appreciate you for being honest. Do you think that those are the two things that you could limit yourself to considering?

PROSPECTIVE JUROR TRENSCHEL: Yes.

MS. BYNUM: Okay. All right. Thank you.

And I'm sorry. Lastly, you had -- I think you, yourself, friends and family were all victims at one time.

PROSPECTIVE JUROR TRENSCHEL: Correct.

MS. BYNUM: I'm sorry to hear that. Was anything violent?

PROSPECTIVE JUROR TRENSCHEL: For

friends of mine, yes. For family members and myself, it was just theft.

MS. BYNUM: Okay. Would any of those instances be weighing on you or cause you to be unfair or impartial in this case?

PROSPECTIVE JUROR TRENSCHEL: I don't believe so.

MS. BYNUM: Okay. Thank you.

Miss Lockwood?

PROSPECTIVE JUROR LOCKWOOD: Yes.

MS. BYNUM: Again, originally, you said it depended on the crime, but then when Mr. de la Rionda came back to you, you said you absolutely could not.

PROSPECTIVE JUROR LOCKWOOD: Right.

MS. BYNUM: Did some -- were you kind of swayed throughout the course of the day?

PROSPECTIVE JUROR LOCKWOOD: Yeah. Going home and thinking about it, I couldn't.

MS. BYNUM: You couldn't do it.

PROSPECTIVE JUROR LOCKWOOD: No, ma'am.

MS. BYNUM: Okay. Would you be a 0?

PROSPECTIVE JUROR LOCKWOOD: I am.

MS. BYNUM: All right. Thank you.

Miss Gullatt?

PROSPECTIVE JUROR GULLATT: Uh-huh.

MS. BYNUM: You said that you could consider the aggravating circumstances.

PROSPECTIVE JUROR GULLATT: Uh-huh.

MS. BYNUM: Could you consider mitigation in any case?

PROSPECTIVE JUROR GULLATT: Yes, ma'am.

MS. BYNUM: And you'd be able to balance that and weigh that, and if it outweighed it, you could vote life?

PROSPECTIVE JUROR GULLATT: Yes, ma'am.

MS. BYNUM: Where are you on a scale of 0 to 5?

PROSPECTIVE JUROR GULLATT: Between a 2 and a 3.

MS. BYNUM: Okay. And you have two-year-old twins.

PROSPECTIVE JUROR GULLATT: Uh-huh.

MS. BYNUM: Would you be able to set that aside when listening to victim impact?

PROSPECTIVE JUROR GULLATT: Yes, ma'am.

MS. BYNUM: Okay. Thank you.

Mr. King, again, you said you were opposed, but you could -- you could listen to aggravating circumstances, and if suited, you

could vote death.

PROSPECTIVE JUROR J. KING: Correct.

MS. BYNUM: Where would you be on a scale of 0 to 5?

PROSPECTIVE JUROR J. KING: 5.

MS. BYNUM: You would be a 5?

PROSPECTIVE JUROR J. KING: Yes.

MS. BYNUM: Okay. And yesterday, you said you were opposed to the death penalty?

PROSPECTIVE JUROR J. KING: I was opposed early on. Once I listened to more of the information that we were given, it went to a 5.

MS. BYNUM: Okay. Could you listen -- well, now that I know that, could you listen to mitigation?

PROSPECTIVE JUROR J. KING: Absolutely.

MS. BYNUM: And you could. Okay. And you could weigh both. You could balance both and render a verdict -- or I'm sorry -- render a sentence that you felt was just.

PROSPECTIVE JUROR J. KING: Yes.

MS. BYNUM: Okay.

Miss Scarbrough.

PROSPECTIVE JUROR SCARBROUGH: Yes.

MS. BYNUM: Yes, you could listen to aggravating circumstances?

PROSPECTIVE JUROR SCARBROUGH: Yes.

MS. BYNUM: Could you consider mitigation and mitigating circumstances?

PROSPECTIVE JUROR SCARBROUGH: Definitely.

MS. BYNUM: And if those outweighed it and you were swayed to vote life, you could do that.

PROSPECTIVE JUROR SCARBROUGH: Yes, ma'am.

MS. BYNUM: Where are you on a scale of 0 to 5?

PROSPECTIVE JUROR SCARBROUGH: 3.

MS. BYNUM: Okay. And you have two children?

PROSPECTIVE JUROR SCARBROUGH: Two daughters, yes.

MS. BYNUM: Two daughters.

Could you set that aside when -- I say children. I know they're, you know, 27 and 20. I have it written down. Could you set that aside when listening to victim impact statements?

PROSPECTIVE JUROR SCARBROUGH: Yes.

MS. BYNUM: Okay. Thank you.

Miss Jordan, I think that I know where you're at. You said that you just wouldn't be able to -- I think you even said you wouldn't be able to be fair, probably isn't the case for you.

PROSPECTIVE JUROR JORDAN: Right.

MS. BYNUM: Okay. All right. Thank you.

Miss Wright, now, again, kind of like one of our jurors over here, I just wanted to clarify. Because Mr. de la Rionda, after you said that you didn't, like, trust the system, he said, so you can't do it; you can't participate. So I want to hear from you what your answer is to that.

PROSPECTIVE JUROR WRIGHT: 0.

MS. BYNUM: It's a 0. Okay. So you couldn't under any circumstance vote death.

PROSPECTIVE JUROR WRIGHT: No, ma'am.

MS. BYNUM: Okay. Thank you.

And lastly, Mr. Hill?

PROSPECTIVE JUROR CAHILL: Cahill.

MS. BYNUM: Cahill. Okay.

You said that you could listen to the aggravating circumstances?

PROSPECTIVE JUROR CAHILL: Yes, I could.

MS. BYNUM: Could you listen to mitigation and mitigating circumstances, whatever that is, and if they outweigh the aggravation, could you -- could you vote life?

PROSPECTIVE JUROR CAHILL: Yes, I could.

MS. BYNUM: Where are you on a scale of 0 to 5?

PROSPECTIVE JUROR CAHILL: 5.

MS. BYNUM: And you have a daughter?

PROSPECTIVE JUROR CAHILL: Yes.

MS. BYNUM: Would you be able to set that aside when listening to victim impact?

PROSPECTIVE JUROR CAHILL: Yes, I could.

MS. BYNUM: And you have family that were victims of crimes? Did I write that down?

PROSPECTIVE JUROR CAHILL: Nonviolent, contractor-type stuff.

MS. BYNUM: Oh, okay. So that wouldn't impair your ability to be impartial.

PROSPECTIVE JUROR CAHILL: No, it would

not.

MS. BYNUM: All right. Thank you.

Ladies and gentlemen, that will do it for me. I really appreciate your attention. I go last so it's tough for me sometimes. Thankfully, I had y'all in the morning. If I had gone last yesterday, we would have been in a tough spot. But I really can't thank you enough for your time and attention. I know that there are moments where we joke and we laugh and I think that that is important. And I think that's part of it.

But in all seriousness, I understand the weight of this decision and the weight of what we are asking you to do, and on behalf of myself and my team and especially Mr. Bright, we definitely thank you for that. Okay? Thank you very much.

THE COURT: Thank you, Miss Bynum.

All right, ladies and gentlemen. We will now take a -- well, you will now take a break. What will happen is the attorneys and I will confer and go over things and come to a decision as to who the jurors will be. This is going to take a little bit of time,

so this is going to be a little bit longer than a 15-minute break.

And then when you come back in, we will basically call out names, and you will come and be seated in the jury box on -- I'm not sure which side we'll use but one of them. And then you'll know who's part of the jury and who's not.

So let's break until 11:30. That's 35 minutes. I hope -- I think that should give us enough time here.

Thank you.

A PROSPECTIVE JUROR: Your Honor?

THE COURT:

A PROSPECTIVE JUROR: Will we have lunch later?

THE COURT: Yeah, there will be a lunch break later.

A PROSPECTIVE JUROR: Thank you, sir.

(Jury panel excused.)

(Short recess.)

(Defendant present.)

THE COURT: All right. Everybody knows how this works.

So what says the State on Juror No. 1?

MR. DE LA RIONDA: Accept.

THE COURT: Defense?

Oh, by the way, before we do that, Mr. Bright, before Miss Bynum got going, Miss Dunker, Juror No. 60 was not here. That was -- remember, we counted? We had 69. We were hoping for 70. But Miss Dunker, she was still not here.

And so we met at sidebar and your attorneys agreed that we would just dismiss her because we needed to move along. Did Mr. Williams have a chance to talk to you about that?

THE DEFENDANT: Yes, sir.

THE COURT: And you're okay with us excusing her?

THE DEFENDANT: Yes, sir, I am.

THE COURT: She was also somebody who said she couldn't impose the death penalty, so she might have been stricken anyway. But you're okay with that.

THE DEFENDANT: Okay.

THE COURT: All right.

Okay. Defense on 1.

MS. BYNUM: Accept.

THE COURT: Defense on 2.

MS. BYNUM: Accept.

THE COURT: State on 2.

MR. DE LA RIONDA: Accept.

THE COURT: State on 3.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 3.

MS. BYNUM: Accept.

THE COURT: Defense on 4.

MS. BYNUM: Your Honor, I have -- I have 4 written down as a cause challenge. She said -- yeah. She was a 0, Your Honor. She said she could not vote death.

THE COURT: So you're moving for cause?

MS. BYNUM: Yes, Your Honor.

THE COURT: State?

MR. DE LA RIONDA: We agree.

THE COURT: She's stricken for cause.

State on 5.

MR. DE LA RIONDA: Strike.

THE COURT: Defense on 6.

MS. BYNUM: Accept.

THE COURT: State.

MR. DE LA RIONDA: Cause.

THE COURT: Want to state a reason,

briefly?

MR. DE LA RIONDA: Yes. She said she could not impose the death penalty.

THE COURT: What says the defense?

MS. BYNUM: Yes, Your Honor. I have that notated.

THE COURT: And so?

MS. BYNUM: No objection.

THE COURT: Any objection to the cause?

MS. BYNUM: No, Your Honor.

THE COURT: Okay. Be stricken for cause.

State on 7.

MS. BYNUM: Accept.

THE COURT: Defense on 7.

MS. BYNUM: Accept.

THE COURT: Defense on 8.

MS. BYNUM: Accept.

THE COURT: State on 8.

MR. DE LA RIONDA: Accept.

THE COURT: State on 9.

MR. DE LA RIONDA: Cause.

THE COURT: Defense?

MS. BYNUM: No objection.

THE COURT: Cause granted.

Defense on 10.

MS. BYNUM: Cause, Your Honor.

THE COURT: State on 10.

MR. DE LA RIONDA: We agree.

THE COURT: Stricken for cause.

State on 11.

MR. DE LA RIONDA: If I may have a moment Judge. We're at No. 11, Perry?

THE COURT: Correct.

MR. DE LA RIONDA: Accept.

THE COURT: State -- or defense?

MS. BYNUM: Your Honor, I would -- I would strike for cause, and my reasoning being, she said -- she said that she had friends who were victims of a situation that was actually very similar to this, and she did it not know if she could be fair.

THE COURT: Granted.

Defense on 12. No, no. I'm sorry. Islamovic, he's already gone.

So we're over to 13. Defense on 13.

MS. BYNUM: Accept.

THE COURT: State on 13.

MR. DE LA RIONDA: We would strike.

THE COURT: Defense on 14.

MS. BYNUM: Accept.

THE COURT: State.

MR. DE LA RIONDA: We accept.

THE COURT: State on 15.

MR. DE LA RIONDA: Accept.

THE COURT: Defense.

MS. BYNUM: Strike.

THE COURT: Defense on 16.

MS. BYNUM: Accept.

THE COURT: State.

MR. DE LA RIONDA: 16 we're at? Accept.

THE COURT: State on 17.

MR. DE LA RIONDA: Cause.

THE COURT: She said she was 0. Any objection from the defense?

MS. BYNUM: No, Your Honor.

THE COURT: She's stricken for cause. Defense on 18.

MS. BYNUM: Accept.

THE COURT: State on 18.

MR. DE LA RIONDA: Accept.

THE COURT: State on 19.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 19.

MS. BYNUM: Accept.

THE COURT: Defense on 20.

MS. BYNUM: Strike. Oh, what --

MR. DE LA RIONDA: I'm sorry?

THE COURT: I said, defense on 20.

MR. DE LA RIONDA: Oh, okay.

MS. BYNUM: Strike.

THE COURT: State on 22.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 22.

MS. BYNUM: Accept.

THE COURT: Defense on 23.

MS. BYNUM: I'm sorry. Accept.

THE COURT: State on 23.

MR. DE LA RIONDA: Challenge for cause.

THE COURT: She was a 0. Any objection from the defense?

MS. BYNUM: No, Your Honor.

THE COURT: State on 24.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 24.

MS. BYNUM: Strike.

THE COURT: Defense on 25.

MS. BYNUM: Accept.

THE COURT: State.

MR. DE LA RIONDA: Cause.

THE COURT: She was a 0. Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: Stricken for cause.

Defense on 26.

MS. BYNUM: Cause. Your Honor, she said that because her mom was the victim of murder, she couldn't be fair.

THE COURT: Any objection from the defense -- or State?

MR. DE LA RIONDA: No, Your Honor.

THE COURT: Granted.

State on 27.

MR. DE LA RIONDA: Cause.

THE COURT: She was a 0. Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: She's stricken for cause.

Defense on 28.

MS. BYNUM: Strike.

THE COURT: State on 29.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 29.

MS. BYNUM: Your Honor, cause -- I would challenge her for cause. She -- she wavered on whether or not she could set aside the fact that she had children when listening to

victim impact statements.

THE COURT: And I don't understand the significance of that, that question. I never did figure it out. That's got nothing to do with nothing, whether or not they would consider the victim impact statements to be an aggravator, which I think pretty much everybody said they would not. And I think Mr. Trenschel, No. 67, articulated it quite nicely. I don't know how you set it aside when you've got kids from that.

So that cause challenge is denied.

MS. BYNUM: Strike.

THE COURT: State on 30.

MR. DE LA RIONDA: Strike. I'm sorry. Cause. I apologize. That's cause.

THE COURT: That was a 0. Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: Okay. Defense on 31.

MS. BYNUM: Accept.

THE COURT: State?

MR. DE LA RIONDA: We would strike.

THE COURT: State on 32.

MR. DE LA RIONDA: Cause.

THE COURT: That was a 0. Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: Stricken for cause.

Defense on 33.

MS. BYNUM: Your Honor, I believe she was --

THE COURT: She was already excused, cause.

MS. BYNUM: Yes, Your Honor.

THE COURT: Defense on 34.

MS. BYNUM: Accept.

THE COURT: State.

MR. DE LA RIONDA: Strike.

THE COURT: State on 35.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 35.

MS. BYNUM: Accept.

THE COURT: Defense on 36.

MS. BYNUM: Strike.

THE COURT: State on 37.

MR. DE LA RIONDA: State would strike 37.

THE COURT: Defense on 38.

MS. BYNUM: Cause, Your Honor, he stated

he was pretty much automatic death penalty.

THE COURT: Any objection?

MR. DE LA RIONDA: No, Your Honor.

THE COURT: Stricken for cause.

State on 39.

MR. DE LA RIONDA: Strike.

THE COURT: Defense on 40.

MS. BYNUM: Strike.

THE COURT: State on 41. Oh, that's -- she's already gone.

State on 42.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 42.

MS. BYNUM: Accept.

THE COURT: Defense on 43.

MS. BYNUM: Accept.

THE COURT: State.

MR. DE LA RIONDA: Cause.

THE COURT: Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: It's a 0.

State on 44.

MR. DE LA RIONDA: Cause.

THE COURT: Another 0 on the scale. Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: Cause.

Defense on 45.

MS. BYNUM: Accept.

THE COURT: State.

MR. DE LA RIONDA: I'm sorry. We're at 45, Judge?

THE COURT: Uh-huh.

MR. DE LA RIONDA: We accept.

THE COURT: I'm sorry. 42, I think, was 12. My bad. So we should be stopped at 42. Go back. You've got No. 1, 2, 3, 7 and 8, 14 and 16, 18 and 19 and 22, 35 and 42.

MR. DE LA RIONDA: Do you have 29?

THE COURT: 29 was a defense strike.

MR. DE LA RIONDA: Oh, I'm sorry. I didn't write that down.

THE COURT: So there's your jury: 1, 2, 3, 7 and 8 on the first row. Then you've got, on the second row, 14 and 16. On the third row, you've got 18 and 19 and 22. And then on the last row on that side, you've got 35. And then on the first row on the other side, you've got 42. That's 12 people.

MR. DE LA RIONDA: If we could have a

few minutes.

THE COURT: Everybody take a look at that, see where you are. I've got the defense with seven strikes and the State with five.

(Pause.)

THE COURT: Okay. What says the State on those 12?

MR. DE LA RIONDA: We would strike Juror No. 14.

THE COURT: What says the defense on 45? I think you already did. But tell me again.

MS. BYNUM: Accept.

THE COURT: State on 45.

MR. DE LA RIONDA: We would accept.

THE COURT: So I assume you're accepting those 12.

MR. DE LA RIONDA: We're going to -- can I have a second? I apologize.

THE COURT: You traded a 4 for a 4, if that matters to you.

MR. DE LA RIONDA: No. I don't always rely on the numbers completely.

THE COURT: I gotcha. You taught me. I'm listening.

While he's doing that, there we are. What says the defense about those 12?

MS. BYNUM: Your Honor, I would strike -- we would strike 42.

THE COURT: Okay.

That brings in 46. What says the State on 46?

MR. DE LA RIONDA: I would concede that that is a cause from a defense standpoint.

THE COURT: I assume the defense is moving for cause there.

MS. BYNUM: I would be moving for cause there.

THE COURT: You got it.

Defense on 47.

MS. BYNUM: Judge, we'd accept.

THE COURT: State.

MR. DE LA RIONDA: Cause.

THE COURT: That's another 0. Any objection to a cause challenge?

MS. BYNUM: No, Your Honor.

THE COURT: That's a challenge for -- she's gone -- or he's gone for cause.

48. What says the State on 48?

MR. DE LA RIONDA: Accept.

THE COURT: Defense.

MS. BYNUM: Accept.

THE COURT: All right. Now you've got a jury. We've got 1, 2, 3, 7 and eight. Then we've got 16. Then we've got 18, 19, 22. We've got 35, 45 and 48.

MR. DE LA RIONDA: The last one we had is 48, is that correct?

THE COURT: Yes.

MR. DE LA RIONDA: Okay.

We accept. We accept.

MS. BYNUM: Your Honor, defense strikes No. 1.

THE COURT: That brings in No. 49. What says the defense?

MS. BYNUM: Accept.

THE COURT: State on 49.

MR. DE LA RIONDA: Strike.

THE COURT: State on 50.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 50.

MS. BYNUM: May I have just a moment, Your Honor?

THE COURT: Yes.

MS. BYNUM: (Conferring with

co-counsel.)

Strike 50, Your Honor.

THE COURT: State on 51.

MR. DE LA RIONDA: Cause.

THE COURT: That's a 0. Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: That's a cause challenge.

State on 52.

MR. DE LA RIONDA: Cause.

THE COURT: That's another 0. Any objection?

MS. BYNUM: No, Your Honor.

THE COURT: Cause challenge.

Defense on 53.

MS. BYNUM: Accept.

THE COURT: State?

MR. DE LA RIONDA: I think we accept but may we -- sorry. Is No. 39 off the jury? I'm messed up.

THE COURT: Yes. You struck 39.

MR. DE LA RIONDA: Okay. She was right. Sorry. I should have listened to my co-counsel.

We are at No. 53?

THE COURT: We are.

MR. DE LA RIONDA: Okay. Thank you.

Okay. We strike Juror No. 53.

THE COURT: Defense on 54.

MS. BYNUM: Accept.

THE COURT: State on 54.

MR. DE LA RIONDA: Strike.

THE COURT: State on 55.

MR. DE LA RIONDA: Accept.

THE COURT: Defense on 55.

MS. BYNUM: Your Honor, I think I might be out of --

THE COURT: You are.

MS. BYNUM: -- strikes.

Oh, okay.

THE COURT: Doesn't mean I can't ask.

MS. BYNUM: Okay. Thank you, Judge. Accept.

THE COURT: Okay. So there's the jury. Now we're looking at 2, 3, 7, 8, 16, 18, 19, 22, 35, 45, 48 and 55.

MR. DE LA RIONDA: You didn't say 49, right? 49's been stricken?

THE COURT: Correct. You struck 49.

MR. DE LA RIONDA: Okay. That's what I thought.

THE COURT: While he's doing that, what says the defense on those 12?

MS. BYNUM: Acceptable to the defense, Your Honor.

THE COURT: Mr. Bright, those 12 acceptable to you?

THE DEFENDANT: Yes, sir.

THE COURT: You happy with the jury selection process so far?

THE DEFENDANT: Yes, sir, I am.

THE COURT: You happy with your attorneys and the way they've represented you so far?

THE DEFENDANT: Yes, sir, very much so.

THE COURT: Excellent.

MR. DE LA RIONDA: We accept.

THE COURT: Beautiful. All right.

Alternates, first option, No. 56, what says the State?

MR. DE LA RIONDA: Cause.

THE COURT: That's another 0 -- well, he never said a number, but he said religious beliefs, he couldn't do it. What says --

MR. DE LA RIONDA: I think he also said 0.

MS. BYNUM: No, sir.

THE COURT: She didn't ask him. I erased it.

MR. DE LA RIONDA: Okay.

MS. BYNUM: Your Honor, I do remember him saying he couldn't vote death because of religious reasons.

THE COURT: Any objection then --

MS. BYNUM: No, Your Honor.

THE COURT: -- on cause?

MS. BYNUM: No, Your Honor.

THE COURT: That brings in No. 57. What says the State on 57?

MR. DE LA RIONDA: We would strike.

THE COURT: Defense on 58.

MS. BYNUM: Accept.

THE COURT: State on 58.

MR. DE LA RIONDA: I have a cause but I think we rehabilitated him. We would strike.

THE COURT: You don't have a strike. That's Alternate No. 1.

MR. DE LA RIONDA: Well, no. We --

THE COURT: You don't have a cause challenge. You just struck 57. That was your strike on the first alternate. You're

out of strikes. You don't have a cause challenge. They accepted. There's your alternate.

MR. DE LA RIONDA: I thought we had two.

THE COURT: No. You get one per alternate.

MR. DE LA RIONDA: Okay. I'd rather accept Miss Balbona as the alternate versus Bailey but I don't know. I misunderstood but I understand.

THE COURT: Are you asking me something or are you --

MR. DE LA RIONDA: Yes.

THE COURT: -- just talking to yourself?

MR. DE LA RIONDA: No. I apologize. I'm asking then in terms of -- I misunderstood. In terms of the alternates, we're striking one -- you have one strike per alternate.

THE COURT: Correct.

MR. DE LA RIONDA: Then I would un-strike, I guess. Now knowing that, I would un-strike Miss Balbona and I would strike --

THE COURT: Well, you're accepting

Balbona.

MR. DE LA RIONDA: I apologize. I would accept Balbona and I would strike Bailey.

THE COURT: Well, you don't need to strike anybody yet. They might accept Balbona. But I understand you misunderstood the way --

MR. DE LA RIONDA: Yes. I apologize. My fault.

THE COURT: Let me put it on the record. Because Mr. de la Rionda misunderstood how the alternates are going to work and how the strikes -- because at sidebar at one point -- and it may not be on the record -- I said you get -- we'll pick two alternates, and you get a strike per alternate. I'm not sure how I phrased it. Perhaps he misunderstood. Sounds like he did.

I will -- we will back up and I will allow you to reconsider 57, and you're saying you do not want to strike 57.

MR. DE LA RIONDA: That is correct.

THE COURT: So the option then is to the defense. What say you about 57?

MS. BYNUM: We would strike.

THE COURT: Okay. So now we're at 58 to the State -- well, to the defense.

MS. BYNUM: Accept.

THE COURT: To the State, 58.

MR. DE LA RIONDA: We would strike.

THE COURT: Okay. That brings in 59 and that would be the alternate unless somebody's got some other reason to say why not.

MR. DE LA RIONDA: We would strike for cause.

THE COURT: Any objection to a cause? That was a 0.

MS. BYNUM: No, Your Honor.

THE COURT: That one's gone for cause. 60 is gone.

That means 61, Rhoden, is the first alternate.

Moving on to the second alternate, first option, Kinsey, what says the defense?

MS. BYNUM: I'm sorry, Your Honor. 60 was actually Miss Dunker and she was --

THE COURT: She's gone. She's the one that didn't show up.

MS. BYNUM: Okay. 61.

MR. DE LA RIONDA: 62.

MS. BYNUM: I'm sorry. Strike. No?

THE COURT: Can I make it easy for you?

MS. BYNUM: Yes, sir.

THE COURT: It's either going to be 62 or 67, I think. Well, 62, 63 or 67. You've got -- 64, 65, 66 are 0s.

MS. BYNUM: Yes, sir.

Accept.

THE COURT: So Kinsey, State.

MR. DE LA RIONDA: We accept.

THE COURT: The way that was going to go is if they were going to strike 62 and 63 and then 64, 65 and 6 were going to be 0s, then you were going to get 67.

MS. BYNUM: Yes, Your Honor.

MR. DE LA RIONDA: And for the record, that is what we were planning to do. I know the Court is looking at the chart and the numbers.

THE COURT: It ain't hard to figure out.

So there you have it.

Okay. Bring the jurors on in.

Mr. Bright, everything still good, so far so good?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Good.

(Jury panel present.)

THE COURT: Several things. Some things not everybody needs to know.

Let's go through the folks that we've selected for the jury and get them seated here, and I can then tell them what our schedule's going to look like because the rest of you could probably care less.

Miss Shannon.

When you hear your name, come on up.

Miss Craw.

Mr. Leonard.

Miss Rhone.

Miss Dixon. I'm sorry. Excuse me. Before I go there, Miss Gay.

Now Miss Dixon.

And Mr. Rhodes.

And Mr. Kenny.

Mr. Dempsey.

Miss Lowe.

Miss Arias.

Mr. Carr.

Mr. Rhoden.

And Mr. Kinsey.

All right. While they're coming forward, for the rest of you ladies and gentlemen, obviously -- well, not obviously -- your service for the week is now complete.

For parking validation, I need you to go back down to the second floor to get that validated, so what we will do when you leave here is go -- and also, if you need something for work, something to show your employer that you were here yesterday and today, you would get that paperwork from the second floor, the jury assembly area where you were yesterday. So keep the badge around your neck. When you go downstairs there, you'll trade that badge, and they'll give you one and/or two things, validation for your parking and/or something for work, if you happen to need it. So that's it for that.

Let me just once again thank you for your time and attention. I know that it's difficult and an inconvenience to some degree, but I want you to come away feeling a sense of pride for having participated in our justice system and performing a civic duty

that we owe go to one another.

For those of you that have never been here in the building, I'm glad you got to see it.

For those of you who have never been through a jury selection process, I'm glad you got to see that because this is one that is a little different because it entails so many people, a jury of 12 or -- and 14 actually and that sort of thing. So it's a little bit different than what you might see on other types of cases. So hopefully, you'll come away feeling a little bit on the educated side as to how this things works and maybe come away with a positive view. And hopefully, you'll feel as though we did the best we could under the circumstances to try and efficiently use your time.

So, again, thank you-all very, very much for your time and attention. You're all free to go. Remember, second floor to get those items that you need. Thank you.

(Jury panel excused.)

THE COURT: So, ladies and gentlemen, you-all have been selected to be the jurors

that will try this case. So what we're going to do is I'm going to go ahead -- rather than get started right away, we've got to gather some information from you. So what we're going to do is do that and give you a lunch break. And then when we come back from lunch, we'll actually start the trial itself.

So Mr. Heard is going to get some information from you.

As far as parking is concerned, we will validate your parking sticker, so you can give those to him each day that you're here. And we'll handle that.

As far as parking goes, you'll continue to park at the parking garage across the way, where you probably all parked today.

He will talk to you about where to report tomorrow. Generally, we'll have you come in, and he'll meet you usually downstairs somewhere and gather you as a group and bring you up to the courtroom.

We are actually going to change courtrooms between now and after lunch. We're going to move to my normal courtroom, Courtroom 305, which is downstairs one floor.

He'll show you where that is. And that's where we'll meet there from thereon in as far as the trial is concerned.

We're also going to get from you a phone number where we can get in touch with you. We do it in every single case, but it's more important now because the weather issues so. I'm going to talk to you about that in a second. So that's why we're getting the phone number. Don't worry. When case is concluded -- the phone number is just for me or my office to be able to get in touch with you. When the case is concluded, I shred that, so nobody's going to get your phone number or be able to call you or contact you or anything like that. It's just for my purposes and then I will shred it.

If you need something for work, we will provide that paperwork to you, generally speaking, at the end of the case so that we give you one piece of paper that covers all the days that you were here, if you need something for your employer.

Please remember, don't discuss the case among yourselves. Don't let anybody discuss

the case with you or in your presence. Don't do any research. Don't look up terminology. Don't look up locations. I'm going to tell you that time and time again, just to remind you.

But you recognize that we've spent quite a bit of time, a day and half, getting to know a little bit about each one of you. The attorneys get to know where you're coming from on issues, and so we have what I call a little bit of a dynamic working here. So I like to say what we need to do is kind of live in our little bubble from now until the trial is over so we know the dynamic doesn't change. We don't want outside influences being brought to bear. We know who you are, where you're from and where you're coming from. At least the attorneys are comfortable with all that.

The case has to be decided based on the testimony and the evidence that you're going to see here in the courtroom, not something that you could get from outside. So, again, no Internet, things of that nature.

I doubt very seriously we're going to

get a lot of publicity about this. I think probably the storm will override anything else that's going on. But I would caution you to be very, very careful if you're looking at the news or the newspaper. If you see something that looks like it might have to do with our case, please don't read it. That's, again, outside influences. The case has to be decided on what you see and hear in the courtroom and not anything else.

The attorneys have been very chatty with you. They will -- if you see them in the hallway from here on in and you're coming one way and they're going the other, they may drop their head and peel off and go a different direction. It's not because they've all of a sudden become rude because they haven't. It's because our rules dictate that they not appear to or actually engage in any conversation with you while the case is ongoing.

They'll be glad to talk to you about the case after it's over, if they were so inclined and you were so inclined. You don't have to but you could if you wanted to.

But in the meantime, that's what's going on there. Those are just some rules that they have to be governed by.

So that gives you a little bit of information.

We're going to take the lunch break. We talked about lunch options and places that you can go so you know about that.

So now, as I mentioned to you, the governor had talked about closing State offices for Friday at the very least, and, again, as I said, he does not control the executive branch of government, even though he's the governor of the State of Florida. Executive branch is controlled by the Florida Supreme Court.

The Florida Supreme Court has issued somewhat of an order. And I just got it and generally what they do is they leave it to the circuit -- each circuit in the State to decide whether they're going to stay open or close because obviously, if you're way out in the Panhandle, you might not need to close. If you're in Miami, you might need to. So they leave it to the chief judge of the

circuit to decide what's best for that community.

Our circuit includes Duval County, Clay and Nassau Countys. I guess theoretically, the judge could say, I'm closing Duval but I'm leaving Nassau open, if he wanted to for some reason. I don't know what he's going to do about other counties, don't really care. I care about what he's going to do with us.

And I have been informed that we are going to close Friday and Monday. Okay?

So what that means is we're going to start this trial, and we're going to plow some ground today and tomorrow. And then we're going to have to take a break. And we could be open on Tuesday, more likely -- you know, we could. I'm going to talk with the lawyers about that. Maybe just for your planning purposes, maybe what we do is -- and I'll talk to them. Maybe we just say we're going to do Wednesday and even skip Tuesday, just so we don't run into another problem. That's a thought I'm having. I'll talk to them about it.

But that's what's going to happen is

we'll do today and tomorrow. The lawyers have told me that we might be able to at least finish all of the testimony and witnesses tomorrow, which would be great. That would then leave us -- and I don't want to hold them to it because you never now how long a witness will take. If that did happen, that would be super.

But then what has to happen is because of the stages of the trial -- and I'll tomorrow you this again. But they get to give you an opening statement, which we'll do after lunch. Then witnesses start being called. When the witnesses have concluded, they get to give you closing arguments. When they have finished with their closing arguments, I read to you the instructions that apply in this case.

So if we got through the evidence tomorrow, which would be fabulous, we still have to let them do their closing arguments. I still have to read to you the instructions that apply in the case, and then you get to go and begin your deliberations. But it's a much quicker process doing that than

obviously witnesses being called.

So if we got through everything tomorrow, that would be really, really good, and then I would think we would get back one day next week, and we should be able to conclude it, again, with the caveat that once you begin your deliberations, you know, there's no time limit on that. That can take as much or as little time as it takes, just whatever it takes.

So I'll talk to them about what day we'll reconvene next week and to try and avoid this -- whatever may or may not happen with the storm. So that's kind of where we are. At least now we kind of know.

So with that said, I think what we'll do is take a break for lunch. And I've got to meet with the chief judge at 12:30 so -- just to make sure I'm clear on everything we're doing.

So why don't we take the full hour and say five minutes of 1:00 that we would get back together? Because some of the time, you're going to be spending getting some information to Mr. Heard and then you'll have

time. Actually, let's call it 1:00 o'clock 'cause he's going to kill a bit of time with you getting this information, and that will still give you time to get something to eat. Much -- much smaller crowd around here today.

So if you want to go to the second floor, you probably won't get backed up and same with across the street. Okay?

At this point, does anybody have a question for me?

Beautiful. Great group. See y'all at 1:00 o'clock.

(Jury excused.)

THE COURT: Okay. Now you've heard about Friday and Monday. What do you want to do? You don't have to tell me now. You can think about it.

I mean, we can say Tuesday and hope for it. We can say Wednesday. We still -- even if we do Wednesday and, you know, for some reason, we rolled into Thursday, we'll be good to go for you getting out of town on Friday.

MS. BYNUM: Right. That should be fine.

THE COURT: And I'll talk to the chief

and see what he --

MR. DE LA RIONDA: May we have time to think about it?

THE COURT: Yeah.

MR. DE LA RIONDA: The only thing I would ask whoever's keeping up with the hurricane, that other -- is there another hurricane right after, Jose or something? I don't know. My wife told me when I got home yesterday or somebody, but I think it's in the same path. But I guess somebody will -- I'll get somebody to do an update in terms of Jose, whether -- if it's not a hurricane yet.

THE COURT: We'll see. Maybe what we'll even do is we could say -- if we finish the testimony tomorrow, maybe we could say even Tuesday afternoon to give the morning to know if we could really do it or not, rather than tell people to dome down here at 9:00 o'clock and we have a problem and having to get in touch with them. We could say, you know, 1:00, having eaten lunch. You guys do your closes and that would be it.

And then -- because my thought is, unless you tell me we're waiving

sequestration --

MS. BYNUM: Right, which we're not.

THE COURT: Which you may -- whether you are or aren't, we'll see, I guess. One, if we did go on, maybe hotels would be available. Maybe they wouldn't. But then we'd come back Wednesday morning bright and early, read the instructions and off we go. 'Cause I don't know how long it will take on your close. So I'd rather not do close and instructions and give it to them to deliberate if we're up against a possible sequestering of the jury.

MR. DE LA RIONDA: So in other words, if we start early in the morning, you could do it all in one day versus afternoon and morning.

THE COURT: Well, I was thinking closing I'd do in the afternoon, maybe. I don't know if I want to start at 9:00 o'clock and have you do closings and me do what I got to do and then do the deliberations. 'Cause if they took a while for some reason and I've got to put them up in hotel, we might not have any to put them up in. People might

still be here. We'll see.

(Lunch recess was taken from 11:58 a.m. until 1:00 p.m.)

(Defendant present.)

THE COURT: Miss Bynum, again, have you had an opportunity to look at these preliminary jury instructions that we discussed previously?

MS. BYNUM: Yes.

THE COURT: Any exceptions or objections to the version that has factor or factors, circumstantial circumstances?

MS. BYNUM: No, Your Honor. No objection.

THE COURT: And, Mr. Bright, I think we talked about this before. But, again, you've had a chance to review these preliminary jury instructions that I'll read to the jury?

THE DEFENDANT: Right, yes, sir.

THE COURT: And you're okay with those?

THE DEFENDANT: Yes, sir.

THE COURT: You're in agreement with them.

THE DEFENDANT: Yes, sir.

THE COURT: Okay.

Okay. State ready to proceed?

MR. DE LA RIONDA: We are, Your Honor. I just think we need to put something on the record because we provided, obviously, the defense a lot of stuff that I don't know if it's officially in the record.

Specifically the victim impact statements, there are four separate victim impact statements. Defense has been tendered those victim impact statements. I believe we tendered them to the Court, have we not?

THE COURT: I've got them.

MR. DE LA RIONDA: Okay. And so we would formally introduce those into evidence.

And also, there are victim impact photographs. I believe there are seven total. Defense has also had an opportunity to review those, and I believe there's no objection to those.

THE COURT: Miss Bynum, any objection to those items that Mr. de la Rionda just talked about?

MS. BYNUM: No objection, Your Honor. I was able to tender copies of the statements to my client, but they did not have hard

copies of the pictures. So I viewed those on Miss Hazel's computer screen. I have -- I have no objection to the statements or the photos, but I just wanted to let the Court know that my client's only reviewed the statements. I don't believe he has any objection to those.

THE COURT: Mr. Bright, any objection to those victim impact statements?

THE DEFENDANT: No, sir.

THE COURT: Okay. And then he needs to look at these photographs.

MR. DE LA RIONDA: Correct.

While that is occurring, Your Honor, for scheduling purposes, we will put a bunch of people on today. Dr. Rao will be first thing -- is the Court starting tomorrow at 9:00 o'clock?

THE COURT: Yes.

MR. DE LA RIONDA: Okay. So Dr. Rao will be testifying tomorrow at 9:00 o'clock and also two victim impact statements. The mother of one of the deceased victims, obviously deceased, is having surgery today. She was unavailable. So that's the only

thing. We'll finish up with everything else except that.

I've even got the guy from Pensacola -- when I say the guy, the officer from Pensacola, we're going to take him out of turn, but he's going to testify about the prior convictions, he's actually hopefully already here but en route here, unless the hurricane's affected him. So he's -- he was very enthusiastic about getting in and out of Jacksonville before the hurricane hit.

THE COURT: Okay.

MR. DE LA RIONDA: Just for scheduling purposes, I wanted to let the Court know. So we'll do almost -- we may not go -- we may go shorter than we did yesterday in terms of today's evidence, may not go as long.

The Court, I think, also asked both sides to think about whether Tuesday or Wednesday of next week.

THE COURT: Right.

MR. DE LA RIONDA: And I have no objection to either, but I will suggest, I guess, that we just have argument first thing in the morning and go to deliberations right

after in terms Tuesday morning or Wednesday morning.

MS. BYNUM: Oh, either/or.

MR. DE LA RIONDA: Yeah.

MS. BYNUM: Okay.

THE COURT: So we'll see how we do tomorrow.

MR. DE LA RIONDA: Right, yes, sir.

THE COURT: That will kind of dictate things, if we truly are finished.

MR. DE LA RIONDA: Correct. That's true.

(Off-record discussion.)

MS. HAZEL: We can start, Your Honor, if that's okay with you.

THE COURT: So we ready, Miss Bynum?

MS. BYNUM: Yes, Your Honor.

THE COURT: Ready, Mr. Bright?

THE DEFENDANT: Yes, sir.

THE COURT: Bring the jurors on in.

(Jury present.)

THE COURT: All right. Well, welcome back, ladies and gentlemen. While you're still standing, if you'll remain standing and raise your right hand, the clerk is going to

administer the oath to you as the actual jury to try this case.

(Jury panel of 12 and two alternates was duly empaneled and sworn.)

THE COURT: All right. Thank you, ladies and gentlemen. You can take your seats now.

Again, welcome back. Hope you had a nice lunch.

So yesterday and today, we went through the selection process and you were selected. And now you've actually been sworn as the jury to try this case.

Please remember, as we discussed yesterday and a little bit today, that the defendant has been found guilty of murder in the first degree of Derrick King in Count 1 of the indictment and murder in the first degree of Randall Brown in Count 2 of the indictment, this in a previous proceeding.

The only issue before you is to determine the appropriate sentence in each count. The punishment, as you know, for these crimes is either life imprisonment without the possibility of parole or death.

The attorneys, in just a moment, are going to have an opportunity, if they wish, to make opening statements to you. The opening statements give them an opportunity to tell you what evidence they believe will be presented to you during the course of this penalty phase of the trial. What the lawyers say during their opening statements, though, is not evidence. Evidence will come before you in the form of testimony from witnesses and exhibits and things of that nature. But you should listen very carefully to what the attorneys say because their remarks are to aid you in understanding what they believe you're going to see and hear during the course of the trial and proceedings.

After they have had an opportunity to present their opening statements, then witnesses will be called to testify under oath. They'll be examined and cross examined by the attorneys. And there may be evidence presented relative to the nature of the crime and the defendant's character, background or life.

You are instructed that this evidence is

presented in order for you to determine, as you will be instructed, whether one or more aggravating factors is proven beyond a reasonable doubt, whether one or more aggravating factors exists beyond a reasonable doubt, whether an aggravating factor or factors found to exist beyond a reasonable doubt are sufficient to justify the imposition of the death penalty, whether a mitigating circumstance or circumstances are proven by the greater weight of the evidence, whether the aggravating factor or factors outweigh the mitigating circumstance or circumstances and whether the defendant should being sentenced to life imprisonment without the possibility of parole or death.

At the conclusion of the evidence and after the attorneys can make closing arguments to you, you will then be instructed. I will read to you the instructions that actually apply.

And at that point, you'll be allowed to go into the jury room to begin your deliberations.

As you may recall from Monday, I read

some things about aggravating and mitigating factors. I'm going to do that again for you.

An aggravating factor is a standard to guide the jury in making the choice between recommending life imprisonment without the possibility of parole or death. It is a statutorily enumerated circumstance that increases the gravity of a crime or the harm to a victim. You must unanimously agree that an aggravating factor or factors were proven beyond a reasonable doubt before it or they may be considered by you in arriving at your final verdict.

In order to consider the death penalty as a possible penalty, you must determine that at least one aggravating factor has been proven beyond a reasonable doubt. In order to consider an aggravating factor, the State has the burden to prove the aggravating factor beyond a reasonable doubt.

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to disregard an aggravating factor if you have an abiding conviction that

it exists.

On the other hand, if after carefully considering, comparing and weighing all the evidence, you do not have an abiding conviction that the aggravating factor exists or if having a conviction, it is one which is not stable but one which wavers and vacillates, then the aggravating factor has not been proved beyond every reasonable doubt, and you must not consider it in providing your verdict on the appropriate sentence to the Court.

A reasonable doubt as to the existence of an aggravating factor may arise from the evidence, conflict in the evidence or lack of evidence. If you have a reasonable doubt as to the existence of an aggravating factor, you must find that it does not exist. However, if you have no reasonable doubt, you should find that the aggravating factor does exist.

Before moving on to the mitigating circumstances, you must determine that the aggravating factor or factors are sufficient to impose a sentence of death. If you do not

unanimously agree that the aggravating factor or factors are sufficient to impose death, do not move on to consider the mitigating circumstances.

Should you find -- and now talking about mitigating circumstances, should you find a sufficient aggravating factor or factors exist to justify recommending the imposition of the death penalty, it will then be your duty to determine whether the aggravating factor or factors that you unanimously find to have been proven beyond a reasonable doubt outweigh the mitigating circumstance or circumstances that you find to have been established.

Unlike aggravating factors, you do not need to unanimously agree that a mitigating circumstance has been established.

A mitigating circumstance is not limited to the facts surrounding the crime. It can be anything in the life of the defendant which might indicate that the death penalty is not appropriate for the defendant. In other words, a mitigating circumstance may include any aspect of the defendant's

character, background or life or any circumstance of the offense that reasonably may indicate that the death penalty is not an appropriate sentence in this case.

A mitigating circumstance need not be proven beyond a reasonable doubt by the defendant. A mitigating circumstance need only be proven by the greater weight of the evidence, which means evidence that is more likely -- excuse me -- evidence that more likely than not tends to prove the existence of a mitigating circumstance.

If you determine by the greater weight of the evidence that a mitigating circumstance exists, you may consider it established and give that evidence such weight as you determine it should receive in reaching your conclusion as to the sentence to be imposed.

After the evidence has been presented, the attorneys will then have an opportunity to make their closing arguments to you.

Following their closing arguments, I will then read to you the instructions that apply to the case at that point. I will also

go over with you a verdict form that I mentioned to you earlier today basically sets out those steps that I just enumerated to you -- and it's pretty self-explanatory -- to help you make the decision in the proper order that you need to make it.

Until you get to the point where you go into the jury room to deliberate, you should not form any definite or fixed opinions about the merits of the case. You should not do that until you've heard all of the evidence, the arguments of the attorneys and the instructions on the law that I will give you. Until that time, as I mentioned, I think, yesterday, you should not discuss the case among yourselves, nor should you let anybody discuss the case with you or in your presence.

We will have breaks that you'll be able to take and you'll be about your business. If you're out and about and, for instance, you're in the lunch area and somebody is talking about the case and you recognize that it seems to be they are talking about our case, you should ask them to stop that

conversation at once. If for some reason -- and I don't think it would happen, but if it did and they persisted and continued on with the discussion, you should walk away from them at once, come back to the courtroom, let one of the bailiffs know what happened so that we can take care of the matter from there.

And, again, as we talked about, it's because the case has to be tried and decided on what you see and here in the courtroom itself.

As far as communicating with other folks, we talked a little bit about that. But let me remind you that no communication includes no e-mailing, text messaging, tweeting, blogging or any other form of communication.

You cannot do any research about the case or look up any information about the case.

If you become aware of any violation of any of these rules, you should notify one of the bailiffs that that had happened.

As I mentioned, during the course of the

recesses, in addition to being able to go about your business, you'll have your phones or smartphones or iPad, whatever it may be. You can look at those things, but, again, you should not communicate with anyone about the case itself through those modes of communication.

All cell phones, computers, tablets or other types of electronic devices must be turned off while you're here in the courtroom. Turned off means that the phone or device needs to be off, not in a silent or vibrating mode.

You may use these devices during recesses, but even then you may not use your cell phone or electronic device to find out any information about the case or communicate with anyone about the case or people involved in the case.

Do not take photographs, video recordings or audio recordings of the proceedings or of your fellow jurors.

After each recess, please double-check to make sure that your devices are turned off.

At the end of the case, as I talked to you, when you go to deliberate your verdict, we will collect those items, keep them in a basket. Nobody will touch them. We're not going to look at them or anything that sort. But then I know there aren't outside communications going on while you're deliberating, that your deliberations are only focused on the case itself.

The case must be tried by you and your verdict must be rendered based only on the evidence presented during the trial, here in your presence, the presence of the attorneys, and my presence and the defendant.

You must not conduct any investigation on your own. This includes reading newspapers, watching television, using computers, cell phones, Internet, electronic devices, things of that nature.

As I said, I don't expect there will be any publicity, and it might get outweighed by the storm. But if you're watching -- and I know people are going to watch TV and the news to see how the storms are going -- please be very, very careful just to try and

watch only the weather, if you could, and leave the news out of it.

You should not discuss the case, not only among yourselves but with anybody else.

Normally, what we do when we select a jury, we usually finish that day and I send the jurors home and they come back the next day. But we're starting right away so I usually tell them this before they head for home. Obviously, you're going to need to tell your employer, if you haven't already, that you've been selected. And you're going to be on this jury, and you're not going to be at work today or tomorrow and probably a day or maybe two next week.

You're going to want to tell your family because they're going to want to know how things went when you were here, maybe your neighbor. Who knows? What I would ask you to do is this: As far as your employers are concerned, tell them, I've been selected to be on a jury, and I will be out of pocket for several days, basically the same thing with family and/or friends.

They are going to then want to ask you,

okay, well that's interesting, couple days, three days, maybe even next week, wow. What's going on? What kind of case is it?

And, you know, if you said, well, it's criminal case, then they'll say, oh, that's interesting. Tell me what kind of criminal case.

Well, it's a really penalty phase in a case that involves either the death penalty or life imprisonment without the possibility of parole.

Oh, my gosh. And then all of a sudden, everybody's got opinions. Here comes a whole bunch of information floating in, and now we have affected our dynamic that we talked about. And we've got communications coming in from outside that we don't want to have happen.

So what I'm asking you to do is not even tell your loved ones that this is even a criminal case because it just starts the ball rolling. So what will happen is you'll say, I've been selected to be a jury.

They'll say, what kind of case?

And you'll say, I can't tell you. The

judge told me I'm not allowed to. Just tell them I said that.

And then they're going to say -- some people will say, that means it's criminal.

I'm not allowed to say.

Well, that must mean -- how many days are you going to be gone?

Three.

Oh, okay. Trafficking in drugs, takes a long time to try one of those cases.

No, it's not that.

And then they're going to guess.

So if you just leave out the part about criminal at all, we're not going to get into the guessing game. You just cut them right off and say, I'm sorry. I can't talk about it. I'll be glad to talk about it when the case is over, but until then, all I can tell you is I'm on a jury. That's it. And we'll talk about it when it's all over.

And if you can do that for me, that would be great. That way, we're not going to have any of these outside influences being brought to bear.

You should know that in every criminal

proceeding, a defendant has the absolute right to remain silent. At no time is it the duty of the defendant to prove his innocence. From the exercise of a defendant's right to remain silent, a jury is not permitted to draw any inference of guilt, and the fact that a defendant did not take the witness stand must not influence your verdict in any manner whatsoever.

You should know the attorneys are trained in the rules of evidence and procedure. It's their duty to make any and all objections that they deem necessary and proper. When an objection is made, you should not speculate on the reason why it is made. And when an objection is sustained or upheld by me, you should not speculate on what the answer to that question would have been had I allowed the witness to actually answer that question.

During the course of the trial, there may be times when I have to confer with the attorneys outside your presence, where they approach the bench sometimes. Those types of things, you never know how quick or long they

might take. If it's quick, I'll do it there. We have more technology in this courtroom. I couldn't find it in the other one. I have white noise so we'll be over here talking and you'll hear this white noise. I don't know why they didn't have it in the other courtroom.

But anyway, if it's going to take a little bit longer, I might have you go into the jury room to sit for a few minutes. If it's going to take an extended period -- I don't anticipate this happening -- I'll give you a break.

So sometimes I do have to talk to them outside your presence, so that's what that's about, if that were to happen.

You have pencil and -- or pen and pad there to take notes. Note that's for your individual use to take notes if you want to. If you want to take notes, obviously, you've got the utensils to do it. If you don't want to take notes, you don't have to take notes. But you should know that the notes are for your individual use. They are not for other jurors.

So if during the course of the trial itself, you were sitting there and you thought you saw one of the other jurors taking just magnificent notes, almost like a court reporter; they were taking down verbatim what people were saying and you thought, that's pretty good; I'm not very a good note-taker; I'm not going to take any notes; I'm going to sit back and just listen very intently, and then when I get back into the back, I'm going to look at his or her notes, you can't do that. The notes are for that juror, you or that juror's individual use to look at to refresh your recollection as to what the testimony was or what your impression was, things of that nature.

When we take breaks, you can just leave the notes on your seat. We will guard them and watch over them. When we go home in the evening, we will lock your notes up. Nobody's going to look at your notes.

When the case is concluded, we collect the notes and we actually shred the notes. So, again, they're for your personal use, and nobody is going to be looking or reviewing

what you've written down or things of that nature.

Couple other things to know about note-taking that's important.

When we get started here in a minute, we're going to have a witness on the witness stand here. That podium is right there now because the attorneys are going to stand there probably when they do their opening remarks, if they don't move around too much.

That podium's going to move to the end of your jury box down there. And so lawyers are going to be standing back there. The witness is going to be here. The lawyer's going to ask a question. The witness is going to give an answer. And you may be writing something down. The lawyers are not going to look over to see if you stopped writing before they ask the next question.

There's kind of a flow to this. So you want to be cognizant of that. You may be jotting something down, but there's another question being asked and another answering being given. So it's almost a divided attention thing. You're writing but you're

listening, et cetera. Just keep it in mind. The next question may not have much or any significance at all, but the next question might be just as important or maybe even more important than the question you're jotting something down on. So just be cognizant of that, and then we should be in good shape.

So some of these rules that we've talked about are in place because you need to decide this case without distraction and based only upon the evidence presented in the courtroom. If you were to investigate, research or make inquiries of your own, I would have no way to know that that had happened and that there were outside influences being brought to bear. And that's contrary to our system. Again, the case has to be decided here in the courtroom based on the testimony and evidence that you see and hear here in the courtroom itself.

So with that said, I think we're in good shape to begin and -- and hear from the attorneys as far as their opening remarks are concerned. We'll hear first from the State.

And, Mr. de la Rionda.

MR. DE LA RIONDA: May it please the Court?

THE COURT: Yes, sir.

MR. DE LA RIONDA: Counsel.

Good afternoon.

38, 20, 14 and 20. Randall Brown and Derrick King were murdered.

Derrick King was beaten with a hammer 38-plus times on the head. He also had over 20 injuries to his hands, to his arms and to his knees as he was alive and as he was trying to defend himself.

Randall Brown was struck with that same hammer over 14 times in the head. He had over 20 injuries also to his arms, his hands and his knee as he was trying to defend himself.

That is, defendant used this hammer, his hammer, to beat both of these victims, Derrick King, 20 years old, and Randall Brown, 16 years old. He used this hammer to beat both of them to death.

They were alive. They had defensive wounds. They suffered. They were in pain while they were murdered. That is, they were

aware they were being murdered. They tried to defend themselves. But unfortunately, he, the defendant, had the upper hand because one of the victims, Derrick King, was on a sofa laying down, and the other victim, Randall Brown, was sitting on a recliner also. They were asleep when this defendant came upon them and beat them senseless.

It was a heinous murder that was shockingly evil and wicked. It was cruel in that the defendant, by his manner in which he killed both of these young men -- one was a child still. The manner which he killed both of these victims, they were killed in a manner intended to inflict a high degree of pain, and it almost like the defendant was enjoying the suffering that he was inflicting upon both of these victims because they were alive. The medical examiner that you will hear from will testify about the injuries that were on each of these victims, how severe they were but how the majority, if not all of them, were inflicted while they were alive.

After he committed the murders in his

home, in his living room, he got rid of the murder weapon, the hammer, and also some guns he had inside the house. He took them outside, hid them. And then he fled the scene.

Now, let me tell you how this came about. On Monday, February 18th, 2008, an individual by the name of Michael Majors, who you will hear from today, and one of the murder victims, Randall Brown, went to the defendant's home to hang out. Derrick King, who was 20 years old at the time, was already there. And while they were at the house, they watched TV. In fact, at one point, Derrick King was playing chess with the defendant. And you'll hear evidence in terms of the defendant used crack cocaine.

Later that evening, Michael Majors and Randall Brown end up leaving. It was a short distance from where Randall Brown lived, and you'll hear that Randall Brown went back home. And Michael Majors went to where he was living. And Derrick King was left at the house. The defendant was there also.

Then later, at around 9:00 p.m., Randall

Brown borrowed his mother's car.

And you'll hear, by the way, from Randall Brown's mother because she'll be, in fact, the first witness that you'll hear from. Her name is Carrie. Her last name is now Gray but it used to be Brown. You'll hear, in fact, that she's a minister, was a preacher at the time and had been doing some revival or something in Georgia and had come home and rented a car because she had to travel.

And her son, Randall Brown, asked to borrow her car, a rental car. And she said yes. She let her young 16-year-old son borrow the car. And he drove off with the understanding that he would be home in a few hours. He wouldn't be gone that long.

Unfortunately, the hours passed and she tried calling Randall Brown and there was no answer. There was no answer.

You'll hear, in fact, that the next morning, the 19th of February, 2008, Michael Majors went to where his friend was, Randall Brown, went to go see him. When he went to the house, he found out from Randall Brown's

mother that Michael -- I'm sorry -- Randall Brown was not home.

So he said to her, well, last time I saw him, he was home. I guess -- I wonder something -- he went to the defendant's house to see if, by chance, Randall Brown was over there. When he got there, the house was locked up. He couldn't get in. He still thought, well, nobody's home. What's going on?

So he went and actually had to break in through a window. You'll see the evidence of that. And you'll hear that he ended up going inside the house, and that's when he found Randall Brown and Derrick King.

And you'll hear and you'll see photographs of how they were found in terms of the position that each of them were in. You'll see that bloody scene. You'll see that scene that's shockingly evil, and it's wicked in terms of what the defendant did.

You'll see that he went inside. He saw what happened and he ended up calling -- Michael Majors ended up calling 911. And you'll actually hear that recording of

Michael Majors' 911 call. And he was so upset, so distraught that you'll hear, in fact, the 911 operator thought that he was actually talking to a woman. But that recording will be played so you'll be able to hear it.

And you'll hear that the police ended up going to the scene, to the defendant's home, and they then started processing the scene. And you'll hear from a crime scene unit detective, what we called to call "evidence technicians." You'll see the photographs. And I'll warn you ahead of time that these photographs depict something that is shockingly evil.

You'll see where Randall Brown was on the recliner in the position that he was in. And you'll see the injuries to his head. You will see that the blows were inflicted by this defendant with the hammer, and, in fact, some of the blows went to the hammer and then went past the head and went into the actual wall. You'll see evidence of the wall behind where Randall Brown was.

Then you'll see Derrick King. He will

be laying on the ground. And you'll see his head and you'll see his body, how he was beaten to death. And you'll also see all the blood that's on the couch and on the wall and on the ceiling in terms of what this defendant was doing to that man because as he was hitting him with the hammer and he kept hitting him and when he would go back to strike him again, the blood would spatter, and it would spatter on the wall and on the ceiling.

Police processed the scene and you'll see evidence in terms of what they did. There was evidence that a shot had been fired at some point in the house also. You'll see that they recovered that. But they went outside and they found two guns. And they kept searching and they found two guns. So then they kept the scene locked up so that they could come back because it was a scene that took a lot of time to process, because there was so much evidence in terms of the blood that they had to collect from different places, the photographs that they had to take, all the actual evidence that they had

to recover to actually be able to -- I guess "capture" would be the word to use in terms of what actually happened there.

And you'll hear then that they went looking or attempted to find the owner of that house, the defendant, Raymond Bright.

You'll hear that the bodies, that is, both of the deceased, Derrick King, both victims, and Randall Brown, were taken to the Medical Examiner's Office. And autopsies were performed on both of those victims.

And, again, the medical examiner will describe to you that Derrick King died from blunt impact to the head, that at least 38 injuries to his head and neck, that he had multiple contusions, abrasions, lacerations and fractures to the facial bones and skull, that he also had at least 20 injuries to his arms, hands and knee. And some of the injuries to his hand -- arms and hands were consistent with defensive wounds as he was defending himself, as he was being beaten to death.

You'll hear that an autopsy was performed on Randall Brown. And he also died

from blunt impact to his head. There was at least 14 injuries to his head. He had multiple contusions, abrasions, lacerations and, again, fractures to his skull. And he also had at least 20 injuries to his arms, hands and knees, consistent with defending himself.

Being in a vulnerable position, both of those victims attempted -- both victims attempted to defend themselves the best they can but they really had no shot. They had no chance at all because this defendant had his hammer, and he was intending to kill and he did kill both victims.

And they were alive. They were in pain while this was inflicted upon them, the death was inflicted upon each one of them.

You'll hear that on Wednesday, the 20th, the defendant was found hiding in his ex-wife's house and that he was taken into custody by the police. You'll hear what happened as a result of that.

One of the things that happened was that he was identified in terms of they actually took off his clothes and described in terms

of how -- if he had any injuries. And you'll see photographs of his body, his upper torso, of his hands, of his arms. I think he had maybe one scratch or something on his side here. That's it. Everything else, no injuries to his hands or anything at all. That is because he, the defendant, had his weapon of choice, this hammer, and he was able to kill each one of them. They were alive. They were sleeping. He caught them and he did it 'cause he intended to kill each one of them.

You'll hear about other evidence that was performed in terms of the analysis regarding the hammer, how there was DNA found of one victim, and the other victim, there was -- they couldn't rule him out. You'll hear in terms of other evidence that was processed, et cetera, for prints and for other stuff.

But the bottom line is this defendant committed both of these murders. As you are aware now, he committed both of these murders.

So at the end of the day, in terms of

the penalty phase, which is why we're here in terms of whether he should be sentenced to death or life without possibility of parole, the State will have proven that this defendant killed, murdered Derrick King and Randall Brown.

And as we talked about, there are two separate murders, and you are to decide in terms of death or life without possibility of parole as to each one of them. Each of them is handled individually.

So as to the murder of Derrick King, you can factor in -- and under the law, one of the aggravators is the fact that he committed another murder, the murder of Randall Brown. So in terms of the murder of Derrick King, what the punishment should be on that, you can factor in as aggravator that he's also guilty and committed another murder to another human being, Randall Brown. Also, as to the murder of Randall Brown, you can factor in the murder of Derrick King.

So that is one of the aggravators, that the defendant has previously been convicted, meaning in terms of at this stage, he's been

convicted of another murder as to each of those.

What you also have in terms of that aggravator, you have also the fact that in 1989, I believe, he, the defendant, was convicted of armed robbery in Pensacola. And you'll hear from the officer who was actually a witness to that armed robbery. It was at a convenience store. The defendant had a knife. He did not stab or do any injury to that victim, but he did commit an armed robbery and he was caught.

So you'll hear that he has -- prior to these murders, he had committed a crime of violence, that is, armed robbery.

So that is one aggravator as to each of those murders. That is, that prior violence, that armed robbery can factor in as to each of the murders.

The other aggravator that the State will have proven beyond a reasonable doubt, it's what's called "heinous, atrocious and cruel." As to each of the murders, that is, Derrick King and Randall Brown, the State will have proven by the testimony and the physical

evidence in terms of the photographs and the actual evidence that you will see that each of these murders was what's called "heinous, atrocious and cruel." That is, the murder of Derrick King was heinous, atrocious and cruel, and the murder of Randall Brown was heinous atrocious and cruel.

And the Court will instruct you in terms of what it means in terms of that aggravator. And I would submit to you, when you hear all the evidence and hear the testimony of the medical examiner, you will conclude that it was proven in terms of beyond a reasonable doubt that the heinous, atrocious and cruel was proven as to each of them.

That is, the heinous means that it was extremely wicked or shockingly evil.

Atrocious means outrageously wicked and vile.

Cruel means designed to inflict a high degree of pain with utter indifference to or even enjoyment of the suffering of others.

And there will be instructions regarding that specifically. Other than the definition in terms of heinous, atrocious and cruel,

there will be further definition of that.

But the State will have proven two aggravators as to each of these murders. That is, as to each one, it will be that he was convicted of another murder and that the murder was heinous, atrocious and cruel. And also within that other murder, there's also another crime of violence, robbery.

Now, I expect you'll also hear during these proceedings that the defendant -- his character will be introduced by the defense. I believe the defense will introduce testimony by way of experts, psychologist, psychiatrist who will have examined it, that will have gotten into the defendant's brain. That will -- years after the fact, year -- that same year and then years after the fact will have gotten into the defendant's brain to kind of explain why this happened, what the defendant was going through and all that in terms of an analysis of the defendant's brain to kind of explain why it was shockingly evil, why it was wicked and why it was cruel.

And you'll hear from these experts, and

I submit to you that you should listen carefully to what they say. I submit to you that you should listen carefully to what they say on direct examination and then also cross examination. And in the process of doing that, you will actually learn or better understand the defendant's true character.

Because you'll hear the defendant was at one point in the Marines and that he was in there for a period of time and then he got out. And you'll hear about that.

You'll hear that he had an alcohol problem. You'll hear that he had a drug problem, all in an attempt by these experts to kind of get into his brain, to explain why somebody, this man, would do such a heinous murder, wouldn't just do one heinous murder, why he would commit two heinous murders.

Ladies and gentlemen, you'll also hear from what's called "victim impact evidence." You'll hear from Randall Brown's mother, and you'll hear from Derrick King's mother.

Again, as was already pointed out during jury selection, that evidence is not aggravation nor is it to refute mitigation.

But it's to show what's called "victim impact." It's to show each victim's uniqueness in terms of the impact that the death of Randall Brown and of Derrick King had to their family, friends and loved ones, and you'll see some photographs of them while they were alive.

You'll hear actually from two witnesses to each of those, that is, the mothers and another family member for each of them, and they will give you a little bit of glimpse of Randall Brown how he was while he was alive and of Derrick King, the type of person he was while he was alive, before each of them became a victim.

And in conclusion, ladies and gentlemen, you'll have, I would submit, on behalf of the State of Florida, evidence before you of aggravation. That is, the State will have proven beyond a reasonable doubt aggravators in this case, two of them. That is, the defendant was previously convicted of a capital offense that is a murder and that he was -- part of that is also he was convicted of a prior crime of violence. And number two

is that the murder itself was heinous, atrocious and cruel.

And so what you will then have to decide is in terms of is this the type of case that is a death penalty case? And I don't want to go through all the process because we'll leave that for closing arguments. But then you'll also weigh the mitigation and you'll make a decision.

But I would submit to you that after you've done everything in this case, as is required by law, after you've evaluated everything, you will come to one conclusion, and your vote should be that he, the defendant, should be sentenced to death for the murder of Derrick King and that he should be sentenced to death for the murder of Randall Brown.

Thank you.

THE COURT: Thank you, Mr. de la Rionda.

Mr. Williams.

MR. WILLIAMS: Ladies and gentlemen, good afternoon. I don't think you've heard my voice before. My name is Michael Williams. Along with Kelli Bynum, it's my

pleasure to represent Raymond Bright in this proceeding.

Thank you for your time and attention. As you know, this is very serious matter. You have a serious and you have a solemn responsibility in this matter. You've been chosen in large part because we know that you will take your responsibility seriously and deliver a wise and just verdict in this case.

This is our opening statement, which is our opportunity to really let you know what we believe the evidence will show in the proceedings this week and perhaps into next week, hopefully all tomorrow, that is, what you'll be receiving in the form of exhibits but also crucially what you'll be hearing from the witness -- from the witness stand. As the judge told you once and he will tell you again, what you hear from the witness stand in the form of testimony, people who are sworn under oath to tell you the truth is evidence. So you'll be hearing a lot of testimony.

I'm going to touch on what the law is, and a lot of it's going to sound familiar, at

least somewhat because these terms are going to be terms you heard a lot yesterday and today, mitigators, aggravators, mitigation, aggravation.

Your responsibility going forward is going to be to take in this evidence through these witnesses and deliver a wise and just verdict. We believe that verdict will be life in prison without the possibility of parole.

Ladies and gentlemen, make no mistake. Under Florida law, you will have only two options. You know this already and I'll repeat it again. You can choose live without possibility of parole or the death penalty, capital punishment. In Florida, make no mistake. Life without the possibility of parole means life, means the man will not get out. You don't have to concern yourself with the thought that eventually, one day, different law might be passed and he gets paroled. Now in Florida, life without possibility of parole means life without parole.

One thing to keep in mind as you talk

about the evidence is that you're never required to vote for death. You as jurors are never required to vote for death under any of our laws in Florida.

The State's talked a lot about aggravators in this case, but you should always remember the other side of the coin, of course, is mitigation. In any sentencing hearing in Florida, not just death penalty cases, we talk about aggravation and mitigation. In death penalty cases, these terms are a lot more formalized. But essentially, aggravation is going to be factors which tend to suggest punishment of death or in this case, death but the more severe punishment from the State. And mitigators are factors which tend to suggest, in this case, life without parole.

We believe that you'll find after listening to the witnesses this week and next week, perhaps, that the mitigation in this case actually helps to explain why the aggravators came to exist in the first place. The mitigation in this case helps to explain why the aggravation came to exist.

Mitigation in this case absolutely outweighs the aggravating factors that will be presented by the State of Florida.

Yesterday, during jury selection, one of the prospective jurors who's not with us today asked a question something like, in a case like this, does anyone consider his childhood? Fortunately, the answer to that question is yes. My client, Mr. Raymond Curtis Bright, had a simply horrible childhood by anyone's estimation.

His father owned a junkyard. They lived on the property in the junkyard. Was in the backyard. You'll hear that my client was put to work in that junkyard as early as the age of five. That may sound to some people like, oh, good. You know, nice to learn a work ethic from an early age. No. That's not what I'm talking about. I'm talking about unpaid, un-thanked work from the age of five. He'd been made to work six or seven days a week in that junkyard.

There's a telling anecdote you'll hear a little bit about. In the second grade, Mr. Bright had accident at school that was

resulted in part of his thumb being cut off. And his father made him go back to work in the junkyard that same evening.

Mr. Bright also suffered an eye injury while working in that junkyard that causes him to blink against his will to this day. These were suffered as a child.

Mr. Bright suffered awful physical abuse at the hands of his father. And he suffered further as he watched his mother and older brother go through similar abuse at the hands of the father.

The father beat the mother in front of them. One day, Mr. Bright and his sister tried to stop the father from beating the mother. The father ended up in the car, backing down the driveway, while dragging the mother, who was outside the car, by her hair. On at least two occasions, these siblings recall hearing the father audibly raping their mother.

My client's father would add up punishments for later. He would tally them. He would tally and add up minor infractions, and then at some point later down the road,

he would beat Mr. Bright for hours at a time in the bedroom. He would draw blood. He would beat him to the point with a cord where he left welts. He beat Mr. Bright unconscious. Mr. Bright's father would beat him for any minor reason, and these are things that were witnessed by friends and neighbors. And you'll hear about these things from the stand. We have witnesses.

Finally, after he's graduated high school, one day, Mr. Bright had enough. While father was transporting a car from one place to another pursuant to junkyard work, my client ran off and joined the military. As you've heard, he was a Marine. He joined the Marine Corps, served as a jet mechanic for nine years.

My client served admirably in the Marine Corps. He was given multiple promotions by the United States Marines, including a meritorious promotion. He was given something called a "meritorious mask" for noticing a problem with a jet. As I said, he's a jet mechanic, and he noticed upon jet taking off that there was a problem with the

jet. He made a call and the jet landed, which set -- you'll hear, saved a tragic mishap from happening. It was a life-threatening problem with the jet that he noticed.

My client received two separate awards for good conduct in the Marine Corps. He served in the Red Sea and went to Africa for deployment in the Marine Corps.

He attended a noncommissioned officer leadership course, where he learned basic leadership skills and discipline. He was given -- he was presented with a certificate of appreciation and achieved the rank of sergeant.

You may not know but -- I didn't know until recently -- a Marine, after serving his tour, his four years, has to re-enlist. So my client received two honorable discharges and one general under honorable conditions discharge from the Marine Corps. He was never dishonorably discharged and he served nine years.

In the course of doing your duties, as the State pointed out, you will hear -- of

course, he knows what's coming. You will hear from experts who have interviewed my client. These are doctors.

First one I expect you'll hear from be Dr. Harry Krop. Dr. Krop administered my client what's call the "MMPI" or the Minnesota Multiphasic Personality Index. Most important upshot of that for this case was that my client did not show any signs of antisocial personality disorder on the MMPI.

Dr. Krop also noted, because they have standardized tests to try to ferret out when a person is lying, that my client exhibited no signs of what they call "malingering." Malingering is what psychologists call it when an individual is attempting to give answers that he thinks is going to achieve a desired result in the examination. Dr. Krop will tell you my client exhibited no signs of malingering, just was up front, told the truth.

Similarly, Dr. Robert Ouaou will tell you -- he'll -- you will hear from Dr. Robert Ouaou, and he will testify that Mr. Bright's main problem is his emotional distress that

was caused from childhood. It's a direct result of his upbringing.

Dr. Ouaou will also testify that my client was not malingering or attempting to lie to make himself seem worse off.

Perhaps most importantly, you'll hear from a Dr. Steven Gold, who's a trauma expert. He will testify about trauma and abuse suffered by Mr. Bright, chiefly in his childhood. He'll describe something -- he will describe specific types of traumas -- there are different ones -- that Mr. Bright experienced as a child and how that played role in his development and his behavior.

Dr. Gold will explain something called "ACES" -- that's an acronym, ACE, for adverse childhood experiences -- and how this could cause PTSD. This ACES test is something that was devised by the Centers For Disease Control.

And it explains how there are different risk factors. And if someone has just merely one of these risk factors, they are at a higher risk of psychological problems, depression and anxiety. And the more risk

factors a person has, the more problems he tends to have, and the more serious those problems tend to be. If an individual has five or more those factors, he has a life expectancy generally of about 20 years less than people without those factors, who have none of those factors in their background.

Mr. Bright experienced all ten of these risk factors. And according to Dr. Gold, who does this for a living and has been interviewing folks like this his entire career, Dr. Gold has never seen another case in 25 years of experience that reflects the severity of my client's case.

Dr. Gold will testify that Mr. Bright's childhood caused him to suffer from major depression, OCD, social phobia and severe PTSD. That's post-traumatic stress disorder, that PTSD causes the human reflex for survival and causes folks suffering from PTSD, like my client, to stay on edge constantly. I expect Dr. Gold will testify that my client was constantly on edge as a result of this PTSD developed during childhood.

Ladies and gentlemen, at the end -- once you've heard all evidence, at the end of these proceedings, I believe you'll find that -- among other things, that the capital felony that was committed -- the capital felonies that were committed were committed while the defendant was under the influence of extreme mental or emotional disturbance. We believe that you'll find the capacity of the defendant to appreciate criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired.

We believe you'll certainly find the existence of many other factors in his background that would mitigate against the imposition of the death penalty, such as his military service.

Ladies and gentlemen, at the close of these proceedings, we believe you'll find the most just, wise and moral sentence in this case would be that of life imprison without the possibility of parole.

Thank you.

THE COURT: Thank you, Mr. Williams.

State's first witness, please.

MS. HAZEL: Your Honor, the State would call Carrie Brown.

THE COURT: Carrie Brown, please.

While she's coming in, can I see counsel at the sidebar with court reporter, please?

(The following sidebar conference was had out of the hearing of the jury:)

THE COURT: I just wanted to ask about the photographs that you've shown to your client.

MS. BYNUM: Yes.

THE COURT: And I assume these are photographs that were already admitted into evidence during the guilt phase.

MS. BYNUM: Actually, I don't think they were.

MR. DE LA RIONDA: No, sir. These are penalty phase photographs, victim impact.

THE COURT: Okay. But they were admitted in the last --

MR. DE LA RIONDA: No, no, Your Honor. I don't --

MS. HAZEL: We didn't have any.

MR. DE LA RIONDA: We started in terms

of the victim impact statements and photographs as evidence.

THE COURT: Defense have any objections?

MS. BYNUM: No, sir.

THE COURT: Okay. Well, I'll just clear that with him. I didn't know when you were going to get into them, but I'll clear that with him at a break.

MR. DE LA RIONDA: Probably after the break.

THE COURT: Okay. Thanks.

MS. HAZEL: Your Honor, I would intend to show photos from the scene.

THE COURT: You do?

MS. HAZEL: Yes, sir, with the second and third witness -- or second and fourth witness.

MR. DE LA RIONDA: Those photographs have already been introduced in the guilt phase, already in evidence.

THE COURT: So by the time we get to these other photos, do you think we'll be --

MR. DE LA RIONDA: It will be this afternoon.

THE COURT: Be later on.

MR. DE LA RIONDA: Yes, sir.

THE COURT: Just let me know.

(At the conclusion of the sidebar conference, the following further proceedings were had in the presence of the jury:)

THE COURT: Okay. Miss Brown, maybe now Miss Gray, come on up, ma'am. If you'll come up to the front for me, please.

And if you'll raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, ma'am. If you'll come right over this way for me and have a seat. Right here.

And make yourself comfortable there. And you can adjust that microphone if you need to and scoot the chair in. Be sure and speak loudly into the microphone so everybody can hear you. All right?

MS. HAZEL: May it please the Court?

THE COURT: Yes, ma'am.

MS. HAZEL: Thank you, Your Honor.

CARRIE MAE BROWN GRAY,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MS. HAZEL:

Q Could you please state your name for the jury?

A Carrie Mae Brown Gray.

Q And your last name is now Gray, is that correct?

A Yes.

Q Miss Gray, can you please tell the jury what you do for a living? What's your job description?

A I'm a pastor.

Q And about how long have you been a pastor?

A 17 years now.

Q Can you tell the jury about a boy named Randall Brown?

A That's my son.

Q And I'm going to turn your attention now back to February of 2008. How old was your son around that time?

A 16.

Q And back in February of 2008, who was living in your home?

A Me, and my two daughters, Shannon Brown and Terry Brown, and Randall Brown.

Q So Randall was actually living with you at

that time?

A Yes, ma'am.

Q And where were you guys living?

A John F. Kennedy.

Q Okay. That's here in Jacksonville, Florida?

A Yes, ma'am, on the north side.

Q Was that near the same neighborhood as Sibbald Road?

A Yes, ma'am.

Q Going to turn your attention back to that weekend that started on February 15th, which was a Friday. Where did you go that weekend?

A To Lakeland, Georgia. I was doing a revival that week.

Q And had you rented a car to go there?

A Yes, ma'am, I did.

Q Okay. Was that a small Kia?

A Yes, ma'am.

Q I'm going to turn your attention now to Monday, February 18th. Is that when you returned from Georgia to Jacksonville?

A Yes, ma'am, about 5:00 o'clock.

Q You got home about 5:00 o'clock that evening?

A Yes, ma'am.

Q When you got home, was your son, Randall,

there?

A Yes, he was.

Q Was he actually going in and out --

A In and out.

Q -- that day?

A Yes, ma'am.

Q And what time did he come home for good that evening?

A He came -- I want to say probably -- I can remember 9:00 but like I said, was in and out. He came in and took a shower, got a phone call and left again.

Q So it was around 9:00 o'clock when he came home that night?

A Yes, ma'am.

Q Okay. And you said took a shower and got a phone call?

A Yes, ma'am.

Q Did he ask you then if he could borrow your car, and he left again from the house?

A Yes, ma'am.

Q Now, that next day, was he going to be going to school?

A Yes, he was.

Q And you said he got a phone call and left. What kind of cell phone did Randall have at that time?

A Red one, RAZOR.

Q And after getting off the phone, he asked to borrow your car. Do you remember what time he left the house that night?

A It had to have been -- I keep saying 9:00 because it had to be. Because he came in and I had -- I was just laying on the couch. And he got the phone call and he took the shower. And he said, Ma, can I -- he said, where are the keys?

And I said they was on the table.

And he said, I'll be back, but he never came back.

Q So did you end up talking to him again that night after he left?

A Yes, ma'am. I think I called him probably around 9:30, maybe 10:00, and I said, Randall, don't let nobody get in the car because I have left -- I left some money up in the console part of the car.

And he replied back and said, Ma, ain't nobody going to get from the car. I'm on my way home.

Q Okay. And you said you think that was around 10:00 o'clock? Is that correct?

A Yes.

Q Okay. After that phone call, were you expecting him home shortly thereafter?

A Yes, I was.

Q In fact, he said he would be home soon, is that correct?

A Yes. He was going to take his girlfriend to the movie, so he was definitely coming back because they had planned to go to the movie that night.

Q And did he actually come home?

A No, ma'am, he didn't.

Q Did you start to get worried when he didn't come home?

A Yes, ma'am, I did.

Q And did you start trying to call his phone?

A Yes, I did.

Q Were you able to get in contact with him?

A No, ma'am, I wasn't.

Q Now, can you tell the jury, throughout that night, after you called the first time and didn't get him, did you continue trying to call his phone?

A I continued to try to call his phone. Also, I started walking back and front to the door because at a certain time of night, Randall would be in that house and it had passed that time. So I left -- I left out the house, and I started walking to the corner. And then I went around the corner to see, was the car there and it wasn't there.

So I came back home and all through the night, I was calling him and I wasn't getting any answer.

Q Now, the next morning, did a friend of his name Michael Majors come over to your house?

A Yes, ma'am, he did.

Q And did you tell him that you didn't know where Randall was?

A Yes. I talked to Mike 'cause Randall normally -- had just got his driver's license and he take the girls to school. And it was time for one of the girls to go to school and he never came. So Mike came around there. And I told Mike, I said, Randall didn't come home. Do you know where he at?

And Mike said, no.

So Mike went to look for Randall.

Q Did Mike then come back to your house?

A Yes, he did.

Q Was he very upset?

A Yes, he was.

Q And did he tell you that he had, in fact, found your son?

A He came in the house and he said, I found the boys. The boys dead.

MS. BYNUM: Your Honor, I object to

hearsay.

THE COURT: It's overruled.

BY MS. HAZEL:

Q So he told you that he had found them and that they were dead.

A Yes, he did.

Q So that night, whenever your son left your house, you never saw him again alive, is that correct?

A No, ma'am, I didn't.

MS. HAZEL: I have no further questions.

THE COURT: Cross?

MS. BYNUM: Yes, Your Honor.

CROSS EXAMINATION

BY MS. BYNUM:

Q Good afternoon, ma'am.

A Good afternoon.

Q I am very sorry for your loss. I do have to ask you a couple of questions, though. Okay? Appreciate it.

A Okay.

Q When your son left around, I guess, 9:30, he said he just wanted to take the car, right?

A Uh-huh.

Q Is that a "yes"?

A Yes. I'm sorry. Yes.

Q And he was actually supposed to come back, I think you said, to take his girlfriend to the movies?

A Yes.

Q So it wasn't his intention, to your knowledge, to sleep over anywhere, is that correct?

A No, ma'am, it wasn't.

Q Okay. And as a matter of fact, you -- when he left around 9:00 or 9:30, all you knew is that he was coming back. You didn't necessarily know where he was going at that point, right?

A No, ma'am, I didn't.

Q Okay. Or why he was -- I think you said he got a phone call and left. You don't really know anything about that, right?

A No, ma'am. I know he got a phone call.

Q I'm sorry?

A Yes. I do know he got a phone call. I was standing right beside him.

Q Sure. But I guess my question is you don't know why he then left or where he was going to go, is that correct?

A No, ma'am, I don't.

Q Okay.

MS. BYNUM: That's all I have, Your Honor. Thank you.

THE COURT: Anything else?

MS. HAZEL: No, Your Honor.

THE COURT: Thank you, ma'am. You're excused.

(Witness excused.)

MS. HAZEL: Miss Brown will be reading a victim impact later on.

THE COURT: Right.

Next witness?

MS. HAZEL: The State will call Michael Majors.

THE COURT: Michael Majors, please.

Mr. Majors, if you'll come up to the front for me, please.

And if you'll raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, sir. If you'll come right over this way for me, please.

And you can adjust that microphone if you need. Be sure and speak loudly into it so everybody can hear you. All right?

THE WITNESS: Yes, sir.

THE COURT: Miss Hazel?

MS. HAZEL: Thank you, Your Honor.

MICHAEL JEROME MAJORS,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MS. HAZEL:

Q Could you please state your name for the jury?

A My name is Michael Jerome Majors.

Q And can you tell the jury how old you are today?

A I'm 25.

Q Back in February of 2008, how old were you?

A I was 16.

Q And can you tell the jury, back in February of 2008, where were you living?

A 5979 Martin Luther King Drive, the Washington Lake Estates area.

Q And who was living with you at that house?

A My grandmother and my cousin Derrick.

Q Is that the home that you basically grew up in?

A Yes, ma'am.

Q And you said your cousin's name was Derrick. Is that Derrick King?

A Yes, ma'am.
Q And did you also know a person named Randall Brown?
A Yes, ma'am. That's my best friend.
Q And how old was Randall Brown at that time?
A 16.
Q Did you also know a man named Lavelle Copeland?
A Yes, ma'am.
Q And how did you know Mr. Copeland?
A From around the neighborhood.
Q And was he friends with your cousin Derrick?
A Yes, ma'am.
Q Did you know of a man named Raymond Bright?
A I knew him through Lavelle Copeland.
Q Okay. Do you see him in the courtroom today?
A Yes, ma'am.
Q Can you point him out for the jury?
A He's right there.
Q And describe something he's wearing.
A He's got on glasses with an undershirt. I think it's blue or something like that, teal blue.
MS. HAZEL: May the record reflect the witness has identified the defendant?
THE COURT: Yes, ma'am.

BY MS. HAZEL:

Q And had you been over to Mr. Bright's house before?

A Yes, ma'am.

Q About how many times had you been to that house where he lives?

A Maybe two or three times.

Q And can you tell the jury how far Mr. -- the defendant's house was from your house?

A Like, two or three miles.

Q So it was kind of close, in the same neighborhood?

A Yes, ma'am.

Q Okay. When you would go over to that house, what would be the reason that you would be there?

A I would go over there to play a game.

Q And who were you hanging out with?

A Lavelle, Derrick, my cousin and Randall.

Q And so you guys basically were just hanging out, is that correct?

A Yes, ma'am.

Q Okay. Was Lavelle Copeland living there at the house at that time?

A When this situation occurred?

Q Yes.

A No, ma'am. [redacted].

Q Before [redacted] had he been living at the defendant's house?

A Yes, ma'am.

Q Okay. And was -- was Derrick King living there?

A No, ma'am.

Q He was living with you, is that correct?

A Yes, ma'am.

Q And what about Randall Brown? How often would he go over to the defendant's house?

A Maybe two or three times, the same times I go over there.

Q Okay. To your knowledge, had he ever been over there without you?

A No, ma'am.

Q And to your knowledge, had Randall Brown ever spent the night over at the defendant's house?

A No, ma'am.

Q I'm going to turn your attention now back to February 18th, 2008. That was on Monday. Who were you hanging out with on that day?

A Randall and my cousin Derrick.

Q Okay. Had you guys kind of been hanging out over at the defendant's house that day?

A Yes, ma'am.

Q Can you tell the jury what you guys were doing when you first went over to that house?

A When we first went over there, we went over there to play the game and to eat pizza.

Q And when you're talking about the game, are you talking about video games?

A Yes, ma'am.

Q Okay. And what was the defendant doing when you first got to the house?

A Playing chess with my cousin.

Q Was that Derrick?

A Yes, ma'am.

Q Okay. And you said at that time, Lavelle Copeland was [redacted] not there, is that correct?

A Yes, ma'am.

Q And was the only people there at the house the defendant, you, Randall and Derrick King?

A Yes, ma'am.

Q Now, at some point, did you leave the house and then come back?

A Yes, ma'am.

Q Okay. And when you came back to the house, did you notice that anyone had ordered any food?

A Yes, ma'am. They did order pizza.
Q And did you have any reason to believe, when you got back to the house, that the defendant had been using drugs while you were gone?
A Well, I seen a crack pipe, if I'm not mistaken.
Q With the defendant?
A Yes, ma'am, sitting at the table.
Q Now, was -- what was Randall doing when you got back to the house?
A Still playing the game, sitting on the La-Z-Boy couch.
Q And was the defendant in any way upset or annoyed that you guys were there hanging out?
A No, ma'am.
Q Was he actually hanging out with you guys?
A Yes, ma'am.
Q Did he at any point ask you guys to leave?
A No, ma'am.
Q Was that the first time that you had actually been there hanging out at the same time the defendant was there?
A Yes, ma'am.
Q So can you tell the jury about what time you left the house that night?

A I left there around about 8:00 or 8:30.
Q Okay. And who left with you?
A Randall.
Q And so you and Randall both left the house and you were gone, is that correct?
A Yes, ma'am.
Q And where did you take Randall?
A To the his mom's house.
Q And that was about 8:00 o'clock?
A Yes, ma'am.
Q After you got dropped off at your house and Randall got dropped off at his house, did you ever talk to him again that night?
A No, ma'am.
Q Did Randall try to call you at any point that night that you know of?
A No, ma'am. But that morning, he did try to contact me. But my phone was off. Well, not that morning but I want to say, like, the night before, something like that.
Q You had a missed call from him when you woke up?
A Yes. When I woke up that morning, I did have a missed call from him, yes, ma'am.
Q Did you -- did that make you then try to call

Randall Brown's phone?

A Yes, ma'am.

Q Okay. Were you able to get him?

A No, ma'am.

Q Would it be unusual for you to not talk to him in the mornings?

A Yes, ma'am. 'Cause he usually call me every morning.

Q Can you tell the jury what type of phone Randall had at that time?

A I want to say a RAZOR phone.

Q And do you remember what color it was?

A It was red or pink.

Q So that morning, when you called him, you weren't able to get him. Is that fair to say?

A Yes, ma'am.

Q And then what did you do?

A I contacted his mom.

Q And did you learn that he hadn't come home that night?

A Yes, ma'am.

Q What did you do after you talked to his mother?

A Then I went to where I thought that he would be.

Q Was that the house on Sibbald Road?

A Yes, ma'am.

Q When you got to the house, did you notice the rental car that Derrick -- I'm sorry -- that Randall's mother had at that house?

A Yes, ma'am.

Q Okay. And who drove you over to the house that night?

A Jermaine. I mean, Derrick's brother Jermaine.

Q And so what happened when you first got to the house? Can you tell the jury?

A When, I first got to the house, I noticed the car, so when I seen the car there, I figured someone was there. So I knocked on the door. And I kept knocking and I didn't get no answer.

So then I walked around the house, and I seen that the window was up. But you can take the screen out. And I took the screen out the window and I climbed through the window. And when I climbed through the window, I noticed -- I felt something so I picked up, like, a candle or something like that. So when I walk in, I walked out, I want to say, the bathroom to the hallway. And I looked to the left and I seen a clothes basket. And it looked like someone been going

through it.

Q Okay. Hold on right there just a second. You said you noticed a clothes basket. Whose room did you notice the clothes basket in?

A Lavelle.

Q Okay. And it looked different than it had the night before?

A Yes, ma'am.

Q And you knew that Lavelle Copeland wasn't there, is that correct?

A Yes, ma'am.

Q So did that cause you some concern?

A Yes, ma'am.

Q At this point, you're inside the home. You have a candlestick. Can you tell the jury what you did next?

A And I walked -- I walked to the living room, where -- I didn't go through the kitchen. I went through the living room, then from the living room into the den. And that's when I seen Derrick and my best friend, Randall.

Q Okay. One moment. I'm going to show you some photos, not anything that you don't want to see.

State's Exhibit 1, can you tell the jury, is this the home at 9364 Sibbald Road?

A Yes, ma'am.

THE COURT: Ladies and gentlemen, can you see on your monitors there?

THE JURORS: Yes.

THE COURT: You can?

BY MS. HAZEL:

Q Now I'm going to -- I'm circling an area on the photo to the right of the photo. Is that the car that Randall Brown's mother had?

A Yes, ma'am.

Q I'm showing you State's Exhibit 2. Is that -- this another photo of the front of the home?

A Yes, ma'am.

Q Can you tell the jury who -- the car that can be seen in this photo, who did that car belong to?

A Belonged to Lavelle.

Q Was that car running at that time?

A No, ma'am.

Q Turning your attention to State's Exhibit 3, is that a better photo of the car that Randall Brown's mother had?

A Yes, ma'am.

Q Now, it also shows -- I'm going to circle an area here, what looks like a back door entrance. Would this be the door that you guys would use when you would

go over there to hang out?

A Yes, ma'am.

Q Showing you State's Exhibit 4, I'm going to circle an area on that photo, a window. Is that the window you were just describing to the jury?

A Yes, ma'am.

Q Okay. Did Jermaine have to actually help you up to get into that window?

A Yes, ma'am.

Q Now, I'm showing you State's Exhibit 5. Is that how you took the screen out so you could get in?

A Yes, ma'am.

Q Showing you State's Exhibit 6. And I'm circling an area here. Is that the candlestick that you were describing that you had in your hand?

A Yes, ma'am.

Q Was that a "yes"?

A Yes, ma'am.

Q Now, I'm showing you a diagram of the inside of the home. That's State's Exhibit 118. Now, on your screen, you can actually also draw. Does that look familiar to you, that diagram that I'm showing you?

A Yes, ma'am.

Q Okay. Can you show the jury on the screen with your finger the route that you took when you went

into the home and where you found your best friend and your cousin?

A Yes, ma'am.

THE COURT: If you just press hard with your finger, it will -- press hard enough, it will go. And then hit that erase button for me. So just press hard with your finger.

THE WITNESS: (Complies.)

BY MS. HAZEL:

Q So are you now pointing to the bathroom window that you went through?

A Yes, ma'am.

Q Can you tell the jury which bedroom belonged to the defendant?

A The master bedroom.

Q And I'm going to put an X. Is the X here where the bathroom was attached?

A Yes, ma'am.

Q Okay. And then I'm putting a circle. Does the circle describe the bedroom -- or show the bedroom that Lavelle Copeland was using?

A Yes, ma'am.

Q Is that the room where you said you saw what looked like clothes moved around or disheveled?

A Yes, ma'am.

Q Okay. Can you show the jury the path that you took and where you saw your cousin and Randall Brown?

A Right there.

Q And the family room that I'm circling in green, is that the area where you actually found your cousin and Randall?

A Yes, ma'am.

Q Can you tell the jury what you saw when you entered that family room?

A When I -- when I first walked in the family room, I noticed that my cousin Derrick was laying with a white sheet over him and I noticed blood everywhere. So then I panicked real quick.

And then I looked to the left, and I noticed Randall Brown laying in the La-Z-Boy chair. I didn't see his face or nothing because he had a cover over him. But there was blood all on the wall. It looked like brain tissue. And then I ran out the house.

Q When you went out the house, did you go out that back door that -- that you described?

A Yes, ma'am.

Q And is that when you dropped the candlestick outside?

A Yes, ma'am.

Q Besides that candlestick and the screen, did you touch anything else inside that house when you were there?

A No, ma'am.

Q And what did you do when you first got outside your house -- I'm sorry -- the house?

A I contacted the police.

MS. HAZEL: Your Honor, at this time, the State would ask to publish what's been entered into evidence as State's Exhibit 117, the 911 call.

THE COURT: All right.

(Audio playing as follows:)

"MR. MAJORS: (Inaudible).

"911 OPERATOR: Jacksonville 911, Williams.

"MR. MAJORS: (Inaudible). (Inaudible). Please come (inaudible). (Inaudible).

"911 OPERATOR: Ma'am, I need you to calm down for me.

"MR. MAJORS: Ma'am?

"911 OPERATOR: I need you to calm down. Tell me where you are. What's your address?

"MR. MAJORS: (Inaudible).

"911 OPERATOR: All right. Tell me

again the address.

"MR. MAJORS: (Inaudible) Sibbald Road.

"UNIDENTIFIED SPEAKER: (Inaudible).

"MR. MAJORS: Huh?

"UNIDENTIFIED SPEAKER: (Inaudible).

"911 OPERATOR: (Inaudible)?

"MR. MAJORS: Sibbald Road. (Inaudible).

"UNIDENTIFIED SPEAKER: (Inaudible).

"911 OPERATOR: What's going on there?

"UNIDENTIFIED SPEAKER: (Inaudible).

"MR. MAJORS: (Inaudible).

"911 OPERATOR: Ma'am, I understand. I understand.

"MR. MAJORS: (Inaudible).

"911 OPERATOR: (Inaudible) for me. I need you to calm down so you can tell me what's going on.

"MR. MAJORS: (Inaudible).

"911 OPERATOR: Okay. It's your friend?

"MR. MAJORS: (Inaudible).

"911 OPERATOR: And we're talking to her?

"MR. MAJORS: (Inaudible).

"911 OPERATOR: There's blood all over

the wall?

"MR. MAJORS: Yes, ma'am.

"911 OPERATOR: Is it a house, apartment or a trailer?

"MR. MAJORS: It's a house.

"911 OPERATOR: Okay. Is there anybody in there?

"MR. MAJORS: No. (Inaudible).

"911 OPERATOR: Is your friend (inaudible)?

"MR. MAJORS: (Inaudible).

"911 OPERATOR: Do you know if they've been shot or stabbed?

"MR. MAJORS: (Inaudible) shot.

"911 OPERATOR: Shot? Is she still in there?

"MR. MAJORS: (Inaudible).

"911 OPERATOR: All right.

"MR. MAJORS: (Inaudible).

"911 OPERATOR: I need you to stay on the line with me just for a moment."

(Audio stopped.)

BY MS. HAZEL:

Q Mr. Majors, that was you on that call, is that correct?

A Yes, ma'am.
Q And you were 16 years old at the time?
A Yes, ma'am.
Q Was that your cousin Jermaine that was in the background of the call?
A Yes, ma'am.
Q When you came out of the house, did he actually peek in the door to see what you saw as well?
A Yes, ma'am.
Q Did he then take you over to Miss Brown Gray's house, Randall's mother, to let her know what you had found?
A Yes, ma'am.
Q Did you, in fact, tell her what you saw?
A Yes, ma'am.
Q After that, did you go back to the Sibbald Road address and talk to the police?
A Yes, ma'am.

MS. HAZEL: No further questions.

THE COURT: Miss Bynum?

MS. BYNUM: Yes, Your Honor.

CROSS EXAMINATION

BY MS. BYNUM:

Q Do you need a moment, Mr. Majors?
A It's okay.

Q Are you sure?
A I'm sure.
Q Okay. I just have a few questions for you. Okay?
That house, that was Mr. Bright house, correct?
A Yes, ma'am.
Q Okay. So it wasn't -- it wasn't your house.
A No, ma'am.
Q Or Randall Brown.
A No, ma'am.
Q Or Derrick King.
A No, ma'am.
Q Or Lavelle.
A No, ma'am.
Q Okay. And after you dropped Randall off at his mother's house, that's the last time you spoke with him, correct?
A Yes, ma'am.
Q So you actually don't know why he went back over there, do you?
A No, ma'am.
Q Okay. You don't know his reason for being there at all?
A Talking about going back?

Q Right. You don't know why he went back over.
A No, ma'am.
Q Okay. And you did -- you did go over that morning and see what happened, but you obviously weren't present for anything that happened, so you don't know what actually happened, correct?
A No, ma'am.
MS. BYNUM: Okay. Thank you. I have nothing further.
THE COURT: Anything?
MS. HAZEL: No, Your Honor.
THE COURT: Thank you, sir. You can step down.
(Witness excused.)
THE COURT: Next witness?
MR. DE LA RIONDA: State would call Chris Robinson.
THE COURT: Chris Robinson, please.
Mr. Robinson, if you'll come forward and if you'll raise your right hand, the clerk will administer the oath to you.
(Witness sworn by the clerk.)
THE COURT: Come right over here and have a seat for me, please.
MR. DE LA RIONDA: May I proceed, Your

Honor?

THE COURT: Yes, sir.

CHRISTOPHER ROBINSON,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. DE LA RIONDA:

Q Would you state your name for the record, please, sir?

A My name is Christopher Robinson.

Q Were you formerly employed by the Jacksonville Sheriff's Office?

A Yes, I was.

Q How long were you a member of the JSO?

A I stayed with the Jacksonville Sheriff's Office for 24 years. I've been now retired for two years.

Q Okay. I want to draw your attention back to when you were working as a police officer with the Jacksonville Sheriff's Office, specifically in 2008. Did you have occasion to end up going to a house on Sibbald Street [sic] on the afternoon of Tuesday, February the 19th of 2008?

A Yes, I did.

Q And were you dispatched to a house at

9364 Sibbald Road?

A Yes, I -- yes, I was.

Q And that, for the record, is in Jacksonville, Duval County, Florida, is that correct?

A Yes, sir.

Q Did you end up going inside that residence?

A Yes, I did.

Q Okay. And how did you go inside, sir?

A When I first arrived, five minutes after being dispatched to the call, I pulled up front. I observed that the house front door was locked, and it had a burglar bar door on it.

I then proceeded to go to the side of the house. At then I ended up in the backyard. And the back door was open.

Q When you went inside, did you see something inside?

A Yes. When I first stepped into the doorway, I immediately observed what I identified as blood on the wall to my left.

Q And I know you're not -- you're retired so you're not in uniform. But on that day you were working as a police officer, were you in uniform?

A Yes, I was.

Q And were you also carrying a firearm?

A Yes, I was.

Q Okay. As a result of seeing the blood then, did you go inside and un-holster your firearm just in case there was somebody else there or whatever?

A Yes, I did. What I immediately done was contact the dispatcher, and I asked for emergency transmission, which means no one else is going to be talking on the radio except myself while I search the residence.

Q Okay. And your purpose in searching the residence was to do what, sir?

A To see if there was any other victims or suspects in the residence.

Q Okay. Did you then proceed inside?

A Yes, I did.

Q If you can tell, the jury what you observed when you went inside.

A From my point, I observed the shadow of a body. Then as I entered the residence, I observed that there was another body sitting in a chair.

I then went and scanned the house, the rest of the rooms to make sure there was no other victims or suspects, and then I went on, traced my steps back out the residence.

Q What was the purpose in stepping outside the

residence?

A Was to go ahead and maintain the security of the scene.

Q Okay. So you observed what turned out to be two murder victims inside, is that correct?

A Correct.

Q And did you search all the rest of the residence, the inside, to make sure there was nobody else inside?

A Correct.

Q And did you find anybody else inside?

A No, I did not.

Q Now, did you wait for other police officers and crime scene unit detectives to arrive at the scene?

A I did.

Q Okay. And did they end up coming?

A Yes, they did.

Q At one point, did you come into contact with an individual -- at that time, he was a young man -- named Michael Majors, the one who actually called 911?

A Correct.

Q Okay. And in terms of when the other police officers arrived, did fire/rescue also arrive?

A Yes, they did, was five of them.

Q Okay. And the purpose of fire/rescue was to

do what, sir?

A To determine if there was life in either of the victims.

Q So when you went inside, you, yourself, did not actually -- or did you touch any of the victims at all?

A I didn't touch anything inside the residence.

Q And was that on purpose?

A Correct.

Q Okay. And so when fire/rescue arrived, what occurred regarding fire/rescue?

A I explained to them that I just needed one of them to come to the residence with me to determine if there was any life inside either of the victims.

Q Okay.

A And I instructed them not to touch anything or disturb anything unnecessarily.

Q So did one of the fire/rescue individuals go inside the residence with you?

A Yes, he did.

Q Okay. And what, if anything, occurred while you and that fire/rescue individual went inside the residence?

A His observation of the individuals, he came to the determination that they both were deceased.

Q Okay. And is that regular standard operating procedure when you have somebody who's medically trained that will be able to unequivocally state that they were both dead?

A Correct.

Q Okay. Sir, I want to show you -- and hopefully it will appear there on your screen -- State's Exhibit No. 1. Do you recognize that photograph in front of you?

A Yes, I do.

Q And does that photograph depict the front of the residence that you had just been talking about?

A It does.

Q Okay. And when you arrived there, was this the condition of the cars that was there or was that how it appeared?

A Yes.

Q Okay. Now I'm showing you State's Exhibit No. 2. Does that show also the front of that residence but just showing the -- a different angle?

A Correct.

Q Okay. State's Exhibit No. 3, what does that show, sir?

A It shows the side of the house that I walked down to get to the entrance, in the back door.

Q And State's Exhibit No. 4, what does that photograph show, sir?

A That shows the other side of the house, and it also shows where the witness gained entry to the residence.

Q Okay. And is that right here that I'm circling right there in terms of the entrance that was used by the witness to go inside?

A Correct.

Q State's No. 5, is that a closer photograph of that, showing that window that's ajar and the screen ajar?

A Correct, it is.

Q Okay. I'm going to go to State's Exhibit 32 so I'm jumping ahead. And I want to show you State's Exhibit No. 32. Do you recognize that photograph, sir?

A Yes, I do.

Q Okay. And when you went inside that residence, is that the position that both of those victims were in, sir?

A Yes, it is.

Q Okay. Was one of the victims laying on the floor?

A Yes, he was.

Q Okay. And for purposes of the record, he's

to the bottom right of that photograph, is that correct, that I just kind of circled or drew a line around?

A Yes, correct.

Q And is the other victim on the recliner that's kind of in the middle of the photograph, sir?

A Yes.

Q And I've circled it for purposes of the record here.

From what vantage point is this photograph taken? In other words, is this the back entrance as you're going in?

A Yes, it is. Because you have the front door right there to the right.

Q So the front door is this X right here?

A Yes.

Q Okay. While you were there, I know you did not process the scene at all, and you waited for crime scene unit detectives to arrive. But based on your observations, did you observe blood in that room other than on the victims themselves?

A Yes. There was a large blood spatter right there by the couch, the other end of the couch.

MR. DE LA RIONDA: Thank you, sir. I have no further questions.

THE COURT: Miss Bynum?

MS. BYNUM: No questions, Your Honor.

THE COURT: Thank you, sir. Appreciate it. You can step down.

(Witness excused.)

THE COURT: State's next witness.

MS. HAZEL: Your Honor, the State would call Deborah Brookins.

THE COURT: Deborah Brookins, please.

Ma'am, if you'll come on up front for me, please, and if you'd raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: Ma'am, if you'll come right over here and have a seat for me.

MS. HAZEL: May it please the Court?

THE COURT: Yes, ma'am.

MS. HAZEL: Thank you.

DEBORAH BROOKINS,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MS. HAZEL:

Q Would you please state your name for the

jury?

A Yes. Good afternoon. My name is Deborah Brookins. I'm Retired Detective Deborah Brookins from the Jacksonville Sheriff's Office.

Q So you're no longer working with the Jacksonville Sheriff's Office but that's where you retired from, is that correct?

A Yes, ma'am, that's correct.

Q Can you tell the jury how long you were employed with the Jacksonville Sheriff's Office?

A About 23 total years.

Q And what position did you have when you retired?

A It was that as a crime scene investigator in the evidence technician section.

Q How long were you employed as an evidence technician/crime scene detective?

A I think about a couple months short of nine years, almost nine years.

Q And what other positions did you hold with the Jacksonville Sheriff's Office?

A I started out in the correctional field. I was a correctional services counselor, inmate labor officer, classification officer. From there, I went to patrol, where I was a patrol officer until I

transferred to the detective division into the crime scene unit.

Q And as a crime scene detective, what type of scenes would you normally be dispatched to?

A Anything from criminal mischief, graffiti on the wall to a major homicide.

Q So there wasn't a special unit that went to homicide as long as you were a major case detective, is that correct?

A Not in itself a special unit. You had to be classified what is called a "major case crime scene detective" in -- which I was.

Q Can you tell the jury about your training and experience that you had to become a crime scene detective and to become a major case detective for the crime scene unit?

A Yes, ma'am. Throughout police career, we have a continuing education system to keep us abreast of all the different facets of law enforcement. Death and injury investigations, child abuse investigations, sexual abuse investigations, fraudulent document investigations.

Specifically pertaining to the crime scene unit, we had basic crime scene processing techniques, bullet trajectory, blood spatter pattern analysis and

also in my case, weapons of mass destruction for a forensic response team that I was a member of. So we went out and blew things up sometimes out in New Mexico. But it was extensive -- extensive itinerary of training.

Q So you had special training in blood spatter analysis and blood pattern trajectory, is that correct?

A Yes, ma'am.

Q And I'm going to turn your attention back to February 19th, 2008. Was that the unit that you were assigned to back on that date?

A Yes, ma'am.

Q And were you dispatched to a murder investigation at 9364 Sibbald Road?

A Yes, I was.

Q When you first arrived at the scene, did you have any information about what you would find there?

A The only information I had were there were two deceased individuals inside of the residence.

Q Can you describe for the jury what happens when you first arrive at a scene like that? Do you immediately go inside or what do you do to prepare yourself for that crime scene?

A No. Once we arrive at the crime scene, we want to make sure that there is a sufficient perimeter

established. Everybody's seen crime scene tape on TV. That's what I mean by the perimeter, to make sure that only official personnel can get in and access the scene.

And once we've established that, then we begin photographing the exterior, in this case, a residence with -- on a small lot of property.

Q So you would start on the outside and then slowly work your way inside?

A Yes, ma'am.

Q Do you wear any special attire whenever you're processing a crime scene such as this?

A We usually wear -- we have an entire Tyvek suit, which is a white suit that covers from your toes to the tip of your head, gloves. We also have basic things such as just gloves, booties, things of that nature.

Q And what is the purpose for that kind of attire?

A That kind of attire is so that we do not contaminate the crime scene. It also serves as sort of a protection for us not to be contaminated by the crime scene as well.

Q On this particular crime scene, were you able to process at all in one day or did it take several

days?

A It took us three days.

Q And whenever you guys leave and come back to a scene like this, how do you ensure that no one comes on and messes with anything or -- or damages your crime scene?

A The patrol watch commander sergeants post patrol officers around and outside of the perimeter of our scene. We also use crime scene tape. Any -- any area that could be opened or gotten into, such as doors, windows, those are sealed with evidence tape and documented with photography.

Q Is that to make sure that no one comes in and contaminates the crime scene?

A Yes, it is.

Q And was that done in this case?

A Yes, it was.

Q When you first got to this scene, were you able to get very much information from the detectives?

A Not so much. The exterior of the scene we were able to access. But to access the interior and to find out what happened and continue our investigation, we needed a search warrant.

Q And when you got to the scene, had anyone other than the first responding officers been inside to

examine the bodies?

A No.

Q So at the time that you got there, did you have any idea how these two men had been killed?

A No, I didn't.

Q So I believe you started to say that you guys started your processing on the outside of the house, is that correct?

A Correct.

Q Before you collect evidence, do you always make sure that it's photographed in the exact -- in the exact place where you found it?

A Yes, we do.

Q And did you work as a team with any other crime scene detectives at the scene?

A I did.

Q And who was that?

A Notably, my main partner was Detective Tracy Stapp. Also had Detective John Watson, Detective Karen Smith and Detective Kim Long help me out with it as well.

Q And that number of -- that many people was mainly because it was over three days, is that correct?

A It was over three days. We had the scene. We had the Medical Examiner's Office that had to be

attended to and some photography down at the Police Memorial Building that had to be attended to. So all of these individuals played a part.

Q On the first day when you got there, did you start by photographing the scene?

A Yes, ma'am.

Q Turn your attention to your screen, I'm showing you State's Exhibit 1. The jury has actually seen this photo. Are these photos that you guys took at the scene to document how it looked when you got there?

A Yes, it is.

Q And was this the scene at 9364 Sibbald Road?

A Yes, ma'am.

Q I'm showing you State's Exhibit 2. Is this another photograph of that -- front of that residence?

A Yes.

Q Now, can you explain to the jury why you would take so many photographs or document so much at the scene?

A We want to document -- mainly, we want to document kind of far away, get the whole entire picture, medium pictures and then close-up pictures. The main case for documenting the exterior of, in particular, this house and the vehicles is just to show

what all is at the property. It's also to show whether or not there are any points of forced entry or foul play to the exterior of the residence.

Q And, again, when you got to this scene, you guys still did not even know the manner of death, is that correct?

A That's correct.

Q So was it important for you to make sure that everything you found on the outside that you documented and collected just in case it was of value later?

A Sure, yes.

Q I'm showing you State's Exhibit 3. Can you describe for the jury what they can see in this photograph?

A That's going to be, I believe, the north side of the house with a vehicle parked to the right side of it, giving a glimpse into the rear yard.

Q Showing you State's Exhibit 4. Did you document this, as you understood this, to be the point of entry of the person who called 911?

A Yes.

Q Showing you State's Exhibit 5, is that a closer of that point of entry?

A Yes, it is.

Q Showing you State's Exhibit 6, can you tell

the jury what the numbers 1 and 2 indicate?

A Nos. 1 and 2 -- No. 1 indicates a -- sort of a piece of rope, frayed, tied in knots. No. 2, there is a -- like, a glass candlestick with some melted wax on it.

Q Now, are those numbers placards that you guys put there to document evidence?

A Yes, it is.

Q And at the time, did you know if the rope or the candlestick would be of any sort of evidentiary value?

A Did not know, didn't want to take any chances.

Q So you went ahead and documented it.

A Yes, ma'am.

Q Showing you State's Exhibit 7, is that another placard that you guys would have placed at the scene?

A Yes.

Q And what does that placard shows?

A That shows another piece of rope underneath the front end of the vehicle.

Q I'm showing you State's Exhibit 8. Can you tell the jury what you're documenting in this photograph?

A Yes, yet another section of what appeared to be the same rope we had been finding on the ground, on top of the trash can there.

Q And can you tell the jury where -- do you remember where on the property this trash can was located?

A It was located, I believe, outside or inside of a small privacy fence, enclosed area that was attached to the rear of the house.

Q And did you guys actually then also search that area that you just described?

A Yes, we did.

Q Showing you State's Exhibit 9, is this the same trash can here that we just saw in the other photo?

A Yes, it is.

Q And is that the privacy fence area you were describing?

A Yes, ma'am.

Q Showing you State's Exhibit 10, can you tell the jury what they're seeing in this photograph?

A What you're seeing is a small approximately -- approximately about a one-foot access opening to enter into that enclosed area.

Q And so you guys actually went in there to

look for evidence, is that correct?

A Yes, we did.

Q Showing you State's Exhibit 11, is this an overall photo of that area that you were just describing?

A Yes.

Q And were you guys able to find any evidence that you collected in this area?

A Yes.

Q Okay. And what did you find in this area?

A We found, I believe, two -- two firearms, a Norinco SKS assault rifle with a compatible loaded magazine and a 9mm pistol with also compatible loaded magazine.

Q And that's what you found when you first got there, is that correct?

A Yes, ma'am.

Q And were those somewhat buried under the leaves in the backyard?

A Yeah. They were -- they were underneath the leaves, somewhat visible but more -- more buried.

Q I'm showing you State's Exhibit 12. Is that how you found the rifle?

A Yes, it is.

Q Showing you State's Exhibit 13, in this

photo, is this depicting you guys already placing your placards for evidence markers?

A Yes, it is.

Q Okay. Can you tell the jury what can be seen in State's Exhibit 14?

A If I can refer to my notes. Bear with me, please.

No. 5 is going to be the assault rifle. No. 6, I believe, is the pistol. No. 8 would be a pair of gloves.

Q And at the time, you did not know if the gloves or the guns would have any relevance so you guys document and collect, is that correct?

A Correct.

Q Showing you State's Exhibit 15, is this a close-up of how the guns were found?

A I lost it on my screen. Hold on.

It's back. Okay. I'm sorry. Could you repeat the question?

Q Showing you State's Exhibit 15, is that just a close-up of how the guns were found?

A Yes, it is.

Q And so when the guns were found, the magazines were actually detached from the main part of the gun, is that correct?

A Correct.
Q Showing you State's Exhibit 16, can you tell the jury what can be seen in this photo?
A That is an up-close photo of the 9mm pistol found in the leaved area.
Q And you actually collected this, is that correct?
A That's correct.
Q Showing you State's Exhibit 17, can you tell the jury what can be seen in this photograph?
A That is the actual magazine, compatible with the 9mm pistol, loaded with 9mm ammunition.
Q And you collected that as well, is that correct?
A Yes.
Q Showing you State's Exhibit 19, is that just a close-up of that magazine?
A That's a close-up of the SKS assault rifle magazine, loaded with 7.60-by-39mm live ammunition.
Q And does that accurately depict how you found it, with -- covered in dirt that way?
A Yes.
Q Showing you State's Exhibit 7, can you tell the jury what can be seen in this photograph?
A That is a white T-shirt.

Q And at that time, again, did you have any knowledge of whether that would be relevant?

A No.

Q So you just collected it.

A Yep.

Q Showing you State's Exhibit 20, can you tell the jury what can be seen in this photograph?

A It is Evidence No. 9 and I do not have that right at my fingertips, what it is.

Q I believe, if I may refresh your recollection, that it was a broken window screen. Can you see that in the photo?

A Okay. It's folded up. Yes, that makes sense.

Q And, again, is that just something you guys collected just in case it would be later relevant to this case?

A Yes, ma'am.

Q Showing you State's Exhibit 21, does that depict the gloves that you were talking about earlier?

A Yes, ma'am.

Q Showing you State's Exhibit 22, is that after you were able to take them out from the leaves?

A Yes.

Q Showing you State's Exhibit 24, is that

Placard 9, showing the screen that was bent?

A Yes, it is.

Q Now, I'm showing you State's Exhibit 25 that indicates placard No. 10. Can you tell the jury what that is?

A No. 10 is a hammer.

Q And were you able to find that hammer on your first day of searching?

A We did not find it on the first day.

Q Was that hammer actually buried under the ground, and you guys had to dig it up to take a picture of it there?

A Yeah. It was well -- well buried into the sandy area, covered with the leaves, yes.

Q And was that actually found, I believe, on your second day of processing that scene?

A Yes, it was.

MS. HAZEL: May I approach the witness, Your Honor?

THE COURT: Sure.

MS. HAZEL: Thank you.

BY MS. HAZEL:

Q I'm showing you what's been entered into evidence as State's Exhibit No. 29. Is this the hammer that you guys found buried under the dirt in this case?

A Yes, ma'am, it is.

MS. HAZEL: Your Honor, may I publish to the jury?

THE COURT: Yes, ma'am.

(State's Exhibit No. 29 published to the jury.)

THE COURT: Ladies and gentlemen, items that are offered into evidence will also be able to go back in the jury room with you to review or look at during the course of your deliberations.

BY MS. HAZEL:

Q I'm showing you State's Exhibit 26. Can you tell the jury what can be seen in this photograph?

A That's a live -- a live round from the assault rifle.

Q And that was -- was that also found in the same area with the mechanic's gloves and the firearms out in that grass?

A Yes, it was.

Q Showing you again State's -- I'm showing you now State's Exhibit 27. Is that a close-up of the hammer that you guys located?

A Yes, ma'am. Sorry.

Q And, again, that is not how you guys found

the hammer, is that correct?

A That's correct.

Q You had to dig it up to photograph it?

A Yes. I -- I wasn't there that day. Detective Stapp and Detective Smith were actually at the scene while I was at the Medical Examiner's Office. So the hammer that was found was found by them.

I was informed it was underneath the leaves in the sand, so this is not how they found it. This is after they found it.

Q Okay. And it was in that same area where you had initially searched with -- and found the guns that you could see, is that correct?

A That's correct.

Q And that hammer was not something that you found that day when you were looking.

A No, ma'am.

Q I'm showing you now State's Exhibit 30, can you tell the jury how you guys get to the point where you enter inside the home?

A We received information from homicide detectives that a search warrant had been -- had been gotten. So, therefore, we could go and start processing inside the residence.

This photograph is a picture of the rear door

leading into a small dining area and a -- I guess I'll call it a "den" or a "family room."

Q Now, before you entered into that home, did you do any sort of processing of the doors in that area?

A Yes, we did.

Q Can you tell the jury what you did?

A We DNA swabbed the door handles, inside and out, on both doors. There's a -- like, an iron security door there as well, as well as an entry door. So we processed both doors for DNA.

Q Did you also process for latent prints?

A Yes. I believe so.

Q And can you describe for the jury, is this something that you guys did quickly, or this was a very slow process, even entering into the home?

A This is a slow, methodical process.

Q And before you touched anything, did you go through and photograph the entire scene?

A Yes.

Q I'm showing you State's Exhibit 31. Can you describe for the jury where this is in relation to that door that we just saw in State's Exhibit 30?

A We've entered through that door and we've walked forward. And this is more of a detailed overall

photograph of the small dining area and the den/family room area.

Q And on that table that can be seen that I'm circling there, is this a chess board that can be seen in the photograph?

A Yes.

Q Now, in this photograph, I'm also going to circle an area in the back of the photograph. Is this where the deceased victim Randall Brown was found?

A Yes.

Q And is that exactly how you guys found him when you went inside?

A Yes, ma'am.

Q Showing you State's Exhibit 32, can you describe for the jury the view that they can see in this photograph?

A This photograph is from the opposite side of the room of the door that we came through, showing -- I believe it's from east to west, from the front east part of the family room to the rear west, and this includes photograph of two deceased individuals.

Q And was this one of the first photographs that you took inside the home before anything was touched?

A Yes, ma'am.

Q I'm going to put an X here on this door. Is this the rear door that we just saw in State's Exhibit 30 that you entered into?

A It is.

Q And so this would be a back door of the home. Is that fair to say?

A Yes.

Q Showing you State's Exhibit 33, what can be seen in this photograph?

A That is a photograph with a view into the kitchen to the right, a formal living room to the left and deceased individual in the middle.

Q Showing you State's Exhibit 34, can you describe for the jury what can be seen in this photograph?

A Yes, ma'am. That is a -- a view into the north side of the family room, showing a bloody couch and another deceased individual on the floor.

Q Now, when you guys were in the home and you were looking at the scene -- I'm going to circle an area to the right side of the couch -- was the majority of the blood that would be associated with Derrick King concentrated to that end of the couch?

A That was the large -- largest concentration of blood, yes.

Q And is that the same area where you were able to see cast-off and your blood pattern trajectory that you mentioned earlier?

A Yes, ma'am.

Q Now I'm showing the jury State's Exhibit 35. Can you describe for the jury what can be seen in this photograph?

A That's another angle, showing the blood-saturated couch, victim on the ground and blood spatter on the wall behind the couch.

Q And was this picture taken after you guys had taken -- or uncovered, like, a portion of his head that had been covered with a blanket?

A Yes, ma'am, after the medical examiner removed that.

Q Showing you State's Exhibit 36, can you describe for the jury what can be seen in this photograph?

A That's another view from the same room, showing specifically deceased individual in a recliner.

Q I know there will be a close-up later for the jury to see, but I'm going to circle an area on this picture frame. Were you able to determine anything of significance about the bottom of that picture frame when you were there?

A Yes, ma'am.

Q And what was that?

A It looked like it had been forcefully broken or -- yeah, broken on the lower part, where you're seeing the broken area protruding out from the picture frame. It looked like some object may have hit that and caused that to break.

Q As you were processing the scene and you gained more information, was that consistent with being struck -- stricken by a hammer?

A Yes.

Q Did you later learn that the defendant in this case was left-handed?

A Yes.

Q Showing you State's Exhibit 37, can you describe for the jury the significance of that photograph?

A Photograph of the television, indicating a -- in the very middle on top of the television is a live 7.62-by-39mm live round.

Q And in this photograph, did everything seem undisturbed?

A It did. There's a stack of DVDs or CDs and a game console that are -- that are all pretty much sitting as if displayed.

Q And besides -- I'm going to circle an area here. Besides this one cast-off of blood, did you notice any other blood or significance to the television?

A No, ma'am. I think there was a little blood spatter maybe on the front screen but other than that, no.

Q Showing you State's Exhibit 38, is that the front screen that you were discussing?

A Yes, ma'am.

Q Showing you State's Exhibit 39, is this an accurate photo of how you first saw Randall Brown inside that home?

A Yes, ma'am.

Q And his head was covered with that blanket when you entered?

A Yes it was.

Q Showing you State's Exhibit 40. Can you describe for the jury what you can see in this photograph?

A That's the other deceased victim, facedown on the floor next to the bloody saturated couch.

Q And do the shoes that were sitting beside the couch appear undisturbed?

A Yeah. They -- they were not disturbed.

Q Showing the jury State's Exhibit 41, based on your training and experience with cast-off and blood spatter, can you tell the jury what you were able to see in this photograph?

A This is cast-off and spatter. The more concentrated smaller specs are impact spatter, as if you're hitting something wet (demonstrating) and there it goes. There's also what appears to be linear kind of trails. I don't know if y'all can see it.

Q You can.

A This would be consistent with --

Q I'm sorry. You can touch your screen and show them what you're talking about. Draw a line, whatever you need to do.

A Well, that helps. Okay. These areas --

THE COURT: Just push hard enough with your finger and it will draw.

THE WITNESS: Okay. These areas coming off, coming up. These are sort of impact spatter and cast-off spatter.

BY MS. HAZEL:

Q Can you describe what that means for the jury? What is impact spatter and cast-off spatter?

A Well, as I said, the impact spatter is you hit something wet; it's going to -- it's going to

spatter. It's going to fly out. Cast-off spatter is if you -- in this instance, we have a hammer. You hit someone. You make them bleed. Hit them, come back. There's blood on your hammer. It's going that direction if it comes off of your hammer. If you come back and you still have blood on your hammer, it's going forward.

So that is cast-off. It can be forward. It can be backwards.

Q You were just describing the cast-off spatter. Did you actually -- I'm sorry. Did you actually measure that on the ceiling in State's Exhibit 77?

A Yes, ma'am. You're referring to the ceiling area. I don't know if you can see it. It's various colored strings that I placed on the ceiling just to indicate sort of the directionality of the cast-off.

Q And was that all concentrated or, I guess, radiating from the couch area?

A It was all radiating from that particular area, yes.

Q Showing you State's Exhibit 78, can you further show the jury the cast-off that you were able to measure on the ceiling?

A Yes, ma'am. Again, from the couch area, you

have several areas that show cast-off directionality.

Q And was that all coming from the area of the couch?

A It was coming from that particular area, yes.

Q I'm showing you State's Exhibit 51. Can you describe for the jury what you were able to see in this photograph?

A This photograph is a close-up of the saturation of blood on the couch as well as the different blood spatter that's accumulated behind the couch and a table next to it with also some blood spatter.

Q And from what you were able to observe on the couch, did it appear to you like the victim Derrick King had bled a lot on that couch area before he ultimately rested on the ground?

A Yes.

Q I'm showing you State's Exhibit 53. Is this more of the blood spatter that you were describing?

A Yes, it is.

Q I'm showing you State's Exhibit 54. Can you describe for the jury the items of evidence that you have put placards by in this photograph?

A Yes, ma'am. Just give me a second, please.

Okay. I believe No. 2 -- No. 1 was near the

back door. No. 2 is a piece of a -- or an actually intact RAZOR -- I think that was the brand, Motorola maybe -- cell phone.

No. 3 is a pink shirt that was laying on the ground.

No. 4 is an overturned ashtray.

No. 5 is a blue washcloth.

And No. 6 looks like maybe a red shirt, saturated.

Q Saturated with blood?

A Yes.

Q Showing you State's Exhibit 55, can you describe for the jury what Placard 7 was indicating?

A No. 7 is indicating a pair of shoes on the floor next to the couch with some contents inside.

Q Was there actually some money found in that shoe?

A Yes, ma'am, there was.

Q And was there a small amount, like, 4.6 grams of marijuana found in that shoe?

A Yes.

Q Showing the jury State's Exhibit 56, can you describe for the jury when this photograph was taken basically?

A This photograph was taken after the medical

examiner investigator came to the scene, and that person would have been the one to have removed the blanket from off of the victim. This is a photograph of his position after the blanket was removed.

Q So basically, this is what he looked like when the blanket was taken off.

A Yes.

Q Showing you State's Exhibit 57, can you describe for the jury the brown paper bags that can be seen on Randall Brown's hands?

A Yes, ma'am. These brown paper bags are placed on the victim hands by the Medical Examiner's Office. This is to secure any potential evidence that could be gleaned from fingernails or hands that would be investigated later at the Medical Examiner's Office.

Q Showing you State's Exhibit 61, can you describe for the jury what Evidence Placard 10 was showing?

A Evidence Placard No. 10 is corresponding to the contents of the top of the pub table near the back door.

Q And what were you able -- what is that -- I'm going to circle what looks like money that's torn up. What does that indicate to you?

A That's just a crumpled-up, torn-up dollar

bill.

Q And in context with the metal rod next to it, in your training and experience, does that indicate some type of drug use?

A The metal rod does. I'm not aware of using crumpled or torn money for drug use. But the small metal -- metal piece does.

Q And that would indicate some sort of drug use to you, is that --

A Yes, ma'am.

Q Showing you State's Exhibit 62, can you describe to the jury what can be seen in this?

A That's another table next to the couch near the door. This is going to be a mop handle that you see in this area, if that's what you're referring to, ma'am.

Q And did you find a -- I'm going to circle this area here on the envelope -- one drop of blood on that table, on that envelope?

A Yes, ma'am. The paper envelope did have blood on it.

Q And besides that drop of blood and the area of blood -- the small areas of blood spatter that can be seen on the lamp, in that side of the room, was there any sort of indication of blood or a struggle at

all?

A No, ma'am, not beyond that.

Q Showing you State's Exhibit 63, this is the picture frame that was hanging above Randall Brown's head. Is this the area of damage that you indicated looked like it could have been caused from a hammer strike?

A Yes, ma'am.

Q Showing you State's Exhibit 64, what can the jury see in this photograph?

A Can see an overall picture of the recliner after the victim had been removed, the corresponding blood spatter on the wall and, of course, the damaged picture frame.

Q Now, on that particular wall, was the blood spatter concentrated to the area that I'm circling in green where the victim's head was resting against the wall?

A Predominantly, yes.

Q Showing you State's Exhibit 65, can you describe for the jury what the white paper indicates?

A That is a small metric measuring sticker that we use to identify an area. And I believe we're talking about this little area there.

Q Is that the hammer strike that you indicated?

A Yes, ma'am.

Q Showing you State's Exhibit 66, is that a close-up of that hammer strike?

A Yes, it is.

Q Showing you State's Exhibit 67, why would you guys photograph and -- and try to collect the contents of the bucket?

A Well, the mop and the bucket -- it did have some fluid in the bucket, and this is in case any -- any cleanup was done utilizing this mop and this mop water.

Q So you guys just collected it just in case, correct?

A Yes, ma'am.

Q Showing you State's Exhibit 68, can you describe for the jury what can be seen in this photograph?

A That's the area of the floor next to the couch where the second victim was. Obviously, this is after he's been removed and the various articles of clothing and comforter. This is where he was laying. It also shows the area where his head was, where this blood concentration is.

Q And did you guys actually then cut out that area of carpet and collect it for evidence?

A Yes, we did.

Q Showing you State's Exhibit 69, is this after you had cut out the carpet?

A Yes, it is.

Q And is the blood then soaked all the way through?

A Yes.

Q Showing you State's Exhibit 77, can you describe -- I'm sorry -- 70, can you describe for the jury what can be seen in this photograph?

A No. 15 is a live 9mm round. This was located after we moved the couch away from the wall, so this round was actually underneath the couch.

Q And did that live round match the ammunition of the gun that you had found outside?

A 9mm, yes, it did.

Q Showing you State's Exhibit 72, can you describe for the jury what they can see in this photograph?

A Again, that's the recliner that the victim had been in with the blood-soaked material and the blood spatter where his head was near the wall.

Q And in this chair, was most or all of the blood concentrated to the area that I'm circling, where his body was resting up against the wall?

A Yes, predominantly there.

Q Showing you State's Exhibit 73, what can the jury see here?

A That's going to be directly on the left side of the chair, where the subject has passively bled down the wall, and blood has accumulated on the carpet next to the chair.

Q And did that coincide with how -- where his head was resting up against the wall when you moved the chair?

A Yes, it did.

Q Showing you State's Exhibit 74, can you describe for the jury the pattern that you can see in this photograph?

A Again, that's going to be more of an impact type of spatter, where someone's hit, and it's radiating out from that particular area.

Q Would that be consistent with him being hit while his head is up against the wall?

A Yes.

Q Showing you State's Exhibit 75. What does your training and experience tell you about this photograph?

A It's kind of a voided area where an object, I believe in this case, the head, was situated with

the -- the blood spatter and stains around that particular area.

Q Now, we've already gone through these photographs.

So I'm going to ask you to describe or -- describe for the jury what can be seen in State's Exhibit 81.

A That's going to be the wall where the couch had been, after we've moved the entire couch away, to give an overall view of the wall, the tables, the lamps the curtain without any kind of a couch or victim there.

Q Now, I know the jury can see in some of the other photographs, like, the middle of the room. In the middle of the room, did you see any signs of blood on the floor other than where the victim was resting in the chair and resting in that one area on the floor?

A No.

Q Was there anything else?

A No, ma'am.

Q Now I'm showing you State's Exhibit 82. Is this a different room in the house where the jury can see the family room that I'm circling in green?

A Yes, ma'am. This is the front formal living room.

Q So you guys actually searched throughout the entire home, not just that front family room. Is that fair to say?

A Yes. That's correct.

Q Showing you State's Exhibit 83, can you tell the jury what they can see in this photograph?

A Okay. What we're looking at primary -- if I can mark this again for you, this is just a little box. That's part of our equipment. It contains various rolls of various colored string.

What this is indicating is the string in a trajectory from the couch area in the den towards the living room in the front.

Q And what are you marking off with that string?

A At this point, it's an informal kind of trajectory that led to a -- some damage caused by a bullet strike.

Q Okay. So I'm going to circle an area on the photograph here. Was that gunpowder residue that you found on the carpet?

A We suspected that that was gunpowder residue.

Q And so then from that point, you marked that area there that was right beside the couch, is that correct?

A Yes.

Q All the way through -- showing you State's Exhibit 85, is that a close-up of that gunpowder residue?

A That's a close-up of it, yes.

Q Later on in developing the case, were you made aware that that actually was gunpowder residue?

A I was.

Q And based on the gunpowder residue being concentrated on the floor, would that be consistent with a shot being less than two feet off the ground?

A Yes, it would.

Q And so you were marking that angle to see if there might be some sort of damage, is that correct?

A Yes, ma'am.

Q Showing you State's Exhibit 87, can you tell the jury what they can see in this photograph?

A That's a photograph of the string showing the informal trajectory from the suspect gunshot residue area on the rug, traveling into the formal living room toward the front door.

Q And then I'm showing you State's Exhibit 88. What can you see in this photograph besides the other detectives?

A Yeah. That's a continuation of the string

going towards the front door and some -- I think some of the furniture might have been affected. That shows the trajectory into the front doorframe.

Q Showing you State's Exhibit 89, is that furtherance of the string?

A Yes, ma'am.

Q And showing you State's Exhibit 90, is that showing a gunshot trajectory path that would go under that chair?

A Yes, it is.

Q And is that actually, in State's Exhibit 91, a dowel that you guys put in to indicate damage through the chair?

A Yes, it is.

Q Showing you State's Exhibit 92, were you able to pull a projectile then out of the wall by the front door?

A Yes, ma'am.

Q Showing you State's Exhibit 94, is that the projectile that you pulled from the wall?

A Yes, it is.

Q Now, in your trajectory path from the -- what you later learned to actually be gunshot residue on the ground, it would indicate a gunshot from ground level that went to the doorframe -- lower doorframe, is that

correct?

A That's correct.

Q Showing you State's Exhibit 96, is this just further into the home where you guys did further photos and searching?

A Yes, ma'am.

Q So you didn't just concentrate on the front room. You went throughout the home.

A Yes.

Q And did all of the bedrooms appear to be -- have items in them and appear lived in?

A Yes, they did.

Q Showing you State's Exhibit 97, did you guys actually find a casing laying on the bed in State's Exhibit 97?

A Yes, ma'am.

Q Okay. Now, is -- I'm circling an area here. Is this the window where the person who called 911, Mr. Majors, made entrance into the home? Is that your understanding?

A That is.

Q Okay. And so this was the bedroom that was indicated as being the defendant, Raymond Bright.

A Yes. It's the master bedroom.

Q Showing you State's Exhibit 98 -- and this is

a far-off shot. But is that the casing that you found laying on that bed?

A Yes, it is.

Q Showing you State's Exhibit 100, is that a close-up that casing?

A Yes, ma'am.

MS. HAZEL: If I may have a moment, Your Honor?

THE COURT: Yes, ma'am.

MS. HAZEL: (Conferring with co-counsel.)

Nothing further, Your Honor.

THE COURT: All right, ladies and gentlemen. We'll take a 15-minute break till 20 minutes of 4:00. Please don't discuss the case among yourselves. Don't let anybody discuss the case with you or in your presence. See you back in about 15 minutes. You can just leave your notes in your seat.

(Jury excused.)

THE COURT: Mr. Bright, prior to some of this testimony, did you have a chance to look at these photographs that we were talking about earlier on a computer?

THE DEFENDANT: Yes, sir.

THE COURT: Okay.

THE DEFENDANT: I don't --

THE COURT: And, Miss Bynum.

THE DEFENDANT: I've already seen all of them, yes, sir.

THE COURT: Okay. I thought this was a packet he had to --

MS. BYNUM: He hasn't. It was the pictures of the victims when they're going to be talking about (inaudible).

THE DEFENDANT: Right. Yes, sir.

MR. DE LA RIONDA: We actually have a hard copy that we can --

THE COURT: I didn't ask for anything, Mr. de la Rionda. I wanted to know what he saw. Okay?

And this is of the victims -- different photographs than we just saw here now. It's a different pack of photographs.

THE DEFENDANT: Right. Yes, sir. Miss -- Miss Bynum showed me.

THE COURT: Okay. And she indicated she didn't have any objection to those being shown later on. And so my question to you is do you have any objection to those being

shown later on?

THE DEFENDANT: No, sir.

THE COURT: Okay. Perfect. Thanks.

(Short recess.)

(Defendant present.)

MS. HAZEL: Your Honor, I apologize. I neglected to ask her one question. I don't think the defense has any cross. But may I ask her one additional question?

THE COURT: Sure.

MS. HAZEL: Thank you.

MR. DE LA RIONDA: Your Honor, may we put something else on the record -- and I apologize -- regarding these photographs? But the photographs that we've mainly been talking about today are photographs that were introduced at the guilt phase prior trial.

THE COURT: I know.

MR. DE LA RIONDA: There are, today, photographs that were shown to the defendant and victim impact statements, and also, the defense has got photographs. Those now have -- in other words, to have Exhibit 11, technically, you're going to have -- on appeal here, you're going to have two

Exhibits 11 here.

THE COURT: No, we're not.

MR. DE LA RIONDA: I believe these penalty phase have a different date on it obviously so that's the difference.

THE COURT: I don't care. I want different numbers.

MR. DE LA RIONDA: Okay. I was just going to tell the clerk, so we've got to put different numbers on these. I just wanted --

THE COURT: We're not going to have 11s with two different dates for somebody to try and figure that out.

MR. DE LA RIONDA: I just wanted to clarify that for the record. But the photographs we were talking about were the victim impact photographs that were shown to the defendant, so we need to put some number on it that would make sense.

THE COURT: Or find out what --

MR. DE LA RIONDA: Or we can refer to them as penalty phase or something, whatever the Court --

THE COURT: We need -- we need to find out what the last exhibit number was either

in the trial and/or the penalty phase before and pick up from there.

THE CLERK: During the trial was 143 for the State, Judge, and I'll find out if they -- penalty phase evidence actually from the State never received any numbers. They were only marked for identification. So 143 we'll pick up from.

THE COURT: Okay. Then what about the defense?

THE CLERK: The defense had five exhibits during the guilt phase, 1 through 5. Then they also had two exhibits from the penalty phase, 1 and 2.

MS. BYNUM: So just start with --

THE COURT: 3.

MS. BYNUM: I'm sorry. Yes, we'll just start with 3 then, I guess. That would be 3 through 11, I suppose. Thank you.

MR. DE LA RIONDA: May I have a moment to talk to the clerk, Your Honor?

(Off-record discussion.)

(The items last above referred to were received into evidence as State's Exhibit Nos. 144 through 154 and Defendant's Exhibit Nos. 3 through

11.)

THE COURT: Can we bring the jury in?

MR. DE LA RIONDA: Yes.

THE COURT: We're not getting to these photographs now.

MR. DE LA RIONDA: No, no. I was just getting --

THE COURT: Let's go. Bring the jury in.

(Jury present.)

THE COURT: Okay. Folks, welcome back. We're ready to resume.

Miss Hazel, has a couple more questions for Miss Brookins.

MS. HAZEL: Thank you, Your Honor. I apologize.

BY MS. HAZEL:

Q As part of your duties as a crime scene detective, did you also go to the Medical Examiner's Office and do some further testing on the bodies of Randall Brown and Derrick King?

A Yes, I did.

Q Did one -- was one of the things you did was collect gunshot residue or the potential for gunshot residue from their hands?

A Yes.

Q Okay. Can you tell the jury what you do when you're looking for gunshot residue on a victim's hands?

A Okay. We're supplied with, as part of our toolbox, a standard gunshot residue collection kit. It's in an envelope. It contains everything that you need all the way down to some crappy little gloves that you can wear.

But basically, it has four vials, two for the left hand, two for the right hand. And these have a sort of sticky substance on the tip. Basically what we do, stick all over the hands, palms, fingers, coordinate the vial to the proper hand, et cetera, take the gunshot residue kit. Once we're done, it's also provided with its own evidence seal, seal it up, fill out the paperwork on it. We submit it to the property room. Homicide detectives submit it from there.

Q So basically, you just are looking to see if there is any by taking hand samples, but you don't actually do the testing, is that correct?

A That's correct.

MS. HAZEL: I have no further questions.

THE COURT: Miss Bynum?

MS. BYNUM: I have no questions for this witness. Thank you.

THE COURT: Thank you, ma'am. You're excused.

THE WITNESS: Thank you, Your Honor.

(Witness excused.)

THE COURT: State's next witness.

MS. HAZEL: Your Honor, the State calls Sergeant Dan Janson.

THE COURT: Sergeant Janson, please.

(Witness sworn by the clerk.)

THE COURT: All right, Sergeant. If you'll come right around here and have a seat for me.

Miss Hazel?

MS. HAZEL: Thank you, Your Honor.

DAN JANSON,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MS. HAZEL:

Q Would you please state your name for the jury?

A I'm Sergeant Dan Janson.

Q And where are you employed?

A The Jacksonville Sheriff's Office.

Q In what capacity do you work for the

Jacksonville Sheriff's Office?

A I'm currently the supervisor in the homicide unit, over cold case.

Q And you're a sergeant there?

A I am.

Q Can you tell the jury what other positions you've held with the Jacksonville Sheriff's Office?

A I was also a sergeant over the -- a team of -- in homicide we call "hot team" that investigates active murders as opposed to cold cases, where I'm at right now. Also served as a sergeant on the street and an officer on the street as well.

Q How long were you a sergeant in the homicide unit?

A Ten years.

Q Turning your attention now back to February 19th, 2008, were you a sergeant in homicide at that time?

A I was.

Q And who was on your team at that time?

A I had Detective Parrales, Detective Waldrup, Detective Ottinger and Detective Garnett.

Q And as a sergeant, are you ultimately responsible for everything that those detectives do?

A I am.

Q So are you present and updated on everything that's going on with their cases?

A Yes.

Q Can you tell the jury how your team is assigned a case?

A So at the time, there were six teams in homicide and we would rotate on-call status. And it would be on a 24-hour period. So any homicide that occurred within Duval County in that 24-hour period we'd be responding to.

So on that particular day -- I believe it was the 19th -- we were the on-call team, and we were dispatched to the Sibbald address, to that particular homicide.

Q And did you then actually go with your team to that scene and evaluate what you had?

A I did.

Q And did you learn that the deceased victims in the case were Derrick King and Randall Brown?

A Yes.

Q Did you also learn that the home on Sibbald Road belonged to Raymond Bright?

A Yes, we did.

Q I'm going to turn your attention now to the next morning, about 1:45 a.m. on Wednesday,

February 20th. Did you and your team then respond to an address at Bradley Max Drive [sic], 14628 Bradley Max Drive?

A Yes. So we received a dispatch, the original call, on the 19th. We continued to work throughout, was continuous investigation, carried over past midnight. And so that took us into the 20th, where we learned information about that particular address.

Q Did you actually learn information from Raymond Bright and -- and his whereabouts?

A Yes.

Q And was he located at that address on Bradley Court Drive [sic]?

A He was.

Q Did you learn that that address belonged to his ex-wife, Bridget Bright?

A Yes.

Q And did you actually come into contact with the defendant at that address?

A My team members did come in contact. I responded to the address. My team members made contact with him inside that address.

Q Tell the jury how that happened.

A So we received information from an ex-coworker of Mrs. Bright, who gave us -- she said she

was concerned for Mrs. Bright's safety because Miss Bright confided in her some information about the homicides and also told her that her ex-husband was currently at that address. So she was concerned that something might happen to Miss Bright as a result of the homicides. So she contacted us and said -- and gave us all that information that I just told you.

Q And then you responded to that address.

A We did.

Q Did your team members actually make entrance into the home and locate the defendant hiding in a bedroom?

A They did.

Q Can you -- do you see Raymond Bright in the courtroom today?

A I do.

Q Can you point him out for the members of the jury and tell some article of clothing he's wearing?

A Yes. It's the gentleman with the glasses, light blue shirt and a gray suit.

MS. HAZEL: Your Honor, may the record reflect the witness identified the defendant?

THE COURT: Yes, ma'am.

BY MS. HAZEL:

Q Now, after coming into contact with the

defendant, did you actually take him into custody or your team members?

A We did.

Q When you made contact with him, was he wearing any sort of bloody clothes?

A No, he was not.

Q Did you later receive information that the bloody clothes he had been wearing had actually been thrown away in the trash?

A We did. We learned from a statement from his ex-wife that she had disposed of his clothing.

Q Did you guys then try to locate the clothes to have them as evidence?

A We did.

Q Okay. And had those clothes already been thrown into a landfill by the time you guys got that information?

A Yes.

Q So you were not able to find them?

A We were not able to find them.

Q Now, when the defendant came down to the police station, did you notice any injuries or wounds on him?

A I believe he did have some -- an injury on his hand, if I recall.

Q He had, like, one scratch, is that correct?
A Yes.
Q Did you then have evidence technicians take photographs of him?
A We did.
Q Now, as a sergeant, are you also made aware of forensic results in cases such as this?
A I am.
Q In this case, was the hammer that was located at the scene submitted to the Florida Department of Law Enforcement for DNA testing?
A It was.
Q Were you made aware that Derrick King's blood DNA was found on that hammer?
A Yeah. His DNA was found on there and we could not exclude -- oh, I'm sorry. Did you ask whose blood?
Q Derrick King.
A Yeah. Derrick King's was on there and Randall Brown could not being eliminated as being a contributor to that hammer as well. So both victims were on the hammer.
Q And then did you also have your team submit the gunshot residue kits that the evidence technician collected from both of the victims' hands in this case?

A Yes, we did. And both of those -- both of those that were submitted to FDLE, we had them tested for gunshot residue and both were negative. Neither one of the victims had any gunshot residue on their hands.

MS. HAZEL: Oh, I have no further questions, Your Honor.

THE COURT: Miss Bynum.

MS. BYNUM: Briefly.

THE COURT: Sure.

CROSS EXAMINATION

BY MS. BYNUM:

Q Good afternoon, Sergeant.

A Good. How are you?

Q Very well. Thank you.

You received some information that caused you to believe that Bridget Bright might be, I guess, in harm's way? Is that what you were saying?

A Well, that's what her ex-coworker, who was a friend of hers, indicated, yes.

Q Okay. But when you actually arrived at the residence, she was completely fine, correct?

A That's correct.

Q Okay. And you mentioned that in a statement at some point, it was revealed that the clothing had

been thrown out.

A Yes.

Q That was not done by Mr. Bright, though, correct?

A No, it was not.

Q It was done by Bridget Bright?

A According to her.

MS. BYNUM: Okay. Thank you. Nothing further.

MS. HAZEL: Nothing further, Your Honor.

THE COURT: Thank you, sir. You can step down.

(Witness excused.)

THE COURT: Next witness?

MR. DE LA RIONDA: We'd call Detective Stapp.

THE COURT: Detective Stapp, please.

Detective, if you'll come up and raise your right hand, the clerk will administer the oath.

(Witness sworn by the clerk.)

THE COURT: Come right around this way.

Mr. de la Rionda?

TRACY STAPP,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. DE LA RIONDA:

Q State your name for the record, please, sir.

A It's Tracy Stapp.

Q And how are you employed?

A I'm employed with the Jacksonville Sheriff's Office, currently assigned to the violent crimes impact team as a homicide detective.

Q How long have you been a member of the Jacksonville Sheriff's Office?

A Going on 18 years.

Q And during that tenure with the Jacksonville Sheriff's Office, have you hold -- have you held more positions than the one you're currently holding right now?

A Yes, sir. I've held several different positions over the years.

Q Can tell us briefly about those?

A I started off in patrol, worked on a task force, went to the crime scene unit, robbery division, homicide and currently violent crimes.

Q Okay. I want to draw your attention back to

February of 2008, specifically February 19th of 2008. Were you employed by the Jacksonville Sheriff's Office in the crime scene unit?

A Yes, sir, I was.

Q Okay. And did you end up going to an address at 9364 Sibbald Road along with crime scene unit Detective Brookins?

A Yes, sir, I did.

Q Did you assist Detective Brookins there in processing the scene?

A Yes, sir.

Q Okay. Detective Brookins has already testified about what she did. Quite frankly, she covered a lot of it. But I want to focus on a few parts of what you did.

Number one is the scene itself was processed, I believe, on February the 19th and also the following day and actually the following day after that. But on February 20th, was the scene also processed?

A Yes, sir, it was.

Q Okay. Between the processing of that scene from the 19th to the 20th, what was done to ensure that the scene was not contaminated in any way?

A Well, the whole time that we were there and we were not there as crime scene detectives, patrol sat

on the scene, the front and the back of the house and secured the scene so nobody could come and go.

Q So when you say "secured," meaning like there was an officer outside making sure nobody went in and out of the place or got inside?

A Yes, sir. And also, we would have taped and photographed the doors and the windows prior to coming and going.

Q All right. Let me show you, sir, State's Exhibit 25. Is that appearing on the front of your screen there?

A Yes, sir, it is.

Q It's photograph showing a part of the residence. I can go back to -- let me give you -- for the jury to understand what we're talking about -- State's Exhibit 13. Do you recognize that photograph?

A Yes, sir, I do.

Q Okay. Is that an area where a hammer was found?

A Yes, it is.

Q Okay. On the first day that you-all were processing the scene, was the hammer found?

A No, sir, it was not.

Q Okay. Who actually found the hammer, sir?

A I believe I located the hammer after

receiving information that there was going to be some evidence back there.

Q All right. And where did you find the hammer?

A The hammer was located in this fenced area on the back side of the house where the air-conditioner is.

Q I gather since y'all had walked or been around that area, you had looked for the hammer or looked in the area, correct, in terms of what was visible that you could see?

A Yes, sir. We would have looked back there but wouldn't have gone digging through the area in the beginning.

Q I guess what I'm trying to ask you, how was it that -- let me backtrack a second.

Let me show you what's been marked as State's Exhibit 15. That first day, were firearms recovered there at the scene?

A Yes, sir.

Q Okay. And are those depicted in State's -- is one of them depicted there in State's Exhibit 15?

A Yes, sir, it is.

Q Okay. And State's Exhibit 16, is that another one of the firearms that was found at the

scene?

A Yes, sir. That's the firearm that was pulled off the ground.

Q Now going to State's Exhibit 20, 21 and let me stop at 22. Do you recognize State's Exhibit 22?

A Yes, sir. Those were gloves that were located at the scene.

Q Okay. And were those gloves taken into evidence, sir?

A Yes, sir, they were.

Q Okay. What was the purpose in taking those gloves into evidence, sir?

A They were back there with other items of potential evidence and might have been something that was worn during the commission of the crime.

Q State's Exhibit 24, do you recognize what that is, sir?

A Yes, sir. That's a screen from a window that was basically folded up and thrown back there as well.

Q And I apologize. That's actually a photograph showing that screen, is that correct?

A That's correct.

Q Okay. State's Exhibit 25, what does that photograph show, sir?

A That photograph shows Placard No. 10. I

believe this is when we would have located the hammer.

Q And I can't -- I'm sorry. Detective Brookins already mentioned this, but I want to make sure the record's clear. When you say "placard," is that placed boy you-all there so that you can go back and say, this is where this item was?

A Yes, sir. Once an item of evidence is located, we put a number by it to designate that item.

Q And is there also -- in addition to the photographs that are taken, are there diagrams done that will show where the item is exactly in relation to the house or in this case, the outside of the residence?

A Yes, sir. Everything is measured in and placed inside of a diagram.

Q Okay. Now we have State's Exhibit No. 26, I believe. And that's a photograph showing what, sir?

A That is a live round that was located.

Q And is that Placard No. 9?

A Yes, sir.

Q Okay. State's Exhibit 27. What does that photograph show, sir?

A That's a closer photograph of the hammer with Placard No. 10.

Q Okay. Now let me go back to State's

Exhibit 25. What does that photograph show at this point? Does it show the hammer also in relation to No. 9 and No. 10?

A Yes, sir, it does.

Q Okay. When you first found the hammer, was it visible as it appears on State's Exhibit No. 27?

A No, sir. That would have been after it was uncovered a little bit.

Q Okay. So after the hammer was uncovered, was it under the leaves, I guess, is what I'm trying to ask?

A Yes, sir, it was.

Q Okay. And it was uncovered then. It was placed there so that the photograph could be taken, where exactly the area was that it was recovered?

A Correct.

Q And State's Exhibit 28, what does that photograph show, sir.

A That's a photograph as we're pulling the hammer all the way up.

Q All right, sir. I'm now going to show you -- let me jump to -- real quickly to -- we're going through all these photographs that Detective Brookins has already testified about, so I don't want to ask you about that.

But I want to focus on State's Exhibit 102. Aside from being at the scene there on Sibbald Street, did you end up going to the police station or the PMB, Police Memorial Building, the homicide detective division and coming in contact with a person identified to you as Raymond Bright?

A Yes, sir, I did.

Q Okay. And did you end up taking photographs of that individual, Raymond Bright?

A Yes, sir, I did.

Q Okay. Do you see that individual in the courtroom today, sir?

A Yes, sir, I do.

Q Could you please identify by stating where he's seated and an article of clothing that he wears, sir?

A He is seated all the way to my right at the table, wearing the blue jacket and light blue shirt.

THE COURT: Let the record reflect the detective has identified the defendant.

BY MR. DE LA RIONDA:

Q All right. Now I'm showing you State's Exhibit 102. What -- did you actually take that photograph yourself?

A Yes, sir. I took these photographs.

Q And where is that in the police station that photograph was taken? What room is that?

A This is the interview room in the homicide office.

Q Okay. So that's one of the homicide rooms that's used? Is that correct?

A Yes, sir.

Q All right. And what was the purpose in taking State's Exhibit 102, that photograph?

A I was asked to photograph the potential suspect and any injuries that he may have on his person.

Q And this photograph of the defendant, Raymond Bright, what part of his body does it show?

A This is kind of an overall photograph, mainly showing his upper body.

Q State's Exhibit -- I apologize. State's Exhibit 102, is it a front view?

A Yes, sir. It's a front view of Mr. Bright.

Q State's Exhibit 103, what does that photograph show?

A That is the right side of Mr. Bright.

Q Okay. And is he standing in that photograph?

A Yes, sir, he is.

Q State's Exhibit 104, what does that

photograph show?

A That is Mr. Bright's back.

Q Okay. What was the purpose of -- of taking this photograph?

A Just taking all-around photographs of the individual to see what kind of injuries he may or may not have.

Q And State's Exhibit 105, what does that show, sir?

A Little closer-up shot of Mr. Bright's chest.

Q And State's Exhibit 106, what does that photograph show, sir?

A That is his right arm.

Q And State's Exhibit 107, what does that photograph show?

A Showing the backs of his hands.

Q And is that both hands?

A Both hands, both left and right.

Q And -- all right. So in terms of you were -- the photographs, 107, 106, 105, 104 and 103 and 102, in terms of your review of those photographs, did he have any injuries to his hands at all?

A No, sir, none identified.

Q You mentioned being back at the scene, so I'm going back to the actual Sibbald Road. I'll show you

State's Exhibit -- I think it's 118. Do you see that diagram in front of you?

A Yes, sir, I can.

Q Okay. Were you involved in helping to prepare that diagram, or was that done by another detective?

A No. That was -- the diagram was created by myself.

Q Okay. And in terms of the diagram, is it just showing the whole residence? Is that correct?

A Correct. That's the whole scene.

Q At the scene itself there, along with Detective Brookins and whatever other detective was at the scene, was any crack cocaine ever found inside that residence?

A No, sir. We never found any crack cocaine.

MR. DE LA RIONDA: Can I have a moment, Your Honor?

THE COURT: Sure.

MR. DE LA RIONDA: I have no further questions.

THE COURT: Any questions?

MS. BYNUM: No questions.

THE COURT: Thank you, sir. You may step down.

(Witness excused.)

THE COURT: Next witness, please?

MR. DE LA RIONDA: Your Honor, we just need about two minutes to make sure. This witness has been traveling from Pensacola. I believe he's here in the courthouse but I want to make sure. May we just have a few-minute break?

THE COURT: Well, here comes Miss Hazel. Maybe she knows.

MR. DE LA RIONDA: Do you know if Mr. Bell is out there?

We need five minutes. I know he's in town and I know he's checked into the hotel. And he took a shower just to make sure --

THE COURT: I don't need all that explanation. I expect witnesses to be in the hallway ready to go, one right after the other.

MR. DE LA RIONDA: Yes, sir.

THE COURT: Ladies and gentlemen, step in that jury room for me for just a second, please.

(Jury excused.)

THE COURT: I can tell you this: When

we -- assuming we find him within a couple of minutes, he's the guy that's going to say he had a prior felony conviction.

MR. DE LA RIONDA: That's correct.

THE COURT: That won't take long.

What are we doing after that?

MR. DE LA RIONDA: That is it for the day.

THE COURT: No, it's not. That will mean we'll be finished -- assuming the guy is here and he should be -- it's ten after 4:00 -- we'd be finished by -- I'm guessing Miss Bynum probably doesn't have any questions for the guy. If so --

MS. BYNUM: A few but not --

THE COURT: Not a lot.

MS. BYNUM: No.

THE COURT: So we'd be done maybe by 4:30. That's not 5:00 o'clock. That's not 6:00 o'clock. So we need to find something else to do 'cause we're not stopping at 4:30.

MR. DE LA RIONDA: Yes, sir.

THE COURT: My understanding is, just so I'm clear, this witness, Dr. Rao, who for whatever reason's not available until

tomorrow, and four victim impact statements.

MR. DE LA RIONDA: That is correct.

THE COURT: And that's it.

MR. DE LA RIONDA: That is it. That's correct.

THE COURT: And those are the four statements I've got.

MR. DE LA RIONDA: Yes, sir.

THE COURT: And the plan is for them to read those statements.

MR. DE LA RIONDA: Yes, sir.

THE COURT: Okay. Well, then we might be able to finish this tomorrow.

MR. DE LA RIONDA: Yes, sir.

THE COURT: Depends on how fast that goes.

MR. DE LA RIONDA: Should go pretty quick. Dr. Rao's --

MS. BYNUM: Oh, finish the case tomorrow?

THE COURT: Maybe.

MS. BYNUM: Oh, yes, sir.

THE COURT: I might finish it all tomorrow. Depends on how fast your case goes.

MS. BYNUM: Yes, sir.

THE COURT: In any event --

MS. BYNUM: Just to clarify, is the courtroom --

THE COURT: I'm hoping that somebody's on the phone with that gentleman.

MR. DE LA RIONDA: He should be right outside. I know he's in town. I just need to check. I haven't had a chance to check so --

THE COURT: I know.

MR. DE LA RIONDA: I'm hoping he's right outside.

THE COURT: So you can step outside and check or call.

MR. DE LA RIONDA: Thank you.

MS. BYNUM: May I ask for a point of clarification, Your Honor, as far as finishing tomorrow? Would that also include closing?

THE COURT: Maybe.

MS. BYNUM: Okay. And that's just what I wanted to know.

THE COURT: Possible.

(Off-record discussion.)

THE COURT: Miss Hazel wants to explain why she's reading it rather than the lady being here. Is there any objection to that, Miss Bynum?

MS. BYNUM: No, Your Honor. If it frames the -- obviously I don't want the Assistant State Attorney to be testifying, but if it frames the context for the victim impact statement, then that's fine.

THE COURT: So what would you say?

MS. HAZEL: Your Honor, the other victim was going to explain her statement that the grandmother is ill and couldn't be here. That was going to be in her statement. So I'll just state that this is elderly grandmother who's unable to be present but a wrote statement that she wanted to be read to the jury.

THE COURT: No objection to that.

MS. BYNUM: No objection.

THE COURT: Any objection to that, Mr. Bright, to her saying that?

THE DEFENDANT: No, sir.

THE COURT: Okay.

Okay. So which one you want to do

first?

MS. HAZEL: Your Honor, we can do Miss -- I'll read the statement from Derrick King's grandmother first, and then I'll call Miss Carrie Mae Gray to the stand.

THE COURT: Perfect.

Bring the jury in.

(Jury present.)

THE COURT: All right. Thank you, ladies and gentlemen, for your patience and your indulgence. We're ready to resume.

And, Miss Hazel?

MS. HAZEL: Your Honor, at this time, the State would ask to read victim impact from Derrick King's grandmother. Her name is Eartha Jaudon. She's elderly and sick and couldn't be present but wanted the statement read to the jurors.

THE COURT: All right.

MS. HAZEL: If it please the Court.

THE COURT: Yes, ma'am.

MS. HAZEL: Derrick was my grandson. He was a very active little boy. I used to take him and his brother to the park, and they loved running around and playing ball. Every

few minutes, he would run back to me and out of breath, shout, Grandma, Grandma, watch me.

I would miss spending time with him like that and hearing him call out my name.

Derrick and I had a special little game he liked to play. He liked to run and hide somewhere in the house and then shout for me to come find him. I always knew where he was, but I would play along and try and find him all over the house. When I'd come to where he was, he would say, oh, Grandma, you took a long time to find me. And he would just laugh.

He was a good boy. I love all my grandchildren but I was very close to Derrick. He was a joyful person. He kept me laughing. I will miss never hearing him laugh or play games with him again.

He was very excited about his first job, working as a cook. He would tell me, Grandma, you don't have to worry anymore. I got a job now. And you're going do have that big house. You don't have to worry about a thing, Grandma.

Now that he is gone, our family misses

his support. He was a very caring person. If I was not feeling well, he would clean up the house for me so I wouldn't have to.

He loved to cook too. He always used to make a seafood stew with shrimp and fish and vegetables in it. If we didn't have the right spices, he would go find them. Without him here to make it, seafood stew will never taste the same.

I'm getting older and I really miss having him around to help me when I'm not feeling well.

I miss hearing his voice. As soon as he came through my front door, he would call out, where are you, Grandma?

The first Christmas without Derrick was a very sad time. We used to all get together and spend Christmas Day together, just laughing and enjoying each other's company. That first Christmas didn't even seem like Christmas. No one wanted to stay at the house because there was no laughter without Derrick. There was only sadness.

Derrick's 21 birthday came after he was killed. His friends got together to

remind -- to remember him, but I locked myself away and cried for three days straight. There was nothing to celebrate with him being gone.

Derrick's death has deeply affected us all. His younger brother still refuses to face Derrick's death. If we are talking about Derrick, he will leave the room. He wasn't even able to come to the funeral.

His little sister has taken his death hard too. She's been acting out and has gotten herself in trouble, but I know it's because she is hurting for her brother.

Derrick's daughter will never know her father. She was a baby when this happened. Her father will not get to take her to the first day of school or to graduation. He will not be there to hold her hand as she goes through life, and someone else will have to walk her down the aisle when she gets married because her daddy will not be there.

Derrick was a hard worker and he had many dreams that he shared with me. He wanted to be a good father to his daughter, and he wanted to be a longshoreman. Now he

will never have the opportunity to do either one of those things.

I miss my grandson. I keep his picture close and look at it every day. I miss his smile. I miss his laughter and the joy that he brought to my life. Things will never be the same in our family without Derrick.

THE COURT: All right.

MS. HAZEL: And, Your Honor, the State would call Carrie Mae Gray to read her victim impact statement.

THE COURT: Miss Gray, if you'll come back up.

And if you'll just come up and have a seat again in the witness chair.

And, again, ma'am, you can adjust that microphone if you need. Just be sure and try to speak up as loudly as you can and take your time.

THE WITNESS: Okay.

CARRIE MAE BROWN GRAY,

having been previously produced and first duly sworn as a witness on behalf of the State, testified as follows:

THE WITNESS: Randall was my youngest son. We had a special bond. We was very

close. Randall was kind and thoughtful and gentle and caring person. He was always concerned about others.

As a child, Randall was quiet. Randall was always clinging to me. He was truly a mama's boy. He never talked back to me and was mature beyond his age.

He had a speech impediment but he did not allow that to hold him back.

He was highly respected with other neighbors and was very protective of his family and friends.

He always tried to take care of us. I think -- I think that part of the reason for what was -- because his father was ill and was not able to help out. Randall became the man of the family. Even at a young age, Randall shared his financial responsibility of the home. His income helped to pay for the household expense. Our family financially hurts without his support.

He loved spending time with his family, just laughing and joking. I miss his laugh so much.

Nothing is the same without him. As a

mother and son, we had the greatest relationship. He was very open with me, and we always shared positive conversation with each other, talking about anything.

My son and I had a special day out of the week that we set aside to have lunch together and just talk.

He would say -- he would say to me, Mom, let me get some of that old people wisdom. Even though he was 16, he was not a child. He was not ashamed to show me love. He was always giving hugs and showing me affection.

Now he's gone. My week is empty. There is no more special lunch. There's no more talking. I miss him so much. He's dead.

MS. HAZEL: Miss Gray, you want me to finish reading it for you?

THE WITNESS: Excuse me.

Now that he's gone, my week seems empty. There are no more special lunches, no more special talks. I miss him so much. I spend many times -- excuse me -- many days a week -- spend many days a week at his grave, sitting, talking with him, knowing he'll never answer.

Randall was excited about the following year at school. He was going to play basketball.

He had just gotten his driver's license and was so proud for passing that exam.

He always talked about going to college and being a business man. One of the things that he talked about doing was opening up a retirement home for elders. Now I'll never see that.

Now I'll never get to see -- to see him play basketball again. I'll never get to ride with him again. I'll never get to see him graduate and know what he could have become as an adult.

He always was concerned about his sisters and children. He was a great uncle. He always helped out his sisters and was excited about watching his nieces and nephew grow up. He wanted to get to do -- he won't get to do that now. He missed his second nephew birthday. They will always have to grow up without their Uncle Randall.

He always wanted to be a husband and father hisself one day. Now he will not be

able to do that.

Life for me now is so -- it's so surreal. I cycle in and out from day to day. My heart is so empty without Randall. I try to picture his smile and his voice, his hug and his kisses, but it's like my mind has a void and I cannot remember. I be strong for so -- for my other children and encourage them to keep living, but sometimes my heart feels as if it -- as if it was going to explode without out my chest -- within my chest. His death has affected me so deeply.

I panic if one of my children -- other children is not home or if they are gone too long.

I can't explain the pain I have within my heart. It's time that I find peace but there's other times that I'm lost. It's -- it's -- it is hard to let go.

And one of my -- at one point in my life, I was the counselor, other peoples, and now I'm the one receiving grief counseling. Randall's death have definitely caused extreme pain, and I -- has left a huge void in my life.

People say that time will heal. That's not true. I can't [sic] learn to cope and to survive -- survive but my heart will never heal. Nine years have gone by since I last saw Randall's face, and the pain is just as deep today as the first day.

DIRECT EXAMINATION

BY MS. HAZEL:

Q Miss Gray, do you have some pictures of your son that you would like the jury to see?

A Yes.

Q Is your screen on? Can you see on your screen?

THE COURT: Yeah, it's on.

BY MS. HAZEL:

Q Showing what's been entered into evidence as State's Exhibit 148. Is that your son Randall?

A Yes. This is Randall when he was about two, going on three.

The screen went off but it was --

THE COURT: Hold on. Let me get it for you.

THE WITNESS: We was at my mom's house, and he was about two or three. This was Easter. I can remember Easter because his

height at that time, and I thought those pants was cute with the socks, the way he was dressed.

BY MS. HAZEL:

Q Now showing you what's been entered into evidence as State's Exhibit 149. Is that a picture of Randall too?

A This is a picture of Randall when Terry got to be four. He's five. That's Terry behind him, my baby daughter. That's me sitting on the porch and my sister Diane. Look like one of my nieces.

And we had a lake in the back of the yard, and Randall wasn't supposed to be in the backyard that day 'cause we don't let kids go to the water. And he went back there and he caught him a fish. So when he came up, one of my brothers was taking the picture, and he caught himself hiding the fish behind his hand. And Terry basically was trying to tell on him.

Q I'm showing you what's been entered into evidence as State's Exhibit 150. Is that you with Randall and Terry?

A This is me, Randall and Terry at my brother house one holiday. We spend a lot of time as a family, holidays. And this was him and Terry back in the days they were being cool because they were actually showing

who -- who loved Mom the most. They, like, a year apart so always a love competition.

Q Was Randall very close with his sister Terry?

A Randall was close with both of his sisters, yes, especially Terry.

Q I'm showing you -- oh, I'm sorry.

A Okay.

Q I'm showing you what's been entered into evidence as State's Exhibit 151. Can you tell the jury about these two pictures?

A This one at the top is Randall at my dad's funeral. My -- my dad had passed and we was over to my older brother house. And Randall was just sitting there. And we took pictures. That was Randall at my dad's funeral.

Q Was he about 14 years old in that picture?

A He was about 14.

Q And in the bottom picture, was he about 15 years old in that picture?

A Correction. He was 14 or 15 in this picture, coming home from school.

Q I'm showing you -- lastly, I'm going to show you State's Exhibit 152. Is that Randall driver's license picture?

A Yes, ma'am. This is Randall's 16th birthday

and so funny. He got -- took him to get those license. It was only two things he wanted for his birthday, and one of them was a tattoo. And I told him the only way he can get a tattoo, because he was so young, is that he put my name on it. And I never forget this day because I took him to get the tattoo. And he introduced me to David Chappelle, which is a funny character, and he was crying, putting my name on his arm. And we left there and we went and got his driver's license.

Q Is that one of the last pictures that you have of him?

A That was the last -- that's the last picture I have of him.

MS. HAZEL: I have nothing further, Your Honor.

THE COURT: Miss Bynum?

MS. BYNUM: No, Your Honor.

THE COURT: Thank you, ma'am.

(Witness excused.)

MR. DE LA RIONDA: I will check on the witness.

THE BAILIFF: He's here.

MR. DE LA RIONDA: He's here. We can proceed, Your Honor.

THE COURT: All right. Next?

MR. DE LA RIONDA: State would call Robert Bell.

THE COURT: Robert Bell, please.

Mr. Bell, if you'll come on up to the front. Take your time.

And if you'll raise your right hand, the clerk is going to administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, sir. If you'll come right around this way, we'll get you seated.

All right, sir. You can adjust that microphone if you need to and then just be sure and speak loudly so everybody can hear you.

Mr. de la Rionda?

ROBERT BELL,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. DE LA RIONDA:

Q Sir, could you state your name for the record, please?

A Robert Bell.

Q And you are retired at this time, correct?
A That's correct. I'm retired sergeant from the Pensacola Police Department.
Q How long did you work with the Pensacola Police Department, sir?
A 25 years.
Q Okay. And do you still live in Pensacola?
A Yes, sir, I do.
Q And did you drive from Pensacola here today?
A Yes, sir, I did.
Q Okay. I want to draw your attention back to September the 6th of 1989. Were you working as a police officer -- on that date as a police officer with the Pensacola Police Department?
A Yes, sir, I was.
Q And did you investigate an armed robbery to a store clerk at the Circle K convenience store?
A Yes, sir, I did.
Q And was the victim name's Carla -- it's spelled H-O-U-G-H-T-O-N -- Howton (phonetic) --
A Yes, sir.
Q -- or Hoffton (phonetic)?
A That's correct.
Q Okay. And was a knife used by a person by the name of Raymond Bright to get money from the

victim?

A Yes, a knife was used.

Q Okay. And were you actually a witness to this armed robbery?

A Yes, I was. I was turning onto the corner, and I had a direct view of the front of the store. And I did witness him holding a knife.

Q Was that on Garden Street? Is that the Circle K located on Garden Street?

A Yes, sir. It is on West Garden Street, correct.

Q And so you were actually turning the corner, and you noticed the defendant, Raymond Bright. You didn't know him with that name, but you saw an individual there at the counter, is that correct?

A Yes, I did. He was standing on the side of the counter, holding the knife, leaning over the counter like he was attempting to get money out of the register.

Q Okay. And were you dressed in police uniform?

A Yes, sir, I was.

Q In your patrol car?

A Yes, sir, I was.

Q And upon seeing the person that you later

determined was Raymond Bright, what happened?

A I pulled into the parking lot to the front door. And it's a raised sidewalk so I couldn't get all the way to the front door. But once I entered the parking lot, he saw me and ran out of the store, and I was able to get out of the car then and pursue. He came out to the right of the front of the store and then ran into a wooded area behind the store. And I gave pursuit.

Q And was he eventually apprehended?

A Yes. I lost sight of him in the woods. He was located, arrested underneath a house. He was hiding underneath the house right directly behind the store on -- that would be on A Street.

Q Okay. I gather you had assistance from other individuals, including the K-9 unit there from Escambia Sheriff's Office?

A That's correct. The Escambia County K-9 found him under the house.

Q And was he arrested and detained and determined his date of birth was January 6th of 1954? Is that correct?

A That is correct, yeah. He was placed under arrest and we escorted him back to the store, where the clerk identified him.

Q Identified him as the person that committed the armed robbery of her?

A That's correct, yes, sir.

Q And, in fact, did he still have some of the bait money in his pocket or in his --

A Yes, sir. Back then, we did have bait money in the registers of the convenience stores 'cause we did have a rash of robberies. And he did have the money on him at the time.

Q Was -- the knife that he held to the victim when he was committing the robbery, was that knife recovered?

A No. I'm sorry. It was not recovered. He threw it in the wooded area, and we were not able to locate it.

MR. DE LA RIONDA: Okay. Your Honor, I have no further questions of Former Sergeant Bell.

THE COURT: All right. Miss Bynum?

MS. BYNUM: Yes, Your Honor.

CROSS EXAMINATION

BY MS. BYNUM:

Q Good afternoon, sir.

A Good afternoon.

Q I just have a few questions for you.

The incident that you just described, I believe that was 28 years ago today. Does that sound right, 9-6 of '89?

A That's correct.

Q I think it's September the 6th. I'm losing track. But 28 years ago today.

A That is correct.

Q Okay. And you say that Mr. Bright was armed with a knife that you saw, correct?

A Yes, correct.

Q And just to be clear, when you say "armed," you never saw firearm or anything like that, correct?

A No firearm.

Q Okay. And Mr. de la Rionda just asked you about, I guess, was the knife recovered that -- that Mr. Bright was holding against the victim. But in your testimony, you said that he was leaning over the counter, is that accurate?

A That is correct.

Q Okay.

A Where the counter's located, if you face the counter, the cash register is to the left side of the counter itself. So he was leaning over the counter, yes.

Q Okay. You never saw him, you know, with the

victim and the knife up against her throat or anything like that. He had it in his hand, but he was leaning over to get money.

A That's correct.

Q Okay.

A I did not see that.

Q Okay. I just wanted to clarify, it was never up against the victim, is that accurate?

A Not that I saw.

MS. BYNUM: Okay. Thank you. I have nothing further.

REDIRECT EXAMINATION

BY MR. DE LA RIONDA:

Q Sir, how was the defendant, Raymond Bright, holding the knife when he was robbing the victim?

A He was holding it in a threatening manner while he was reaching for the money.

MR. DE LA RIONDA: Thank you very much. I have no further questions.

MS. BYNUM: Just one follow-up, Your Honor.

THE COURT: Sure.

RECROSS EXAMINATION

BY MS. BYNUM:

Q Did he ever breach the counter, meaning did

he ever even go around the counter, or was he on the other side the entire time?

A Not that I saw.

MS. BYNUM: Thank you.

MR. DE LA RIONDA: No further questions, Your Honor.

THE COURT: Thank you, sir. Appreciate you being here.

MR. DE LA RIONDA: Your Honor, we would formally introduce into evidence the conviction, judgment and sentence regarding Raymond Bright. I believe there's no objection. That's dated January 1999 -- I'm sorry -- 1990. I apologize.

THE COURT: And that's the date of conviction.

MR. DE LA RIONDA: That is correct. I'm sorry. That's the date of conviction.

THE COURT: Any objection, Miss Bynum.

MS. BYNUM: No, Your Honor.

THE COURT: All right. That will be received as the State's next exhibit.

THE CLERK: 155, Your Honor.

(The item last above referred to was received into evidence as State's Exhibit No. 155.)

MR. DE LA RIONDA: May he be excused, Your Honor?

THE COURT: Yes.

Thank you so much for being here.

(Witness excused.)

MR. DE LA RIONDA: Your Honor, this is all the evidence we have at this time.

THE COURT: Ladies and gentlemen, that's going to do it for today. Quite frankly, we did quite a bit.

And so tomorrow, I expect you're going to hear from the medical examiner and I believe probably at least two more victim impact statements. And that may be the end of the State's case. And then we will begin hearing from witnesses that Miss Bynum and Mr. Williams are going to present.

And so as it looks now, we will finish the testimony tomorrow. How early tomorrow I don't know. In all likelihood, probably what's going to end up happening is we'll finish the testimony tomorrow, and then we'll have to wait until next week to actually come back for either the closing arguments and the instructions on the law that I will give you

and then your deliberations.

If by chance, we finish early enough tomorrow, we might could do the closing arguments tomorrow, although it might be a little better to have those more fresh and come back after being gone for a few days.

So that's good. If we didn't have a storm coming, we'd be in great shape.

Haven't seen anything more about that other than I think schools are going to be closed for Friday and Monday.

So we'll see how we do tomorrow, and then kind of make a decision tomorrow on whether or not we think we want to come back on Tuesday or maybe have a buffer day in there until -- and come back on Wednesday instead.

The latest diagram that I just saw -- let me find it -- showed -- and again, it depends on a variety of paths. Even at 8:00 a.m. on Monday, this diagram shows -- this, I guess, would be kind of eye of the storm, would still be south of Jacksonville. Looks like it would be -- this one shows on the coast. It looks like it would be maybe

even a hair bit south of Daytona. So -- and that's -- that's Monday. If that were the case, then we probably might want to take Tuesday just to let everything settle down and then Wednesday, come back.

So -- but we'll see. We'll get more updates as we get a little closer. We'll get a better feel tomorrow towards the end of the day.

So same methodology tomorrow. You'll park at the parking garage. We'll start at 9:00 o'clock. So if you can get there, you know, 8:30ish, gets you time to get out of the car, come across the street, meet Mr. Heard and get you upstairs here and then we'll get going.

Please remember not to discuss the case among yourselves. Don't discuss the case with anybody else, no family, no employers, no neighbors. Don't do any research. Don't look up terminology. Those things you remember I've said a few times now.

Please be very, very careful about the news. Again, I haven't seen anybody in here that I recognize that would be reporting on

this. So there's probably not any. But just be careful. Try and limit yourself to the weather reports. And same goes through for online-type news.

So that will do it. You can leave the notes there in your seats. We'll collect those and guard those over the course of the evening.

And, again, let me thank you for your time and attention today and we'll see you-all tomorrow.

(Jury excused.)

THE COURT: Are those victim impact statements for me, or do you want those for the clerk?

MR. DE LA RIONDA: I believe we had an extra copy for the Court too.

THE CLERK: Those are your copy.

MR. DE LA RIONDA: I think we gave the Court one copy and then...

(Off-record discussion.)

THE COURT: Let's take a moment, while we have a moment, about the jury instructions.

So we've got the final jury

instructions, which we talked about, again, I think, making those modifications about aggravating factor or factors, mitigating circumstance or circumstances.

So the final instruction packet that I have is ten pages, and it starts off with some introductory paragraphs. But then it talks about the aggravating factors, goes on to Page 2 about aggravating factors. Page 3 talks about the State's burden of proof and reasonable doubt, unanimously finding an aggravating factor, also finding that if they found one, that it would -- just Page 3, that the aggravating factor's sufficient to impose the death penalty. That's up at the top of Page 4.

And then it has mitigating factors 1 through 4, and we talked about the three -- the first three are statutory. And the fourth is technically statutory but it's a catchall statutory, which is the way you wanted it, Miss Bynum, right?

MS. BYNUM: Yes, Your Honor.

THE COURT: And, Mr. Bright, you understand that there are statutory

mitigating factors, and we've listed the three that your team intends to present?

THE DEFENDANT: Yes, sir.

THE COURT: And then there's a catchall.

THE DEFENDANT: Right.

THE COURT: Because the statute doesn't -- can't think of everything that might be a mitigating factor.

THE DEFENDANT: Right.

THE COURT: And rather than list each one of those and trying to figure out a name for them, we're kind of using the catchall. And that's what Miss Bynum, Mr. Williams wanted, and I understand that's the way you wanted it as well -- correct? -- to do it in the catchall.

THE DEFENDANT: Correct, sir.

THE COURT: As opposed to trying to continue to enumerate each one.

THE DEFENDANT: Right. Yes, sir.

THE COURT: Okay. So then that goes over to Page 5, again, talking about mitigating circumstances. Goes over to Page 6 about the process of weighing. This is basically the standard instruction that's

pending right now.

So at the end of Page 6, that's kind of it for the standard penalty phase instructions. Any objections or exceptions to those, Miss Bynum?

MS. BYNUM: No, Your Honor.

THE COURT: Mr. de la Rionda?

MR. DE LA RIONDA: Your Honor, I believe conceivably there might be an issue regarding the requested mitigators that the defense is requested, that is, 1, 2 and 3. I don't know if their experts are going to be able to provide that.

THE COURT: Other than that.

MR. DE LA RIONDA: No, no. I apologize.

THE COURT: Okay. Yeah. I'm sorry. We had talked about that before, that you may have an objection to one or more of their mitigators, depending on how the testimony goes.

MR. DE LA RIONDA: That's correct.

THE COURT: So we'll revisit that.

MS. BYNUM: Yes, sir.

THE COURT: But right now, that would be the only exception to that.

MR. DE LA RIONDA: That is correct, yes, sir.

THE COURT: And you don't have any exceptions to that point, Miss Bynum, right?

MS. BYNUM: I don't know, no, Your Honor.

THE COURT: And, Mr. Bright, you're good up until Page 6 with the way those instructions read, correct?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Then we go to Page 7, which talks about weighing the evidence. We know we have 1 through 5.

6, I don't see that coming. Has the witness been offered, received any money, preferred treatment or benefit, unless somebody's going to argue how much an expert's getting paid.

MR. DE LA RIONDA: I don't know if that would qualify under that one.

THE COURT: Probably not. So are we okay to scratch 6?

MS. BYNUM: Yes, Your Honor.

MR. DE LA RIONDA: I think so, yes, sir.

THE COURT: That's both the State and

defense saying yes.

No. 7, pressure, should we scratch that?

MS. BYNUM: Yes, Your Honor.

MR. DE LA RIONDA: I agree.

THE COURT: No. 8, inconsistent statements.

MR. DE LA RIONDA: That may occur tomorrow with one of their witnesses. It may.

THE COURT: Okay. We'll wait.

No. 9, of course, we've got. Well, I guess it kind of -- it really isn't -- well, it depends on whether Mr. Bright were to testify because otherwise, it really doesn't --

MR. DE LA RIONDA: That's correct.

THE COURT: You're not weighing his testimony.

MR. DE LA RIONDA: I think there may be a witness -- I don't know if that would come up -- regarding Miss Jones. There may be but we should know -- we'll know tomorrow, for sure.

THE COURT: Okay. So we'll wait on that.

Do you think you're going to have reputation testimony?

MR. DE LA RIONDA: No, sir, I don't believe so.

THE COURT: Miss Bynum, so we can take 10 out?

MS. BYNUM: Yes, Your Honor.

THE COURT: All right. So we'll have 1 through 5, and then we'll wait and see on 8 and 9.

Then we've got law enforcement witnesses, expert witnesses. And then, I mean, are we -- without disclosing everything and me not holding you to it, I assume we're leaning toward him not testifying.

MS. BYNUM: Yes, Your Honor.

THE COURT: Okay. So we've got that in there. If things change, we will change it up and he will -- change it to him testifying.

Then it's just the general rules, talks about the impact to -- of the murder on the families, notes and then contacting people. The rest of it is standard stuff.

So it looks to me like we only have

three possible things. One is whether all the mitigators are going to come in or not. Two is weighing the evidence. And three is the defendant testifying or not. Other than that, we're in good shape on these instructions. Am I right, Mr. de la Rionda?

MR. DE LA RIONDA: Yes, sir.

THE COURT: And, Miss Bynum.

MS. BYNUM: Yes, Your Honor.

THE COURT: Does that sound right to you, Mr. Bright? We've just got three more things to think about, one, whether you testify or not. Depending on whether you do, we've got to change the instructions.

THE DEFENDANT: Right.

THE COURT: Two, whether all the mitigators come in and, three, some stuff about weighing the evidence. That sound right to you as far as the instructions go?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay.

MR. DE LA RIONDA: The only other thing, the verdict forms, I think we went over them already. I don't know if there's any objection.

THE COURT: We did. And I think they were in good shape.

MR. DE LA RIONDA: Correct.

THE COURT: Anybody find anything wrong with them since we talked last?

MR. DE LA RIONDA: No.

MS. BYNUM: No, Your Honor.

THE COURT: All right. So the verdict forms that we have are in good shape, although if somebody sees something, we'll get it straightened out.

We'll talk about this one more time probably at least, but that gets us 95 percent of the way through. So that will cut down on tomorrow.

Okay. So the only other thing is if we finish really early -- I guess I wouldn't do that to you. If we finished early enough tomorrow, I thought about saying you've got to do the close, but then, you know, bringing them back the following week, I guess that's asking a lot. So I probably won't do that to you.

MR. DE LA RIONDA: We appreciate that.

MS. BYNUM: Thank you, Judge.

THE COURT: Now, if we finish really early enough tomorrow, be prepared.

MR. DE LA RIONDA: I don't think we will.

THE COURT: 'Cause I may say, we're going to do it all and send the verdict to them.

MS. HAZEL: I think you just ensured they're going to make it take longer, Your Honor.

THE COURT: I'm guessing.

MR. DE LA RIONDA: And you also have, I think, at least one person or two people -- two people testifying by Skype, and, you know, hopefully there's not -- well, the hurricane hadn't gone that far up.

THE COURT: Well, the other thing is technically, I could talk to the -- let me ask you this: I could theoretically talk to the chief and see if we couldn't come back here Friday. It would just be us kids.

MS. BYNUM: That would be great.

MS. HAZEL: They've let out schools now.

THE COURT: Oh, that's right.

MS. HAZEL: I don't have any -- let me

let them hang out in the back room, I guess.

THE COURT: Well, I can talk to him. I've got to talk to the chief first because, one, I've got to get the clerk down here. I've got to get the bailiffs in here, get in the building. I can get us in the building. That part's easy. Sure would be nice 'cause then we'd have it finished, and Friday is going to be absolutely nothing.

MS. BYNUM: It will probably be beautiful.

THE COURT: Other than people trying to go get water that does not exist.

So anyway, I mean, Friday, according to this, the thing's not even in Cuba.

Off the record.

(Whereupon the proceedings were adjourned.)

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IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA

CASE NO: 16-2008-CF-002887-AXXX-MA

DIVISION: CR-I

STATE OF FLORIDA

-vs-

RAYMOND CURTIS BRIGHT,

Defendant.

STATE OF FLORIDA)

COUNTY OF DUVAL)

Trial before the Honorable RUSSELL L. HEALEY, Judge of the Circuit Court, Division CR-I, as cause in this matter came to be heard on the 7th of September, 2017, before Karen Waugerman, a Notary Public in and for the State of Florida at Large and Registered Professional Reporter.

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APPEARANCES:

BERNARDO ENRIQUE DE LA RIONDA and PAMELA J. HAZEL, Esquires, Office of the State Attorney, appearing on behalf of the State of Florida.

KELLI JANE BYNUM and CHARLES MICHAEL WILLIAMS, Esquires, Private Attorneys, appearing on behalf of the Defendant.

PROCEEDINGS

PROCEEDING	PAGE
MOTION FOR ORDER TO SHOW CAUSE BY THE DEFENSE	808
STATE RESTS	854

STATE WITNESSES

WITNESS	PAGE
SHANNON BROWN	
DIRECT EXAMINATION BY MS. HAZEL	812
CAROLYN JAUDON	
DIRECT EXAMINATION BY MS. HAZEL	817
VALERIE RAO, M.D.	
VOIR DIRE EXAMINATION BY MR. DE LA RIONDA	822
DIRECT EXAMINATION BY MR. DE LA RIONDA	827
CROSS EXAMINATION BY MS. BYNUM	848
REDIRECT EXAMINATION BY MR. DE LA RIONDA	852

DEFENSE WITNESSES

WITNESS	PAGE
JANICE BRIGHT JONES	
DIRECT EXAMINATION BY MS. BYNUM	856
CROSS EXAMINATION BY MR. DE LA RIONDA	897
REDIRECT EXAMINATION BY MS. BYNUM	910

DEFENSE WITNESSES (CONTINUED)

WITNESS	PAGE
HARRY KROP, Ph.D.	
VOIR DIRE EXAMINATION BY MR. WILLIAMS	912
DIRECT EXAMINATION BY MR. WILLIAMS	917
CROSS EXAMINATION BY MR. DE LA RIONDA	922
REDIRECT EXAMINATION BY MR. WILLIAMS	933
JAMES HERNANDEZ	
DIRECT EXAMINATION BY MS. BYNUM	935
CROSS EXAMINATION BY MR. DE LA RIONDA	953
REDIRECT EXAMINATION BY MS. BYNUM	961
ISIDORE KNIGHT	
DIRECT EXAMINATION BY MR. WILLIAMS	966
CROSS EXAMINATION BY MS. HAZEL	978
REDIRECT EXAMINATION BY MR. WILLIAMS	988
MICHAEL BOSSEN	
DIRECT EXAMINATION BY MS. BYNUM	991
CROSS EXAMINATION BY MS. HAZEL	994
REDIRECT EXAMINATION BY MS. BYNUM	996
STEVEN GOLD, Ph.D. (via Skype)	
VOIR DIRE EXAMINATION BY MS. BYNUM	999
DIRECT EXAMINATION BY MS. BYNUM	1002
CROSS EXAMINATION BY MR. DE LA RIONDA	1032
REDIRECT EXAMINATION BY MS. BYNUM	1070
RECROSS EXAMINATION BY MR. DE LA RIONDA	1077

P R O C E E D I N G S

(September 7, 2017) (9:02 a.m.)

(Defendant present.)

MS. BYNUM: That doctor is actually -- has totally refused our phone calls. We've lost all contact with him. So I believe Mr. Williams, yesterday, filed a motion to have his testimony from a prior contested proceeding read.

THE BAILIFF: Missing one, Juror No. 4.

MS. BYNUM: Obviously, we've done everything we can to get him here, and I'll have Mr. Williams take that up with the Court. But, you know, it's obviously an issue we had to bring before the Court.

So there will only be one witness Skyping today.

THE COURT: Okay. Well, the only way the other would happen, one, we'd see what Mr. de la Rionda has to say about it but, two, would be me issuing an order to show cause why that person shouldn't be held in contempt.

MS. BYNUM: Yes.

THE COURT: And they're coming here to

Jacksonville to answer to why they're not responding to -- that's absolutely ridiculous.

MS. BYNUM: Yes, I agree.

THE COURT: I don't care about a storm or not. You know, we're talking about Mr. Bright and life for God's sake.

MS. BYNUM: Yes, sir.

THE COURT: And I hope we'll make note of never using this guy ever again.

MS. BYNUM: I have.

THE COURT: Is he the Naples fellow or the --

MS. BYNUM: Naples.

(Off-record discussion.)

(Short recess.)

(Defendant present.)

THE COURT: We need to make sure to get clear on the record, now that Mr. Williams is here, the issue about Dr. Ouaou, spelled O-U-A-O-U.

And so, Mr. Williams, what's the issue with Dr. Ouaou?

MR. WILLIAMS: Your Honor, we filed a motion to have testimony read from a prior

hearing, based on Dr. Ouaou's testimony from a prior hearing because he has advised me that due to this storm -- I say that on September 8th, 2017, a storm of some magnitude is heading towards some part of Florida, and our expert witnesses is Dr. Ouaou, who's based out of Naples, has advised me that he is in the process of evacuating along with what he described as his entire community. He's not going to be available to -- he's not accepting my phone calls for the past 24 hours or so. He's not accepting communications from our assistant.

Anyway, Your Honor, he's advised me through e-mail that he's not going to be available due to this storm until after the storm passes. So on that basis, we filed a motion to have prior testimony read from the 3.851 hearing.

THE COURT: All right. And from our conversations previously, my understanding was you reached out to him via e-mail and suggested that he testify by Skype.

MR. WILLIAMS: I don't have an e-mail proving I did that, Your Honor, because I

told him that via phone, voice mail. And he responded in such a way to let me know he got that, and he said he won't be available in any capacity.

THE COURT: Okay. But you left him a voice mail saying we could do it by Skype.

MR. WILLIAMS: Yes.

THE COURT: And then he e-mailed back and didn't necessarily use the word Skype but he reiterated he's not available in any way, shape or form.

MR. WILLIAMS: That's correct.

THE COURT: And this guy is in Naples.

MS. BYNUM: He's based out of Naples. I think -- I have reason to believe he's already left.

THE COURT: Right. But that's where his office is, which is on the western side of the state of Florida, which is not where this storm is supposed to go, and, oh, by the way, the storm hasn't even gotten to Cuba yet.

MR. WILLIAMS: Yes, Your Honor.

THE COURT: This is me talking about shutting the government down this early on, but I need to get going on that. If we

weren't closing this courthouse tomorrow, we would finish this case for Mr. Bright. But anyway --

MR. WILLIAMS: Well, I think it should be on the record that the government -- I don't know if it's the United States -- excuse me -- Florida Supreme Court, as you mentioned in jury selection, or whether it was the governor. But someone shut down the courthouses all over the State on Friday and Monday. And a lot of people, you know, are --

THE COURT: Well, the governor did not shut down courthouses on Friday -- for Friday and Monday. He can't do it. The Supreme Court can. And the way the Supreme Court's order came out recently, the one that I saw, all it said was that speedy trial has been totaled in all cases for several days, which would be, I guess, Friday and Monday. So it didn't technically close anything. It just totaled speedy trial.

I haven't read the whole thing but I think traditionally, what they've done is left it up to the chief judge of every

circuit as to what they're going to do, and our chief judge decided to close for Friday and Monday, probably in line with the schools closing Friday and Monday prior to him making his decision. I don't know what went into all that.

But in any event, because we do have another one of your witnesses who's from the Miami area, as I understand it, who is going to testify by Skype.

MS. BYNUM: Yes, Your Honor.

THE COURT: Okay. And so I just want it on the record that, you know, one of your witnesses cooperated as to that, and they're a little bit more in line to where the storm is supposed to go than this fellow.

Well, but he did testify at the 3.851 hearing, so there is some testimony that's really basically the same testimony you'd be offering at the trial. It's on record.

MR. WILLIAMS: That is correct.

THE COURT: Some of it might be extraneous and need to be redacted, according to Mr. de la Rionda.

MR. DE LA RIONDA: Yes, Your Honor. The

defense has filed a motion. I got it last night. And Mr. Williams did tell me that there was a potential problem with this expert, so I became aware of it last night. I have reviewed Dr. Ouaou's -- I guess is how you pronounce his name, spelled O-U-A-O-U. And for the record, the motion states that he would be testifying to the same things he testified in the 3.851. So really, I would submit, the State is the one that's at a disadvantage. In the 3.851, we explored some things, but we didn't explore everything because we use 3.851.

Having said that, I'm going to agree to it, not object and not raise an issue about that. But I think it is a little ridiculous that this expert is getting paid so much money and he can't appear by Skype.

THE COURT: Well, he hasn't gotten paid anything so far in this case. Until he shows up here and tells me something earth shattering, he's not going to get a nickel.

But you'll need some time to look at that prior testimony --

MR. DE LA RIONDA: Yes. I apologize.

THE COURT: -- and redact it.

MR. DE LA RIONDA: As the Court noted when we spoke at sidebar, there are some stuff there that we need to redact, so I would like to have extra time to be able to redact it.

THE COURT: All right. Well, what we'll do is if you can, we'll kind of do that last in the day, which will give you a variety of breaks during the course of the day to do what you need to do to agree on redactions. Is that okay with you, Mr. Williams?

MR. WILLIAMS: That's reasonable, if we have enough time to go through it, Your Honor.

THE COURT: We'll try and figure that out.

And then anything additional about Dr. Ouaou?

MR. WILLIAMS: It's Ouaou.

THE COURT: Dr. Ouaou, anything -- any other motions?

MR. WILLIAMS: Not at this time.

Your Honor, at this time, we make an ore tenus motion for an order to show cause as to

Dr. Ouaou, as to why he should not be held in contempt of court.

THE COURT: Okay. That motion's granted so I will issue an order to show cause why he should not be held in contempt of court for not showing up or at least communicating with you. And then you need to look at your calendar to find a date that will work for you a couple weeks out. And then that will give us time to give him notice that he needs to appear to show cause why he should not be held in contempt.

MR. WILLIAMS: Yes, sir.

THE COURT: Mr. Bright, if you'll stand up and raise your hand for me.

(Defendant sworn by the Court.)

THE COURT: So you heard what's been going on this morning about Dr. Ouaou. I should just say "whoa" 'cause he has -- he has put on the brakes and said, whoa, I'm not coming to Jacksonville. And maybe that will help me remember his name, Dr. Ouaou.

Apparently, Dr. Ouaou is not going to get here, and he's not available to do this Skype thing that we're going to do with one

of your other witnesses. You understand that.

THE DEFENDANT: Yes, sir.

THE COURT: So what Mr. Williams is proposing is to get the transcript of his testimony from the 3.851 hearing, where you had the hearing to basically try and set aside the previous penalty phase, which you were successful in, and use that. And somebody -- what we'll do is still have a lawyer there, like, asking a question. We'll just have a person up here, not Dr. Ouaou, answering it. So it will look like testimony but it won't be him.

Is that okay with you, doing it that way?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And you're -- you're in agreement with presenting the testimony that way as opposed to some other option, right?

THE DEFENDANT: Right, yes, Your Honor.

THE COURT: Okay. Good.

I think we've got all the jurors here now, and so we can get going if everybody's

ready.

Mr. de la Rionda, you ready?

MR. DE LA RIONDA: Yes, sir. We have two victim impact witnesses and then we have Dr. Rao and then we would announce rest.

THE COURT: And, Miss Bynum, you ready to go?

MS. BYNUM: Yes, Your Honor.

THE COURT: Okay. Let's bring the jurors on in.

(Jury present.)

THE COURT: Good morning, ladies and gentlemen. Welcome back.

You can all resume your seats.

Hopefully, everybody's real rested again and appreciate you getting here, being ready to go.

I recognize from a variety of different areas, traffic was a little odd this morning. I don't know. Maybe everybody's in panic mode already.

In any event, we're ready to resume, and so we will resume with the State.

And, Mr. de la Rionda or Miss Hazel, your next presentation.

MS. HAZEL: Yes, Your Honor. State will call Shannon Brown for victim impact.

THE COURT: All right. Miss Brown, please.

If you'll raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, ma'am. If you'll come right over this way for me, please.

And you can adjust that microphone if you need. Just be sure and speak loudly into it so everybody can hear you. Okay?

THE WITNESS: Okay.

MS. HAZEL: May it please the Court?

THE COURT: Yes, ma'am.

SHANNON BROWN,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MS. HAZEL:

Q Miss Brown, could you please state your name for the record?

A Shannon Brown.

Q And can you tell the jury what your relationship was with Randall Brown?

A I'm his sister.

Q Okay. Did you prepare a victim impact statement that you would like to read to the jury?

A I did.

Q Okay. Go ahead and read that statement, please.

A Randall was my younger brother. Since we was only year apart in age, we were very close growing up. He was a great brother to me and a loving uncle to my child.

Growing up, Randall was always very outgoing. He was not a loud person but he was very friendly. He was well liked and had many friends. Everyone knew they could count on Randall. He was never one to pass judgment on a person. He just accepted everyone for who they were.

As a teenager, he liked spending time with his friends and girlfriend. He loved to play football with the neighborhood kids. He also loved music and he really enjoyed reading his bible and sharing his faith with others. I will miss watching him play football and listening to him share his faith.

Sundays were special for our family. Every Sunday, Randall would wake up and pray and read his bible and spend all day with us. It was a day he would

set aside for God and family. He was always there to help our mother with her ministry. Without him -- without him there, Sundays are not the same. It's difficult for the family to enjoy this day without him there.

Even though Randall was mostly quiet and serious, he liked to joke around with me. I miss joking around with him. It seems like jokes just aren't as funny as they were with him.

After Randall was taken from us, our home was not the same. I still feel panic and worry when Randall doesn't come through the door. I know that he would never come through the door, but I still look out the window consistently, hoping that he will come back. Without him, there is a huge void in our family and in our home.

As kids, we always looked forward to the 4th of July. It was a happy time for our family. We'd all get together and we might set off -- we would set off fireworks outside our home. The first 4th at our home was a very sad time. We didn't get together that year. No one felt like celebrating. Christmas was just as bad.

I miss my brother so much and was so -- was hurting so badly because of his death that I couldn't

see the purpose or reason to celebrate anything. It has been over nine years since he was murdered, but I still have a hard time celebrating any holiday. There was a void that cannot be filled.

18th birthdays in our family mean a huge celebration. We did not get -- we did not get to have a celebration with Randall. There was no party. There was no celebration at all. Birthdays will never be the same without him.

My brother was taken from me and my son lost his uncle. My son remembers his uncle but he still understands that he is never coming home. He was only six months old when Randall died, but he knows just who Uncle Randall is. If you ask where Uncle Randall is, he can point right to his picture. I know that soon, he will have questions about his uncle. I will tell him what a great person my brother was and how special he was to us all. And then I would have to explain to him that Uncle Randall is never coming home and that he will never get to meet his uncle. Randall will not be here to see him start kindergarten, go on first date, graduate from high school or get married.

I now have a second son who will never get to meet his Uncle Randall.

My oldest son had started playing football.

Randall would have coached him on and cheered him on from the sidelines if he was still here with us. Instead, there is an empty spot where Randall should be.

My children look like Randall. It brings me joy and sadness when I look at them as I'm reminded of my brother.

Just as my sons will miss out on their uncle for special events, our family missed out on Randall's special events. We were not able to watch him graduate high school or get married or have children of his own.

I miss my brother so much. I miss his smile. I miss his voice. I even miss arguing with him. Losing Randall has changed my life forever.

MR. DE LA RIONDA: Thank you, Miss Brown.

THE COURT: Thank you, ma'am.

(Witness excused.)

MS. HAZEL: Your Honor, the State would call Carolyn Jaudon.

THE COURT: Miss Jaudon?

Good morning, ma'am. If you'll raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: If you'll come right over this way for me.

Just make yourself comfortable and be sure and speak loudly enough so everybody can hear you. Thank you, ma'am.

THE WITNESS: All right.

CAROLYN JAUDON,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MS. HAZEL:

Q Miss Jaudon, would you please state your name for the jury?

A Carolyn Jaudon.

Q And can you tell the jury how you're related to Derrick King?

A I'm his mother.

Q Did you prepare a victim impact statement today?

A Yes, ma'am.

Q Can you go ahead and read it at this time?

A Okay. Derrick was my firstborn child, the oldest of my four children. We always had a special bond. Of all my children, Derrick was the one who loved me the most. When he was taken from me, a piece

of me died too.

As a child, Derrick would cling to me and follow me around everywhere I would go. He was playful and loving. He wanted to do whatever I was doing. Derrick would tell people that he needed to learn how to cook so one day when he got married, he would be able to cook for his wife. Because of that, Derrick was always in the kitchen with me, watching me and learning. He became a great cook. Now that Derrick is gone, being in the kitchen just makes me sad. He will never be able to get married and cook for his wife.

Derrick was very respectful. I could always count on him. Being the oldest, he was the one who helped me with his younger siblings. He was always willing to help and actually enjoyed it.

He would always walk with my two youngest daughters home from school and carry their books for them. He did not want other boys helping them. He was very protective of them.

As Derrick got older, he learned to play basketball and was learning to fix up old cars from my neighbors.

He also had a strong love for music. I loved music too so it strengthened our bond. When all my other children were asleep, I would sit outside and

listen to music. Derrick would get out of his bed and come sit with me. We would just sit there and listen to music together. This was our special time. I have a hard time listening to music now. It's just too painful.

Derrick's favorite holiday was Christmas because our whole family would get together. We would have a huge family celebration. After Derrick's death, everything changed. Our family stopped getting together at Christmas. Everyone goes their own way.

Even Mother's Day, Derrick would bring me a rose. Even after he became a young adult, he would knock on my door and have that rose for me. It's been nine years now and I still wait for that knock on my door but it never comes. I don't even celebrate Mother's Day anymore. Without Derrick, there is no joy for me.

Derrick was very close with his grandmother, who was -- who -- he was living with her before his death. She still sits on the porch and cries. She is 77 years old now. She could not come today because she is too ill. Derrick would be there taking care of her if he was still here.

Derrick's daughter was three years old when he was killed. Derrick was a huge part of her life.

She is 12 years old now, and now we're raising her without him. Derrick missed her starting kindergarten. Derrick is not here to get her through her difficult teenage years. He will not be already there for her graduation or to walk her down the aisle when she gets married one day.

I still go to the grave to talk to him. That's the only place that I can be with him now. I feel like my own life was taken the day Derrick was taken away from us.

Our family is broken. My daughters are still too distraught to be here. Derrick was the one who kept us together. Our family will never be the same without him.

MS. HAZEL: May I approach the clerk?

THE COURT: Yes, ma'am.

BY MS. HAZEL:

Q Miss Jaudon, are you able to see on your screen?

THE COURT: Let me get that.

There you go.

BY MS. HAZEL:

Q I'm showing you what's been entered in evidence as State's Exhibit 153. Is this a picture of your son, Derrick?

A Yes, ma'am.

Q Can you tell the jury a little about what was happening that day?

A It was Christmas Day. He was 12 years old.

And this is Christmas when he was little. We would celebrate Christmas.

Q And that was his favorite holiday of the year?

A Yes.

And this one, he was with his stepsister. He was about 19. They was at the Landing, just enjoying the day.

Q And this is State's Exhibit 154. Is this one of the last pictures that you have of Derrick?

A Yes, ma'am.

MS. HAZEL: I have no further questions.

THE COURT: Thank you very much, ma'am.

(Witness excused.)

THE COURT: Mr. de la Rionda, next witness?

MR. DE LA RIONDA: State would call Dr. Rao.

THE COURT: Dr. Rao, please.

Good morning, Doctor. If you'll raise your right hand, the clerk will administer

the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, Doctor. If you'll come right around this way for me.

MR. DE LA RIONDA: May I proceed, Your Honor?

THE COURT: Yes, sir.

VALERIE RAO, M.D.,

having been produced and first duly sworn as a witness on behalf of the State, testified as follows:

VOIR DIRE EXAMINATION

BY MR. DE LA RIONDA:

Q Dr. Rao, will you state officially your official name?

A Yes. My name is Dr. Valerie Rao. My last name is spelled R-A-O.

THE WITNESS: I don't think the microphone is working.

THE COURT: I'm sorry. Ma'am, you're going to need to -- I'm sorry?

THE WITNESS: I don't think this is working.

THE COURT: You might be right. It should be.

You've got to love the technology we've

got. They called it "value engineering." That does not seem to work.

I need you to call Vince. In the meantime, where is one of those hand mics?

I think sometimes when -- they finally gave us some controls up here, which I never know if they really work or not, but then when we use that cart, it can throw all manner of things out of whack. That cart's got all manner of electronics on it. You need an expert to run the thing.

So we'll call the expert and maybe they'll get here and fix this, but hopefully, that will work for the doctor.

BY MR. DE LA RIONDA:

Q All right, Dr. Rao. Hopefully that helps.

A Yes. My name is Dr. Valerie Rao. My last name is spelled R-A-O. I am the chief medical examiner for District IV. And District IV comprises three counties -- Clay, Nassau and Duval Countys.

Q Tell me a little bit, if you could, or tell the jury a little bit about your education and training regarding your occupation.

A Yes. I'm a physician. I'm licensed to practice medicine in the State of Florida. Got my

degree in medicine in 1971.

After returning to London, I spent a year and a half doing pathology at two hospitals, one, St. Helier's Hospital in the south end of London, the other, St. Andrew's Hospital in the east end of London, after which I came to the U.S.

I spent five years doing residency training, two years doing anatomic pathology at Albany Medical Center, Albany, New York, two years doing clinical pathology at Berkshire Medical Center, Pittsfield, Massachusetts, one year doing forensic pathology in Baltimore for the State of Maryland.

I'm board-certified in clinical, anatomic and forensic pathology.

I was a medical examiner in Tucson, Arizona, for a year, after which I went to Miami-Dade County. I was in Miami-Dade County for 19 years, where I was an associate medical examiner. I then took the position of chief medical examiner, District V, for the State of Florida, which is in the central part of the State. I was there for three years, after which I was in Jacksonville for a very short period of time and then took an academic position at the University of Missouri in Columbia. I was there for two years, came to Jacksonville, and I've been with Jacksonville for

12 years now.

Q And you're the chief medical examiner at this office here in Jacksonville, correct?

A Yes, correct.

Q And that includes Duval, Clay and a bunch of other counties too?

A And Nassau. We also cover two counties in District III but that's apart from District IV. So they are Columbia and Hamilton Countys.

Q Could you tell the jury what an autopsy is, Dr. Rao?

A Yes. So autopsy is -- if you take the derivation of the word, it's to see for one's self. And so in the forensic world, it's different to doing a hospital autopsy. In the hospital autopsy, you know why the person died, and you just want to confirm it, whereas in the forensic autopsy, one does not know why the person died.

So the body is looked at very carefully on the outside, looking for reasons that may cause the death. Photographs are taken. The body is washed and then once again photographed. A lot of photographs are taken.

Then a Y-shaped incision is made from beneath collarbones right here (indicating), and the incision

is made and then taken down to the pubic area. And then we look, again, for trauma to the organs before the organs are removed.

Each of the organs is removed and weighed. And the reason that we take weights is sometimes there is a discrepancy between a normal weight and the weight that we look at in the decedent. So that may account for some of the pathology.

After which, an incision is made from one ear to the other, and then the scalp is reflected forward. And then the skullcap is removed, and the brain, again, is looked at, then removed, weighed, sectioned.

Fluid is taken from the eye. It's referred to as ocular fluid. Blood is taken from the heart. Urine is taken from the urinary bladder. Bile is taken from the gallbladder. And these fluids are sent to a laboratory for purposes of testing of drugs and alcohol, which may really cause the death.

After which, a protocol is -- or a report is rendered.

Q And approximately how many autopsies have you performed in your career?

A Several thousands.

Q Okay. And have you previously been qualified in the court as -- court of law as an expert in

forensic pathology?

A Yes.

Q How many times?

A Hundreds of times, in the State of Florida, other states, other countries.

MR. DE LA RIONDA: Okay. Your Honor, at this time, I'd tender the -- Dr. Rao as an expert in forensic pathology.

MS. BYNUM: No questions, Your Honor.

THE COURT: All right.

DIRECT EXAMINATION

BY MR. DE LA RIONDA:

Q Dr. Rao, as part of your duties, do you sometimes testify as to autopsies performed by other medical examiners who used to work at the Fourth Judicial Circuit that are no longer due to illness, left the state, et cetera?

A Yes.

Q Okay. And are you able to review that other doctor's report, examine the notes, look at the photographs, and are you able then, as a result, to come to a conclusion as to the manner and cause of death?

A Yes.

Q Are you able to testify about the autopsy

even though yourself, you didn't do the autopsy?

A Yes.

Q And have you done that on various occasions?

A Yes.

Q Is that part of your duties?

A Yes.

Q All right. I would -- Dr. Rao, I'm going to ask you about two separate autopsies that were performed in this case, one involving the victim Randall Brown and the other involving the victim Derrick King.

Let's focus first on the victim Randall Brown. I want to draw your attention to Medical Examiner No. 08-299. It was a person identified as Randall Brown. And did Dr. Arruza perform the autopsy in that case?

A Yes.

Q Dr. Arruza was the former chief medical examiner here in this Fourth Circuit, is that correct?

A That's correct.

Q Did Dr. Arruza perform the autopsy of Randall Brown on February the 20th of 2008 at the Medical Examiner's Office here in Jacksonville?

A Yes.

Q And were you able to examine her report, her

notes and then also look at the photographs in her case?

A Yes.

Q Okay. And did you determine a cause of death?

A Yes.

Q And what was the cause of death?

A Blunt head trauma.

Q And what was the manner of death?

A Homicide.

Q Mr. Brown's height and weight, were they five-foot ten and 147 pounds?

A Yes.

Q Okay. And was his age 16 years old?

A Yes.

Q And if you could -- and we're going to show you some photographs, have you show the photographs to the jury and demonstrate exactly where they were. But did he have injuries to his head?

A Yes.

Q Approximately how many lacerations, bruises, contusions, fractures did you observe on his head?

A He had more than -- on the outside of his head, he had 14 injuries documented. That's not counting the skull fractures and not counting the brain

injuries.

Q Okay. And if I could, let me just show you -- hopefully, it will appear in front of your screen there. Let me show you a photograph. It should be State's Exhibit 122 do you recognize that?

A Yes.

Q Is that a photograph of Randall Brown?

A Yes, it is.

Q Okay. And that's what called an "identification photograph," is that correct?

A This is a legal identification photograph, correct.

Q Based on that photograph itself, State's Exhibit 122, are you able to detail to the jury any particular injuries that you observed there?

A Yes.

Q If you could, go ahead.

A Yes. So he has a laceration right here. He has a laceration right here. So if you look at his face, his face is deformed because he also has a fracture of this bone right here. That gives you the swelling and the distortion of his face.

Q Dr. Rao, it might be good -- since you're going to be talking about lacerations, abrasions, fractures and other stuff, this jury may not be aware

of what they are. If you could just define them right now so that when you're talking about both Mr. Brown's case and Mr. King case, they would know what you're talking about?

A Yes. So an abrasion is when the -- when you, for example, slide on something rough, you get -- the skin is rubbed off, like a carpet burn or, you know, a brush against asphalt in a fall. So that is an abrasion.

And a bruise is when the skin is not broken, but the underlying blood vessels are ruptured. So you get a discoloration of the skin. So, you know, we've all suffered that type of injury.

A laceration is when the skin is actually torn but not only the skin but the underlying tissue also. So you can open the injury, and you can actually see the tearing of the underlying tissue. That is a laceration.

A fracture is when a bone is broken. So different types of fractures. You get closed fractures, where the bone is not seen. Open fracture, where you can actually see from the outside that the bone is broken.

Q And, Dr. Rao -- I'm sorry. Yeah. Dr. Rao, in terms of the autopsy that was performed in both of

these victims, based on your examination of the notes, photographs, et cetera, are you able to tell whether when the blows or injuries were inflicted on both of these people -- let's talk about Mr. Brown. I don't want to get confused with those cases.

First, are you able to tell whether the victim is alive when these injuries are inflicted on them?

A Yes. They were alive.

Q Okay. Let's go to State's Exhibit 123. I ask you if you could describe any injuries that are depicted in that photograph.

A Yes. So you can see through the hair that there is a laceration. You can -- the reason it's a laceration is you can see the underlying tissue here within that injury where the -- you can see the underlying tissue.

Q And for the record, what side of his head would that be?

A On the left side.

Q Okay. Dr. Rao, I'm showing you State's Exhibit 124. What does that photograph show?

A So here, you're looking at the right side of his face and you can see multiple injuries. You can see one here. These are lacerations, laceration right

there, one on the face. You can see a bruise right here. You see an abrasion on his nose right there. You can see that his ear is -- has got multiple tears of the cartilage of the ear right here. You can see one to the -- behind his right ear, laceration.

Q And for the record, that photograph depicts his right side of his face, is that correct?

A Yes.

Q Let me show you State's Exhibit 125. What does that photograph show, Doctor?

A So this is the top of his head. And the hair is shaved so one can see the injuries more clear. So you have a laceration here, and like I said, you can see the underlying soft tissue. And then there is a laceration here, a smaller laceration here, a laceration here.

Q If I were to tell you that a -- a hammer was used to inflict those injuries, would that evidence that you see there be consistent with a hammer being used to inflict those injuries?

A Yes.

Q And how can you say that?

A Okay. So if you look at the shape of the injuries, there are certain patterns that you see, for example, a semicircular one like here. The fork of the

hammer, the other side, not the round face but the other side, this is consistent with that. Here again, there is a semi-lunar-type injury. And what was described as the skull fractures underneath had a circular pattern, where the force that went through causing these injuries then impacted the skull, causing those circular fractures that correspond to the face of the hammer.

THE CLERK: Your Honor, may I retrieve the hammer from the evidence locker?

THE COURT: Sure.

MR. DE LA RIONDA: I'll continue on.

Oh, we've got the IT person here to fix the microphone?

THE COURT: The mic here at the witness table is not working. I don't know if it's because of the cart.

Just so I know, Mr. Smith, that overrides this thing up here, right?

MR. SMITH: Either one of them can do the same thing, Your Honor. It was muted.

THE COURT: Not up here it wasn't.

MR. SMITH: We'll check on that.

THE COURT: Okay.

MR. DE LA RIONDA: May I proceed, Your

Honor?

THE COURT: Sure.

BY MR. DE LA RIONDA:

Q Dr. Rao, I was asking you about State's Exhibit 125. Let me show you the hammer. Would this hammer be consistent -- in terms of the shape of the hammer, consistent with the injuries that you observed in those photographs?

A Yes.

Q Dr. Rao, I'm showing you State's Exhibit 126. What does that photograph show?

A So this is the right side of his face, and you can see the curved configuration of the injury right there. You can see this one but this also has a curved configuration. And then you have the linear patterns right here and right here, lacerations to the right side of his face. And this is a very deep abrasion on the right side of his nose.

Q State's Exhibit 127, what does that photograph show?

A So this is his right ear and the front of his right ear. And the two claws of the hammer could give you this, consistent with this pattern right here.

Q State's Exhibit 128, what does that photograph show?

A So this is behind his right ear. You have an abrasion which has a circular pattern right there. And then you have a laceration behind his right ear.

Q State's Exhibit 129, what does that photograph show?

A So this is his left arm. And he has multiple, like, punctate-type lacerations, multiple right there. These are consistent with defense-type injuries as one puts one's arm to protect one's self. Then the injuries are incurred on those surfaces. And he actually had a fracture of his left ulna, which is one of the long bones in the forearm area.

Q State's -- I think those are the photographs I wanted to show you regarding the victim Randall Brown.

Let me ask you a few other questions regarding the injuries that you described already. You stated that just visually, you were able to document -- did I understand correctly -- 14 actual injuries? Is that correct?

A That's what Dr. Arruza had documented, yes.

Q And were you able to look at -- based on the photographs and see that too?

A Yes.

Q Okay. And were there other additional

injuries besides those?

A Yes.

Q Were there numerous injuries to his arm? And I think he had some on his other parts of his body in terms of showing defensive injuries of some type?

A Yes.

Q Okay. And you briefly mentioned defensive injuries. How -- when we refer to defensive injuries, what does that mean, that someone's trying to protect -- please elaborate on that.

A Yes. So when one is assaulted. So you're trying to protect your face and your head, which we think is the most important and most vulnerable. So you put your hands up. And so whatever you're being assaulted with, then you would get injuries on the back of your arms, on your hands, on the front, if you put your arms up. Sometimes if you're laying on the ground, you also try to defend yourself with your legs, and so you may get defensive-type injuries on your lower extremities also.

So this is what is referred to as defense-type wounds.

Q Okay. And based on documentation of Dr. Arruza's report, did she also document injuries to the wrists and hands and the thigh and other parts of

his body?

A Yes.

Q You mentioned the fractures or fracture. I guess you mentioned the arm. But there was also to the head itself and the skull. Can you elaborate a little bit about that?

A Yes. Multiple skull fractures and also the mandible, also base of the skull. So when you take the brain out, you have the base of the skull. This gentleman also had fractures on the base of the skull.

Q And was Randall Brown alive when these occurred?

A Yes.

Q Okay. How can you say that?

A So when one is alive, your heart is pumping, and so if there are injuries, that pumping of the heart causes the blood to go to the various areas. And so blood comes out into the areas where the tissue is injured and broken. So you get the bruising. You saw his face was all swollen. That's something that one does not get after death.

So these injuries were all sustained when he was alive.

Q Okay. And would he have been in pain when this was occurring?

A Yes.

Q Would he have been suffering?

A Yes, very much so.

Q In terms of the sequence, is one or are you in this case able to sequence which blows occurred first and which blows occurred last?

A No.

Q Okay. And would death have been instant, in other words, or would it have taken a while in terms of those blows?

A No. It was not instantaneous. There was a period of time during which he sustained all these injuries.

Q And so in terms of his death, he died from just the amount of injuries altogether or the blows, or how would you describe in more detail in terms of what caused his death?

A So what caused his death was the injury to the brain. What caused injury to the brain was skull fractures. What caused the skull fractures were the impacts, multiple impacts, caused by the hammer being wielded with a rather forceful impact to multiple sites as a result of which he died.

Q So in other words, Randall Brown didn't die just from one blow to the head and then he's dead. He

actually being hit over and over and over again?

A Yes, correct.

Q Okay. As part of the autopsy, is toxicology taken? And what I mean -- and can you elaborate on what -- what that means?

A Yes. So fluid from the eye, blood from the heart, urine from the urinary bladder, bile from the gallbladder, these fluids were sent to the laboratory, looking for the presence of drugs and alcohol. And he had no drugs and he had no alcohol.

Q And finally, Dr. Rao, regarding victim Randall Brown, when the autopsy is performed, when the body comes to the autopsy -- Medical Examiner's Office, are the bag -- are the hands bagged?

A Yes.

Q And the purpose of that is just to be able to -- other analyses if need be, like GSR, that kind of stuff?

A Yes. We take fingernails, looking for any DNA evidence that may help to solve the problem.

Q Dr. Rao, if I could, I want to now switch to the case involving the victim Derrick King. And you can switch files, I guess.

Did you have an occasion also as to Medical Examiner No. 2008 -- or 08-298, a person identified as

Derrick King?

A Yes.

Q And was that autopsy performed by Dr. Sherman?

A Yes.

Q Okay. And did Dr. Sherman perform the autopsy on Derrick King on -- also on February 20th, 2008, at the Medical Examiner's Office here in Jacksonville?

A Yes.

Q Were you able to examine his report, notes and then look at all the photos in that particular case?

A Yes.

Q And did you determine a cause of death as to the -- how Mr. King died?

A Yes.

Q And what was that?

A Blunt impact to the head.

Q And what was the manner of death?

A Homicide.

Q And did you -- were you able to document or review the report and determine the height and weight of Derrick King?

A Yes.

Q And what was that?
A He was six-foot five inches and 163 pounds.
Q Okay. And was his age identified in some way?
A Yes.
Q How old was he?
A 20.
Q Okay. Now, where were the injuries to -- specifically to Mr. King?
A He had a total of 38 blunt impact injuries to his head, and he had about 20 injuries to his extremities.
Q I want to show you, Dr. Rao, State's Exhibit 130. Do you have a photograph in front on your screen there?
A Yes, I do.
Q If you could, tell us what that photograph shows.
A This is the legal identification, 08-0298, identifying the decedent as Derrick King.
Q In that photograph, are there some injuries that you could tell the jury about?
A Yes. So he had multiple blunt impact injuries, laceration right here through the upper eyelid above the right eyebrow, through the left eye.

Actually, his eye was sunken because of the trauma sustained to his eye. He's got a laceration here. He's got a laceration here, all through here. He's got a bruise right here, abrasion here and laceration right here. He's also got an abrasion, contusion of his lip.

Q Dr. Rao, I'm showing you State's Exhibit 131. What does that photograph show?

A So you're looking at the left side of his face and also his left -- the left side of his neck, and you can sees he's got lacerations, multiple, right here. This is an abrasion right here. Laceration to his left eye, laceration to the front of his left ear. And all these on the back are bruises or contusions. He's got multiple lacerations through his hair, an abrasion right there.

Q Dr. Rao, I'm showing you State's Exhibit 132. What does that photograph show?

A So this is after the hair was shaved. So you can see better the injuries. And in this one injury here, you can actually see his underlying skull. So it's a full thickness, meaning it went through his whole scalp.

And then if you look, the pattern, again matches that of a hammer, where you have these parallel injuries that you get from the claw impacting and the

dragging sensation after that. And then you have the curved injuries right there, curved injuries right there, right there.

And Dr. Sherman described also the circular fractures that went and hit the brain, causing multiple injuries to his brain, also bleeding on the surface of his brain.

Q Dr. Rao, I'm showing you State's Exhibit 133. What does that photograph show?

A So this is the back of his head, and you can see the curved pattern right there, one there, one there.

Q State's Exhibit 134, what does that photograph show?

A So this is the right side of his head. You have the laceration above his eyelid and the one to the forehead area and one through his right frontal area.

Q And are those injuries that you described consistent with being caused by a strike from a hammer, the hammer that I've already had you look at?

A Yes.

Q State's Exhibit 135, what does that photograph show?

A So this is the left side of his neck and also his jaw area. So you have a bruise right there, and

you have a bruise running right onto his left side of the neck and the front of his left shoulder.

Q The injuries that you've been talking about already, was Mr. King alive when these injuries were inflicted?

A Yes.

Q And did he suffer as a result of these injuries?

A Yes, very much so.

Q Was he in pain when these -- when this was being --

A Yes.

Q State's Exhibit 136, what does that photograph show?

A So this is, again, his left shoulder. This is the back of his head that you're looking at. And so you have bruising right here.

Q State's Exhibit 137, what does that photograph show?

A So this is the left forearm that you're looking at, and you can see the pattern corresponding or consistent with the face of the hammer, nice curved pattern to that. And all this is bruising that you can see. And the reason that you have the bruising is he also had a fracture of his left ulna, which is one of

the bones of the forearm.

Q And would that particular injury that's in front of the jury right there, that is, State's Exhibit 137, that's depicted in that photograph, would that injury be consistent with what you refer to as a defensive wound?

A Yes.

Q Tell us how that would occur.

A So if he put his arm up, as he was sustaining the injuries to his head, multiple -- actually, there are multiple strikes, enough -- with enough force to actually fracture a grown man's forearm bone.

Q State's Exhibit 138, what does that photograph show?

A So this is the back of his left hand. And you can see an abrasion there, an abrasion there, abrasion there and the bruising of his entire back of his hand and an abrasion right there.

Q And are those injuries consistent with defensive wounds also?

A Yes.

Q State's Exhibit 139, what does that photograph show?

A So this is his right forearm, and you have multiple abrasions going all the way from his knuckle

area, abrasion there, abrasion there, one there and one there.

Q And are those injuries consistent with, again, being defensive wounds --

A Yes.

Q -- where Mr. King was trying to defend himself?

A Yes.

Q State's Exhibit 140, what does that photograph show?

A So this is the back of his right hand, and you can see the abrasion there, abrasion there. There's also a degree of bruising surrounding that abrasion.

Q And State's Exhibit 141, what does that show?

A This is his knee and you have an abrasion on his knee.

Q And State's Exhibit 142, what does that show?

A This is a laceration on his left knee.

Q Dr. Rao, I think you stated Mr. King -- you were able to document -- 30, did you say? How many did you say, how many actual injuries to his --

A 38 to the head and 20 to his extremities. This is what Dr. Sherman had documented.

Q So a total of 58 various blows or injuries,

is that correct?

A Correct.

Q And as part of your -- or part of the autopsy that was performed on Mr. King, was toxicology done on him too?

A Yes.

Q Okay. What were the results of the toxicology on Mr. King?

A So he had the presence of traces of cocaine and the metabolite of cocaine, and he also had cannabinoids, which is marijuana.

MR. DE LA RIONDA: Your Honor, if I could have a moment. I think I'm done, if I could have a moment.

THE COURT: Sure.

MR. DE LA RIONDA: (Conferring with co-counsel.)

I'm finished. No further questions.

THE COURT: Miss Bynum?

MS. BYNUM: Thank you.

CROSS EXAMINATION

BY MS. BYNUM:

Q Good morning, Doctor.

A Good morning.

Q Just to be clear, you, yourself, didn't do

either of these autopsies, is that correct?

A That is correct.

Q And so you didn't actually handle either body.

A That is correct.

Q These are not your notes or reports. You're just testifying off of those.

A Correct.

Q Okay. I want to talk briefly about these defensive wounds that you -- that you testified about. You said they're consistent with defensive wounds, correct?

A Yes, correct.

Q And not to sound silly but you -- that's because you weren't there, right? You didn't actually witness what happened?

A Correct.

Q So your testimony has to be based on what those wounds are consistent with.

A Yes.

Q Would you agree that something consistent with defensive wounds and/or abrasions on the knees might also indicate some sort of struggle?

A Unusual but it's possible.

Q Okay. And turning to bruising, you talked a

little bit about that. You said that you can tell when some of the wounds were inflicted because of the redness, which meant that the heart was still beating, is that accurate?

A Yes.

Q Would you agree that the heart still beats even when someone's unconscious?

A Yes.

Q Okay. So when someone's unconscious, they're not dead. They're just not conscious. But their heart is still beating.

A Correct.

Q Okay. And turning to the blows to the head, there were several on each -- on each male. But you testified that you can't tell which one occurred first, is that correct?

A Yes, correct.

Q So -- and I think you also said that each could have been fatal on its own.

A I didn't say that but that's a fact.

Q Oh, okay. I'm sorry.

A Yeah. The severity of the blows, at least the ones that caused skull fractures and brain injury, each of those could have caused death by themselves, yes.

Q And you don't -- again, there's not a time stamp on those. You don't know which one happened first.

A Correct.

Q And additionally -- and I know this sounds silly, but you don't know in what order each male was struck. I mean --

A Correct.

Q Okay. And the doctors before you looked at -- looked at each -- or did each autopsy and was able to determine based on each body kind of how many blows, not necessarily in what order but certainly not who was hit first and who was hit second.

A Correct.

Q The cocaine that was found in Derrick King's system, can you speak a little bit to that based on the first medical examiner's report? And what I'm asking specifically is can you tell when that was ingested?

A Yes. So he had used it very recent prior to his death. How recent I couldn't tell you. But cocaine has a very small half-life, which means that it metabolizes very quickly in terms of minutes to very few hours. But when he took it -- because we don't know how much he took. So it was starting to metabolize because the metabolite was also found in his

system. So recently.

Q And you said minutes to hours? I think that's what you said?

A That's the half-life, yes.

Q The half-life. Okay.

And is it fair to say that both reports that you reviewed by other medical examiners that you agreed with their opinions in those?

A Yes.

Q And what they opined?

A Yes.

Q So the original medical examiner for -- for Mr. King, if he opined that the -- the fractures or whatever to the skull, that force was -- I'm sorry -- the force was a direct trauma rather than swelling because the brain didn't swell because the individual didn't survive long enough, would you agree with that opinion?

A Yes. Because the brain was injured but he didn't survive enough to go through the phase of edema or swelling.

MS. BYNUM: Okay. Thank you. I have nothing further.

THE COURT: Mr. de la Rionda?

REDIRECT EXAMINATION

BY MR. DE LA RIONDA:

Q Dr. Rao, you were asked about Randall Brown and then also Derrick King in terms of both victims, in terms of you can't say which one was hit first.

A Correct.

Q Correct?

But isn't it also true -- or is it possible also that they were both hit, in other words, could have been hit King for some time and go to B-R-O-W-N and then vice versa?

A Yes.

Q In other words, the injuries that were inflicted on both of the individuals, you were asked about whether -- let's talk about them specifically one at a time.

Randall Brown, you were asked whether he was unconscious or not. Based on all the facts in terms of the scene itself and also -- and let me backtrack a second.

By the way, the Medical Examiner's Office, in addition to the autopsy, do you have somebody actually go to the scene itself, an investigator that goes there, observes, takes pictures and issues a report that is then incorporated as part of the medical examiner report?

A Yes.

Q And is that used by you and other medical examiners to determine the whole history of what happened?

A Yes.

Q Okay. And based on the photographs and other evidence there at the scene, is it consistent with both of the victims being alive? In other words, my question is were they unconscious after one blow, and they just sat there and took the blows?

A No. I couldn't tell you that, no.

Q Okay. And is that because of the defensive wounds that each of them have?

A Yes.

Q Okay.

MR. DE LA RIONDA: No further questions.

THE COURT: All right. Thank you, Doctor. You can step down.

(Witness excused.)

THE COURT: State's next witness?

MR. DE LA RIONDA: Your Honor, the State at this time would announce that it would rest its case.

THE COURT: All right. Let me see counsel at the sidebar real quick.

(Sidebar conference without the reporter.)

THE COURT: All right, ladies and gentlemen. The State has rested their case. The defense will now present theirs.

And so, Miss Bynum or Mr. Williams, your first witness.

MS. BYNUM: Yes, Your Honor. Defense would call Janice Jones.

THE COURT: Janice Jones, please.

Ms. Jones, if you'll come up to the front for me, please.

And if you'll raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, ma'am. If you'll come right around this way for me and have a seat.

You can adjust that microphone if you need. Just speak loudly into it so everybody can hear you.

THE WITNESS: Okay.

THE COURT: Miss Bynum.

MS. BYNUM: Thank you, Your Honor.

JANICE BRIGHT JONES,

having been produced and first duly sworn as a witness

on behalf of the Defendant, testified as follows:

DIRECT EXAMINATION

BY MS. BYNUM:

Q Good morning, ma'am.

A Good morning.

Q Can you please introduce yourself to the jury?

A My name is Janice Bright Jones.

Q And where do you live?

A I live in Pensacola, Florida.

Q How old are you?

A I'm 58.

Q And are you employed right now?

A No, I'm not.

Q What did you do prior -- well, why are you not employed?

A Retired, disability.

Q What did you do prior to that?

A For 21 years, I was a receiving manager at a local grocery store in Pensacola.

Q Do you know someone by the name of Raymond Bright?

A Yes, I do.

Q And how do you know him?

A He's my brother, my middle brother.

Q Your middle brother. How much older is he than you?

A Five years.

Q Okay. And can you describe the makeup of your immediate family, meaning do you have any other siblings and what was that dynamic like?

A Yes. I have one other brother. His name is Willie Bright Jr. He's ten years older than me.

Q Okay. So that makes five years older than Raymond Bright.

A Yes.

Q And can you tell the jury where you were raised?

A We were raised in Pensacola, Florida.

Q With your mom and dad.

A Yes.

Q Just the five of you?

A Yes.

Q Okay. Did you have a lot of money growing up?

A No. No, we didn't.

Q Did you have running water?

A No, we didn't.

Q Did you have heat?

A Yes, two heaters.

Q And can you explain kind of where those heaters were in the house?

A We had two gas heaters. One was in the living room, and the other was in my father's bedroom.

Q Ma'am, without running water, how is it that you bathed?

A We bathed in a wash pan, and sometimes if we took a really good bath, we bathed in a larger tub.

Q Were you allowed to use the restroom in the house? Did the house have plumbing?

A No.

Q And can you explain what you had to do to use the restroom?

A At the beginning, we had to use the bathroom completely in a bucket and -- and take it outside. And later on in years, my daddy started digging a hole for a septic tank, but he never did completely finish it. So at that time, we were able to urinate in the toilet, and -- and we had a bucket of water by the toilet that we would pour down the toilet. Other than that, we still used the bucket and disposed of it.

Q And then at some point were you able to, I guess, fetch water and keep it in the bathtub?

A Yes, ma'am. We -- we got our water from the next-door neighbor. She had what they call a "pump

house" in her backyard -- backyard that had a faucet. And that's where we were going, to her little pump house she had in her backyard and get buckets of water and bring home and stored them in containers in the kitchen for use for cooking and washing dishes. And we would fill the bathtub up to use for pouring down the toilet and for washing up.

Q And, ma'am, I'm sorry. Can I have you just get a little closer to the microphone?

A I'm sorry.

Q You're fine. You're a little soft-spoken. Thank you.

Miss Jones, did you have toothpaste?

A No, ma'am.

Q That's much better. Thank you.

Can you -- can you describe to the jury what -- what you used growing up. When I say you, is the jury to assume that Mr. Raymond Bright was in the same situation that you were?

A Yes, ma'am.

Q Okay. You grew up in the same household, under the same roof.

A Yes.

Q What did you use for toothpaste?

A Baking soda.

Q And did you have a toothbrush?
A No.
Q What did you use for a toothbrush?
A We would get wash cloth and put it over our finger and wet it and dip it in baking soda and use it to brush our teeth.
Q Do you -- I'm sorry. Go ahead?
A We used to brush our teeth like that.
Q Do you remember the first time you got a toothbrush?
A Yes. I was in middle school. I got my first toothbrush. There were dental students from the college who went around to the schools to give free cleaning to the students. And so they cleaned our teeth and then they also gave us a free toothbrush and -- and toothpaste.
Q And that's when you were in middle school?
A Yes.
Q Did you have garbage collection growing up?
A No. We burned our garbage.
Q And even after -- well, let me ask you this: Was it always mandated by the county or did that come later?
A That came later.
Q And even after the county mandated some sort

of garbage disposal, what did your father decide to continue to do?

A He -- he still didn't -- he was afraid someone would go through our garbage and find out our business or anything. And a lot of stuff we saved since he owned a junkyard, was a junk dealer. A lot of stuff we saved, like cans and glass. And then paper stuff we still continued to burn in the backyard.

Q Was -- and we'll get to the junkyard in just a moment.

But was Raymond ever picked on in school for not being clean?

A Yes.

Q Can you tell the jury about that?

A Well, it was hard to stay clean, working in a junkyard and -- and not being able to take proper baths. So we were always dirty, fingernails. I was able to clean myself up a little bit before school. But Curtis, Raymond -- we always called him by his middle name, Curtis. It was kind of hard for him because he would have to get up early in the morning as soon as the sun came up to do work in the junkyard first and then, you know, rush to get ready so he wouldn't be late for school. So, yeah, he would be dirtier, his hands and stuff, and kids would pick at us

and call us "grease monkeys."

Q Ma'am, I want to turn -- turn to some of the abuse that you and -- and you're calling him Curtis. I guess I should clarify that. That is Raymond's middle name when. But when you say "Curtis," you're referring to Raymond Bright.

A Yes.

Q Okay. I'm going to turn to some of the abuse that both you and Mr. Bright suffered at the hands of your father and witnessed. If you need a moment through any of this, you let me know. Okay?

MR. DE LA RIONDA: Your Honor, may we approach sidebar with the court reporter?

THE COURT: Yes, sir.

(The following sidebar conference was had out of the hearing of the jury:)

MR. DE LA RIONDA: Your Honor, I would object to any abuse that she suffered unless the defendant was present and observed it.

MS. BYNUM: Sure, yeah.

MR. DE LA RIONDA: Or any abuse that the defendant suffered unless she was witness to it.

MS. BYNUM: Sure.

MR. DE LA RIONDA: Okay. I just want to

make sure that's clear because you just asked her a general question, abuse that she suffered. It's irrelevant.

MS. BYNUM: Oh, yeah. I will lay some sort of predicate that he was present for it and witnessed it. And she's going to talk about how her father made them watch each other be abused.

THE COURT: Be sure the predicate is laid before you get into the abuse.

MS. BYNUM: I will.

THE COURT: But I agree. Just abuse as to her doesn't really matter. It would be as to him that she observed or as to her if he observed.

MS. BYNUM: Yes, sir.

THE COURT: Okay.

MR. DE LA RIONDA: And while we're here, I guess one other area I think she's going to talk about is sexual abuse.

MS. BYNUM: She's not going to.

MR. DE LA RIONDA: Okay. All right. Thank you.

THE COURT: Okay.

(At the conclusion of the sidebar conference,

the following further proceedings were had in the presence of the jury:)

MS. BYNUM: May it please the Court?

THE COURT: Yes.

MS. BYNUM: Thank you, Judge.

BY MS. BYNUM:

Q Ma'am, just to clarify, the questions that I'm going to be asking you, all I want you to discuss with the jury or tell the jury are instances of abuse that you suffered and that you are aware that Curtis was present for or that Curtis suffered and you were there to see. Does that make sense?

A Yes.

Q Okay. And I'll only ask you about those times.

My first question is did you witness Curtis experience any abuse at the hands of your father while you were growing up?

A Yes.

Q Do you remember what age -- what is your earliest memory of that?

A That's all I can remember.

Q Okay.

A Since I was a kid. Since I can remember.

Q Okay. So from very early on.

A Yes.

Q Can you describe -- can you describe to the jury the abuse that you witnessed from your father to Raymond?

A We got whippings. Curtis got whoopings or got hit at least two to three times a week. Then we got beatings at least twice a month.

The difference between whippings and hittings and beatings, we got hit if we were around my dad and he got angry about something we were or were not doing. He would pick up whatever was near him and hit us with it. Most times, it was outside when we were working in the junkyard. If we were failing to do what he told us to do or not doing it fast enough or the way he thought we should do it, he would pick up something, a board or piece of metal, hubcap, whatever was near him and hit us with it.

And then when we got beatings, they would last for hours, talking and whipping us. He would talk to us. He wouldn't have us say, I'm going -- if we did something wrong and he didn't punish us at the time, he would say, I'm going to add this up. I'm adding this up.

You know, so -- and then he would say -- you know, he would -- when he got ready to beat us, he

would remind us of all the things that we had done that he promised he was going to add us up and punish us for. So he would talk to us, explain it to us, what we were going to get a whooping for.

He would get the bible and he would read the bible. And it was always a passage explaining why he was doing what he was doing, that it was his place to punish us, and then he would make us read passages about disobedient children. And that would go on for hours and hours, and then he would whip us with the belt, always on our back, would strike us in the back, just -- just -- he would just -- he would just go out of control, beating us. And then he would stop and lecture us again and read the bible some more.

Q And those beatings that you're talking about -- because I know you started with describing, I guess, a whooping, which is when he throws something at you just out of anger. But then these beatings, did they feel almost planned?

A Well, yeah. You know, he would pick a time and call us in and -- and we knew.

Q You knew what time it was?

A We knew that it was time, that -- that he was going to punish us for all the stuff that he had let us get by with or -- and sometimes things that we didn't

even know we had done. He would spy on us and see us doing something or attempting to play with the neighborhood kids or --

Q So the things that you were beat for, is that because you were doing things that -- is that because you were committing bad behavior, or was it for things that children just do?

A We were punished and beaten for not doing things that no child should have to be responsible for doing. And we were beat for doing things that any normal child would do.

Q Did your father ever draw blood when he beat you?

A Yes.

Q Did you ever witness Raymond pass out from a beating?

A Yes.

Q Did your father ever use electrical boards?

A Yes.

Q Growing up, did Raymond stutter?

A Yes.

Q Does he still stutter to this day?

A Only when he's nervous or upset. He used to stutter all the time, all the time when addressing my dad. That angered him that he would stutter. But it

would just make him more nervous and he would stutter more.

He got -- one time, in one of our beatings that was brought up, my dad came in the back door, and we didn't know he was in the house. And Curtis and I were in the living room talking, and we were talking normal to each other. And the next time we got beat, my dad brought that up and said, why is it when you're talking to your sister, you can talk normal, and then when I ask you something, you stutter?

Q Did Raymond wet the bed growing up?

A Yes.

Q Would your father be angry about that?

A Yes.

Q Did you notice any pattern in -- the more Curtis would stutter and wet the bed, the more he would get beat and then the more he would stutter and wet the bed?

A Yeah. Dad would holler at him and grit his teeth at him and snatch him in the chest and try to -- and demand that he -- if he asked him a question, wanted him to say something, demand that he speak to him without stuttering. And the more he did it, the worse it got. And then my dad would just continue, you know, start over, start over, start over. You know,

you're going to talk to me, you know, until you -- so that just led to beating because Curtis doesn't do it. He couldn't talk to him without stuttering.

Q Do you feel that Raymond was beat the worst or the most frequently? Do you feel like your father targeted Raymond?

A We all had it bad. I think Curtis suffered it more. My oldest brother, ten years older than me, so -- and he was -- he was a little stronger with my dad, you know, not that he didn't work, you know, in the junkyard and get whippings and stuff. I don't remember a lot of beatings with him because like I say, he's ten years older than me.

But I know he -- he participated in outside activities. He was in the Boy Scouts. He played football in high school and he -- he went places. And he was allowed to participate in outside activities after school as long as he took me with him because I was the baby.

So when he was 16 and in high school, I was six. So he would have to pick me up. I'd go to school. When I got out of school, went to a neighbor's house. He was responsible for picking me up. So I went to his football practice with him and stuff.

So he -- he was a little stronger with my dad

and stood up to him a little more. And it's like my dad preyed on the weaker, and Curtis was weaker and nervous and -- and fearful of my dad. And it was the same way with me, but it may have been a little better with me because I was a girl.

And not that I didn't get beat, you know, but there was some times, my chores were a little more softer than Curtis's. Like, on weekends, like, on Saturdays, you know, my chores were in the house, you know, cleaning the house, you know, which, you know, I thought was a treat, you know, versus him having to go outside either in the cold or the rain or the heat from sunup to sundown, working in the junkyard.

Q Did you -- ma'am, did you ever witness your father verbally abuse Raymond?

A Yes.

Q Put him down, criticize him?

A Yes, all the time.

Q I want to turn now to this junkyard that you've made mention of a couple of times. First, can you just describe it to the jury? When you say "junkyard," is it attached to your house? Is it in the back? What does it look like?

A Our junkyard surrounded our house. Front, back, both sides was junk cars, parts 'cause my dad

brought in so many cars. It started off on the right side of the house. We had a house and then we had property, which was probably the equivalent of two more houses. It was a lot but it was -- it was full. And so it went over into the backyard, into some property that belonged to an aunt in the back. And --

Q Where would he get the junk for the junkyard?

A He would haul cars. He would pick up junk cars, either buy them cheaply or haul them off from people who -- who wanted to junk cars.

And he -- so he ran the junkyard and also sold parts. You know, he was a mechanic and then when he bought a car, you know, he would strip it of the good parts, and people would come there to -- to buy the parts. And then he would get the junk cars ready for taking to the junkyard to sell.

Q And you stated that you and Raymond both were made to work in this junkyard.

A Yes.

Q And was that before school and after school?

A Yes.

Q How early would you have to be out there before school?

A When the sun came up. As soon as it's light that you could see, we were outside doing something.

Q And how young -- is this -- is this too for as long as you can remember, or how young were you-all out there?

A As young as I can remember.

Q And how late would you have to work after school?

A Sometimes till dark. Most times till dark.

Q Were you ever allowed to play with other children?

A At school and if we snuck and did it when he wasn't there.

Q Did the -- did working in the junkyard ever make -- are you aware if working in the junkyard ever made Raymond late to school?

A Yeah. Sometimes it made him late. Yeah. He would get -- you know, he would try not to be late because that was another punishment, you know. You get your work done and you make sure you get to the school on time.

Q So it was a punishment for being late to school?

A Yes.

Q So he would have to work in the junkyard, and then he'd be punished for being late to school.

A Yes.

Q Was Raymond ever forced to work in the junkyard through injury?

A Yes.

Q Can you explain that to the jury?

A Over the years, Curtis has had several injuries and he had to continue working. Once he stabbed himself in the eye, picking up some junk on the side of the road. And there was this three-prong stand like you use for a cemetery wreath. Prong stuck him in the eye. And my dad just wiped his eye, and he had to continue picking up stuff.

Q Does he still blink to this day?

A He still blinks to this day. He still blinks his eye from -- from that injury.

Q Was there ever an incident with fire?

A Curtis set himself on fire one time in the yard. We had had a really bad rainstorm, and most of the junkyard had standing water. It was always our chores in the morning to gather stuff together for my dad to take to the junkyard.

And this time, it was burning starters and stuff to -- to get the copper out. Copper was -- was -- had a high value at this time so we were collecting copper. And so we would have to start a fire in the morning and burn these parts to get the

copper out. And we were having a hard time starting the fire because everything was standing water and everything was wet.

So we finally found a spot in the junkyard that there was no water, and we started preparing to build the fire. And piece of wood that we found was wet, so Curtis went and got the gas can and poured it on the wood to help start the fire and managed to slosh it around on his pants. And when he started the fire, it caught his pants on fire.

And then when he was flapping, trying to put the fire out, he kept -- he was spreading the fire all over him. And I just thought to scream, jump in the water. There's standing water back there, so he ran and fell down in the water and put himself out.

And he got up and he ran into the house and he changed clothes. And he came back with those clothes and put them on the fire, burned them.

And I, you know, told him that I was -- that I was going to tell Daddy, you know, because I knew that he was hurting.

Q And let me -- let me -- stop you right there. So instead of -- instead of telling your father that he had caught himself on fire, he ran and changed and ran back outside to get back to work.

A Yes.

Q Okay. And is that because he was fearful of your father?

A He thought -- yeah. He would have got a whooping for that, for being careless.

Q Were you -- ma'am, were you ever paid anything to work in this junkyard?

A No. My dad always said that the money he made, portion was -- of it was ours. He would go to the bank. And he would say, I'm putting this money in the bank, and part of it is for you kids.

But we never saw any money.

Q I want to turn now -- and, again, I'm only going to be asking you questions based on what you and Raymond witnessed as far as the abuse to your mother. Okay?

Did you and Raymond ever --

MR. DE LA RIONDA: I'm going to object to calling the defendant by the first name, Your Honor.

MS. BYNUM: Oh, I'm sorry. I'll rephrase.

BY MS. BYNUM:

Q Did you and Mr. Bright ever witness your father abuse your mother?

A Yes.
Q You both were present for that?
A Yes.
Q How old were you or how old were you when you remember it starting?
A As long as I can remember.
Q Can you describe some of the things that you and Mr. Bright witnessed?
A He would beat my mom. He loved to grab her by her hair and put her down, drag her, hit her all in the head.
Q Would he ever be armed with a firearm?
A Sorry?
Q Would he ever be armed with a gun?
A He would -- in younger years, he would always get his gun. And then he would threaten. And he would go outside and he would shoot in the air. And he would always threaten to shoot her.

In older years, when my dad was drinking and he came home angry and -- and was fussing at my mom, I would go get his gun and I would hide it. And he would be looking for it and couldn't find it because I would hide it. And I wouldn't put it back until his binge was over.

Q And, Miss Jones, did you and Mr. Bright ever

hear your father sexually assaulting your mother?

A Yes.

Q How did you know that's what was happening?

A She was crying and she was telling him that he was hurting her and begging him to get off of her.

Q Did your father ever have -- do you -- do you need a moment?

A I'm okay.

Q Did your father ever have extramarital affairs?

A Yes.

Q And how were you and Mr. Bright aware of that?

A One of his girlfriends lived across the street from us, across the street and couple doors down. When my dad was on one of his binges out drinking, he sometimes would be over there. And we could see his -- when we were in the bathroom, we would look out the bathroom window and see his car parked over there in front of her yard.

Q And you say one of your father's drinking binges. I actually do want to turn now to your father's alcoholism. Is it safe to say your father struggled with alcohol?

A Yes.

Q How often would he drink?

A Sometimes he would go a couple months, not, you know, couple months not drinking but a couple months not really bad.

That morning that Curtis caught fire, he was drinking. He was sitting out front in the car with one of his friends. They were drinking beer. He was -- that was okay. That wasn't too bad with him drinking beer. I mean, wasn't, like, drunk. I mean, punishment was still the same. I mean, he was still functioning, functioning drinking.

But then there were times that he would go on what we called "binges," where he would drink excessively, and he would be gone two or three days or two or three weeks. He would be gone, out drinking.

Was easier times for us, sad to say. Those were easier times for us. Mom was in a better mood and we had fun and we played and watched television and did normal kid stuff.

And then when he came back, we prayed that -- we prayed that he came back in a good mood. Sometimes he would come back and -- and still drinking and that was really bad. That's when -- most times when he would attack my mom. But then there were times he came back and he was, you know, okay.

And then he suffered from an ulcer and hernia and stuff. So sometimes when he did come back off his drunk thing, we nursed him for two or three days while he was in bed, tending to him 'cause he was sick.

Q Was there ever a time when he was drinking that he actually forgot about you and Mr. Bright?

A There was one time in particular, yes. My grandmother was out of town, visiting her brother, and she was going to be returning first part of that week. So that weekend, that Saturday, my dad took me and Curtis to her house to do her yard, to mow her yard and rake and everything, spruce her yard up before she got back.

And we went in his car, and he had his flatbed truck pulling behind him for us to put the trash on. And he unloaded the trailer and told us -- instructed us what he wanted us to do. And he was going to go off for a little bit and just, you know, finish the yard, stay there. He would be back to pick us up.

So we cut the grass and raked the yard and loaded the trailer and everything. And it started getting late and later and my dad hadn't come back. And as it was getting later -- this was the time of year where it was pretty -- it was winter. It was

pretty nice in the daytime with the sun out, but later on in the evening, it got really cold.

Well, that day, I had on my sweeter and I had on Curtis's jacket. As the sun started going down and the wind started getting bad, it started getting really cold and Curtis wanted his jacket. So all I had was my sweeter, and it was really cold, extremely cold. And we pranced around in the yard and everything. And the wind was getting worse and it was getting colder.

So Curtis suggested that we crawl up under the trailer. And we got up under the trailer, and we blocked ourself behind one of the tires on the trailer. And he curled up behind me and held on to me and we were so cold. And --

Q Did your father eventually come back?

A Sometime before daylight, late that night, early that morning. Curtis and I had fell asleep. I really thought we were going to die. But he came back and he was drunk. And he was angry 'cause he couldn't find us and he was cursing. And we were asleep. We didn't hear him. And so he had been screaming, calling our names for a while. You know, where are you at, you know. And so we finally heard him and crawled out from under there. And -- and he just laughed. Y'all some strong kids. You know, I raised some strong kids. You

know, what made you think to crawl up under the trailer?

So he put us in the car, and he told us both to get in the front seat so we could warm up. And he put us in the front seat of the car, and he turned the heat on full force. And that hurt 'cause we were so cold. And it hurt so bad. But we even couldn't tell him, turn the heater off, it hurts. You just didn't talk back to your parents.

So we went, like, four blocks to where he had come from. He was just four blocks away from us at his sister's house, getting drunk. And he wasn't finished drinking. So he took us back to her house, and he parked out on the street. And he says, y'all sit here and I'm going to leave the car running. Y'all sit here and warm up. And I'll be right back.

And Curtis watched him get out and walk around the sidewalk. As soon as he went into my aunt's house, he turned the heater off, you know, because it was hurting our fingers and toes. And to this -- to this day, I can't -- cold weather hurts my fingers and my toes.

But he -- he thought it was funny. My mom asked us, why didn't we go next door to the neighbors? He didn't leave the key at my grandmother's house so we

couldn't go in there. And my mom asked, why didn't we go to the neighbor's? But my dad's last words were, stay here. I'll be back.

If we had left, we would have gotten beaten, if we had left. So we had to stay there.

But he laughed about it. Whenever he told that story, he -- he would laugh and say, you know, I raised some tough kids, you know, almost froze them to death but they survived.

Q And, ma'am, based on everything you testified to -- I -- I think I know the answer to this -- but would you describe your childhood as normal? Is that -- is that --

A We did not have a normal childhood. We -- we were responsible for doing things that no child -- we were responsible for collecting water for our house, for dumping toilets, just working hard labor.

You know, we -- we played at school, and like I said, whenever he was -- we thought he was going to be gone long enough, we will play. And then we were scared after that, scared one of the kids may say or neighbors may say that they saw us or he found out or if he was sneaking 'cause he would hide and watch us, if he was on the other street and saw us playing. You know, we had our fun for the moment, and then we were

just so scared that he was going to find out.

Q And, ma'am, I'm not asking for any sort of diagnosis or anything. But are you aware of any -- of your other family members who have mental health issues?

A Mental health issues seems to run in the family, but particularly, my dad has two sisters -- had two sisters that suffered from severe mental illness to the point of having to be committed at certain times in life.

Q And now I want to turn to something a little happier, if we could. At some point, did Mr. Bright join the Marine Corps?

A Yes.

Q And the day -- can you -- can you tell the jury about the day that happened, what your memory of that is?

A Curtis was finished high school so I think he was about 19 years old. And this particular year, on the junkyard market, cars were required to be clean, which means they couldn't have seats or carpet or lining in it. It had to be all metal.

So we would strip the cars. We would take off the trim of the cars, you know, that was metal. We'd take those off with a screwdriver very carefully

because we also sold some parts. And if the bumper of it was good, the radio or something like that, we would take off good parts and take out the seats, all the lining, the carpet. And the car had to be clean.

So we had an area across the street, a piece of property that my dad owned. And we would pull cars over there and we would burn them. That was the quickest way that they were completely clean. So we had burned a car that afternoon and loaded it. And it was ready for my dad to take to the junkyard that morning. And so we had another car ready in its spot to burn that morning that we got up.

So that's what we were fixing to do. We helped my dad chain this car down on the trailer and -- for him to haul it to the junkyard. And we were instructed to have the other car ready when he returned.

And as soon as my dad pulled off, Curtis walked out to the street, and he was looking down the road, at my dad going down the road and get to the end of the road then. You go around a curve. And so as soon as he went around the curve, out of sight, Curtis ran to the house. Well, I assumed that maybe he wanted to grab something to eat, knowing my dad was gone or needed to use the bathroom or something while he was

gone, you know, and then come back.

Well, when he came back out, he had changed clothes and he had a bag. And he walked over to me, and he says, tell Daddy I'm gone.

And he put his bag under his arm, and he started walking real fast down the street. And I was just crying 'cause I was so afraid that he was going to get in trouble. I was begging him to please come back. Where are you going? Come back. Daddy's going to get you. I'm going to tell Daddy. You better come back.

And he wouldn't stop and I watched him until he turned that curve. I knew he wasn't coming back.

Q Did you know on that day where he was going?

A I had no idea.

Q Did you ultimately discover it was to the Marine Corps?

A I found out -- found out later that he had caught the bus to Evergreen, Alabama, where my grandfather lived. And then from there, he went to -- to enlist into the military.

Q Did -- did Mr. Bright ever come back?

A No, never came back.

Q Could you tell if Mr. Bright was proud to be a Marine?

A Very proud. And the Marines was very proud

of him. He got all kinds of commendations about his -- my mom even spoke to some of his -- I don't know what you call them -- supervisors, that -- how -- such a good hard worker, always going the extra mile, going overboard, always eager to please.

You know, and so my dad, said, yeah, that --

MR. DE LA RIONDA: Objection, hearsay now.

THE COURT: Sustained.

MS. BYNUM: I'm sorry, Judge.

BY MS. BYNUM:

Q Without saying what anyone said, did he send certificates home to your mother?

A Yes. He sent pictures home of him. He -- he was -- went to school to be an aircraft mechanic. So he sent pictures home of planes that he was working on. And -- and every time he got a certificate or something, he would sent it home to my mom.

Q And, ma'am, I want to turn now to Mr. Bright's substance abuse and whether or not you ever witnessed any of that out of him. Did Mr. Bright ever struggle with alcohol?

A Yes, he did.

Q And when did you first notice that?

A When he came home from the military.

Q Did you ever notice problems with any other substance?

A Yes.

Q And when did you first notice that he might have a -- he might be having problems with other substances?

A It was summer of, I believe, 1989.

Q And did you ever witness him trying to get any help?

A Yes.

Q Did you try to help him?

A Yes.

Q What were some of those efforts?

A I got him registered with the VA, because he was a veteran, at the local VA clinic in Pensacola and going to counseling and doctors there. And then through them, he would go to the VA hospital in Biloxi for treatment.

Q To your knowledge, did any of that ever help?

A It would help for a while. We always felt that it just wasn't long enough. I would -- I would fight so hard to get him a place at the hospital in Biloxi, but they have a 30-day treatment program. It's 30 days. After 30 days, you have to check out. And, of course, they'd say, well, 30 days, you have to check

out, and then you can check back in.

But you can't check back in. You've got to go back through the VA clinic and see two or three doctors again and wait for another bed. And so in between those times, you know, it was just hard. He struggled. He -- he fought so hard. And --

MR. DE LA RIONDA: Objection as to her knowledge of this. It's all hearsay.

THE COURT: Sustained.

BY MS. BYNUM:

Q Would you ever see him -- were there times you saw him clean?

A I'm sorry?

Q Were there times you saw him clean, where he wasn't abusing substances.

A Oh, yes.

Q And then you'd see him relapse again.

A Yes.

Q Ma'am, I want to talk just a little bit about the incident in this case. I want to draw your attention to February of 2008. Okay? When was the last time you saw Mr. Bright prior to that date?

A November. That November before.

Q How would you say he was doing at that time?

A He was -- he was doing good. He -- he looked

good. I had some indication that he was depressed and maybe going to get himself into some trouble. But he -- we had talked and he assured me that he was -- he was fine.

Q Did you lose -- you said that was November of '07?

A Yes. He invited me to Jacksonville. That November is my birthday and he invited me and my kids to Jacksonville. He wanted to spoil me, cook for me for my birthday.

Q Did you lose contact with him at any point between late 2007 and early 2008?

A After I returned home, our conversations wasn't -- wasn't like it used to be. You know, we used to talk a lot, and it started breaking off, where I had a hard time getting in touch with him. We wasn't talking as much during the holidays. I didn't hear from him much.

Q Without -- without telling me what anyone said about anything, did you, yourself, ever make attempts to try to get individuals who were residing in his house to leave?

A Yes.

Q And, again, without telling me what anyone said, first of all, were you successful?

A In getting them out?
Q Right.
A No.
Q Secondly, after you spoke with Mr. Bright about that, did he seem nervous or distressed?
A Very.
Q And how could you tell?
A He was stuttering. He was stuttering real bad. I knew he was in distress. He was in fear.
Q Thank you, ma'am. I just have a few more questions just as it relates to Mr. Bright and -- and your family as a whole.
Has he done things in the past to take care of you and your family?
A Yes. He -- my son struggled with drugs and alcohol, and my brother was his biggest motivator, talking to him and telling him -- reminding him that every day was a struggle; he couldn't give up. My son's doing good now.
He helped me with my daughter. I had my children when I was very young.
Q How old were you?
A I was four days shy of 15 when I got pregnant with my first child. I had him when I was 15. And I had my daughter when I was 17.

Q And Mr. Bright has been a positive influence to them?

A Very, very, just always -- just always there to talk to them and encourage them and help them.

He's helped me. He traveled to my house once when -- Hurricane Ivan and it totally devastated Pensacola. And it blew all the shingles off of my roof. And we got the blue tarps, and they had been on there for so long, the tarps began to disintegrate. I was on an 18-month waiting list for someone to come to put a new roof on. That's how bad it was. And Curtis took a vacation and traveled to Pensacola and put my roof on for me.

Q Have you continued to have a positive relationship with Mr. Bright through all of this?

A Yes.

Q You've communicated with him?

A All the time.

Q And how about your children and your niece?

A Yes, yes. They all --

Q What about his grandchildren and your grandchildren?

A Yes. As a matter of fact, his youngest granddaughter just had a birthday on the 5th, and he was -- he was so upset because he was here. And his

cards were at his -- the other place he was at. So he called, asked me, would I please buy a birthday card for him to send her. He didn't want her to think that he had forgotten her birthday.

Q Do you have a grandson that plays college football?

A Yes. My son Gerald plays football for Utah State University.

Q And Mr. Bright keeps up with that?

A Yes. I send him pictures and status reports and stuff and he keeps up.

He remembers everything. He remembers birthdays, anniversaries. He always comments on it.

Q Do you have any reason to believe that anybody in your family would discontinue their relationship with Mr. Bright if he was given a life sentence?

A Absolutely not. We love him.

MS. BYNUM: Your Honor, the only thing I -- I would like to do now is just introduce a few pictures with Miss Jones. May I do that? It's just going to take a moment.

THE COURT: Sure.

Ladies and gentlemen, we'll take a morning break for 20 minutes. We'll resume

at 11:35. So you can leave your notes there in your seats. Please don't talk about the case among yourselves or with anybody else. Don't let anybody talk about the case in your presence. No research. None of that business. We'll see you back in about 20 minutes.

(Jury excused.)

THE COURT: Ma'am, you can step down, take a break.

(Witness temporarily excused.)

(Short recess.)

(Defendant present.)

THE COURT: It just dawned on me. What could Jim Hernandez testify to?

MS. BYNUM: Your Honor, he, I think even in the first penalty phase, testified to -- he -- what he does is he explains the defense composite exhibits on what the awards were in the Marine Corps. He's had training and experience in Marine Corps records and in personnel records and he --

MR. DE LA RIONDA: He -- he is not testifying in his position as an attorney. He's testifying as a former --

THE COURT: Got it.

MS. BYNUM: Oh, I'm sorry. Yes. That would have been an easier way to answer it.

THE COURT: Bring the jury in.

MR. DE LA RIONDA: Lieutenant commander in the Marines.

Your Honor, if we could, before the jury comes out, while this witness resumes the stand, I'm going to ask the witness something regarding the witness having previously testified that they had a good upbringing. She even goes as much -- and I'm going to cross her on that. I don't want her to blurt out what the proceedings were. So Miss Bynum and I talked about it. And she's obviously cautioned the witness not to get into that stuff. Maybe it would be good for the Court to also caution the witness not to do that.

THE COURT: I'm not cautioning her. You guys deal with your own witnesses.

MR. DE LA RIONDA: Okay.

MS. BYNUM: I've spoken to her already about that. I've cautioned her on that.

THE COURT: Okay. Let's go.

(Jury present.)

THE COURT: All right, ladies and gentlemen. Welcome back. We're ready to resume.

Miss Bynum.

MS. BYNUM: Thank you, Your Honor.

BY MS. BYNUM:

Q Miss Jones, I just have a few more questions for you. Is there anything on your screen?

A No, ma'am. Oh, yes.

MS. BYNUM: And, Your Honor, can you inquire of the jury?

THE COURT: Your screens are on? Can you see?

A JUROR: Yes, sir.

THE COURT: Okay.

MS. BYNUM: Thank you.

BY MS. BYNUM:

Q Now I'm showing you what's been previously entered into evidence as Defense Exhibit Number 3. Can you describe that picture?

A Yeah. That's Curtis when he was a young boy.

Q Okay. Do you know about how old?

A I imagine he -- I think he was probably, like, ten.

Q And Defense Exhibit 4, obviously, that's

Mr. Bright. Do you remember anything about that picture and how old he was there?

A Yes. He would have been about 12 because it was my older brother's graduation.

Q Okay. And you said for graduation. Is that why Mr. Bright's in a suit?

A Yes.

Q He didn't look like this every day.

A No.

Q Okay. Defense Exhibit No. 5, what is that a picture of?

A That's when he went into the military. That's one of the planes that he worked on. He was in the Marines at this time.

Q And Defense Exhibit No. 6?

A Yeah. That's still the group of guys that were in the same training class as him at aircraft mechanic school.

Q Defense Exhibit No. 7, how -- about how old is he here?

A I'm sorry?

Q About how old is he here, if you recall?

A I think about mid 30s, I believe.

Q Defense Exhibit No. 8, who is he with in this picture?

A That's my son, Timothy.
Q Okay. Defense Exhibit No. 9?
A That's his first wife, Ann. That's the mother of his two kids.
Q And Defense Exhibit No. 10.
A This is when we went to visit him one summer in North Carolina. On the front, the girls from -- on the left, that's Tenneka, his oldest daughter, and in the middle is Christy, his youngest daughter. And on the right is my daughter, Sherita (phonetic). And then in the back on his left is my nephew Todd, and on the right is my son, Timothy.

MS. BYNUM: Thank you.

I have nothing further, Your Honor.

THE COURT: Mr. de la Rionda?

CROSS EXAMINATION

BY MR. DE LA RIONDA:

Q Good morning, ma'am.
A Good morning, sir.
Q You loved your dad, didn't you?
A Yes, I did.
Q And so did Mr. Bright, correct?
A Yes.
Q And when I say "Mr. Bright," I'm talking about the defendant?

A Yes.
Q You-all grew up in a poor family.
A Very.
Q Very poor, correct?
A Yes.
Q And there were other families out there just like you-all, weren't they?
A I'm sure.
Q A lot of poor people out there unfortunately.
A Yes.
Q Still is.
A Yes.
Q Okay. Your father attempted to do the best he could to give you-all food and to provide you-all with food, correct?
A I wouldn't say so.
Q Okay. The last few pictures we saw, in fact, the one where he, I think, was 12 years old, where your brother was 12 years old, he was wearing a suit, didn't he?
A Yes.
Q Nice suit.
A Yes.
Q Who got him that suit?
A My grandmother.

Q Your grandmother did.
A Yes.
Q Okay. And the other suit that he was wearing the second time, when he was ten years old?
A I'm sorry?
Q The other suit that he was wearing, ten years old?
A Either my grandmother bought it or my mother may have bought it.
Q Okay. And you agree that a lot of people grow up poor and do not go out and commit murder. You agree with that, don't you?
A I'm sorry. Say that again.
Q That a lot of people grow up poor and do not go out and commit murder?
A I agree.
Q You would think -- in fact, the majority of people that are poor do not go out and commit murder, correct?
A I don't know the statistics.
Q You would agree that most people who are poor do not go out and commit murder.
A I wouldn't know about most people.
Q You didn't go out and commit a murder, did you?

A No, I did not commit a murder.

Q Okay. Let me just cover a few things and hopefully I'll sit down. I'm definitely not going to take as long as on direct.

I gather from your testimony here today is you and your brother were both subjected to punishment by your dad, correct?

A Yes, sir.

Q Okay. And you agree that you've previously testified that your dad was a loving father, correct?

A My dad was a loving father.

Q Correct? That is true, correct?

A He loved us.

Q Correct?

A He said he loved us.

Q And he did the best he could in raising both you and your brother, correct?

A I wouldn't say he did the best. He said he loved us.

Q Okay. So going back to what you've testified here today, your brother, the defendant, was aware of what it was like to get beaten, correct?

A Yes.

Q Based on what you've described, that your dad beat him and beat you.

A Yes.

Q Correct?

He was aware of the pain that was inflicted on somebody when you beat somebody, correct?

A He was aware of his pain.

Q Because he, himself, suffered as a result of being beaten by his dad, correct?

A He suffered from being beat by his dad.

Q And you were aware of it too because you were present for that too, correct?

A Yes, sir.

Q Okay. And I gather, when that pain, as you've described, when it was inflicted on you and your brother, in your presence, he cried, correct?

A Yes.

Q Okay. And you did too.

A Yes.

Q So the defendant was aware of what it meant to be beaten in terms of the suffering that it entails in terms of crying, et cetera, correct?

A Yes.

Q Because you-all were awake for that, correct?

A Right.

Q Okay. I gather your dad did not beat you on the head or beat your brother on the head with a

hammer, correct?

A No, sir, he did not.

Q And despite the upbringing that your brother and you were subjected to, you managed to work at different places, is that correct?

A Yes, sir.

Q Okay. So your dad instilled in you a value of hard work, correct? Right?

A I worked.

Q Right. You worked your whole life, correct?

A Yes, sir.

Q Okay. And, in fact, as you stated, the defendant went and -- went to the Marines, correct?

A Yes, sir.

Q Now, he didn't last in the Marines the full time, right? He only was there nine years, correct?

A Yeah, ten years.

Q And that was -- and he got in trouble in the Marines in terms of alcohol and drugs, correct?

A Alcohol.

Q Okay. He had an alcohol problem.

A Yes, sir.

Q Correct?

And the Marines, as best they could, attempted to deal with that and provide him treatment

and all that, but he still kept getting alcohol problems, correct?

A They sent him for a 30-day treatment, alcohol treatment.

Q Okay. But he still kept abusing alcohol, correct?

A Yes, sir.

Q When I say "he," I'm talking about your brother, the defendant, correct?

A Yes, sir.

Q There was also a period of time that you became aware that he was arrested and convicted in an armed robbery, correct?

A Yes, sir.

Q And, in fact, you went there, I gather, at his sentencing there to try to get him some -- make sure he got some rehabilitation or some kind of treatment, correct?

A That's correct.

Q So you were doing the best you could to try to get help for your brother, correct?

A To help him -- help him, yes.

Q Okay. But would you not agree that we all are given, by our creator, free will? Correct?

A We are given, by our creator, free will.

Q God has given all of us free will, the fact that no matter what, it's our choice, correct? You would agree with that, correct?

A I'm not sure I'm understanding you.

Q You believe in the concept of our Lord in terms of God giving us free will? Right? We all have the ability to do what we want, correct?

A I --

Q You agree with that, correct?

A I think so.

Q Okay. And so you agree that the defendant had free will in terms of making decisions to either stop drinking, stop doing drugs and get his act together, correct?

A I wouldn't put those two together. God giving you free will to do as you wish to do, I wouldn't put that in the same category as struggling with alcohol and drug abuse and it affecting your choices. Some -- I don't know how to explain it but I -- I wouldn't compare those two.

Q You're not -- you're not an expert.

A God does give us a free will, but, yes, when you're under -- you know, when you're suffering from alcohol and drug abuse, you know, you're living a totally different life.

Q So you believe in the sense that the system that -- I guess, the VA or the Marines let him down because they didn't give him the treatment he deserved, right?

A No, sir. I don't -- I don't say they let him down. They were there to help him.

Q But you believe they didn't help him enough, correct?

A I believe what?

Q That they did not help him enough, correct?

A I believe that it wasn't enough, that it wasn't consistent enough.

Q So in other words --

A Problem now.

Q Yes, ma'am.

So in other words, it wasn't his fault; it was somebody else's fault, correct?

A I'm not saying it was -- I'm not saying those things. I'm saying that -- that the help that he was offered, the help that is offered, VAs, now and -- and just citizens in general, I think to this day, there could be more work, you know, to make it more effective --

Q Yes, ma'am. Let me see if I can --

A -- for people who suffer from alcohol and

drug abuse and other illnesses.

Q You agree that -- since you're talking about VA and vets and all that, you agree most veterans --

A And I said citizens in general too, not just VA --

THE COURT: Ma'am, hang on, stop.

Y'all have to talk one at a time because the court reporter can't take down two people talking at the same time. So --

THE WITNESS: I apologize.

THE COURT: -- let him finish the question, and then he's got to let you finish an answer.

THE WITNESS: Yes, sir.

MR. DE LA RIONDA: I apologize.

THE COURT: All right.

BY MR. DE LA RIONDA:

Q Let me ask my question, if you could listen to my question. My question is you mentioned the VA and veterans and all that. And while there unfortunately are veterans who have had issues, you agree that most of the veterans, 99.9 percent, do not go out and commit murder as a result of having an alcohol or drug problem. Would you not agree with that?

A Then, again, sir, I don't know the statistics. I don't know.

Q You mentioned one time -- you described one incident in which your brother and you were outside and it got cold, correct?

A Yes, sir.

Q And did I understand you correctly that you were wearing a jacket, and your brother took that jacket and wore it and left you out there without a jacket?

A No. You didn't understand me correctly.

Q Didn't you say that?

A I said that I had on my sweater, and I had on his jacket on top of it. And when it got cold, he asked for his jacket. He just had -- he was sleeveless. He asked for his jacket back. I had my sweater.

Q Right.

A He asked for his jacket.

Q Yes, ma'am. And even though he realized that you were cold, he made sure that he was comfortable and you were still cold.

A Neither one of us was comfortable.

Q Okay. Now, you mentioned that you've kept up with your brother, the defendant, correct?

A Yes, sir.

Q And would you not agree, aside from when he was in the military, that there were periods of time when he was not available to you? Is that not true? In other words, there were periods of time when you had no contact with him. Aside from being in the military, there were other periods of time when he was not able to go to your residence to help you out and all that stuff. There were periods of times when you-all were apart. You'd agree with that.

A There were periods of time that we were physically not in touch with each other. We always found some way to stay in touch, either writing or phone calls.

MR. DE LA RIONDA: If I may have a moment, Judge.

THE COURT: Sure.

MR. DE LA RIONDA: (Conferring with co-counsel.)

BY MR. DE LA RIONDA:

Q You brought up the fact that you-all didn't have toothbrushes, correct? You had baking soda. How did you come up with baking soda? Was that your dad telling you that you needed to wash your teeth or do something?

A My mother.
Q Your mother? Okay.
They did the best they could even though you were poor, correct?
A I don't think he did the best he could.
Q Well, you mentioned your dad owned some land, correct?
A Yes.
Q Lots of land, had a business.
A Yes.
Q Correct?
A Yes, correct.
Q Pretty big business, I gather, from what you're telling in terms of the number of cars that you guys were handling.
A We wasn't rich. That was just his business. He couldn't hold a job because he drank so much.
Q I'm sorry. What?
A We wasn't rich but that was his business, his business that he started, and he called it "self-employment" because he couldn't hold down being employed.
Q You're not telling this jury that your dad caused your brother to kill a 16-year-old and a 20-year-old kid, are you?

A I didn't say that.
Q You're not saying that, are you?
A I didn't say that.
MR. DE LA RIONDA: Thank you. I have no further questions.
THE COURT: Miss Bynum?
MS. BYNUM: Yes, Your Honor.

REDIRECT EXAMINATION

BY MS. BYNUM:

Q Miss Jones, I just have a few follow-ups. Okay? Mr. de la Rionda asked you, isn't it true that you've never gone out and murdered anybody. Do you have aftereffects from your childhood?
A Yes.
Q And what do you suffer from?
A Severe depression, anxiety.
Q Now -- and do you still suffer from those to this day?
A Yes.
Q Now, on that evening where it got really cold, just to clarify, you had a sweater on, and at first, you were wearing Mr. Bright's jacket.
A Yes.
Q And he was sleeveless.
A Yes.

Q So he needed his jacket back.
A Yes.
Q And you're not blaming the Marine Corps for his substance abuse, are you?
A No, ma'am.
Q Your understanding of rehabilitation --
MR. DE LA RIONDA: Objection as to leading at this point.
THE COURT: Sustained.
BY MS. BYNUM:
Q Is your understanding as to the rehabilitation -- is your understanding as to the rehab he received in the Marine Corps that it was more of a dry-up facility?
A Yes. They had -- he was stationed in Arizona and they have --
MR. DE LA RIONDA: I'm going to object to this witness's knowledge of this.
THE COURT: Sustained.
MS. BYNUM: I have nothing further.
THE COURT: Thank you, ma'am. You can step down.
(Witness excused.)
THE COURT: Next witness?
MR. WILLIAMS: Defense will call

Dr. Krop.

THE COURT: Dr. Krop, please.

Good morning, Doctor. If you'll come up to the front and raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, sir. If you'll come right around here for me.

THE WITNESS: Good morning, Your Honor.

THE COURT: Good morning.

HARRY KROP, Ph.D.,

having been produced and first duly sworn as a witness on behalf of the Defendant, testified as follows:

VOIR DIRE EXAMINATION

BY MR. WILLIAMS:

Q Morning, Dr. Krop.

A Good morning.

Q Could you please state your name for the record?

A My name is Harry Krop, K-R-O-P.

Q What is your occupation sir?

A I am a licensed clinical psychologist in the State of Florida. I'm the director of Community Behavioral Services, which is a private practice in -- I have two offices. I have one in Gainesville, which

is where I live, and also one in Orange Park. I established that practice somewhere around 1977.

Q What would you say your job title is?

A Well, I'm a clinical psychologist. I'm the director of a practice, which is called "Community Behavioral Services," where I have probably about 17 other licensed mental health professionals or psychologists working in those offices. My primary focus is in forensic psychology.

Q What is your educational history?

A I have a bachelor's degree in psychology from Temple University in Philadelphia. I have a master's degree and a Ph.D. in clinical psychology from the University of Miami.

I did a required one-year clinical internship at Connecticut Valley Hospital in Middletown, Connecticut. And then I did a postdoctoral internship in neuropsychology, and that was at the VA Medical Center in Gainesville.

After I completed that postdoc internship, I was asked to stay on at the VA, where I actually was the -- I started and then was the director of the posttraumatic stress disorder clinic for returning Vietnam veterans. And then I was able to go part-time at the VA and started my private practice as well in

1977.

Q So what's been your employment history since '77?

A Nothing. I've been -- since '77, I stayed at the VA for about four more years, and then I've been in my private practice.

I taught. I taught at the University of Florida. I've taught at the -- the -- I'm sorry -- at Nova University, which basically had a master's externship program. So I was able to teach on weekends for individuals who were seeking a master's degree in psychology.

And then I've been consultant to several different programs, specifically the University of -- I'm sorry -- Shands, University of Florida psychiatric program, they have a program for psychiatric -- forensic psychiatric residents, and I was consultant, basically teaching how to conduct and interpret psychological testing.

And then I guess one of the other programs that I failed to mention is that my practice established the first sexual abuse and sexual offender treatment program in the State of Florida. That was also in 1977. The State Attorney from, actually, this circuit had requested that we develop and implement a

program so that especially sex offenders who were involved in family abuse would have an opportunity for treatment rather than totally breaking up the family over a period of time. And so we received a grant from what was then HRS, now DCF. And that grant allowed us to start the program for two years. And then since that point in time, it's been self-sufficient.

Q Do you have any licenses?

A I'm licensed as a clinical psychologist in the State of Florida.

Q Do you routinely administer or supervise psychological tests as part of your academic and professional career?

A Well, I think any clinical psychologist -- I mean, that's one of our primary areas of training which differs us from other types of psychologists or psychiatrists -- is the capacity to provide psychological testing, all types of psychological testing, personality testing, intellectual testing.

And in my -- in my practice -- as I said, I went to the VA for a specialty postdoc in neuropsychological testing, which is a specialization within clinical psych of testing for -- to determine whether a person may suffer from neurological damage.

Q Have you testified as an expert witness in

any jurisdiction?

A Yes, I have.

Q Have you testified as an expert witness in the State of Florida?

A Mostly in the State of Florida. I've probably testified in about -- I don't have my résumé in front of me but about 1500 criminal cases and probably a couple hundred civil cases, especially head injury cases. And I've testified in court-martial cases, particularly sexual abuse cases, and I've also testified in numerous federal cases as well as testifying probably about 15 or 20 times in Canada.

Q What fields have you been qualified as an expert in in Florida?

A Clinical psychology in general, forensic psychology specifically. The areas of my specialty is -- have been sexual abuse, as I mentioned before. I've also testified in about 18- -- between 18- -- I'm sure -- I shouldn't say I've testified in 18- or 1900 first-degree murder cases. I've evaluated between 1800 and 1900 first-degree murder -- at least they start out as first-degree murder. Sometime they're reduced. But close to 1900 first-degree murder cases.

MR. WILLIAMS: Your Honor, at this time, we'd ask the Court to allow Dr. Krop to

testify as an expert in the field of clinical psychology and forensic psychology.

MR. DE LA RIONDA: Judge, I'm well familiar with Dr. Krop's qualifications. I have no questions.

THE COURT: All right.

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q Were you asked to evaluate an individual who came to be known to you as Raymond Curtis Bright?

A Yes.

Q And approximately -- what did you do when you first met with him?

A Well, initially, I was requested -- I believe I -- Mr. Nolan, who represented him at that time -- and that was back in 2008. The first time I saw him, it was to assess his competency to proceed. So I interviewed Mr. Bright at the jail, the Duval County Jail, where he was being held at that time. I conducted a clinical interview with him.

And then I saw him also about three or four days later and conducted a more thorough interview as well as psychological testing.

So as I said, the original purpose was to assess his competency to proceed. When I interviewed

Mr. Bright, I had -- I really didn't have any questions about his competency. He was an intelligent individual, although he was highly anxious and depressed at the time resultant to his circumstances. I -- I found him competent.

Q Did you administer him something called the "MMPI"?

A I administered him, at that time, the Beck Anxiety Inventory, the Beck Depression Inventory. As I said, he appeared at least situationally depressed at the time and also reported having panic attacks.

And I also interviewed him -- I'm sorry. I also administered the MMPI-2, which is the most commonly used psychological test. It is a -- it's a true/false format that it -- has thousands and thousands of norms to compare an individual's responses to. And it yields a minimum of ten clinical scales to assess an individual.

And the reason that the MMPI is also administered by psychologists more than any other test, it has excellent what we call "validity indexes," which measures an individual's response set to the particular test instrument. So it can tell you whether the person is being overly defensive, which we often see in custody cases when a person wants to present him or

herself in a very favorable light. And in cases -- criminal cases, the person may feel the need to exaggerate perhaps for the purpose of looking like he was perhaps insane at the time of offense.

So we use that test primarily for validity indexes as well as a clinical profile.

Q Is this validity index tied in any way to the concept of malingering?

A Yes. It essentially would show, as I said, a person exaggerates for the purpose of some type of secondary gain, some type of benefit to perhaps, again, look like he or she was so psychiatrically disordered that it might give him an opportunity to use some type of psychological defense.

But so the F scale, which is the faking bad scale, is consistent with individuals who may be malingering. And just a simple definition, malingering, as I said, is a person who tends to exaggerate psychological symptoms for some type of secondary gain.

In Mr. Bright's case, there was absolutely no evidence of malingering, exaggerating defensiveness, and all of his clinical scales actually were within normal limits, so essentially it was a -- totally within normal limits, MMPI.

Q And just to be clear, I believe you testified that the test itself or part of the test that you administered to him is intended to ferret out if he's going to malinger?

A Well, that's -- that's one of the issues that's looked at. The other issue that I will look at the MMPI for, in criminal cases particularly, is whether in addition to psychiatric scales such as depression, schizophrenia, manic depressive, anxiety, there's also a scale which we refer to as the Psychopathic Deviant Scale, which is an individual who has personality characteristics consistent with what we refer to as a psychopath or in the older days, sociopath.

As I said, he scored within the normal limits not only on the clinical scale but also on the psychopathic scale.

Q So my client, if I'm understanding you, exhibited no signs of psychopathy or malingering?

A Not on the testing, that's correct.

Q What about your general impressions? Did you have any impressions at that time?

A Well, at the time, I really didn't give a diagnosis to Mr. Bright. As I said, he presented as anxious and depressed but I felt that that was

situational. And so I really didn't see any psychopathic, manipulative-type of traits during my interview and my behavioral observations. He was always totally cooperative with the evaluation. Those two interviews as well as a third interview that I did the following years, he's always been cooperative.

Q Were your impressions of my client consistent with someone who suffers from PTSD?

A Well, I wasn't able to -- to look into that. There were a couple of issues that I really didn't have an opportunity to do any kind of follow-up, either neuropsychological testing or testing for PTSD. And based on the history he gave, there was no reason to go forward with looking at PTSD as a diagnosis.

Q Did you request follow-up neurologic screening anyway?

A I requested the opportunity to do further extensive interviewing and neuropsychological screening as well as interviews of family members and possible witnesses, which would have allowed me to get more information for a further diagnosis.

Q How many evaluations have you done, would you say, of individuals charged with first-degree murder?

A I think I mentioned earlier between 18- and 1900.

Q In how many of those cases have you actually been called to testify?

A Probably about 150, between 150 and 175. We're talking about since 1977 when I did my first murder evaluation.

Q And why are those numbers so different?

A Well, for various reasons. I'm usually -- because of the way the law is, I'm usually asked initially to do a confidential evaluation of the defendant. And so if it turns out that I might be able to be helpful, such as providing mitigating factors or whatever, then I would be called to testify. I would be listed as a witness, as you have today.

But in the majority of cases, I'm either not helpful, or the case may be resolved in some other way. So that's why my percentage of actually testifying in proportion to the number of the evaluations I've done is relatively small.

MR. WILLIAMS: Thank you, Doctor. I have no further questions.

THE COURT: Mr. de la Rionda?

CROSS EXAMINATION

BY MR. DE LA RIONDA:

Q I guess technically good afternoon, Dr. Krop.

A Good afternoon.

Q If I understood your testimony correctly, you had contact with the defendant, Raymond Bright, back in August of 2008, correct?

A August 2008. And then I believe maybe July -- I have it written down somewhere -- 2009.

Q Correct, yes, sir. July 2009, correct?

A Yes.

Q And I think you authored some reports, as you stated already, and you actually interviewed the defendant -- correct? -- got his history, that kind of stuff.

A Correct.

Q All right. And let's make sure the jury understands. You were evaluating him as to competent, and you found him to be competent, that he was aware of everything that was going on; he was able to communicate with who he needed to, et cetera, correct?

A Yes, no difficulty in that area.

Q Okay. And as part of what you were asked on direct in terms of whether you diagnosed him with PTSD, you did not diagnose him with PTSD because he told you specifically that he did not suffer from any of that. Or why did you not diagnose him with PTSD?

A Well, there were two basic reasons why an individual may be diagnosed -- well, I mean, there's

lots of potential traumas that a person can go through to be diagnosed with PTSD. I considered that in the sense of he had spent ten years in the Marines, received an honorable discharge and had been seen as a patient at the VA.

So one of the -- I was privy to reviewing his VA records. I'm not sure they were complete, but there was no indication of PTSD, at least related to the military.

And as you said, when -- when I took a history from him, he did not report a history of trauma as a child, so I didn't see any other basis for possible PTSD. And the psychological testing also did not suggest that.

Q So really, there were three reasons, as I think you articulated artfully. But one of them was your testing did not indicate any evidence of PTSD and the fact that the defendant's suffering from PTSD, correct?

A Correct.

Q And the second thing I think you stated was the VA or -- et cetera, and the third thing was he, himself, the defendant, did not tell you that he was abused in any way, correct?

A Correct.

Q He did indicate to you, did he not, that he had been married and divorced, I believe, twice, correct? And I'm sorry. I'm on that -- it's part of your evaluation of August 12th. Do you have that in front of you?

A Yes. It's the typed history.

Q Yes, sir. Yes, sir, two-page.

A Yes.

Q So we're on the same page.

He described to you -- let me make sure I understand it correctly in terms of what he, the defendant told you. He described a good relationship with his family and characterized himself as having been a disciplined child, correct?

A Yes.

Q And although they told you that he ran away briefly at age 17, he returned and did not leave home until he joined the Marines at age 19, correct?

A That's correct.

Q And he, the defendant, graduated on time with average grades.

A Yes.

Q And he never required any kind of specialized course work and was not a disciplinary problem in the academic setting, correct? So he was bright, et

cetera. He had no issues in school from that aspect of it, correct?

A That's correct.

Q And he participated in the ROTC program in school, correct?

A Yes.

Q He indicated he left -- he was in the Marines and I think he told you ten years. It may be actually nine but we'll have another witness testify about that. But he told you ten years, correct?

A That's correct.

Q And he told you that he had one disciplinary action when he was court-martialed for altering a paycheck, correct, while he was in the Marines?

A Yes. He said that was the only disciplinary action he had in the nine or ten years.

Q Right. And he told you that he was found guilty and actually lost a pay grade, correct?

A Correct.

Q And he denied any history of behavioral difficulties in the vocational setting, correct?

A Yes, sir.

Q And he told you that at the time of the arrest, in terms of what you're here to testify about, that he had been unemployed for a few months, but he

had been consuming alcohol and using cocaine, correct?

A Correct.

Q And, in fact, he -- prior to -- to the murders here that we're talking about, he had participated in anger management, did he not?

A Yes.

Q That's what he told you, correct?

A Correct.

Q Because he was arrested for -- in terms of an incident with his wife, correct?

A Back in 1997.

Q Yes, sir. For domestic violence, correct?

A That's what he told me, yes.

Q And you're evaluating all this in terms of making an evaluation of the whole case, correct? That's what you do.

A Sure.

Q You get a history of the defendant, correct?

A Yes.

Q And he told you that he was ordered to participate in anger management.

A Yes.

Q Okay. But he told you that he has no difficulty controlling his temper, maintains relationships for long periods of time.

A Yes. That's what he told me.
Q Again, that's what he's telling you, correct?
A Sure.
Q Okay. He told you he had been using crack cocaine for a period of time, correct?
A Yes.
Q Okay. And that he had been arrested for DUI four times, he told you. I'm sorry. I'm on Page 2 of that. It's under substance abuse.
A Well, he said several DUIs.
Q Okay.
A Well, let me just check.
Q I'm going on what he was telling you.
A Right. I put several times because that was listed down below, but, yes, he mentioned that under the substance abuse history.
Q And he -- also in terms of medical history, he denied any significant medical history, correct?
A Yes, sir.
Q And he denied a history of head trauma seizures, activity, psycho -- whatever the heck that is. Maybe you can tell us what that is.
A Syncope.
Q I mispronounced it.
A That's, like, getting light-headed or

fainting.

Q Okay. And really, he denied any major surgery or major illness, correct?

A That's correct.

Q Okay. So in other words, that's one of the things you, as a psychologist, in treating individuals, in doing your diagnosis, your -- in terms of your clinical and forensic in this case, you're looking to see whether the defendant in this case had suffered from any kind of head trauma so that you could figure out, hey, there's something cognitive that's --

A Well, it would -- if an individual reported in his medical history, for example, head injuries, loss of consciousness, high fevers, things like that, I would at least then go ahead and explore the possibility that the person may have some type of neurological impairment.

Q And you found nothing of that sort, is that correct?

A Well, from his history, that's correct. I -- I did want to do some neuropsychological screening but --

Q You didn't go that next step or it just didn't happen.

A It didn't happen.

Q Okay. And you mentioned also in terms of that he had received treatment at the VA for about three years in the early '80s, is that correct?

A Yes.

Q Okay. And he was treated primarily for anxiety in Gulfport?

A That's what he told me and I had no reason to dispute it. Unfortunately, when I received the VA records, it didn't contain records that went that far back, but I didn't really dispute 'cause he seemed to be fairly self-disclosing during the interview about his history.

Q And he told you about participating -- I think we covered this already, about participating in anger management, correct?

A Yes.

Q Okay. And he told you about being arrested for domestic violence and robbery and burglary, correct?

A Yes, sir.

Q Were you aware, when you came into contact with the defendant, whether he had been seen by other doctors at that point, or were you the first doctor that saw him, two zero your knowledge?

A I think he was seen -- just looking at some

of my notes, I believe he had been seen by Dr. Ernie Miller. I don't recall seeing the report, though. I just knew that he had been seen, but I don't know whether that was before or after I saw him.

Q Yes, sir. Let me, if I could, refer to your report, August 22nd, 2008. It's a one-page one, at least what I've got here.

A I have that.

Q You stated that in terms of your psychological testing, it's inconsistent with any current -- tell me about that.

A You don't want to try and pronounce that.

Q Psychopathology?

A Very good.

Q Is that close?

A Yes. I figured you would know that one.

I said that the testing, as I already pointed out at the MMPI, inconsistent with any current psychopathology, which means any kind of psychiatric disorder of a serious nature or a personality disorder.

I also said the testing did reflect a depressed mood and a high anxiety level. The anxiety level, I think, has been chronic since he reported being treated for that at the VA after he got out of the military, but the depression appeared to be

circumstantial or situational to his legal fight at the time.

Q Okay. Let me go back -- and I apologize 'cause I was trying to do them one at a time. Let me go back to that two-page August the 12th report or addendum to your report that you got on that first part of the childhood history. He, that is, the defendant, reported to you a normal childhood development, free of abuse and trauma, correct?

A Correct. If I can add, however -- and, yes, that is what he reported. It's not unusual that individuals who have been abused still report no abuse. That's certainly not uncommon in individuals who have been abused. But in response to your question, he did not report any.

Q He never reported any physical or sexual abuse of any type, correct?

A No.

Q And finally, sir --

MR. DE LA RIONDA: Sorry, Your Honor.

I'm trying to find something.

BY MR. DE LA RIONDA:

Q Yes. You're not opining here that he, at the time of the murder, was under the influence of extreme mental or emotional disturbance, are you?

A I didn't have enough information to suggest that.

Q And you also are not opining that he was under extreme duress or under the substantial domination of another person.

A I know he certainly reported being very emotionally distraught at the time, but, again, I didn't have sufficient information to be able to give any kind of opinion in that area within a reasonable degree of psychological certainty.

Q And you also are not opining that the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired, correct?

A Again, not sufficient information, no sufficient information for me to opine that.

MR. DE LA RIONDA: Thank you very much, Dr. Krop.

THE WITNESS: You're welcome.

THE COURT: Mr. Williams?

REDIRECT EXAMINATION

BY MR. WILLIAMS:

Q Dr. Krop, why did you request further psychological screening in this case?

A Well, in terms of, as the prosecutor was talking about, what -- what would be considered mitigating factors in a case. So one of the things that I was considering after I opined that he was competent was pursuing further evaluation to explore possible mitigating factors, which would have involved interviewing family, doing further possible neuropsychological testing. But that was not pursued in this case.

Q Not by you. But you saw the need for additional screening?

A Correct.

MR. WILLIAMS: No further questions.

THE COURT: Thank you, Dr. Krop. You can step down.

THE WITNESS: Thank you, Your Honor.

(Witness excused.)

THE COURT: Let me see counsel at sidebar real quick without the court reporter.

(Sidebar conference without the reporter.)

THE COURT: Next witness.

MS. BYNUM: Defense would call Mr. James Hernandez.

THE COURT: James Hernandez.

Mr. Hernandez, if you'll come forward and raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, sir. If you'll come right over here to the chair for me.

Miss Bynum, go right ahead.

JAMES HERNANDEZ,

having been produced and first duly sworn as a witness on behalf of the Defendant, testified as follows:

DIRECT EXAMINATION

BY MS. BYNUM:

Q Good afternoon.

A Good afternoon.

Q Please introduce yourself to the jury.

A Yes. My name is James Hernandez.

Q And, Mr. Hernandez, what do you do professionally?

A I am an attorney in solo practice here in Jacksonville, Florida. I've been in solo practice since 1995. My practice consists of criminal defense in federal court, state court and military courts. Also, I practice family law.

Q And prior to becoming an attorney, did you have any military training of your own?

A Yes. I served 15 years in the Marine Corps, active duty.

I served another 11 years in the reserves, the selective reserves. While serving in the selective reserves, I was recalled back to active duty two times, once for a two-year, two-month period of time. Then I left my law practice. And the other was for a year.

And then I was in what's called "retired reserves" for another 15 years. That's basically where your name's on a list, if World War III happens, to call up old fat Marine.

Q Can you detail your experience with military personnel records?

A Yes. Basically in 1980, I was sent to Parris Island, South Carolina, for a six-week course to serve as -- additional duty as a personnel officer and a legal officer for the units that I was with from 1979 to 1983 in assisting the combat engineer unit and a Marine Corps air station unit.

After 1983, the Marine Corps sent me to three years of law school, to the University of Alabama, where I enjoyed myself for three years while going to law school.

And after that, I attended a three-month naval legal course that dealt with personnel records

and dealt with court-martial procedure.

I then served six years on active duty after that to pay back my obligation to the Marine Corps.

And then I got out, went to Public Defender's Office, and then over the next five years, I was recalled back to active duty twice while at the Public Defender's Office.

Since then, I've served in private practice, since 1995, and I've done work in military court-martials.

MS. BYNUM: Your Honor, may I approach? I mean -- I'm sorry -- the witness.

THE COURT: Sure.

MS. BYNUM: Thank you.

BY MS. BYNUM:

Q Mr. Hernandez, I'm showing you what's been marked as Defense Composite Exhibit 11, if you can go ahead and refer to that throughout your testimony. Do you recognize those?

A Yes. These are various documents that have been taken from the personnel file of Raymond Bright.

Q And were you asked to review those as part of your testimony for this case?

A Yes, I was.

Q Starting with the very first document that

you have before you, what is that?

A It's a 214. A 214 basically is a record that the Marine Corps utilizes to summarize a Marine's service during a certain period of active duty. It has basic personal identification factors. It also lists what the Marine's military occupational specialty or job is. It lists the personal decorations and rewards the Marine receives -- has received up to that period of time. It lists what type of discharge he's been discharged for and the separation code and the reason for discharge. It lists the reenlistment code.

The first document on this list is for a period of time of 79-04-10 as the initiation of the enlistment through 82-03-25. And it has -- this document covers that period of enlistment.

Seems like Mr. Bright was given an honorable discharge, and RA Code 1A, that means he was being discharged and immediately re-enlisted.

Q And can you turn to the next document that you have there? I believe it's a meritorious promotion warrant?

A Okay. There's several DD 214s but I'll turn to --

Q I apologize. Continue on those, if you need to.

A It's just various periods of active duty that he served. It's got personal declarations and the -- his job skills. This one is for a period of two years of active duty. It's from '77 -- 1977 to 1979. And it looks like he was given an honorable discharge.

He's got four years previous of active duty that we don't have a 214 for. Since he was re-enlisted in the Marine Corps, I'm assuming that was an honorable discharge, that first period of service.

And then we have a general under honorable conditions discharge as the third DD 214 that covers an active duty period of one year, four months and 12 days.

Q And I guess if I could touch on that briefly. When a Marine enlists, is it for a period of four years?

A No. It could be -- it varies. It could be two years. It could be three years, four years or six years. It's according to the -- his job, the needs of the Marine Corps and what the Marine signs up for.

Q And in this case, are you familiar with what Mr. Bright was actually doing for the Marine Corps?

A Yes. He was a -- basically a fighter jet mechanic. He worked on an R88, which is -- was predecessor to our F18s. That was his military

occupational specialty, and, of course, he was a basic Marine, which could be an infantryman at any time.

Q And according to the 214s that you just looked at, he enlisted, was a Marine for four years and then was honorably discharged, re-enlisted, was a Marine for four years, was honorably discharged and then re-enlisted again?

A The first period of active duty time seems to be four years. Then there's a two-year, three-year period of time and then a year-and-four-month period of time.

Q Thank you.

The next document -- I guess that's the one that I was jumping to prematurely -- is the meritorious promotion warrant?

A Yes. Since I -- basically, a meritorious promotion -- a person's given meritorious promotion in the marine Corps if they perform their duties in an outstanding manner or if it's under contract. This was given at the recruit training depot at Parris Island, South Carolina. It's given to the top 2 to 5 percent of our Marines in a recruit series. The top Marine recruit is given a meritorious promotion to lance corporal.

Since I don't have his contract here, this

could also be a meritorious warrant not due to that but also due -- not due to that reason but due to the fact that he might have attended a naval junior ROTC program at his high school. At various times, the Marine Corps has given meritorious promotions to private first class for someone that came underneath that program.

Q Can you describe the next document before you titled "naval air maintenance training group"?

A Yes. When our Marines graduate from boot camp -- it's a 12-week period of time. It's supposed to teach them how to be basic infantrymen. We send them to a six-week advanced infantry school. Every Marine does that.

And then after that, then they go into their specific military occupational skill. Our sister service is the Navy. For some of our occupations, we utilize Navy schools. That was done in Mr. Bright's case. He was sent to Millington, where he was in an AV8A aircraft mechanics course, where he was certified to work on AV8A fighter jets.

Q Thank you.

And the next document, the certificate of good conduct, can you explain that?

A Yes. The certificate of good conduct basically is when a good conduct medal is awarded.

Good conduct medal means someone's given faithful service. In the Marine Corps, it's for a three-year period of time. This period of time was from -- the award reflects from 27 August 1975 till 26 August 1978. It reflects that he was awarded a good conduct medal, first award.

Q And the next document shows a promotion to lance corporal?

A Yes. It's a promotion to lance corporal on the 1st of October, 1976. It was done at VMFA-231. It's an FPO address. At the time he was promoted, that unit was overseas.

This is a promotion warrant. In the Marine Corps, our enlisted ranks are private, private first class, lance corporal, corporal. When you achieve the rank of corporal, you're considered a noncommissioned officer, leadership responsibilities, sergeant, staff sergeant, gunnery sergeant, master sergeant, master gunnery sergeant. This is third rank for lance corporal. It's probably a time and grade promotion.

Q Next is -- before you should be another certificate of good conduct. Is that obviously the same thing that you just described for a different time period?

A Yes. This is the second award that reflects

a period of good conduct for the period of 30 April 1978 to it looks like 29 April 1981. Basically means that a Marine has not gotten in trouble for that period of time and that he's performed faithful service during that three-year period of time. This is the second award designated with a small miniature star on that particular ribbon.

Q Next is what's called a "meritorious mast." Can you explain to the jury, I guess, one what that award would be and secondly what this specific one is for?

A Yes. A meritorious mast in the Marine Corps is an award given to an individual Marine by his commanding officer. This commanding officer was a lieutenant colonel, which tells me he was a lieutenant colonel of a squadron, probably a fighter jet squadron.

The award can be given in lieu of a personal declaration. The Marine Corps are quite stingy when it comes to personal declarations or ribbons. You'll see Marines walking around in uniform with very few ribbons, where our other branches of the service have their people -- after their first tour, it seems like they've got an entire fruit salad.

And the Marine Corps, this meritorious mast, in the Army, Navy -- may have been a personal

declaration or may have been a meritorious mast, according to the commanding officer.

This particular one was given for duties performed as a plane captain. A plane captain is an enlisted man that's in charge of the safety of the aircraft. On 12 February 19- -- and it goes on. It says: A particular note is your performance on 12 February 1976, when you observed an unusual condition on your assigned aircraft, 03, as it lifted from the runway for flight. Your keen observation and immediate response in relaying this information could well have prevented a tragic mishap. For your contribution to VMFA-231 while deployed to NAS Roosevelt, you are awarded this meritorious mast.

What this tells me is that fighter jet had some mechanical difficulties that could not be observed until it was in flight. While he was working as a plane captain, he observed that it had mechanical difficulties and relayed to the pilot that you need to come down.

When the commanding officer said it could have prevented a tragic mishap, he just means that. It was a safety thing that probably could not be identified until it got in the air, so it probably saved the Marine Corps a million dollar aircraft and

the pilot's life.

Q Thank you.

The following document is entitled "noncommissioned officer leadership course." Can you describe what that certificate signifies?

A Yes. Our Marines work in their individual MOSs, but throughout the training, we never want them to venture from areas of leadership and infantry tactics. As a corporal, he's the chief, the first rank as a noncommissioned officer. So he's going to leadership school there in Yuma, Arizona, which is the Marine Corps air station.

They're going to teach him basic infantry tactics. They're going to teach him basic Marine Corps leadership skills. Even though he's working as an aircraft mechanic, once they achieve rank of corporal, we still want them to be trained as a leader, and we want them to be trained in basic infantry skills.

Q And the next document, sir, is one titled "sergeant." Was that his promotion to sergeant?

A Yes. We skipped, of course -- the basic leadership school referred to him as a corporal. This is as sergeant. When the Marine Corps promotes someone to corporal or sergeant, they base it on the particular military occupational specialty, and they base it on a

number of things.

The Marine Corps publishes a composite score, which is an overall score. And basically, it takes look at your overall performance as a Marine. It takes look at your rifle range score, whether you shot marksman, sharpshooter or expert. It gives you a certain amount of points. It's your physical fitness test, whether you were third class, second class or first class.

Marine Corps physical fitness test consists of a three-mile run. It consists of 20 pull-ups, as many as you -- well, I'm sorry -- pull-ups, as many as you can do, 20 being the maximum. It consists of as many sit-ups as you can do in two minutes, 80 being the maximum. On the three-mile run, it's 18 minutes. You will receive a score from PFT that is into the composite score.

Also the essential subjects test on the essential subjects that a Marine has. It basically is land navigation, fire team infantry tactics, marksmanship training, basically basic infantry courses. They would get a score on that.

The main thing is the proficiency and the conduct marks. Proficiency is how well you do at your job, and conduct is the conduct marks that your

commanding officer gives you.

And then they could get extra points for doing Marine Corps Institute courses, which are various subjects that the Marine Corps considers important, and civilian education. After they receive that score, that is computed against their MOS.

And if their total scores, exceeds what the Marine Corps has put out as a composite score, then they're promoted to corporal and then they're promoted to sergeant.

Q Thank you.

And the next one is titled "certificate of appreciation."

A Yes. Basically the squadron is doing weapons training. It's not weapons training from the fighter jet. It's basic weapons training. And he was given a certificate of appreciation by the tactics instructor at that school.

Q Now, Mr. Hernandez, the next one is a little different. It's I called "qualification as trusty shellback." Can you explain to the jury what this is?

A Yes. This is a Navy tradition. It has to do with -- when Navy personnel -- and the Marine Corps is considered part of the Department of the Navy. Whenever they cross the equator, the chiefs on a Navy

ship will have a friendly ceremony to celebrate the Marine or Navy personnel that goes across the equator for the first time, covering them in lard, where they duck walk them across the bridge of the ship, asking them questions after midnight on military courtesies. It's a tradition that Navy chiefs have upheld over many years.

Q And this is just a little almost memo or something signifying that?

A That's correct. That's correct.

Q And the next item in front of you is a newspaper article dated around the same time actually talking about the air display.

A Yeah. Seems like the -- Sergeant Bright -- or Lance Corporal Bright at the time was on the USS Guam, which was a troop carrier ship that was going to Kenya on a deployment. Seems like they had an air show in Kenya. That's done basically for public relations purposes. And it's also done to show countries that might be trouble spots of our air power.

Q And the next item in front of you is entitled "certificate of reenlistment"?

A That's where a Marine re-enlists after a period of honorable service.

Q And, Mr. Hernandez, according -- we have just

one before you as part of the composite exhibit, but according to the first exhibit you looked at, the 214, he would have had two of those. Is that accurate?

A It's my understanding that he probably had three.

Q Three. Sorry.

A We just don't have the 214s for the first period of active duty service. He had three periods of honorable service. He had one period of general under honorable conditions service. This is one of the honorable discharge certificates that a Marine can place on his wall. I've got them in my office. Basically, attorneys do it and Marines do it.

Q And are you talking about the certificate of reenlistment or the honorable discharge?

A Not many people put up the certificate of reenlistment but the honorable discharge, put up that.

Q Okay. I just wanted to make sure that's where we were.

A Right.

Q So that's an honorable discharge before you. And then what is the final document before you? And can you please, for the jury, explain what the difference is in the two discharges?

A Yes. Mr. Bright received an honorable

discharge probably three times. On his last period of active service, he received a general under honorable conditions discharge. This is not a full honorable discharge, but it's still a discharge under honorable conditions. It's basically the service saying, we're going to discharge you early.

You go to the DD 214 that lists that period of service. And it says due to alcohol -- if I can get to that DD 214, administrative discharge by reason of alcohol rehab failure.

It's -- basically, he had an alcohol incident. He went to alcohol rehab classes. He either didn't complete the course, or he completed the course and had a second alcohol incident.

The Marine Corps is basically saying, we don't need your services any more but you've served us honorably but not up to the standard of full honorable. So we're going to discharge you this way.

The reenlistment code that this particular certificate has -- and it's very, very small and my eyesight has gotten worse over the years. Seems like RA3B. That's probably erroneous on this discharge certificate because it's -- that one's due to pregnancy. Okay? And couldn't be that. It probably should have been an RA3G, which means conditions, not

physical disability, which interfere with the performance of duty.

There is another typographical error by that unit on this DD 214. They have the national defense service medal as naval defense service medal. There is no naval defense service medal. This is a national defense service medal.

Q Thank you. And, sir, I just have a few more questions for you.

Were you in the Marine Corps around the same time Mr. Bright was?

A I was. It was -- my period of service started in 1977. I believe his period of service started in 1973. It was supposed to be non-period of service. It was different than it is today. I was not a Vietnam veteran. Mr. Bright came in at the very end of the Vietnam War. He did not go to Vietnam.

But our country, at that particular period of time, was not as friendly to our veterans as they are now. We were told at that period of time not to wear our uniforms out in town. We were told to grow our hair a little bit longer. I'm glad it's changed.

We're an all volunteer service in 1973 and no longer under the draft.

Q And how is alcohol viewed, if you remember?

Was that -- was it viewed differently than it is today?

A Alcohol -- basically, you could be forgiven for a hiccup in your career in the '70s and '80s. You can't be forgiven for a hiccup nowadays, after Tailhook happened in 1992.

Alcohol -- we, as a young officer in the '70s, were required to go to the officers club for happy hour, which was common. You laid your cover or your hat on the bar. You're required to buy everyone a round of drinks, squadron parties, where alcohol was commonly utilized.

The alcohol after 1992 has been more temperate since 1992.

Q And, Mr. Hernandez, are you familiar with how the mechanics were -- were treated and how much they worked back then?

A We treated our mechanics well because they're keeping the birds up, the fighter jets up. But we worked them hard, especially at that time, since we had all volunteer force. That was right after Vietnam, where recruitment goals were not as high. We worked them 8 to 10 hours, sometimes 12 hours, 14 hours if they were on deployment.

Q And lastly, did you have an opportunity to actually meet with Mr. Bright at some point subsequent

to this incident?

A I was actually appointed to Mr. Bright's case back in 2010 as his attorney. I was co-counsel with Richard Kuritz. I was on the case for two weeks.

Regional conflict counsel at that time in 2010 wanted to get death penalty-qualified, so they went to the judge and --

MR. DE LA RIONDA: Your Honor, I'm going to object to relevance of this.

THE COURT: Sustained.

BY MS. BYNUM:

Q When you met with Mr. Bright, without telling the jury anything anybody said, what was his -- what were your observations of his demeanor?

A He was distraught. He was in a state of shock. I only was on the case for two weeks and only met with him twice over at the jail.

MS. BYNUM: I have nothing further.

THE COURT: Cross?

CROSS EXAMINATION

BY MR. DE LA RIONDA:

Q Good afternoon, Mr. Hernandez.

A Good afternoon, Mr. de la Rionda.

Q I don't know if you told this jury your actual rank. You were actually a lieutenant commander,

were you not, in the Marines?

A That's a naval term.

Q What were you? Tell us.

A Yes, lieutenant colonel.

Q Lieutenant colonel.

A Yeah. That's Navy term.

Q And you served your country honorably, correct? In the sense of you -- you were the whole term there. You didn't get discharged. I mean, in other words, you left on your own free will.

A Retired from the Marine Corps reserves, started receiving pay about two months ago when I hit 60. Best thing in the world. I'm receiving my Marine Corps retirement. My first wife's receiving the other half.

Q All right. Mr. Hernandez, if we could, let me just cover some areas with you. And I think you covered a little bit already, so I don't want to dwell over what you said.

But if I understood correctly, he was in the Marines three separate times, correct, in the sense that he re-enlisted three separate times or was it four?

A He actually re-enlisted three times but he was in for four periods.

Q Okay. The fourth one, which is the final one, he did not complete that term, correct?

A Correct.

Q And that was not because he left. The Marines told him he had to leave basically.

A Marines basically said, we no longer need your services. Thank you. This is a general under honorable conditions discharge due to alcohol rehab failure.

Q So in other words, he, at one point, had gone to some alcohol treatment while in the Marines. They, as you mentioned, already tried to deal with it themselves in the Marines, but he was a failure for various reasons, correct?

A I don't know the reasons.

Q But, again --

A Other than what's on the 214.

Q Right. I think the 214 says administrative discharge by reason of alcohol rehabilitation failure.

A Correct.

Q Right?

So in other words, he was given an opportunity, some type of rehabilitation but he failed that, correct?

A He either failed the course or he passed the

course and then had another alcohol incident that occurred afterward.

Q At some point, the Marines said, we've had enough. You need to go ahead and leave.

A Correct.

Q Correct?

If -- if -- I guess what I'm trying to ask is how did the Marines determine that he had an alcohol problem? Was he showing up at work drunk or do you know?

A I don't know. I don't know. I don't know. You're not -- you're not supposed to drink when you come to work.

Q Right.

A And if you're a fighter jet pilot, you're not supposed to drink. I'm sorry. A mechanic that works on fighter jets.

Q And why is it that as a mechanic, you're not supposed to drink? Because if you're messing -- you're going to mess up a plane, and God forbid, somebody dies as a result of doing something wrong, correct?

A Correct.

Q Okay. And in terms of his rank, did I understand correctly that at some point, Mr. Bright rose to the level of sergeant? Correct?

A Yes.

Q Now, he took a -- he was demoted, was he not?

A The records that I look at right here, there is the good conduct medal. It's for a certain period of time. It's for after the period of time whenever I backtracked from the first 214. It's a year and a half after. So it seems like his first year and a half in the service, he may have been demoted or reduced in rank.

Q He was reduced in rank. And is that the result of his alcohol problem?

A We don't know. I don't have the record in front of me.

Q But in other words, he was ranked -- he was promoted and then he was demoted or reduced in rank, correct?

A It was probably during the first year and a half of his service, probably from PFC to private. And -- and then, of course, he achieved ranks of lance corporal, corporal and sergeant after that.

That's what I was talking about. Nowadays, it seems like the military has a zero defect mentality. Back then, you could survive a hiccup.

Q And you didn't follow up in terms of his attempts at the VA or anything. Looked at any of those

records?

A No, sir.

Q Okay. So you're not here to testify about whether he failed or what he did in terms of the VA.

A I have no idea. I -- just the records that I was asked to look at.

Q Yes, sir.

MR. DE LA RIONDA: May I have a second, Judge?

BY MR. DE LA RIONDA:

Q If I understood correctly in reviewing his record, he actually did not have -- I'm going to call it a "war experience." He didn't have -- he was not -- in terms of combat, he didn't actually have combat, correct?

A His 214 does not list the combat service ribbon.

Q What does that mean?

A Combat service ribbon is when a Marine takes fire and returns fire.

Q So in other words, he had no battlefield experience?

A I can't say that because you can actually -- you can actually receive fire and get hit and not be able to return fire.

Q Right. But you're not aware of him being exposed to any of that.

A No, no, no, doesn't seem to.

Q What I'm trying to get at is you have no belief, at least the records you saw, that he was suffering from PTSD as a result of being in the Marines, and as you know, unfortunately, Marines or other veterans --

MS. BYNUM: Your Honor, I'm going to object. This is outside the scope of this witness's knowledge.

THE WITNESS: I'm not a psychologist.

BY MR. DE LA RIONDA:

Q No. My question is those records there -- I'll be glad to rephrase the question. My question is those records don't reflect any military service in terms of having been exposed to fire, et cetera, causing him to have PTSD, the records you see there.

A There are no combat records that I've been provided with.

Q Okay. Thank you.

So bottom line is his departure from the Marines was due to his alcohol problem.

A His departure from the Marines is listed as alcohol rehab failure with general under honorable

conditions discharge as the last period of service in the Marine Corps.

Q And finally, to focus on that point, even though he was a failure as a result of his alcohol problem, he was still discharged under honorable but not complete honorable, right? Do I understand?

A Correct. It's an administrative discharge. The way the discharges work, you have full honorable discharge. You've got a general under honorable conditions discharge, which is right underneath it. You've got other than honorable discharge. Those are all three administrative discharges.

You can be given a bad conduct discharge or dishonorable discharge if you go to court-martial and receive that.

Q Did you become aware -- apparently, at least he told, I believe, one of the -- I think it was Dr. Krop -- that he may have gone through a court-martial. Did you see any records that reflect?

A I don't see any records right here that reflect a court-martial.

Q Okay. Do you know if you have complete records of military service?

A This is not the OMPF. This is not the official military personnel file. If it did, it would

have the contract in it there.

MR. DE LA RIONDA: I think I am done, sir. Thank you very much.

MS. BYNUM: Very briefly, Judge.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. BYNUM:

Q Sir, apparently, Mr. Bright wasn't fired upon or fired back. Is that what you testified to?

A He was what?

Q He was never fired upon or fired back. Is that what you were trying to explain?

A Yes. He doesn't have the combat action ribbon in his records.

Q In his nine years of service with the Marine Corps, could he have been -- could he have been pulled in to --

A Yes. But basically the Marine --

THE COURT: Whoa, whoa, whoa.

THE WITNESS: Yes, sir.

THE COURT: That wasn't even the question.

MS. BYNUM: I know. I'm sorry. I was trying to think about how I needed to phrase that.

I'm sorry, Mr. Hernandez.

BY MS. BYNUM:

Q If -- at any time in the point of those nine years of his service in the Marine Corps, could he have been pulled into battle or war or some sort of -- I know he was active duty but some sort of active duty?

MR. DE LA RIONDA: I'm going to object to speculation. Could have unless the records reflect that.

THE COURT: Sustained.

BY MS. BYNUM:

Q In your experience as a Marine, can you tell the jury what a Marine is supposed to do or could be called to do during his time?

MR. DE LA RIONDA: I'm going to object as to relevance as to this defendant, which is what's the issue.

THE COURT: Sustained.

BY MS. BYNUM:

Q My understanding of his discharge is that it's actually second to the highest, according to the rank that you just gave?

A The last discharge?

Q The last discharge.

A Right.

Q So he received two of the highest ones, which was honorable discharge?

A He probably received three honorable discharges.

Q Three. I apologize. And then the last one, which is under --

A General under honorable conditions.

Q Thank you. Was that the second highest you can receive?

A Yes.

MS. BYNUM: I have nothing further.

THE COURT: Thank you, Mr. Hernandez. You can step down.

(Witness excused.)

THE COURT: Ladies and gentlemen, we'll take a lunch break until 2:00 o'clock. Please don't discuss the case among yourselves. Don't let anybody discuss the case with you or in your presence. We'll watch over your notes. See you in an hour.

(Jury excused.)

(Lunch recess was taken from 12:59 p.m. until 2:01 p.m.)

(Defendant present.)

THE COURT: Okay. Ready to go?

MS. BYNUM: Your Honor, may I address just one thing with the Court to let the Court know where we're headed?

THE COURT: Sure, yeah.

MS. BYNUM: We are going to be calling Isidore Knight first.

THE COURT: Okay.

MS. BYNUM: And then after that while, the storm has taken away some of our witnesses, it's actually presented one that was not able to go to a conference down in South Florida. It's attorney Michael Bossen. He was listed on, you know, the defense disclosure, but his name was not read to the jury. So I'm wondering if the Court might be able to address that before he testifies. I don't anticipate that being a problem at all, but I just --

THE COURT: Sure.

MS. BYNUM: For record purposes, want that to be done.

Those will both be very short, and then we'll be ready to Skype Dr. Gold.

THE COURT: And have we got the redactions and whatnot done on --

MR. DE LA RIONDA: We're still working on it but we're --

MS. HAZEL: That's what I've spent lunch but --

MR. DE LA RIONDA: I think --

MS. HAZEL: 60 pages.

MR. DE LA RIONDA: I think we probably need another, after Gold, maybe 15 minutes to be able to just be read.

THE COURT: Okay. We'll take another break.

MR. DE LA RIONDA: That would be great, maybe a little extended break so we can just do it. I think that's it.

MS. BYNUM: Yes, sir. That's it.

THE COURT: Okay.

MS. BYNUM: Thank you.

THE COURT: Bring the jurors on in.

(Jury present.)

THE COURT: All right. Welcome back, ladies and gentlemen. Hope you had a good lunch. We're ready to resume.

Mr. Williams, next witness.

MR. WILLIAMS: Defense calls Isidore Knight.

THE COURT: Isidore Knight, please.

Mr. Knight, if you'll come up to the front for me, and if you'll raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: Come right around this way for me, please. You can adjust that chair and microphone. You can pull down or adjust. Just be sure and speak directly into it and loudly so everybody can hear you.

THE WITNESS: Thank you.

ISIDORE KNIGHT,

having been produced and first duly sworn as a witness on behalf of the Defendant, testified as follows:

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q Good afternoon, sir.

A Hey.

Q Would you please state your full name for the record?

A Isidore Knight.

Q Thank you.

Would you please spell your first name for the court reporter?

A I-S-I-D-O-R-E.
Q Thank you, sir.
A Last name, K-N-I-G-H-T.
Q Thank you.
From where did you travel to be here today?
A Could you repeat?
Q From where did you travel to be here today?
A I traveled from Pensacola, Florida.
Q How long have you lived in Pensacola?
A All my life. That's 61 years, going on 62.
Q Thank you.
What's your profession, sir?
A Well, at this moment, as of September the 1st, I'm retired, but I work currently as an electronic technician for the United States Postal Service.
Q That's what you retired from?
A Yes.
Q And do you know a man named Raymond Curtis Bright?
A Yes, I do.
Q Do you refer to him as Curtis?
A Yes.
Q How do you know Mr. Bright?
A Well, like, when I was four years old,

they -- they already lived in the neighborhood. And we moved in the neighborhood where they lived, and that's kind of when we first met as kids.

Q Okay. And that was many years ago, right?

A Yes, about 58 years or so.

Q And how close did you-all live together?

A They lived diagonal across the street from where I grew up at.

Q Is that on the same street?

A Yes.

Q And how would you describe your relationship with Mr. Bright?

A Well, it was real -- as a kid, everything was real close 'cause we played together, went do the same school, caught the bus together and all the, you know, things that kids do, when -- when he was free to do.

Q Would you describe your relationship as best friends when you were children together?

A Yes, I would.

Q And would you please tell the Court a little bit about your relationship with Mr. Bright and specifically the things you observed about his family when you were children?

A Well, as a kid, his father had what we call a "salvage yard." Some call it a "junkyard." And I was

always fascinated -- infatuated with the vehicles and cars 'cause I'm formerly a mechanic also for the Postal Service. So automobiles and mechanics, that's my hobby. I'm a hobby-by-trade mechanic.

So his father had a salvage yard, where he flipped cars, took parts off of cars and salvaged cars. And, you know, I was always drawn to that.

Q Did Mr. Bright work in the junkyard?

A Yes. Curtis -- Curtis did a whole lot of work in the salvage yard, so when his father leave the house, a lot of time, I sneak over to pay -- spend time with him because his father didn't really want me over while he's doing some chores there.

Q To your knowledge, how old was Mr. Bright when he first started working in the salvage yard?

A When I moved in the neighborhood, I was four, and he's a year or so older than I am. So I would say probably about six or seven years of age when I first started noticing.

Q And you know for sure by that time, he was working in the junk -- in the salvage yard?

A He was out in the salvage yard. Now, whether it was work -- but as I got older and, you know, he grown older, I'm able to see exactly what he was doing in the salvage yard, that work, working -- dismounting

motors, taking copper wire out of old motor sets that's being salvaged for the copper.

Q And you watched my client do that for years?

A Yes, yes. And I'd go over sometime to kind of spend a little time, but like I said, I wasn't really allowed to be there. But as a kid --

Q Weren't allowed to be there by who?

A By Willie. His father's name is Willie Bright, Sr. 'Cause he didn't want no one over there, you know. But as a kid, he my friend. We went to school together. So I go over and try to spend a little time with him because that's the only thing that he was doing. I got a chance to play a little bit.

Q Approximately how many hours a day would you say you would be made to work in the salvage yard?

A Well, pretty much it's kind of, like, sunup, sundown, especially on good days. Now, it can be drizzling rain, raining some. It has to be -- really pour down to stop -- stop what he's doing. But as far as just a little rain shower, we had to continue to work. And I'd be out there when I did experience this. And I was out there with him so, you know, I'm getting wet too. What kid don't like to play in water?

Q Was Mr. Bright allowed to have -- when I say "Mr. Bright," I'm referring to my client.

A Yes.

Q Was he allowed to have a normal child's life growing up?

A No, not at all. Based on -- I'm only basing based on my childhood, and I come up from a strict family. My father was a minister. He's deceased now. But I couldn't -- I couldn't roam up and down the streets like other kids. But by Raymond Bright living just diagonal, I wasn't far from home. So if my parents call me, I can hear to get on back -- back where I belong. But -- so I'd just wander over there.

Q How would you describe the relationship that Mr. Bright had with his father?

A Well, I mean, you know, father/son relationship. Now, I won't say it was good. Based on my perspective, I won't say it was good because of the way that he was being treated.

Q And by that, do you mean made to work?

A Yes. The demand that he was putting on him, forced to work, the amount of time that he had to work and going on six days a week.

Q You thought it was unusual that a child --

A Well, more for a kid. I mean, we just want to be kids. We don't want to be adults, not at that age.

Q Did Mr. Bright have any siblings that would have been required to work there as well?

A Well, he has an older brother and he has a sister. I've seen the sister out there, and I've seen the older brother but for a short amount of time because he's older. And eventually he left. So I didn't spend whole lot of time with him because of the age difference. But in reference to Curtis, him and I, we much closer.

Q Yes, sir.

Did you ever observe my client's father being physically abusive toward him?

A Yes.

Q And specifically what did you witness?

A Well, some of it is part of my fault. If I'm over and his father comes and see me over there, Curtis gets in trouble because he not supposed to have no company.

Q And by in trouble, did you see Curtis get hit?

A Yeah. He end up getting -- getting whipped.

Q With a hand or with an item?

A With -- well, with a cord, extension cord.

Q And you saw him hit him with an extension cord?

A Yes, I have seen that.

Q Did Mr. Bright have -- excuse me.

Did his father have a problem with alcohol?

A Yes.

Q And I guess how would you know?

A Well, as I stated earlier, that -- they lived diagonal, so what goes on down there I kind of keep my eye on because that was something I was interested in. Because I'm a tinkerer too. I like cars and all that stuff.

When -- when activity not going on with his wrecker truck -- he has a truck that he pulls stuff around, flip cars. And the vehicle stays in one spot, and it just sits there and don't move. You know, like, I'm wondering what's going on. You know, is he okay or whatever.

So as time went on -- I didn't know this at first. You just start observing that. Eventually, I see his father wanders out of the salvage yard, and, you know, I mean, he's -- he's a nice, unique guy in reference to he keeps his hair split in the middle, all groomed and stuff. That's just the way his father work. But during this time, things not -- he's not him, the normal self. So that's what alerted me that maybe something wrong with him. So --

Q Had you ever noticed the father to be gone for periods of time?

A Well, that may be part of -- he's gone and I don't see him. He's in the salvage yard and he just hides out. Where did he go? I'm saying he was staying inside of a car or something in the salvage yard. That's just my perspective of observing. I know he's not driving his vehicle. He's not moving cars around.

Q Referring to Willie Bright, Sr., was his mood predictable, or was he known to be unpredictable at times?

A If he's not intoxicated or been indulging -- I'm not saying -- because when he goes on a binge, you don't see him for a while. You don't see him. But I have seen him -- may have consumed a little something but, you know, not enough to where he's just out of control 'cause you see him. Then you don't see him.

Q So was it your understanding that some of the times when you didn't see him, he was off drunk?

A That just my opinion. I'm assuming. Why is he not -- unless he was sick from some other reasons.

MS. HAZEL: Your Honor, objection, speculation.

THE COURT: Hang on, sir.

THE WITNESS: I -- I did not know.

THE COURT: Hang on, sir.

THE WITNESS: Oh, okay.

MS. HAZEL: Objection, calls --

THE COURT: Objection's sustained.

BY MR. WILLIAMS:

Q Sir, do you recall an incident where Mr. Bright jammed his finger or injured his finger in elementary school, and his father made him go back to work?

A Well, I was in -- we went to the same school. I'm in the first grade. He's in the second grade. Our bathrooms join each other. When the incident happened, you know, him losing his finger, as time went on, I go over to the salvage yard one of the times his father probably done left and I snuck over. And, yes, he had his finger wrapped, and he were working in the salvage yard.

Q And did you stay close friends with Raymond Curtis Bright until he left for the military?

A Yes, pretty much so. Yes.

Q And did you stay in contact with him at all into his adulthood?

A Only when he comes home. If I happen to be at the house and he's out and I see him, we'll try to get with each other and speak to each other then.

Q And by that, you're referring to your old neighborhood in Pensacola?

A Yes, uh-huh.

Q Okay. Do you feel like -- the aspects of his childhood that you've explained, do you feel they carried over into affecting him in adulthood?

A Yes.

MS. HAZEL: Objection, calls for speculation.

THE COURT: Sustained.

BY MR. WILLIAMS:

Q Have you known him to have a stuttering problem?

A Oh, yes, very bad.

Q Have you noticed his stuttering problem to be worse at certain times?

A Yes.

Q Have you noticed any correlation between anything going on in his life and when the stuttering is worse?

A When -- when his father asked him a question or whatever and it's not -- just like as I stated, if I'm there at the salvage yard location and his father catch me there. And now Curtis going to have to justify, try to explain because his dad going to ask

him, hey, how come or why this or whatever. He's going to go into a -- a very steady stuttering-type demeanor for a good length of time before he can actually get his words out.

Q And for the record, do you see Raymond Bright in the courtroom here today?

A Yes, I do.

Q Will you please identify him by describing what he's wearing and where he's sitting?

A He's sitting to the right of me. I guess that's a light blue suit or darker blue -- darker -- light blue shirt, darker blue shirt.

MR. WILLIAMS: May the record reflect the witness identified the defendant?

THE COURT: Yes, sir.

BY MR. WILLIAMS:

Q How frequently would you say you observed Willie Bright, Sr., verbally abuse my client?

A In the run of a year -- 'cause like I say, I wasn't sitting down, writing down each time or whatever. But in the course of time, at least 20, 25 times out of a year or so.

Q And with the electric cord, do you consider -- you could tell he was hitting him hard?

A Oh, yes.

MR. WILLIAMS: I don't have any further questions.

THE COURT: All right. Miss Hazel?

MS. HAZEL: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. HAZEL:

Q Good afternoon.

A Good afternoon.

Q Sir, if I understand you correctly, oftentimes, when you would see the defendant getting in trouble by his father, it was because you were there, and he was doing things he wasn't supposed to be doing, is that correct?

A I didn't say that he wasn't doing what he was supposed to be doing. It's just the idea that I'm there. And his father probably has certain -- I don't know what his father told him, all what he want done. But when I'm there and his father comes, he -- Raymond -- Curtis will get in trouble for whatever his dad had told him or whatever the discussion that they had or whatever. I don't know any of those things in detail. I just know when his dad leave, I go over.

Q So basically, though, what you observed was his father getting on to him because you were there.

A For whatever reason.

Q Okay.

A For whatever reason. I can't tell you exactly.

Q Because I believe from your testimony, you're saying that you would basically go over there when his father wasn't there because you-all both were aware that you weren't supposed to be there while he was working in the junkyard, is that correct?

A Pretty much so, yeah. And it have -- it have been times that his father, he called him "Captain Bright." My name is Knight so he called me "Captain Knight." So if I'm just happening to be out and his father's there, we all have a good relationship. Him and the father, we'll talk and stuff. And I could hang around for a little while, but after a while, I've got -- going to ease on back over because he's got work for Curtis to do.

Q Right. So there were times when you were allowed to be there and everything was fine. And he would get in trouble times when you came over when he was supposed to be working. Is that fair to say? I believe that's what you just said. Is that not correct?

A Well, I'm -- I may have. But restate -- could you repeat what you just said?

Q You said there were times when you were there, and you would joke around with his father and everything was fine. And then there were times when you would sneak over there when his father was gone and he was supposed to be working. He would get in trouble when his father came back because you weren't supposed to be there, is that correct?

A That's -- yes, correct, yeah.

Q And so the junkyard or salvage yard that you're talking about, that was the family business, is that correct? That's where his father owned and worked?

A Yes.

Q And so the defendant was working at his family business for his father, right?

A Yes.

Q Okay. And you too were also made to get up early in the morning and work in your family garden before school. That wasn't unusual at that time, is that correct? Did you also get up --

A Well, most --

Q I'm sorry, sir. Let me rephrase. Did you also gets up in the mornings around 4:00 a.m. before school and work in your family garden so you could help provide with your family? Is that correct?

A Yes. But not by choice.
Q Well, of course not.
A We were made --
Q I agree.
A Okay.
Q I think a lot of people, you would agree, are made to do things as children work-wise that they don't really want to do, but they have to do them to help out their family.
A Right.
Q Okay. And Mr. Bright, would you describe his household as a very poor household?
A Well, I wouldn't say poor. I will say -- the household I come up from probably a little different from his. They was just in a different line of work. My dad was a brick mason.
Q So it wasn't a poor, destitute childhood that he had, is that correct?
A No. That was just the line of the work that he was just born into. His father was into salvaging cars, and the son is caught up in it because that's what his dad does. So his dad pushes it to his offspring.
Q And so his father was essentially teaching him a trade, correct?

A Well, I don't call -- what he was doing, there's no trade. It's just salvaging stuff.

Q But you said that he would help fix cars and repair cars and do mechanical work also. Did you not say that?

A No, I didn't say that he fixed cars and -- I'm the one that does mechanical-type work.

Q Oh, I'm sorry. I think maybe that I misunderstood what you testified to earlier. I believe you testified that you would like to be around the junkyard because you liked tinkering with cars.

A That's exactly right.

Q And they would fix up cars.

A No. They flip cars. They flip them over upside down and --

Q And work on them?

A Take parts out. In order to salvage cars, you have to remove the gas tanks and some of the other essential stuff that they salvage. Who's going to receive it, they don't want gasoline and stuff.

Q Right. So they were doing work on cars, is that correct?

A Well, not repairing them. Taking them apart.

Q Taking them apart. Tinkering with things, is that correct?

A Yeah. When I -- my definition of tinkering is, like, I'm going to repair something and put it back together and make it work. But this is not tinkering that way. This is dismantling.

Q And that was the family business.

A Yes.

Q And he was allowed to -- he went to school 'cause he went to school with you, correct?

A Yes.

Q Okay. So his family was making sure that he got an education and sending him to school on a regular basis.

A Yes.

Q Okay. And they were providing for his daily needs. He was eating and being fed, those type of things, correct?

A Yes.

Q Had you ever actually been into his home before?

A Yes. I was invited probably -- I recall maybe about three times I sat at the dinner table and had dinner with them.

Q So you actually ate with his family, and they ate together as a family, had a relationship like that, where they were a close-knit family, is that correct?

A During this time, yes. This is when we was very young. As we got older, you know, of course, things changed.

Q And did you notice anything in their home about their plumbing or lack of plumbing? Did you guys have indoor plumbing or not?

A At my -- at my residence, I had indoor plumbing.

Q Do you know if he did?

A At the early stage of the home, they didn't have it, but as time went on, some modifications may have been made. I think my dad may have done -- added addition or something. Don't hold me to it. But slightly, I recall because -- but I was young too then.

Q Right.

A But at the beginning, I don't believe that home had all the plumbing that is required.

Q And later, it did.

A Yes. I didn't go in there but I'm saying I think some upgrades was made. Now, how good of an upgrade I can't speculate 'cause I haven't been in there. I never used it so --

Q And then after Mr. Bright went off to the military, the only contact you would really have with him was when he would come back home, and you may meet

up with him during those times, is that correct?

A Yeah. We accidentally see each other and I see his car or whatever. You know, I'm definitely going to go and speak to him, or he'll wave at me or something. We definitely -- you know, we recognized each other.

Q And you were aware of his alcohol and drug problem that he had later on as an adult, is that correct?

A Well, as time went on, I -- what I'm saying, military, he's in the service and everything now. I can't tell you exactly when but I knew that he have --

Q After he left the home, he --

A Yes, yes.

Q You were aware of that. So that was not -- he did not get in trouble with the law as a child, is that correct?

A Based on -- right. I don't know of anything he done as a child.

Q And you guys were friends so you would have been aware if he was, say, arrested in his teenage years. You would have known that?

MR. WILLIAMS: Objection, calls for speculation.

THE COURT: Overruled.

THE WITNESS: Well --

THE COURT: Based on what knowledge, you have when you were young, do you know if he got in trouble like that?

THE WITNESS: No.

BY MS. HAZEL:

Q And you also were -- you never knew of him to use alcohol or drugs when you guys were children and teenage years, is that correct?

A Not at all, no.

Q So that was something that came later in life that you became aware of after he had left home and was in the military, is that correct?

A That's correct.

Q And did he ever reach out to you or your father to try to get help for these problems or to ask you if you could help him at all?

A Not that I know of. The relationship weren't as close then. Once he left to go in the military, he had a new, you know, surrounding, and I got my own life going on. And we didn't really discuss anything like that or talk about anything like that. As a matter of fact, we didn't see each other as much as we did prior.

Q So you weren't as involved in his life once he was grown, is that correct?

A That's correct.

Q But were you aware -- I believe you were. You were aware, correct, that his brother tried to get him help for his alcohol problems, and his family tried to get him help? Is that correct?

A Yes. As time went on, yes, I spoke with his older brother. He tells -- he keeps up with more information about his brother.

Q And he tried to get him help, correct?

A Well, I don't know. I can't speak for him. I can't speak for his brother. But I know his brother shared information with me in reference to alcohol and stuff, you know.

Q And trying to help him.

A Well, did he actually tell me that? I can't answer that, that he tried -- well, he tries to help him as a brother, but if you're talking about seeking medical help or psychology or something like that, I don't know about that.

Q So to your knowledge, both him and his brother still had a good relationship as adults, is that correct?

A Yes.

MS. HAZEL: No further questions.

THE COURT: Mr. Williams?

REDIRECT EXAMINATION

BY MR. WILLIAMS:

Q Mr. Knight?

A Yes.

Q Willie, Sr., he didn't run a mechanic shop over there, did he?

A No. He didn't repair other people's cars.

Q And my client wasn't learning to fix cars over there, right?

A No, no. Not as a repairman, no.

Q He was working, stripping wire, things of that nature.

A That's correct.

Q Hard work.

A Yes.

Q Isn't it fair to say that at some point in your childhood at least, you were afraid of Willie, Sr.?

A When I know that I shouldn't be over in -- in other words, across the street, I usually kind of stand out on the outside and kind of keep my eye on his father's truck to give me time to run back across, get back over on my side of the street. But there have been times where I slipped up, got a little too far into the salvage yard area and kind of fell down on

watching when his father come. So when his father get there, then I, you know, get Curtis in trouble because nobody supposed to be there.

Q You're at least afraid of getting your friend in trouble.

A Uh-huh.

Q With regard to his father, correct?

A Yes, uh-huh.

Q And the prosecutor drew parallels to your own upbringing. Wouldn't you say you've had it worse -- or wouldn't you say the defendant's upbringing was worse than yours?

A Oh, a whole lot. I would call it "torture" actually. Child abuse is -- that would have been under child abuse.

MS. HAZEL: Your Honor, objection to the way he's phrasing this.

THE COURT: He's finished. So move on, Mr. Williams.

MR. WILLIAMS: No further questions.

THE COURT: Anything else?

MS. HAZEL: No, Your Honor.

THE COURT: Thank you, sir. You can step down.

(Witness excused.)

THE COURT: Next witness.

MS. BYNUM: Yes, Your Honor. Defense would next call Michael Bossen.

THE COURT: Hang on.

Ladies and gentlemen, the next witness is a gentleman by the name of Michael Bossen. His name was not mentioned to you Monday, I guess, when I probably read the names of potential witnesses.

So does anybody recognize that name, Michael Bossen, who is an attorney here in Jacksonville? Does anybody think they know him?

Nobody? All right. Good.

Bring Mr. Bossen on in.

Mr. Bossen, if you'll come up and raise your right hand, the clerk will administer the oath.

(Witness sworn by the clerk.)

THE COURT: Sir, if you'll come right over here for me, please.

THE WITNESS: Thank you.

THE COURT: Miss Bynum?

MS. BYNUM: Thank you, Your Honor.

MICHAEL BOSSEN,

having been produced and first duly sworn as a witness on behalf of the Defendant, testified as follows:

DIRECT EXAMINATION

BY MS. BYNUM:

Q Good afternoon.

A Good afternoon.

Q Please introduce yourself to the jury.

A My name is Michael Bossen.

Q Mr. Bossen, what do you do professionally?

A I'm an attorney.

Q And have you had contact with someone you knew or later came to know as Raymond Bright?

A Yes, several years ago.

Q Do you see him in the courtroom today?

A Yes.

Q Mr. Bright is seated over next to Mr. Williams, beard, glasses.

MS. BYNUM: May the record reflect that the witness identified the defendant?

THE COURT: Yes, ma'am.

MS. BYNUM: Thank you.

BY MS. BYNUM:

Q Mr. Bossen, when was your -- and I won't hold you to a date. But do you remember when your initial contact with Mr. Bright was?

A I reviewed my notes prior to this hearing. I believe it was February of 2008, I think the 18th or 19th.

Q And without saying what anyone said obviously, what was the nature of that contact?

A I was contacted by Mr. Bright's wife regarding the incident that occurred earlier that morning.

Q And when you say earlier that morning, are you referring to just a couple of hours prior?

A That's what I was believed. Yes. That's what I was informed.

Q Do you remember what time in the morning they contacted you?

A I remember my notes reflected that the office opened up at 8:30, and there were several messages prior to that on the phone. And it actually was shortly -- literally, like, five minutes after we got to work that I received a call.

Q Okay. What -- and you spoke with both Miss -- I'm sorry. You spoke with both Bridget Bright and Mr. Bright over the phone?

A Yes.

Q And what was the demeanor of Mr. Bright like?

A He was extremely despondent. We spoke. I

did a lot of talking. I didn't hear a lot of things on the other end. The phone would go back to Miss Bright, back to Mr. Bright. It wasn't really a conversation. It was more of a -- you know, what's going on, and there was a lot of two- or three-word sentences, that sort of communication with him. So it lasted -- the conversation itself lasted several -- several minutes, if not hours.

Q Could you tell if at any point he was crying?

A Yes. At one point, he had to give the phone up. He was crying.

Q Did he seem remorseful?

MS. HAZEL: Objection, Your Honor, calls for speculation.

THE COURT: Sustained.

BY MS. BYNUM:

Q Were you eventually able to meet with him in person?

A Yes, yes.

Q And do you remember how long after that conversation you met with him?

A I remember that he was supposed to come into the office. I told him to come to the office so we could talk about it in person. I believe he was arrested prior to that, so he went to first appearance

court the next morning and I met with him then.

Q So you'd actually made plans for him to come in, but he was arrested prior to that.

A Correct.

Q So that meeting never happened.

A Correct.

Q But then you were able to meet with him subsequent to that?

A Yes, ma'am.

Q And can you describe his demeanor on the date where you were actually met him face-to-face?

A He was completely out of it, very despondent again, just -- I don't remember him crying or anything during that, but he -- he really just couldn't communicate at all.

MS. BYNUM: Thank you. I have nothing further.

THE COURT: Miss Hazel?

MS. HAZEL: Just briefly, Your Honor.

CROSS EXAMINATION

BY MS. HAZEL:

Q So just to clarify, Mr. Bossen, you received a phone call from Bridget Bright on February 19th around 8:30 in the morning. Is that what you testified to?

A Yes. There were -- there were several messages left prior to that before the office actually opened up. I think there were two or three with her number on it, caller ID, no actual message. But the actual first time that I talked to her was right around opening time, around 8:30.

Q And so your initial phone contact was Bridget Bright, is that correct, his ex-wife?

A Yes. Yes, ma'am.

Q Okay. And then you didn't actually meet with him at all in person until after he was already in the jail, is that correct?

A That's correct.

Q And that was the very next day after the police had gone and made the arrest.

A I believe so. Yes, ma'am.

Q So when you're saying he was despondent, completely out of it and you didn't remember him crying, that would have been when you contacted him at the jail?

A Yes. That was my personal contact with him the next day.

MS. HAZEL: No further questions.

MS. BYNUM: Just briefly, Judge.

THE COURT: Sure.

REDIRECT EXAMINATION

BY MS. BYNUM:

Q When you spoke with Miss Bright that morning, were you also speaking with Mr. Bright?

A I was, yes.

Q The phone was being passed back and forth?

A That's correct.

MS. BYNUM: Nothing further.

THE COURT: Anything else?

MS. HAZEL: No, Your Honor.

THE COURT: Thank you, Mr. Bossen. You can step down.

THE WITNESS: Thank you, Judge.

(Witness excused.)

THE COURT: Next witness.

MS. BYNUM: Yes, Your Honor. The defense would call Dr. Gold. He is the witness appearing via Skype, if I could have my assistant help me with that.

THE COURT: Ladies and gentlemen, the next witness is Dr. Steven Gold, and I guess it will come out probably in his testimony. I think he's down in the Miami area. And because of the storm, we have arranged to have him testify by Skype as opposed to him

flying here, maybe trying to get back depending on what the storm would bring. So we've got our technologically inclined folks here to see about making this Skype business work. So just give us a second on that.

Do we have him?

Okay. Is that going to get enlarged, Patrick, or is that going to be the way it appears on my screen? I got value engineered out of fancy screens like everybody else, so they have to press special buttons for it to fill the whole screen.

But that's good. I can see.

Dr. Gold, can you hear me?

THE WITNESS: Yes, I can.

THE COURT: All right. If you'll raise your right hand, please, my clerk is going to administer the oath to you prior to your testimony.

THE WITNESS: Okay. I'm sorry. You're breaking up a little. Let me see if I can get (inaudible) help.

Okay. I'll just have to make do with the audio as it is.

THE COURT: Okay. Let me try again.

Can you hear me now?

THE WITNESS: Yes.

THE COURT: Okay. Would you please raise your right hand? And the clerk is going to administer the oath to you. Perhaps you can see him on the screen there.

THE WITNESS: No. I don't see anything on the screen.

THE COURT: Oh. All right. Well, just raise your right hand. My clerk is going to administer the oath to you.

THE WITNESS: Okay.

(Witness sworn by the clerk.)

THE COURT: Thank you, Doctor. Give me one second. I think they're going to try and arrange it so you can see us just as we're seeing you.

THE WITNESS: Okay. Thank you.

THE COURT: Can you see?

THE WITNESS: Just one second.

Okay. Yes, now I can.

THE COURT: All right. That's one of our IT fellows.

And then here comes Miss Bynum. And she'll be the one asking you questions

initially. All right?

THE WITNESS: Okay. Thank you.

THE COURT: And, ladies and gentlemen of the jury, you can see him on your screen?

THE JURORS: Yes.

THE COURT: All right. Let's go.

MS. BYNUM: May I proceed?

THE COURT: Yes, ma'am.

MS. BYNUM: Thank you.

STEVEN GOLD, Ph.D. (via Skype), having been produced and first duly sworn as a witness on behalf of the Defendant, testified as follows:

VOIR DIRE EXAMINATION

BY MS. BYNUM:

Q Good afternoon, Doctor.

A Good afternoon.

Q Please state your name for the record.

A Steven Gold.

Q And what is your occupation?

A I'm a psychologist. I'm a full-time professor in a doctoral training program and in private practice.

Q And where were you educated?

A I received my undergraduate degree at Washington University in St. Louis. Received a

master's in psychology and a Ph.D. in clinical psychology at Michigan State University.

Q And where are you employed now?

A At Nova Southeastern University, Fort Lauderdale and self-employed in private practice.

Q So what is your job title at both those places?

A At the university, I'm director of a trauma training clinic called the "trauma resolution integration program." That's a program that I started in 1990, where I train doctoral-level psychology students in assessing and treating trauma.

And I'm a full professor at Nova Southeastern University as well and a clinical and forensic psychologist in private practice.

Q Very good.

Do you have any publications?

A Yes, quite a few.

Q Okay.

A I believe I have somewhere between 80 and 100 at least articles in professional journals, book chapters, single author books. In April, the American Psychological Association handbook of trauma psychology was published, and I was the editor in chief there.

So I do have quite a few publications.

Q And those would all be in the field of psychology?

A That's right, yes.

Q Have you written or edited any books or journals?

A Yes. I was the editor of the Journal on Trauma Practice, I believe, for eight years. And then I was asked to start the American Psychological Association's scientific journal on Brown psychology called "Psychological Trauma" -- there's a subtitle there I'm not going to remember off the top of my head. But I was editor of that journal for another eight years.

Q Very well.

Do you have any professional licenses?

A Yes. I'm a licensed psychologist in the State of Florida.

Q Have you testified in a court of law in either criminal or civil cases?

A Yes, I have, in both.

Q Do you know how many times?

A Criminal cases, probably about 30 times. Civil cases, I would say only two or three times.

Q And in what states was that testimony?

A All of those cases were in Florida with

exception of one case, which was in New Jersey.

Q Have you been qualified as an expert in any cases?

A Yes.

Q Do you know how many times?

A Again, at least 30 times.

Q And in what fields have you been qualified as an expert specifically?

A Clinical psychology and trauma psychology.

MS. BYNUM: Your Honor, at this time, I would tender Dr. Gold as an expert in the field of psychology and specifically in trauma psychology.

MR. DE LA RIONDA: I have no questions, Your Honor.

THE COURT: All right.

DIRECT EXAMINATION

BY MS. BYNUM:

Q Doctor, I want to ask you a little bit about trauma itself. What is trauma?

A Trauma is specifically defined as an incident that involves either being subjected to, being threatened with or witnessing death, serious physical injury or sexual violation.

Q And how does that affect a person's

development?

A When -- when someone is traumatized as a child and especially when someone is repeatedly subjected to traumatic events, such as ongoing child abuse, it -- for one thing, that ongoing abuse has an effect on the brain. So the part of the brain in -- that -- that is responsible for emotions and impulses becomes overactive. The part of the brain that's responsible for planning ahead, thinking ahead, thinking about the consequences of one's actions and thereby curbing emotional expression and impulse expression becomes underdeveloped.

But there's a very wide -- development in general, the path from infancy and becoming a fully functioning adult is severely impaired by growing up in traumatic circumstances.

Q Can you explain the difference between physical and psychological trauma?

A Physical trauma -- let me talk about this in terms of physical child abuse trauma and -- and psychological child abuse trauma. So physical child abuse trauma would involve physically -- a child being physically assaulted, hit, pushed, slapped, beaten.

Psychological abuse trauma would consist of the child being humiliated, put down, cursed at,

belittled.

Q Can some traumas have a more significant impact than other traumas?

A Yes, certainly. For example, child physical abuse is trauma. Slapping a child would be an example of child physical abuse. But there are instances where children are severely beaten with objects for long periods of time. Both of those would be classified as child abuse, but obviously, the latter example is much more severe and, therefore, likely to be much more impactful than being pushed, say, or being slapped once on the face.

Q Can human-inflicted traumas have a more significant impact than natural traumas, like natural disaster?

A Yes, definitely. A life-threatening incident, being severely beaten, is a trauma. Being subjected to a natural disaster, like a hurricane or tornado is a trauma. But when somebody is -- when somebody's life is threatened or physical safety is threatened or if their sense of being able to control who approaches them sexually threatens, that often leads to the person feeling that they can't trust other people, that they've got to watch over people very closely.

And when the person who traumatizes you is close to something you rely on, it creates a tremendous sense of betrayal and a great deal of not trusting people in general when the person who's inflicting trauma on you is someone who you have emotionally relied on, betrays that trust.

Q And does trauma have an effect on brain development?

A Yes. As I described a moment ago, that repeating trauma creates overactivity, emotional and impulsive parts of the brain and stunts the growth of the parts of the brain that curb those impulses by thinking ahead, planning ahead and so on.

Q And when you're saying the part of the brain, does it affect the frontal lobe at all? Is that what you're --

A The frontal lobe is the part of the brain that allows us to think things through, to consider the consequences of our actions, to plan ahead, to control our behavior and really to -- to be in charge of our behavior and our thoughts and to control our actions that we attempt to engage in because we feel certain ways. So all of that is controlled by the frontal lobes.

Q And just to --

A And that -- and -- yeah. I'm sorry. Go ahead.

Q Just to clarify, is that the part of the brain that you're saying is affected by trauma?

A Well, I'm referring to two parts of the brain. One is the base brain. That's responsible for feeling impulses and emotions. And the other is the frontal lobes, up in this area of the brain (indicating), that's responsible for thinking ahead, planning ahead, thinking things through and curbing impulse and emotions on the basis of being able to consider the consequences of one's actions.

Q Okay. I want to move now into posttraumatic stress disorder. Can you explain to the jury what that is?

A One of the common negative impacts of going through a traumatic event is posttraumatic stress disorder. When somebody feels that they're in danger or that their life is threatened, there's a reflex we're all born with, the fight/flight/freeze reflex, and the purpose of that reflex is to increase the likelihood that we'll survive in the face of danger or escape dangerous situations.

So if somebody's being assaulted, this reflex trains the body to fight back (inaudible). Person's

breathing rate increases. In general, their body becomes activated and ready to fight back if they're being attacked or to flee from danger. Or if they can't fight back (inaudible) to (inaudible).

I need to spend a little time explaining that. First of all, all of this is reflex. It's (inaudible). It's not thought through. It's an automatic reaction, just like when the doctor hits your knee with a hammer and your leg pops up. That doesn't happen if you decided to raise your leg. It gives an automatic reflex that's built in. And the same thing with fight/flight. It's a reaction. It's an automatic reaction. It's built in. It's there to protect us from doing (inaudible) dangerous circumstances.

What happens in posttraumatic stress disorder is that when somebody's been in a life-threatening situation, that fight/flight reaction becomes activated during the dangerous situation and may either continue to stay elevated after (inaudible) is over or may easily set up again when there are circumstances that (inaudible) reminding the person of the situation they're in. Again, this is automatic reflex. (Inaudible) posttraumatic stress disorder, person is very watchful for circumstances that might be similar to the dangerous circumstances they were in (inaudible)

to protect them so that they're ready to immediately be ready if in similar circumstances again.

So that -- the posttraumatic stress disorder finds that they're constantly thinking about the awful things they can go through, even though they don't want to be. They may have nightmares (inaudible) obviously (inaudible) nightmares. They may find that there are times when they actually are seeking the event, the traumatic event, or hearing what went on in the traumatic event or having the same physical pain or other sensation, emotion that took place during the traumatic event.

That reliving of the event is called "flashback," where the person's not just thinking about what happened, but they would be experiencing the event sometime so (inaudible) that they're not aware what is going on (inaudible) living in a virtual reality type of thing (inaudible) that they went through.

So --

Q Okay. Does -- does everyone who experiences trauma develop PTSD?

A No. In PTSD, that set of reactions is some -- is a disorder that you commonly see with people who have been through a limited or single traumatic event. So, for example, among soldiers in combat, not

everybody who's in a combat situation is going to develop PTSD. Research shows us that somewhere between 8 and 15 percent of combatants are going to go on to develop PTSD. The majority won't.

Sometimes in trauma, it's more common for some people to develop PTSD than others. So, for example, the most common type of trauma in which you most commonly see PTSD develop is rape. So a little over half the people who've been raped go on to experience PTSD.

So not everybody develops PTSD. There are certain factors that lead someone to be more vulnerable to develop PTSD (inaudible) traumatic events, which is one of the reasons why some people won't develop PTSD (inaudible).

Q Well, and that was going to be my next question. Are there factors that make it more or less likely for -- for a person to develop PTSD?

A Yes. One of the major factors is if someone doesn't have the support of other people, if there aren't people they can rely on, people who are supportive of them, people who they feel will help to keep them safe but care about their welfare, they're more likely to develop PTSD.

If they grow up in circumstances where they

didn't feel like anybody was there to protect them or genuinely cared about them, they're more likely to develop PTSD.

Q Can PTSD be debilitating?

A Absolutely. For some people, they're -- the way that people experience the fight/flight reflex is anxiety. So when that reflex is set off and the body is on a hyperalert state, that's experiencing anxiety. People who have very (inaudible) PTSD might constantly feel anxious.

So one of the -- one of the ways to assess this, say, with (inaudible) patients with PTSD is we ask them to rate their anxiety on level from 0, meaning no anxiety at all, to 10 being the most anxious they've ever felt. People with PTSD often tell us that they're constantly at a 7 or above, where most people who don't have PTSD will tell you that most of the time, between 0 and a 2.

Q And how do you diagnose PTSD? What do you need to consider?

A Well, you need to look at -- first of all, what the person has experienced, traumatic event. PTSD is an unusual diagnosis. With other diagnoses, you don't need to know the cause in order to make the diagnosis. You just look at whether the symptoms are

there or not.

But in posttraumatic stress disorder, the first thing you need to determine is whether the person has been through a traumatic event, in other words, whether they felt that their life was threatened or that they've been in danger of or actually have been seriously physically injured or that they experienced at least one episode of sexual violation.

And then once you've determined that they've been through a traumatic event, you need to assess if they, in one way or another, find that they can't get that event out of their mind because can't stop thinking about it or they're having flashbacks or their body reacts with situations that are reminiscent of the event or they're having nightmares; are they in certain ways shut down. They may have difficulty experiencing emotions or even physical sensations. Were they left with very negative beliefs and feelings about life in general, themselves in general. Do they -- do they constantly feel or intermittently feel (inaudible) anxious, easily irritated, difficulty sleeping, constantly scanning for danger. (Inaudible) startle response, where they jump, hears a loud noise or somebody comes into the room and they don't notice them at first and suddenly, they see (inaudible) and they

physically jump in response.

Q Can you tell by just looking at a person whether they have PTSD?

A No.

Q What about by having a conversation with them?

A Not unless you are aware of the symptoms of PTSD and you're assessing whether they are present or not.

Q And what are intrusive and hyperarousal symptoms of PTSD?

A The intrusive symptoms are the inability to get the traumatic event out of one's mind. So not being able to stop thinking about it, having nightmares about it, having flashbacks of the event, being physically (inaudible) encounters. Cues that are similar to the event increase the symptoms.

What was the second part that question?

Q I just asked about intrusive and hyperarousal symptoms?

A Okay. So hyperarousal symptoms are the physical and emotional overactivity, overreactivity you see in PTSD, not being able to fall asleep, constantly scanning for danger, exaggerated startle response, easily being irritated, those sorts of things.

Q Okay. Doctor, I want to draw your attention to this case specifically. Have you worked on the case of Raymond Bright?

A Yes, I have.

Q And did you interview him?

A I did.

Q What was your purpose -- oh, go ahead.

A I spent six hours interviewing Mr. Bright.

Q And how many people have you examined for trauma or complex trauma in your career?

A Easily hundreds, maybe thousands.

Q Do you generally rely on self-reporting?

A Yes.

Q And what information did you receive from Mr. Bright himself?

A I spent those six hours with Mr. Bright because my charge was to assess whether he experienced events that would be considered traumatic and whether those traumatic events had resulted in posttraumatic stress disorder and other disorders, although when we think of trauma, we constantly think of posttraumatic stress disorder, the term "trauma" that's right there in the diagnosis. There's a wide rank of disorders that one can see in response to trauma either instead or in addition to PTSD.

So I walked through Mr. Bright's life history, starting as far back as he can remember in childhood, made it through to the point where we had met and assessed for the presence of any traumatic events and assessed for any disorders that might have resulted from those traumatic events.

Q And in addition to interviewing Mr. Bright himself, did you review records and summaries from other interviews in this case?

A Yes, I did.

Q And did the things in those interviews and summaries and notes corroborate what Mr. Bright was telling you?

A They did. I didn't encounter any instances that contradicted Mr. Bright's report.

Q Based on your review of the records and your conversations with Mr. Bright, did you find that Mr. Bright experienced any trauma?

A Yes, quite a bit of trauma.

Q Did you utilize any studies in determining whether Mr. Bright had trauma?

A Yes, I did.

Q And which study did you use?

A So the major study that I used is a very well-known study, a kind of classic or central study in

the field of trauma, very unusual study in that it was a very large-scale study. Most studies in psychology and psychiatry involve, say, 30 -- 50 people or maybe 500 to 1,000 people. This study (inaudible) over 17,000 participants.

And the name of the study, the adverse childhood experiences study, in order to understand the study (inaudible) know some background about it. It was a physician (inaudible) a weight loss program with the idea that people who are overweight are at risk for a range of disorders. And so if they developed a weight loss program (inaudible), they could help people avoid (inaudible), diabetes, heart disease and a wide range of other medical disorders.

Well, one of the things that (inaudible) was that there were a number of people who were very successful in losing weight. Major interest was in people who (inaudible) and people who lost up to several hundred pounds.

So in that (inaudible), their program was pretty successful. But he found was that people, including people who were very -- who seemed pretty dedicated (inaudible) successful in losing a large amount of weight very quickly (inaudible). And so he interviewed the people who had been successful and

gained back the weight at the end to find out that a good number of those people had grown up with sexual abuse and other kinds of trauma.

And what they reported was that although they had wanted to lose the weight that they found that they felt more vulnerable at the lower weight. They felt safer and able to protect themselves (inaudible), and that was why even though successful losing weight, they gained it back.

So this physician realized that they could follow a wide range (inaudible) be healthier, but if they (inaudible) childhood kinds of events, those events may work against (inaudible).

And so a group of psychiatrists and physicians carried out this study on as many people at they could from Kaiser Permanente, which is large medical provider, San Diego, California. They were successful in including over 70,000 people getting medical services from there. They interviewed them in detail with funding from the Centers For Disease Control about their childhood history, about their medical health.

And based on that study, they found (inaudible) childhood increased the risk of (inaudible) psychological or medical disorders.

Q And you said those ten factors, that's what makes up ACES, correct? That's what the adverse child experiences are?

A ACES is the term for adverse childhood experiences. And so they identified ten ACES, adverse childhood experiences, each one of which increased the person's risk for a wide range of psychological and mental problems.

Q And can you explain to the jury what these ten factors are?

A Certainly. So those ten factors were childhood physical abuse; childhood sexual abuse; childhood psychological abuse, being put down humiliated, cursed at and so on; childhood physical neglect, not being taken to the doctor or to the dentist, not consistently having sufficient food, clean clothes, shelter, not being -- okay -- and then childhood emotional neglect, which would consist of feeling like one wasn't being treated like one was loved or special to one's family.

So we've got -- that's five of the factors. One is (inaudible) household, there's domestic violence, where mother is being beaten (inaudible) by father, a household where (inaudible) has a serious alcohol or drug problem, growing up in a household

where a house member is in prison during one's childhood and adolescence, growing up in a household where one's parents are divorced or separated or growing up in a household where at least (inaudible) household member is several depressed, has a mental disorder or has attempted suicide.

Q Thank you.

And is the presence of these factors related to a higher degree of violence?

A Yes. So there's a whole wide range of difficulties that the research found people can have with each of these factors. So any of these factors can lead to higher rate of violence, to a higher degree of anxiety, depression, PTSD, substance abuse in terms of psychological difficulties or on the medical side, a higher degree of heart disease, diabetes, respiratory problems and a higher risk of -- I'm sorry -- a higher degree of risky health behaviors such as overeating and being overweight, smoking, having unprotected sex, having a large number of sexual partners.

Q And is -- is there anything noteworthy about the life expectancy for someone who has five or more of these factors?

A Yes. One of the striking things about the study was that any of these ten factors could increase

a person's risk of psychological or medical disorders. But the more factors they had in their backgrounds, the higher the risk was, the more psychological and medical problems they were likely to have and the more severe those problems would likely be so that someone with five or more of the ten factors in their history, on average, had a life expectancy of almost 20 years less than someone with none of these factors in their background.

Q And did you evaluate Mr. Bright for these ten risk factors?

A I did.

Q And, Doctor, how many did he have?

A He had all ten.

Q So ten out of ten of those apply to Mr. Bright?

A That's right.

Q And can you -- I know there's a lot of them and he has all of them. But can you kind of explain to the jury how each one was met?

A I'll try. So in terms -- one of the most striking was the physical abuse that Mr. Bright was subjected to. And one of the most striking factors in his history is partly -- partly (inaudible) falls under the umbrella of physical abuse, but certainly, physical

abuse doesn't capture it.

Mr. Bright has an older brother and sister. His father had a junkyard business. And all three of the children were, Mr. Bright, starting at age five, required to work in the junkyard business, for example, disassembling automobiles for scrap and so on. And they were required to work in the junkyard basically all their waking hours except when they were in school.

So they would be woken up at 4:30 or 5:00 in the morning, have to work for while, then have breakfast and go off to school. Then when they got home from school, other than dinnertime, they were required to work in the junkyard sometimes (inaudible) at night until they were (inaudible) bed. During summer vacations, they worked full-time in the junkyard.

And Mr. Bright's father was very perfectionistic, was constantly criticizing them for not working hard enough or not rising to the level of perfection that he expected. And so when they didn't meet those standards, he put them down. He'd tell them they were stupid; they were not going to amount to anything, all under that (inaudible) of physical abuse.

And very regularly, he would beat them, whip them with extension cords, hit them with objects on

(inaudible) occasion. He hit Mr. Bright with a (inaudible) on a regular basis. The beatings would go on for an hour or more. And so they were very severe. Often, the -- Mr. Bright and his brother and sister, after (inaudible), had welts and bruises (inaudible).

So certainly, that would meet the adverse childhood experience criteria for physical abuse, but obviously we're talking about a very increased level of physical abuse that goes way beyond the level (inaudible) children would have experienced.

Q So with this -- with the adverse childhood experiences, it accounts for the presence of maybe past abuse but not necessarily the circumstances behind it, meaning that one person who had ten factors could actually be -- their circumstance be much more severe than another person who had ten.

A That's right. So all that -- all that this research captures is was physical abuse present or not, not how extreme or severe the physical abuse was.

Q And what about --

A That's just an example.

I'm sorry.

Q That's okay.

What about sexual abuse? Was Mr. Bright the victim of sexual abuse?

A Yes. So when Mr. Bright was roughly nine years old, his father went to prison, and while the father was absent, his older brother repeatedly sexually abused him.

So that was (inaudible) by Mr. Bright but also (inaudible) on that from his sister and other people who had been told about it.

MR. DE LA RIONDA: Judge, object to hearsay.

THE WITNESS: And --

THE COURT: Sustained.

MS. BYNUM: Doctor --

THE COURT: Hang on, Doctor.

MS. BYNUM: Doctor, I'm sorry. There was an objection and it was sustained. Let me -- let me just ask --

THE COURT: Disregard, ladies and gentlemen, what the sister may have been told about that sexual abuse.

BY MS. BYNUM:

Q I'm sorry, Doctor. You were -- that was self-reported by Mr. Bright, and then you've seen that in notes?

A Yes. There were corroborative notes from interviews with -- with other people.

Q Okay. Talk to -- talk to the jury about some of those other -- well, all of the other factors that you found Mr. Bright to have.

A Okay. So far we've covered physical abuse, verbal abuse in terms of being told, you're stupid; you're never going to amount to anything, and so on.

Father went to prison. It's a family member in prison.

The household in which Mr. Bright and brother and sister were raised had no (inaudible) water, had no indoor plumbing. They only -- they obtained their water by getting water, carrying from the neighbor's house to their house, and partly for that reason, they only bathed once a week. They often went to school with dirty clothes. They often didn't have enough to eat.

So that would be the adverse childhood experience of physical neglect.

They were emotionally neglected in that their father was not at all loving. He was very critical of them.

And their father would routinely beat their mother severely. So that is another factor, domestic violence.

Let me just see what we've got so far here.

Physical abuse, sexual abuse, emotional (inaudible), physical neglect. Mom did not protect the children from father. So that would be a component of emotional neglect. Neither parent was affectionate towards Mr. Bright (inaudible) emotional.

So (inaudible) verbal abuse, sexual abuse, emotional neglect, (inaudible), household member in prison.

Mr. Bright's father was a severe alcoholic. That's another childhood -- adverse childhood experience. By -- by his report and corroboration, (inaudible) physical abuse was severe during the period that he was actively drinking. At a certain point, I believe Mr. Bright was in school, father stopped drinking and actually was being more physically abusive towards the rest of the family when he was no longer drinking.

Father had a mental disorder in that he was a hoarder. The rooms of the house were filled with basically garbage, not anything that anybody (inaudible) with. For example, he would save candy wrappers, would save carpet remnants. And these things were not just out in the junkyard but were inside the house and blocking the ability to move from the rooms and function.

Trying to think of which factors I haven't addressed yet.

Q Were his -- were his parents divorced?

A So his parents were not, as far as legally divorced. But they were separated and at a certain point, they became alienated from each other, that -- they lived in separate rooms. My understanding is that for financial reasons, his mother was not in a position to actually move out and move to another residence. So they were, in effect, separated even though they continued to live within the same -- under the same roof.

Q And, Doctor, how many other people have you seen with ten factors?

A Very few. What the research showed is -- actually, I haven't been able to find figures for the general population, people in general, because it's so rare for somebody to have all ten factors. There have been studies done, for example, on juvenile offenders of how many of the factors they have. So a somewhat extreme population (inaudible) people expect to see more than ten factors than the general public. But even in that extreme population, the number (inaudible) with all ten factors is something like one out of 200.

Q Okay.

A So much -- half a percent.

Q And I'm not sure if I even asked you this, but did you diagnose Mr. Bright with PTSD?

A Yes, I did. But he had other disorders as well, which is what you would expect, given that we're not looking at reaction to a single traumatic event. We're looking at a series of reactions to a whole series of traumatic events that Mr. Bright was repeatedly subjected to during his growing up years.

Q Does -- Doctor, does trauma or complex trauma affect an individual negatively in appreciating the criminality of his conduct?

A Let me -- let me start by explaining to the jury the difference between trauma and complex trauma. We've already talked about trauma, which will be encountering an event that's life-threatening or potentially physically injurious or consist with sexual violation.

Complex trauma refers to being exposed to traumatic events again and again and again, as in the instance in Mr. Bright, where he was beaten repeatedly several times a month and severely (inaudible) sexually abused repeatedly and so on. That (inaudible) repeat traumatization, the pattern of reactions we see (inaudible) posttraumatic stress disorder, that's

referred to as complex posttraumatic stress disorder, which is a wider range of psychological difficulties that one sees with someone who experienced one traumatic event after another as (inaudible) abuse.

Q And did you discuss the incident in this case with Mr. Bright?

A Yes, I did.

Q Did you find that PTSD played a role in this case?

A Yes, it did.

Q And can you --

A I'm sorry. Go ahead.

Q Can you explain that to the jury?

A Certainly. Mr. Bright was constantly threatened by his father. He constantly felt in danger. All of this was going on in his -- in the household where he grew up. And the consequence of that is that Mr. Bright felt that (inaudible) home, which we would hope for most children would be a place where they felt safe. Mr. Bright constantly felt in danger. He never knew when he was going to be yelled at belittled, beaten, sexually molested by his older brother (inaudible). And so he was (inaudible) to be especially anxious and -- and worried when he felt endangered in his own home.

Also, when Mr. Bright grew up, there was really nobody that he could turn to. His father would tell the neighbors and people in the town, if any of the children ever gets out of line, you have my permission to beat them. And if they get out of line again, you have my permission to beat them again.

And so people knew that Mr. Bright and his brother and sister were beaten. They did nothing to report it. They did nothing to protect him. And the fact (inaudible) by his father that he was extending his parental permission to them that they could beat as well.

So he felt especially endangered at home but in danger as well in (inaudible) neighborhood from adults in general.

Q So how does that relate (inaudible) here?

A In the incident -- so in the incident, there were two young men who had entered Mr. Bright's home. They refused to leave. They wrecked the house, destroyed the house. Mr. Bright and his girlfriend at the time contacted the police, explained the situation. Mr. Bright explained he felt he was in danger. There were a number of attempts to contact the authorities and get effective intervention so that these young men would be removed from this household, and none of them

was effectively responded to.

So at a certain point, Mr. Bright reported these two young men were increasingly threatening him, telling him that they were tired of him complaining about them destroying the household, tired of complaining about them being there. And they began to tell him that he knew that they had firearms and then began to tell him that they were getting ready to kill him because they were (inaudible) annoyed about him complaining about them being there and the way he was treated.

So all of this was reminiscent to Mr. Bright of the danger he was constantly in in his own household growing up.

Q And so to that degree, that's how you feel PTSD did play a role in this?

A Yes. And also the fact that Mr. Bright became convinced, as he was during his childhood, that not only was he in danger in his own household but that nobody would effectively respond and protect him and help him to be safe.

Q And, Doctor, did you find that Mr. Bright killed Mr. Brown and Mr. King while he was under the influence of extreme mental or emotional disturbance?

A Yes. As we just discussed, Mr. Bright's

mounting fear that these two young men were going to kill him and the sense of not feeling safe in his own home escalated especially (inaudible) two young men accelerated their threats against him and implied that they were going to kill him.

Q Do you find Mr. Bright was acting under duress?

A Yes.

Q Did you find the capacity for Mr. Bright to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired?

A Yes. Mr. Bright's perception was that he was acting in self-defense.

Q What are your overall conclusions or opinions from your testing of Mr. Bright?

A That Mr. Bright's circumstances growing up were not only traumatic, not only adverse, not only led to severe psychological impairment but were extreme, very unusually severe, very unusually damaging. As we see often in people with posttraumatic stress disorder, it happens (inaudible) people (inaudible) trauma, certainly happens with people who grow up with (inaudible) child abuse.

Mr. Bright developed (inaudible) substance

abuse difficulties. We see this a lot with people who have been traumatized and are constantly feeling very anxious and constantly feeling in danger because use of alcohol or drugs (inaudible) to feel less anxious and, in effect, are medicating their own anxiety by relying on substances.

Mr. Bright became clinically depressed as a result of (inaudible) and developed excessive compulsive disorder.

Later in life, Mr. Bright became a very successful mechanic, but he reported that because his father was constantly finding fault with him and his brother and sister and telling them that they weren't performing well enough, (inaudible) he (inaudible) them and beating them because they didn't rise to the father's level of performance. Later in life, Mr. Bright would work as a mechanic. He would complete his task then wonder, did he really (inaudible) sufficiently (inaudible) what he had done, do it all over again to convince himself that he had completed the task and completed it adequately.

So that would be the compulsion sign that he obsessive compulsive disorder in addition to (inaudible) substance abuse (inaudible) in addition to posttraumatic stress disorder.

He also had extreme anxiety (inaudible) kept to himself (inaudible) social situations. (Inaudible) never had more than (inaudible) friends, was very hard for him to trust other people. He was not allowed to (inaudible) other children (inaudible) he was supposed to conduct himself in social situations. So he developed (inaudible) disorder in response to circumstances he grew up in.

Q And lastly, Doctor, I know that you said that it was a very, very small number that you had seen ten factors in other people. It was a very small number. But even stacked against those people with -- who do have ten, how would you rank Mr. Bright's case, even stacked against those?

A I would say the circumstances are either the single most extreme or among the three most extreme that I've encountered in the hundreds or thousands of cases that I've assessed and treated.

MS. BYNUM: Thank you.

I have nothing further, Your Honor.

THE WITNESS: Thank you.

THE COURT: Cross?

CROSS EXAMINATION

BY MR. DE LA RIONDA:

Q Good afternoon, Doctor. Can you see me?

A Good afternoon, sir.
Q Can you see me?
THE COURT: No, he can't. There you go.
THE WITNESS: I see you, yes.
BY MR. DE LA RIONDA:
Q All right. How are you doing?
A Good. How are you?
Q All right.
I gather you're in a hotel or somewhere because of the hurricane -- right? -- that's supposed to come.
A That's correct. That's correct.
Q Doctor, I've had an opportunity to review your report, and so I want to -- let's start off with you interviewed --
A I'm sorry. I'm not hearing you when you're -- you seem to be away from the mic.
THE COURT: Mr. de la Rionda, you cannot go over that way --
MR. DE LA RIONDA: I'm sorry.
THE COURT: Because you're going to get too far away from the microphone, number one. Not that he needs to see you but when you go that way, he can't see you. You've got to stand right in front of the laptop.

MR. DE LA RIONDA: Yes, sir. I apologize. I was looking at my notes.

BY MR. DE LA RIONDA:

Q You interviewed him in two thousand and -- what, '13?

A Yes. That's correct.

Q So you interviewed him over five years after he committed the murders, right?

A That's correct.

Q And you were trying to get into his brain to see how he was functioning five years earlier -- or over five years earlier, correct?

A Yes, sir. I was trying to assess his functioning.

Q To kind of explain why he did this, correct?

A No, no.

Q Okay. So you were -- okay. But you were -- you were doing it at least five and a half years after he committed the murders, correct? You would agree. The murders happened back in 2008 --

A Yes.

Q -- February 19th, February 20th of 2008, so it's at least five and a half years after, correct?

A Right.

Q And you -- you said that he had suffered from

childhood trauma, correct?

A That's correct.

Q Okay. And would you not agree that most of this was self-reporting on the part of Mr. Bright? Correct?

A I -- I spent a lot of time with Mr. Bright. I received the most detail from him, but it was corroborated by his brother and sister.

Q You interviewed his brother?

A No. I had access to notes that the mitigation specialist took (inaudible).

Q So you did not interview, yourself, his brother, correct?

A No, I did not.

Q So you could not -- this allegation of this sexual abuse by his brother, there was no corroboration of that in terms of no -- you did not interview his brother, correct?

A That's correct.

Q Okay. Now, let's talk about the physical abuse because you did interview his sister, Mr. Bright's sister, correct?

A Honestly, I don't remember whether I interviewed his sister. I did have access to the mitigation specialist's notes from her interview with

the sister.

Q Well, you would agree that somebody telling you what somebody else said is not as good as that person directly telling you, correct?

A Well, the purpose of those interviews was to assess whether they matched up with what Mr. Bright said.

Q Right. But isn't the best evidence what you, yourself, hear from a person versus what somebody else tells you what that person said? That's called "hearsay" and is normally not allowed in court?

A Sir, I think you're talking in legal terms. So what's best evidence from a psychological point of view might be different than what's best evidence from a legal perspective.

Q So what you rely -- what you're saying, in your field, you rely on what maybe I would say that Mr. Bright said, right? I mean, I could come up with what Mr. Bright said or what evidence I saw, correct?

Here. Let me -- let me move on. I don't need to get into this.

You agree that -- it's the most important thing is to determine whether what Mr. Bright, which you agree is self-serving and reporting -- to be able to corroborate that in some way.

A I would say that the most important thing is whether there's consistency between what Mr. Bright reports and other sources of information.

Q Correct. So in other words, you would agree that it's important -- to take what he's saying, you have to corroborate it, or else really, it's of no value.

A Wouldn't say it's of no value. But it's certainly of greater value if it's consistent with other sources of information.

Q Because you -- you would concede that people who have been charged and convicted of murder or any other crimes might lie to you.

A Yes, they might.

Q And in the past, they have lied to you, correct?

A That's the reason for corroboration.

Q Okay. Because, I mean, you don't -- you're not -- while I understand you're qualified in terms of being an expert --

A But, sir, I'm getting a little lost here because you just claimed that the best source of information is the person themselves, but now you're telling me that that information is suspect under certain circumstances. So I'm not clear where what

you're -- what you're asking or what you're saying.

Q You're not understanding my question?

A I'm having trouble following your line of reasoning here.

Q Okay. So you want to -- I guess you're trying to argue? I'm just trying to ask you a question and you --

THE COURT: Then ask him a question.

BY MR. DE LA RIONDA:

Q My question is --

A I'll do my best.

Q -- you agree that people, having been convicted of murder or having been charged with any crime, that they can lie to you, correct?

A Yes.

Q Okay. And in the past, they have.

A Yes.

Q Okay. And more than one time.

A That's the reason (inaudible).

Q In the past, you've done a lot of interviews. So in the past, they've lied more than one time to you, correct?

A Yes.

Q Okay. You interviewed Mr. Bright back in 2013, we've covered, and you interviewed him --

A That's correct.
Q You interviewed him, first of all, regarding his background, correct?
A That's right.
Q And you covered with him pretty his extensive record, criminal record. Would you not agree?
A Yes.
Q Okay. And in addition to confirming that -- because you looked at some other records indicating how many times he had been convicted of a felony, correct?
A Yes.
Q You reviewed the PSI, correct?
A I'm sorry. Again, I --
Q I apologize. I apologize. I looked the other way. My fault. Please forgive me, Dr. Gold.
You mentioned -- your interviewed -- PSI, the -- in other words, showing his criminal history, you reviewed that, correct?
A Yes, yes.
Q Okay. Not just from what he, the defendant, told you but also based on your own records in terms of making sure you had a complete understanding of his background, correct?
A Yes, that's correct.
Q Okay. And he had a prior conviction for

robbery with a weapon.

A Yes.

Q You recall that? It was in Pensacola. He went up to a convenience store with a knife and committed a robbery on a lady there, correct?

A Yes.

Q Okay. And you would agree that was a crime of violence, correct?

A Yes.

Q Are you saying that at that time, when he committed that armed robbery, he was suffering from PTSD?

A Yes. He was suffering from PTSD.

Q So the reason he -- he did that is because he was suffering from PTSD and he felt threatened by the lady he was trying to take money from?

A Let me go back to my previous answer. I am not saying that Mr. Bright did what he did in this incident or in previous incidents because of his posttraumatic stress disorder.

Q Okay. I appreciate you clarifying that because I want to make sure the record's clear. You're not saying that he committed this murder because of posttraumatic stress disorder, correct?

A I'm saying that it was related to

posttraumatic stress disorder to the extent that Mr. Bright perceived the situation as one of self-defense, that his life was in danger, and that was impacted by his history of trauma.

Q So going back to the robbery that he committed back in 1989, he was -- in your opinion, he was suffering from PTSD because he had been abused as a child, correct?

A That is correct.

Q Okay. And what you're saying is that even though he has PTSD in terms of suffering from it, that did not cause him to commit that armed robbery of a lady at the convenience store, correct?

A Not to my knowledge, no.

Q It was more --

A That's correct.

Q It was more self-serving in that he wanted money because he had a crack problem or drug problem or whatever, and he wanted to get some money, correct? Is that correct. I see you nodding your head.

A Yes. I'm sorry.

Q No, no. That's all right.

A I'm just trying to follow your question, so let me go ahead and answer. Yes, the crime in that instance was motivated by wanting (inaudible) to

support his drug habit.

Q And then he went on to -- in '93, he had some DUI and he had other offenses. Do you recall that?

A Yes. Those were obviously drug-related offenses.

Q And then he had some other crimes, I think a total of 22 counts of crimes involving utterings and that type of crimes, financial-type crimes.

A I'm sorry. I didn't get --

Q Financial-type crimes, nonviolent, those crimes, he had a bunch of nonviolent crimes, correct?

A Yes, yes.

Q In terms of he wanted money or he wanted something else and he got it by means of some fraud or something. I'm paraphrasing.

A Yes.

Q And are you saying that at that time, he was also suffering from PTSD?

A If your question implies that he was doing these things because he had PTSD, then let's map that out. He had PTSD --

THE COURT: Doctor, Doctor, Doctor, please, Doctor. Stop, stop, stop. Doctor, that was not the question. Please just listen carefully to the question and answer

the question.

THE WITNESS: Okay. I'm sorry.

THE COURT: Ask it again,

Mr. de la Rionda.

BY MR. DE LA RIONDA:

Q My question is at the time he committed all these crimes -- I think there were 20-something crimes in terms of nonviolent, but he wanted money or something for something -- he -- was he suffering from PTSD at that time?

A He was suffering from PTSD throughout his life from the time he was a child.

Q That PTSD did not force him to commit those crimes, did it?

A No.

Q Okay. And he also -- as I think your records indicate, based on your review, that he committed battery too -- that was a crime of violence back in 1996. Was that as a result of PTSD?

A I don't know. But to my knowledge, no, it was not, not directly.

Q And then he committed a burglary in 1997. Was that as a result of PTSD? That was the one involving his wife and a domestic situation with his wife. Was that as a result of PTSD too?

A Sir, I don't know. I did not assess for whether those other crimes were directly PTSD-related.

Q And then he had a leaving the scene of an accident with injuries, where he's -- leaving the scene of an accident, may not have been involving injuries. I don't want to misspeak. But it was involving, you know, hitting a car and then fleeing from it. He was arrested. Was that as a result of PTSD?

A Again, I don't know. I did not assess for that.

Q Are you saying that because he has PTSD, he at any time could just lose it?

A No, I'm not.

Q So an individual such as Mr. Bright who has PTSD is able to control himself, is that correct?

A Under certain circumstances, yes. Under other circumstances, no.

Q Okay. And so the circumstances, as you describe it, as I understood, is something that in his mind, he perceives a threat or a danger that may not be real, correct?

A Yes, that could be correct.

Q Okay. All right. And so that could conceivably occur at any time, correct?

A No, that's not correct.

Q Okay. So maybe you can explain. A person that has PTSD is -- even though there's not a real danger, if he perceives a danger, he may react as a result of childhood abuse he suffered?

A Yes, that's correct.

Q Okay. And so how is -- if the danger is not real, how is one able to control themselves?

A I'm sorry. I'm not sure I understand your question.

Q I'll be glad to rephrase it. I apologize.

Let's take it for granted, he's got PTSD. And he's got it -- you know, it's in him because of his childhood. He was abused so he suffered from posttraumatic stress disorder. That could be triggered by an event, even though it's not real. In other words, he perceives a danger when in reality, there's not a danger, correct?

A Yes. That's possible, yes.

Q So that could occur at any time. I mean, I could have PTSD and I'm walking around and I think, oh, somebody's going to hit me and I start lashing out, correct?

A It -- I wouldn't say it could occur at any time. It would occur in circumstances that were reminiscent to the person of the traumatic -- of the

circumstances of the trauma, where trauma (inaudible).

Q All right. Now, he had a child -- a rough childhood, I guess based, on what you understood from his interview, correct?

A That would be one way to characterize it, yes.

Q All right. And because he was forced to work excessively as a child, correct?

A Yes.

Q Okay. And from your standpoint, you perceive that as trauma because a child should not be made to work at a certain age, I guess, or was it his work -- being worked excessively because they were poor and had to work in a junkyard?

My question is it your belief that a child, let's say, at age ten should not be forced to do manual labor?

A Well. I don't think we're talking about my belief. We're talking, for one thing, about child labor laws, but I think that's outside the purview of my expertise.

Certainly being beaten severely with objects to the point where there are welts and bleeding and bruises is traumatic and is child physical abuse.

Q Okay. So that is what your focus -- in terms

of the trauma he suffered as a result of being beaten by his father, correct?

A I'm sorry.

Q The trauma that you described --

A (Inaudible) your question.

Q The question is the trauma that you are describing that he was subjected to as a child was the fact that his father beat him, correct?

A That was one of the trauma -- types of trauma he was exposed to, yes.

Q Was another trauma that he was forced to work at a young age?

A I don't know that I would call that a trauma. It certainly is not circumstances under which one is likely (inaudible) to have a fully functioning adult.

Q Okay. Now, are you saying that as a result of that trauma that he didn't have -- his frontal lobes were affected or you're not saying that?

A I'm saying the trauma affects the development of the frontal lobes and other areas of the brain, yes.

Q You -- you are aware, I guess, in having reviewed Dr. Krop's report, who examined him, by the way, the same year that this murder occurred, right thereafter, that he found no evidence of cognitive issues? You are aware of that, that Dr. Krop didn't

find anything there?

A I don't remember --

Q Cognitive impairment?

A I don't remember that Dr. Krop specifically assessed for that.

Q Well, I guess we'll leave it alone because Dr. Krop's testified already.

But did you review Dr. Miller's report too, that also examined him right around the time of the murder?

A Yes, I did.

Q Dr. Ernest Miller?

And didn't he find that there was no evidence of cognitive impairment?

A Again, I don't remember that he specifically addressed that issue.

Q Do you have his report there in front of you?

A I do not.

Q If -- if Dr. Miller had opined that he did not find any evidence of cognitive impairment, would you disagree with him?

A I wouldn't disagree with it but my recollection is that Dr. Miller did not specifically assess for that.

Q I'm going to, if I can, just go over to a

table. If you can't see me for a minute, I'm going to get a piece of paper, if you don't mind. I'll be right back.

A Yes, sir.

Q I'm sorry, Dr. Gold. I'm back here. Can you see me?

A Yes, sir.

Q Hear me more importantly, yes, sir.

A Yes.

Q Were you aware that he did not tell, that is -- I'm sorry -- Mr. Bright did not tell Dr. Krop anything about this physical abuse?

A Yes.

Q And were you aware that he did not tell Dr. Miller about any physical abuse?

A Yes.

Q And are you saying that before you interviewed Dr. -- I'm sorry -- the defendant, Mr. Bright, he had been talked to by other people? You mentioned some mitigation specialist, is that correct?

A That's correct.

Q Okay. Wouldn't you agree that in terms of an interview of a person that's been charged or in this case, convicted of murder, it's better to interview them as close to the actual murders in time as

possible? Wouldn't that be the best?

A I'm not sure that I would agree to that in terms of assessing somebody's history of trauma and the impact of that trauma.

Q Do you think 10, 15 years after the fact -- well, in this case -- let's leave it at this case -- seven years after the fact, you think you can get an accurate assessment as to the truthfulness, et cetera, corroboration, all the other stuff?

A Traumatization in childhood can last a lifetime. We're not talking about seven years later. We're talking about decades later.

Q Yes, sir. And how was it that Mr. Bright -- if he suffered from this trauma and was so abused from the standpoint of what he has stated, how was he able to join the Marines and at least for eight and a half years, function somewhat all right in the Marines?

A This is something we very commonly see among people who are severely -- not as severely traumatized as children but also grew up in circumstances where they (inaudible) where they aren't learning (inaudible) how to function in the world, that they join the military, understanding the military will provide them with structure and support and help them to learn many of the things that they didn't learn growing up.

So under those circumstances of (inaudible), clear guidelines, structure and discipline, people can function a lot better than they would in a less structured atmosphere.

Q So you're -- you're saying that structure provided him a better environment where he would do well.

A That's right.

Q Well, were you aware that he actually didn't do -- well, I apologize. He did well for period of time. But then he had an alcohol problem, and as a result, he had to leave the Marines. Were you aware of that?

A Yes, I was aware of that. I believe he left under honorable discharge circumstances.

Q Right. And he had been -- attempts were made to treat him in terms of to deal with his alcohol problems because apparently, he was showing up to work drunk, et cetera. Did you ask him about that, why he was doing that?

A I don't remember if I specifically asked him. He was doing that because he had an alcohol addiction, and that alcohol addiction is something we commonly see in people who have childhood trauma as a way for (inaudible) trauma in order to reduce the distress

they're experiencing as a result of the traumatization.

Q So what you're saying is somebody who's been physically abused will resort to alcohol to what, deal with the fact that as a child, they were abused?

A What I'm saying is that whenever we're talking about physical abuse or combat trauma or wife battering or any form of trauma but especially childhood trauma that most people who have substance abuse problems have a history of child traumatization, and their substance abuse difficulties are a way to reduce their distress about their posttraumatic stress disorder (inaudible) they have (inaudible) traumatization. This -- well, this is something that I believe (inaudible) specifically discussed.

Q Yes, sir.

And apparently, at some point, Mr. Bright is able to control his drinking and deal with it because at some function, he did well in the Marines. So you're able to -- he's able to turn it off and on?

A No. He's not able to turn it off and on. There were times -- when, first of all, Mr. Bright first began drinking, he was in the Marines. It was part of the culture. That's when he developed his alcohol problem. There were periods in his life where he successfully was able to stay sober and (inaudible).

Q So are you saying that the reason he was drinking in the Marines, because it was just part of the culture? It wasn't because he had PTSD. It was just everybody in the Marines was getting drunk?

A I'm saying he was introduced to drinking as part of the culture in the Marines. He had not drank, to my knowledge, before then, and he developed an alcohol problem as a way to manage his posttraumatic stress disorder symptoms and the other psychological effects of childhood traumatization.

Q Okay. Also, I think you documented in your notes -- and I don't know -- do you have it there in front of you, your interview notes?

A I (inaudible).

Q You do?

A No, I don't.

Q Okay. I'm reading from -- defense counsel's got them. I think on Page 3, you documented that Mr. Bright told you that he started drinking while he was in the Marines in the morning and it escalated from there. But he didn't see it as a problem at this time, but then it got out of hand. And he was showing up to work drunk in the Marines basically, when he was trying to fix these planes and stuff. You remember that?

A Are you -- are you quoting directly.

Q Yeah. You stated: He started drinking in the morning and it escalated from there. But he didn't see it as a problem at the time.

A Okay.

Q In 1978, he went -- he goes on to explain where he went, that he got alcohol treatment in the Marines.

Do you recall that?

A That's correct, yes.

Q And he stated that he went to Yuma and his drinking got worse and -- et cetera. You know, he attributed -- he said he had blackouts because of his drinking. Do you remember him telling you that?

A Yes.

Q Okay. So -- so in other words, the bottom line is while he was in the Marines, he had an alcohol problem. The Marines sent him to treatment. Apparently, he couldn't hack it there because he kept drinking, correct?

A He did not successfully -- he was -- did not successfully recover in response to the treatment. That's correct.

Q And you do believe in the concept of free will, do you not, sir?

A Yes, I do.

Q And so would you agree that that was him -- whether he succeeded or not in terms of his alcohol, it was up to him?

A I would say that certainly that's one element of whether somebody's successful with recovery but it's not the only (inaudible).

Q Anyway, then you go on. On Page 4, you talk about in terms of his history that he started using cocaine. So he went from alcohol, then started using cocaine, correct?

A That's -- that's correct.

Q Did he tell you why he was using cocaine? Did that become a thing, the culture Marines too or was that something else?

A No. That -- that wasn't in the culture of the Marines. He was introduced to cocaine by someone. I don't remember off the top of my head who it was.

Q Okay. And was he using that also to deal with his PTSD?

A Yes.

Q Okay. So he switched -- did you elaborate or did you ask him why he switched from alcohol to cocaine in terms of dealing with the PTSD?

A Well, he was introduced to cocaine, and cocaine is a highly physically addictive drug.

Q Now, he then -- as you noted on Page 4 of your -- of your report or your notes that he was charged with that robbery, and he got some probation, trying to get treatment for him. But that wasn't successful either. Do you recall that?

A Yes, I do.

Q Okay. So in other words, he was being given chance after chance after chance but he kept -- I'm going to say mess up. Maybe there's a better way to describe. But he just kept going back and --

A I would say that (inaudible) when he was successful in abstaining substance abuse, but, yeah, there were times when he was successful in (inaudible) substance abuse.

Q And then you go on. On Page 5, you talk about the burglary in terms of the domestic violence and the burglary. Is that as a result of PTSD also?

MS. BYNUM: Your Honor, I'm going to object to --

THE WITNESS: Again, I didn't assess for that.

THE COURT: Hang on, Doctor. There's an objection.

MS. BYNUM: I'm going to object to asked and answered.

THE COURT: Sustained.

MS. BYNUM: Thank you.

BY MR. DE LA RIONDA:

Q Then I'm going to move on in terms of you mentioned that you asked him specifically about the murder, correct?

A Yes.

Q Okay. Now, did he ever tell you why, after he murdered both of these victims, he covered up their faces with a blanket or some other object or had them facedown?

MS. BYNUM: Objection, facts not in evidence.

MR. DE LA RIONDA: Judge, the photograph speaks for itself from the scene.

THE COURT: Arguably, you're right. It's overruled.

BY MR. DE LA RIONDA:

Q Did he tell you if he was so out of it, suffering from this PTSD, how he had the presence of mind to cover up at least Mr. Brown, who was on recliner and had the blanket over his face? Did you ask him about that?

A Sir, I didn't say he was out of it.

Q I'm sorry. You didn't say what? I

apologize.

A You said so out of it. I didn't say he was out of it.

Q Okay. Thank you for clarifying that.

So at the time he committed these murders, he was not out of it, correct?

A I'm not sure what you mean by the term "out of it."

Q Well, tell me what you mean.

THE COURT: He didn't use the term.

MR. DE LA RIONDA: I did.

THE WITNESS: I'm sorry.

MR. DE LA RIONDA: I did.

BY MR. DE LA RIONDA:

Q Well, you said he wasn't out of it. In other words -- let me backtrack a second, just so there's no issue.

At the time that he committed these murders, he was aware of what was going on, correct?

A Yes.

Q Okay. I mean, he -- he intentionally hit both individuals with a hammer on the head repeatedly and the arms, et cetera, as they were trying to defend themselves.

A I'm sorry. What was that last part?

Q Yes, sir. The medical examiner has testified already. I don't know if you read -- did you read the medical examiner reports?

A No. I don't -- I don't remember having those.

Q So let me backtrack a second. You relied on what Mr. Bright told you happened, correct?

A Yes.

Q You did not corroborate that or dispute that or whatever in terms of looking at the physical evidence or the testimony or the evidence of, like, the medical examiner in terms of the injuries, et cetera. Or did you?

A What I -- I'm not a medical professional. What I did corroborate was that Mr. Bright had contacted the police several times, expressing this concern that he was in danger of these two young men who refused to leave his residence.

Q Yes, sir. What police officer did you speak to that told you that?

A I did not speak to a police officer that told me that.

Q Okay. So was it this other person who told you hearsay, what they believe?

A There were other people who (inaudible) they

also reported this to the police along with Mr. Bright.

Q Let me move on.

The bottom line is you agree that at the time of the murder -- of the murders, he was aware of what was going on, correct?

A Yes.

Q Okay. And you were asked about -- in terms of the mental mitigators, which is what Miss Bynum asked you. You believe that his -- that when he committed the murders, he was under the influence of extreme mental or emotional disturbance?

A Yes.

Q Okay. Explain that to me, how that's possible, if he was able to kill two individuals, beat them both with a hammer and have no injuries to any of his hands and both individuals are young individuals and he got them both -- in other words, they had defensive wounds on them, how that's possible?

A I'm not -- I'm sorry. I'm not clear how that would not be possible. Mr. Bright (inaudible) was terrified. He was afraid his life was in danger and --

Q Did you corroborate that, sir? What evidence do you have about that other than his word?

A I don't have evidence of that other than the evidence that he does have posttraumatic stress

disorder and that given that there were two men in his home over a long period of time, and he could not get them out, even though he contacted the authorities.

Q Yes, sir.

A In any event, when somebody's fight/flight/freeze response is (inaudible) and they're terrified and they're afraid they are in danger, people can be very effective in executing the kind of (inaudible) that you're describing.

Q And so as you understood, the facts were that these men were just living at his house. Were you that aware Mr. Brown had never spent the house [sic] there and that Mr. King, one of the other victims, was playing chess with Mr. Bright hours before he was murdered?

A I'm sorry. No, I wasn't aware of that. But I didn't hear what you said about Mr. Brown.

Q That Mr. Brown had not spent the night there before and, in fact, had borrowed his mother cars to go there that night and had been there before but had not -- never spent the night. But he was not living there.

A No. I was not aware that.

Q And were you aware of the fact that Mr. Bright actually was living in the master bedroom?

If he had been forced by these individuals to move somewhere else, they would have taken over his master bedroom. Wouldn't you agree?

MS. BYNUM: Objection, speculation.

THE COURT: Sustained.

THE WITNESS: I really don't know.

BY MR. DE LA RIONDA:

Q Okay. That was my whole point. The bottom line is in terms of what evidence you know or don't know, all you're getting is what the defendant is telling you is the bottom line, isn't that true?

A No. I'm sorry. That's not true. There were other people who reported that they along with Mr. Bright reported what was going on to the police.

Q Okay. I think I've asked you about that.

And then you also stated that he was under extreme duress or under the substantial domination of another person. What other -- was there another person that was dominating him to do this?

MS. BYNUM: Objection, Your Honor. That's not what he was asked.

MR. DE LA RIONDA: I'll be glad to rephrase the question.

BY MR. DE LA RIONDA:

Q You stated one of the mitigators is the --

mental mitigators legally is the defendant acted under extreme duress or under the substantial domination of another person. What applies, in your opinion, as to that? Is it the extreme duress or under substantial domination of another person?

A What applies is that Mr. Bright believed his life to be in danger and could not get these individuals out of his house.

Q Okay. And so that's what you're attributing to be the extreme duress.

A Yes.

Q And if that fact is not true, then you would agree that extreme duress does not apply.

A Yes.

Q Okay. And then you also stated that he met criteria of the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired.

You agree that he knew at the time that he committed these murders that he was committing murder, right? I mean, that he was killing somebody.

A The reason I -- I see that as applying is because he saw himself as acting in self-defense.

Q Okay. And if he was convicted by a jury, in

other words, you would agree that -- well, we'll leave it at that.

So that's your belief as to why that occurred, correct?

A Yes, yes.

Q Okay. And again, this is his statement to you, self-reporting.

A As well as corroborators who also reported what was going on to the police.

Q Okay. Thank you, sir.

Let me cover real quickly the ACE -- you mentioned the test that you did or the ACE -- I'm -- I don't want to belittle it. But there is an ACE, I guess, test that you assess. You ask questions and it's a yes-or-no answer, correct?

A That's correct.

Q And that test -- I'm calling it a "test." Is there a better way to call this?

A It's an assessment.

Q An assessment. The assessment actually was developed to deal with -- originally with people with obesity, is that correct?

A That was the original motivation for conducting this study.

Q And in order to determine why people are

obese or some people are obese, correct?

A It was -- it was in order (inaudible) the word developed -- it was in order to assess how childhood experiences affect people's behavior that in turn would affect your psychological and mental health.

Q By the way, were you aware or did you review Dr. Ouaou -- I think name his actually spelled O-U-A-O-U -- his report?

A No. I don't believe I've seen his report.

Q Were you aware that he did a thorough examination?

MS. BYNUM: Your Honor, he -- objection. The doctor just stated he hasn't seen his report.

THE COURT: I understand that. But he may be aware of something. I don't know. See what the next question is. Overruled until I get a question.

BY MR. DE LA RIONDA:

Q My question is if Dr. Ouaou had done psychological testing on him and made the determination that he had no cognitive impairment, would you disagree with that?

A No, I would not disagree with that.

Q This testing, it's yes or no. And then the

defendant then says yes or no and you document -- I apologize. I'm going back to the ACE test.

A Okay. Yeah. That's not the way I administer the test. The bottom line is --

THE COURT: I think you kind of backed off.

Doctor, I think he backed off the question so there's not really a question.

BY MR. DE LA RIONDA:

Q There are ten different questions, I guess, in that test. I think you've already covered it, correct?

A Yes.

Q Thank you, sir.

I apologize. I'm switching a second just to get my notes here, and then we can get this done. Let me quickly cover some other aspects of it?

Specifically regarding this sexual abuse, Mr. Bright never told you that he was sexually abused, correct?

A No. I don't believe that he did, not to my recollection.

Q Okay. Thank you, sir.

And were you aware that Mr. Bright had IQ of 100?

A No, I wasn't specifically aware of that.
Q If he had an IQ of --
A (Inaudible) wasn't aware of that.
Q Do you have any reason to dispute that he was an intelligent or is an intelligent individual?
A No, not at all.
Q He does not -- he is not intellectually disabled or what used to be referred to as mentally retarded or anything, correct?
A I have no reason to believe that's the case.
Q Did you ever, yourself, interview Mr. Bright's ex-wife, Bridget Bright?
A No, I did not.
Q Do you believe, based on what he told you, that he was high on cocaine or alcohol at the time of the murders?
A I don't believe he indicated that was the case.
Q In terms of the murders themselves, you were aware that after he committed the murders, he got rid of the murder weapon, the hammer, and he hid it out in the yard. Did he tell you about that?
A I am aware of that, yes.
Q Okay. Did he tell you why he hid the murder weapon?

A I don't believe we discussed that. No.
Q And you didn't think that was relevant in making a full assessment of what transpired or why he did this or whether he was suffering from something or not?
A It's not an issue of whether I felt it was relevant. We really didn't discuss that. I found it out that from other sources but I wasn't (inaudible).
Q Okay. And I believe I already asked you that. I apologize. He never mentioned to you covering up the victims' face, at least one of them, if not both of them, did he?
A No. To my recollection, he did not.
Q Do you remember anything in reviewing Dr. Krop's report about why the defendant, Mr. Bright, was sent to anger management classes at all or training or help?
A No, I don't.
Q Did he ever tell you anything about that?
A No. I don't believe he did.
Q Did you ever ask him about whether he has a problem controlling his anger?
A No. I don't believe I specifically asked him that, no.
Q And, sir, in terms of -- unfortunately, there

are children who are abused. How many of those go on to commit murder? What percentage of them?

A Certainly, I don't know that figure off the top of my head.

Q Would you agree that it's miniscule, thank God?

A I'd say that's a fair characterization, yes.

MR. DE LA RIONDA: Judge, if I may have a moment, I think I'm done.

THE COURT: Yes, sir.

MR. DE LA RIONDA: (Conferring with co-counsel.)

BY MR. DE LA RIONDA:

Q Oh, you mentioned that he had been abused by his dad, and his dad had whipped him, I think he stated to you, correct? I'm sorry. Mr. Bright told you his dad had whipped him with, I think, a -- either a cord --

A Yes. That -- honestly, I don't remember whether that information came from Mr. Bright or -- or his sister.

Q Okay. But you find it ironic that he beat both of these individuals to death with a hammer? In other words --

A I'm sorry, sir. (Inaudible) in what sense?

Q In the sense that he was beaten as a child and that as a result, he beat both of these men to death. I mean, he didn't shoot them. He didn't stab them. He chose the manner in which he apparently was subjected to as a child. And my question is is that in any way related to the trauma that he suffers from, that the manner in which he killed these individuals was trauma, battery?

A I think you're characterizing the situation differently. There was a hammer and Mr. -- (inaudible) at hand. Mr. Bright was looking to defend himself. He grabbed the hammer. I don't think he was deliberating about exactly how to defend himself.

MR. DE LA RIONDA: Okay. Thank you. I have no further questions.

THE COURT: Miss Bynum?

MS. BYNUM: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. BYNUM:

Q Dr. Gold, can you see me?

A Yes, I can.

Q Okay. I just have a few follow-up questions. Okay?

Mr. de la Rionda, on cross, asked you, wasn't it true that Mr. Bright hadn't disclosed any abuse to

previous doctors? And my question to you is is it common for children not to report physical or sexual abuse?

MR. DE LA RIONDA: I'm going to object. He wasn't a child when he was being interviewed.

THE COURT: Sustained.

MS. BYNUM: I'll rephrase.

BY MS. BYNUM:

Q Is it common for victims of child abuse or sexual abuse not to report that abuse?

A Yes. It's very common, much more common than not.

Q And why is that?

A For one thing, there's embarrassment about having (inaudible) on that, especially for men. There is often perception that even as children, they should be able to defend themselves. But there's also -- and this is one of the things that makes child abuse by parents so disturbing. Children are biologically attached to their parents, regardless of how they're treated, and so they're hesitant to indicate to other people that their parents have perpetrated abuse on them.

Q And moving on briefly to some of the

things -- well, first, let me ask you -- and Mr. de la Rionda made a point to ask you several times if people that you interview, defendants, if they ever lie to you.

A Yes.

Q Okay. And your answer was yes.

A Yes.

Q And is that the reason, Doctor, for corroboration? Is that the reason you review notes and interviews and things like that?

A Exactly, to not just rely on what the defendant has reported.

Q And is it common in your line of work or in your field to use reports and interviews from people like mitigation specialists?

A Yes. It's very common.

Q With regard to his criminal history, is that in any way -- is his criminal history in any way -- can that be linked to his substance abuse?

A Yes. And I believe that it was specifically stated in previous reports that almost all of Mr. Bright's offenses are related to his substance addiction.

Q And I believe you've already testified that his substance abuse was the result of the trauma from

his childhood.

A Yes.

Q Now, I want to clarify something because Mr. de la Rionda asked you a couple of times if Mr. Bright had been suffering from PTSD at the time of the armed robbery back in 1989, for example. And my question to you is and what I want to clarify is has Mr. Bright suffered from PTSD his entire life?

A Yes, he has.

Q Is PTSD something that an individual who's been diagnosed with it continually suffers from?

A Usually, PTSD will continue without treatment specifically used to address PTSD.

Q And people who have been diagnosed with PTSD can still function in -- in everyday life and go into the Marine Corps and things like that.

A Certainly.

Q And then I think you testified that certain things trigger it. So if an -- is it true that if an individual is suffering from PTSD, that person is not necessarily always reacting to something because of it?

A I'm not sure I understand the question. I'm sorry.

Q So if someone is suffering from PTSD, they don't -- can you opine whether someone who's suffering

from PTSD always exhibits behaviors that are in line with PTSD, or does it take something to trigger that?

A It takes something to trigger it.

Q Doctor, Mr. de la Rionda, a couple of times, asked you about Mr. Bright being clean, and then -- and then Mr. de la Rionda said messing up. A common term -- and I'm not a doctor. But are you familiar with the term "relapsing"?

A Absolutely, yes.

Q And would that be another word for messing up?

A It's -- it's a very -- has a very different implication than messing up. It is extremely common, maybe more common than not that people who are in treatment for substance abuse will relapse or return to drug use several times and maybe eventually successfully be able to stay permanently abstinent from (inaudible). But that's -- that's very common. That's why there are entire programs, not just for substance abuse treatment but for relapse to substance abuse.

Q And Mr. de la Rionda asked you about choice and free will. And during these times that Mr. Bright would relapse, in your opinion, was that by choice?

A No.

Q You were asked several times how --

A I'm sorry. I --

Q I'm sorry. That may have been my fault.

A If I could explain a little further.

Q Okay.

A The implication might be that somebody that's engaged in substance abuse can choose to stop at any time. If that were the case, we wouldn't need substance abuse treatment programs. The purpose of those programs is not to primarily convince people to stop abusing drugs. It's to help them to overcome the overwhelming urge to use drugs.

It would be similar to saying that somebody who's depressed is choosing to look around, and all they need to do is cheer up. Or if someone's anxious, just needs to calm down.

We're not talking about choosing.

Q Okay. Thank you for clarifying.

Mr. de la Rionda asked you several times if there was any way that you could corroborate Mr. Bright's account of the incident. And just to clarify, you were able to do so through interviews and notes about phone calls having been made to the police. Is that what I understood?

A In that respect, I was able to corroborate, yes, that he did feel in danger over a period of days

or weeks before the incident occurred.

Q And, Doctor --

A And that there were other (inaudible) concerned he was in danger.

Q Thank you.

And, Doctor, does -- him hiding the hammer in the backyard or possibly covering up the victims with blankets, does that have anything to do with PTSD?

A No. I don't see where there's any connection there.

Q Could he have been affected by PTSD and still done those things?

A Yes.

Q And lastly, Doctor, Mr. de la Rionda asked you if -- you know, thankfully, most people with a bad childhood don't go out and commit murder. Are you able to opine, however, that it would be more likely for someone to commit murder with the childhood Mr. Bright had?

A Yes.

MS. BYNUM: Thank you. I have nothing further.

THE COURT: Anything else?

MR. DE LA RIONDA: Just one or two questions, Judge.

THE COURT: Sure.

RECROSS EXAMINATION

BY MR. DE LA RIONDA:

Q The PTSD that your opining Mr. Bright suffers from, let me make sure, that is as a result of his childhood, not as a result of serving in the Marines, is that correct?

A I'm not sure I heard you. You said the PTSD?

Q I apologize. The PTSD that you're opining that Mr. Bright suffers from, that is a result of his childhood, not from having served in the Marines, is that correct?

A He did also (inaudible) PTSD symptoms in response to an event in the Marines where there was a pilot, crashed and died and another pilot who went after that pilot also crashed and died. And he had to collect the body parts. So he had PTSD from that as well, but I don't see how that's directly relevant to the incident at hand, no.

Q So that's not relevant to -- to the murders, correct?

A That's correct.

MR. DE LA RIONDA: Okay. And I think that's it.

THE COURT: Thank you, Doctor.

Appreciate it.

THE WITNESS: Thank you, Your Honor.

THE COURT: You're good to go.

THE WITNESS: Okay. Thank you.

(Witness excused.)

THE COURT: Ladies and gentlemen, we'll take a 15-minute break. I think we have one more witness that we can do, I believe, and that, I think, is going to conclude all the testimony completely. So then we'll only have a couple other things to do, which we won't do today. Let me verify that while you take a break since we've been going for quite a while. Let's call it 20 minutes of 5:00.

(Jury excused.)

(Short recess.)

(Defendant present.)

THE COURT: Okay. Ready.

MR. DE LA RIONDA: Need about another five minutes, Judge. We're almost done. We're just cutting down --

MS. HAZEL: Less, Your Honor. We're working really fast.

THE COURT: How many pages is it going to turn out to be?

MR. DE LA RIONDA: A lot less than -- I think we had 60 originally. It's going to be a lot less, but it's still going to be probably --

MR. WILLIAMS: Probably 45.

THE COURT: 45 minutes.

MR. DE LA RIONDA: Judge, I will alert the Court in terms of -- and I talked to Miss Bynum. Dr. Gold brought out some stuff that I don't know they should have been able to in terms of self-defense. I'm a little concerned that the jury's going to start thinking now that there is some aspect of self-defense.

But I, quite honestly, was not prepared. I thought we were going to keep it out. I think Miss Bynum intended to, but somehow, he got that out, this thing about the defendant's story about self-defense.

MS. BYNUM: I can speak to that, Your Honor.

THE COURT: You don't need to. What are you going to do about it?

MR. DE LA RIONDA: Well, I may have to call a witness. I don't know that I can call

them today, though. I wasn't --

THE COURT: I understand.

MR. DE LA RIONDA: So I'm not saying that I will. I just want to have an opportunity to think about it over the next few days while trying to dodge --

THE COURT: No problem. You don't have to rush. We're going to leave. We're coming back Wednesday afternoon and we'll do this. And you can you will call your witnesses to clear up that business about self-defense or people staying in the house or not, whatever that was. I gather that's not these people but I gather --

MR. DE LA RIONDA: I think we already brought that out. I just need a minute to talk to Miss Hazel. We may -- I think that --

THE COURT: If that's what you want to do, then that's what we're going to do is open come back on Wednesday. We'll start lunch, noonish, finish everything, including your closings, and we'll bring them back Thursday morning to charge and deliberate.

MR. DE LA RIONDA: If I may just have

five minutes, I will have an answer. I appreciate the Court's patience.

The most important thing is the person reading the questions. You want to -- you're going to be the witness, right? Everything in orange --

MS. HAZEL: Is out.

THE COURT: This is a recipe for disaster.

MR. DE LA RIONDA: Reading this thing right here like this?

THE COURT: Yeah. I thought you would have had it handled at lunch.

What do you want five minutes for, Mr. de la Rionda?

MR. DE LA RIONDA: To think in terms of that issue that came up because my recollection of what actually occurred in terms of what testimony we've already presented dealt -- already cleared that issue. But I want to -- I wasn't handling that witness, Mr. Janson, Sergeant Janson, regarding the issue about whether there were other people in the house or not.

THE COURT: That were staying there,

that wouldn't leave?

MR. DE LA RIONDA: Yes. That's correct. I think that came out in terms of Mr. Copeland having already [redacted] I think we brought that out.

THE COURT: Well, I guess he was probably one of them. I think that man said there was two.

MR. DE LA RIONDA: Well --

THE COURT: I don't know if that meant that one of the -- assuming there were two, I was guessing Copeland was one. That's why everybody [redacted] Then I didn't know --

MR. DE LA RIONDA: Yes. So your recollection is good. I wanted to make sure in my mind that that was correct.

THE COURT: Well, that -- Copeland was [redacted] -- came out.

MR. DE LA RIONDA: Okay. That's what I thought but I want to make sure. Mr. King had stayed there a few days. But Mr. -- actually, you know what? It was the testimony of -- what's his name? -- Michael Majors, who talked about that Mr. Copeland

had stayed there a few days. He brought that out but that that day, that night before, they were playing chess. Mr. King was playing chess with the defendant, that Mr. Majors left to go somewhere and came back and they all had a pizza and that Mr. Brown had only been there, spent the night -- that he never spent the night there and that he'd only been there three times.

THE COURT: Most of that is correct by my recollection.

MR. DE LA RIONDA: That's what I remember.

THE COURT: I do not remember -- don't talk at the same time. I do not remember anybody saying that Mr. King had been staying there, during this trial.

MS. HAZEL: No. They all said that he lived with his grandmother.

Your Honor, we've done this, I mean, as quickly as we could. I don't think there will be an issue, but I haven't had chance to, like, read it through since we made the redactions. So whatever Your Honor feels is best.

THE COURT: I don't think that's a very safe idea.

MR. DE LA RIONDA: That's fine.

MS. BYNUM: That's fine.

MR. DE LA RIONDA: That's going to mess up yours.

THE COURT: I'm back to you needing to figure out about --

MR. DE LA RIONDA: Yes, sir, if I could have a moment.

THE COURT: Because I -- let me just say, you guys recall whatever you want. I do not recall anybody saying -- I do recall somebody saying -- and I could look at my notes -- that Mr. -- was it Copeland?

MR. DE LA RIONDA: Copeland.

THE COURT: [redacted] because that was his car in the front, [redacted] --

MR. DE LA RIONDA: Right.

THE COURT: -- when this happened. I do not recall anybody saying that Mr. King had been staying there at all. In fact, I thought, as Miss Hazel just said, people had said -- somebody said he was living with his grandmother. And then clearly, nobody said

Mr. Brown was staying there because he wasn't. I think it did come out that he'd never spent the night there, but I don't know anything about Mr. King having stayed there and, you know, this business about wanting him out or not. None of that came out.

(Pause.)

THE COURT: On Mr. -- if there was anything about Mr. Copeland.

MS. BYNUM: May I speak to that, Your Honor?

THE COURT: Uh-huh.

MS. BYNUM: There was testimony that the hamper in one of the rooms was gone through and that called Michael Majors some concern because that was Lavelle Copeland's house and that Lavelle was [redacted]

MR. DE LA RIONDA: You mean his room.

MS. BYNUM: I'm sorry. His room. I misspoke. And that Lavelle was [redacted] So that testimony was fleshed out.

THE COURT: I don't know anything about the second person living there. Somebody wanted out.

MR. DE LA RIONDA: Make believe person.

I mean, we can't disprove --

THE COURT: Maybe somebody else did live there, for all I know.

MR. DE LA RIONDA: I don't think there was.

MS. BYNUM: And I don't know if it was necessarily that they were living there, but what I understand is that it was people hanging out there as well. So I'm not going to get up and allege that all these people were living in the house or try to make the jury think that anyone was living there. I'm certainly not going to try to make them think that Derrick or Mr. Brown were living there.

THE COURT: Well, there's no evidence that I know of before this jury that Mr. Bright wanted these people out of there that night. What happened before that I don't know. There's no evidence that he wanted them out that night.

MS. BYNUM: I -- I agree.

MR. DE LA RIONDA: If I may have a second.

MS. BYNUM: I tried to list everything in an abundance of caution and then if things

aren't proven, I take them out.

MR. DE LA RIONDA: That was one of the issues that I was concerned about, Judge. The non -- we used to refer to it as nonstatutory. We still refer to as nonstatutory. No. 44, Mr. Bright was afraid of the victim and took steps to remove him from his house.

MS. BYNUM: I would stipulate to that.

THE COURT: Now is not the time for that. You're talking about what you're going to be able to argue as far as --

MR. DE LA RIONDA: Correct.

THE COURT: Now is not the time for that.

MR. DE LA RIONDA: Okay.

THE COURT: Now is the time for you telling me if you intend to call any more witnesses.

MR. DE LA RIONDA: We do not, Judge. I think we've covered it.

THE COURT: Okay. Mr. Bright, I need you to stand up, come on up.

He's not testifying, right?

MS. BYNUM: That's correct.

THE COURT: Come on up, Mr. Bright. Just right here is fine. Let me have you raise -- it's been a long day so let's raise your right hand again. I know I had you sworn in earlier but just for the record to be clear.

(Defendant sworn by the Court.)

THE COURT: I've got to go through this dialogue about you not testifying or testifying. So that's what this is about. And I just have to get it on the record.

So obviously, you understand and you know you've got criminal charges pending. You've actually been convicted of two counts of first-degree murder, and we're in the midst of a penalty phase trial to determine your sentence. You understand all that, right?

THE DEFENDANT: Right, yes, sir.

THE COURT: So just like in the trial itself, the guilt part, even in the penalty phase, you can testify if you want but you don't have to testify. You understand you've got those options.

THE DEFENDANT: Right, yes, sir.

THE COURT: Okay. So your constitutional right to remain silent still applies. Nobody can make you testify. You can just exercise your right and not testify and that's fine. You understand that?

THE DEFENDANT: Right, yes, sir.

THE COURT: But you could waive that right if you want.

(Brief interruption.)

(Off-record discussion.)

THE COURT: I'll tell you what we're going to do. We're going to do what I said before. We're finished for the day. Okay? We're coming back on Wednesday. We're going to do the rest of whatever y'all have to do. We're going to do closings. We're going to leave. We're coming back on Thursday. And I'll charge the jury and they'll go out and that's its.

Bring them in.

(Jury present.)

THE COURT: All right, ladies and gentlemen.

You-all can have a seat.

I have changed the schedule and we're

going to stop. So what we're going to do -- I've been checking on the storm. I'm very, very sorry that we cannot continue tomorrow, but the Supreme Court did issue an order that says we are closed for tomorrow, oddly enough, but not technically Monday.

And the last report I just looked at, the storm is 750 miles from Miami, but we can't open the courthouse tomorrow. So I apologize for that.

So that means we've got to come back next week. Well, I don't know. The latest path, they say everything's going to be a little bit east of us, so maybe it's not going to be terrible here. You know, I hope it won't. But who knows?

So I don't want to run the risk of saying we're going to come back Tuesday and us be in a pinch. And I don't know where you-all live, so if some of you live at the beach -- anybody live at the beach?

A JUROR: Close by.

THE COURT: Okay. You know, there's a possibility you might have to evacuate.

A JUROR: I do.

THE COURT: Okay.

A JUROR: They're closing the bridge Saturday, Intracoastal, Saturday.

THE COURT: Okay. So I'm not sure where you-all are -- where you guys are going to go, but you need to be able to get back.

So I'm thinking what we'll do is reconvene on Wednesday, and what we'll do is -- to make it a little bit more palatable and give you a little more time to hopefully get back to your house is we'll reconvene at noon. Okay?

I want you to have already eaten lunch. Okay? So we won't take a lunch break. We have another witness and -- to do that I think will take anywhere from 30 minutes to an hour, at least one witness. I think there might be a possibility of a second but we'll see about that. So a little bit more testimony, and then the attorneys will give you their closing arguments. And, quite frankly, depending on how long that takes, that might be all we can do that day, which would mean then we would come back Thursday morning. I will read to you the jury

instructions that apply, and then you'll have pretty much -- well, you'll always have as much time as you want to deliberate. But for that day, you'd have the bulk of the day because we'll be finished with the jury instructions. They'll take probably 30 minutes.

So, you know, if we started at 9:00, by 9:30 you'd be in the jury room deliberating. And once you start those deliberations, this is great for you. We provide you lunch.

So that's what I'm thinking's going to happen. Hopefully that is not going to cause a real problem for anybody, but it looks like the best we can do. Is that going to really throw anybody out of whack?

A JUROR: Well, I mean, if anything changed drastically, y'all obviously have our numbers to call us.

THE COURT: Correct, correct. You know, God forbid, if things were bad here, you know, we might not be able to do anything next week. Then we'll have to see where we go from there. So if nothing happened, I don't know how I could really back it up and

get ahold of you and say, okay, let's change our mind and let's come back on Tuesday. You know, I don't know that I'll really be in a position to do that. That would be kind of pushing it a little bit.

But that's what I'm thinking. But y'all can live with that, assuming we are out of harm's way apparently. Okay?

All right. Good.

Okay. Well, remember, we've got a lot of days between now and when we're going to see you again. So I've got to stress again to you, don't -- well, you won't see each other probably. But don't discuss the case among yourselves going to and from the parking lot.

You'll park in the same place when you come back on Wednesday.

Don't let anybody discuss the case with you or in your presence. Don't do any research. Stay away from the newspaper. There was an article in there today. And there has been a reporter in here, so there might be an article maybe over the weekend or something like that. So I would avoid the

newspaper, probably the metro section. That's where those things usually are.

I'd stay off of the newspaper -- jacksonville.com on the Internet because you can catch those things there.

I doubt there will be anything on TV because I didn't see any of those people here. But just be cognizant of it. If all of a sudden, you start hearing something about it, you know, turn it off or leave the room or whatever you've got to do.

Don't look up terminology and all that kind of stuff. Don't do research, things of that nature. Don't form any fixed opinions about the case just yet. You shouldn't do that until we get to the point where we're completely finished and you've heard the last of the testimony, the arguments from the attorneys and the law that I will instruct you on. And that's when you go back and start your deliberations and forming your fixed opinions. Okay?

So any questions for me?

I appreciate it. You guys are great. You're vaulted to, like, number one in my

book because of all this business going on. And I apologize to you. But you can see there's a lot that goes on to putting one of these things on and lining people up and getting witnesses here and working around storms. That's why we had the witness over the Skype.

It's kind of important to get through and finished if we at all can and possibly can. So I appreciate you working with us in that regard. So thank you, thank you very, very much.

And that will do it for the evening. Have a safe ride to the house.

If you're looking, there is no water anywhere. There's probably little to no soup, from what I've heard, no tuna fish, but if you want to get canned salmon, you can probably get all you want.

So there you go. Have a nice evening. We'll see you next week, Wednesday at noon. So I'd get to the parking lot about 11:30.

(Jury excused.)

THE COURT: Okay. So that will give you time to make sure that you-all have that --

if for some reason that guy can show up, great. If he can't, you guys will have all the time in the world to make sure you've got that thing redacted exactly the way you want it. That will go smooth as silk. You'll have the time to figure out if you need to call another witness or two to clear up whatever you think you might need to clear up about that business. And that will do it.

Anything from the State?

MR. DE LA RIONDA: No, sir. Thank you very much.

THE COURT: Defense?

MS. BYNUM: No, Your Honor. Thank you.

THE COURT: Y'all have a safe weekend.

(Whereupon the proceedings were adjourned.)

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IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA

CASE NO: 16-2008-CF-002887-AXXX-MA

DIVISION: CR-I

STATE OF FLORIDA

-vs-

RAYMOND CURTIS BRIGHT,

Defendant.

STATE OF FLORIDA)
COUNTY OF DUVAL)

Trial before the Honorable RUSSELL L. HEALEY, Judge of the Circuit Court, Division CR-I, as cause in this matter came to be heard on the 14th of September, 2017, before Karen Waugerman, a Notary Public in and for the State of Florida at Large and Registered Professional Reporter.

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PAGE # 1097

APPEARANCES:

BERNARDO ENRIQUE DE LA RIONDA, Esquire, Office of the State Attorney, appearing on behalf of the State of Florida.

KELLI JANE BYNUM, Esquire, Private Attorneys, appearing on behalf of the Defendant.

PROCEEDINGS

PROCEEDING	PAGE
JURY CHARGE CONFERENCE	1107

P R O C E E D I N G S

(September 14, 2017) (1:48 p.m.)

THE COURT: Case No. 2008-CF-2887. And it should pop up as Raymond Bright. I guess we could just call it a hearing regarding continuation of trial.

MR. DE LA RIONDA: Sounds good to me.

THE COURT: And as far as the clerk's concerned, that might be all you need to do, well, other than -- and Mr. Bright's okay with continuing?

MS. BYNUM: Yes.

THE COURT: Then what we're going to do for the clerk's purposes, you can note in there that -- I don't know what date it would have shown we were passed to. What day did we pass to? Wednesday.

MS. BYNUM: We passed it to Wednesday.

THE COURT: Okay.

THE BAILIFF: I've got 9-13 on this docket.

THE COURT: We do?

THE BAILIFF: That's what's on here, yes, sir.

7THE COURT: That's right. Because we

passed it again from Wednesday to Thursday. Okay.

So here we are on Thursday. Now we're going to pass it until September 25 at 8:30 in the morning for the continuation of the trial.

THE CLERK: What courtroom, Judge?

THE COURT: 305.

(Defendant present.)

THE COURT: Hey, Mr. Bright.

THE DEFENDANT: Morning, sir.

THE COURT: How you doing?

THE DEFENDANT: I'm doing fine, sir.

THE COURT: You survived okay?

THE DEFENDANT: Yes, sir.

THE COURT: Good. Good.

All right. So we're here regarding a continuation of the trial, which was set -- well, we were trying the case last Thursday, which I guess was the 7th of September. Courthouse closed on Friday the 8th and Monday the 11th. We passed the case on that Thursday to Wednesday at noon. Courthouse got closed that day, so we passed it to Thursday, meaning today. The courthouse is

closed. This is why we're having this hearing in the jail. The courthouse is also closed tomorrow, as I'm sure Miss Bynum has probably told you. So we've got to talk about what we're going to do.

So let me have you raise your right hand, Mr. Bright.

(Defendant sworn by the Court.)

THE COURT: So you understand what happened about the hurricane and closing the courthouse and us having to not be able to continue today.

THE DEFENDANT: Yes, sir.

THE COURT: All right. So our idea was to see if we could continue on and when that might be. You know Miss Bynum is going out of the country tomorrow but will be back, and so the first day we could reconvene and finish the trial after she gets back was Monday, September the 25th, which is a week from this coming Monday. Would that be acceptable to you?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. So you'd like to continue on with the trial and finish it, as

I understand it.

THE DEFENDANT: Yes, sir.

THE COURT: As opposed to perhaps, you know, having a mistrial declared and have to start all over.

THE DEFENDANT: Right, yes, sir.

THE COURT: So you'd rather stick with this jury and finish?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. So, you know, Miss Bynum probably told you, but for the record, my clerk had contacted the jurors to tell them, don't come Wednesday but be prepared to come Thursday. When that wasn't going to work out, I called the jurors myself. I had talked to your lawyer and Mr. de la Rionda, the State Attorney, and they said it would be fine if I called the jurors, which I did, to tell them the courthouse is closed today and tomorrow; we can't continue.

Your attorney and Mr. de la Rionda and I had spoken about September 25 being the next first day we could do things. So I proposed that to all 14 jurors to see, were they going

to be available; could they come on the 25th and finish. And thankfully, all 14 of them said they would be available and they would all come back so that we can finish on the 25th. And I'm sure Miss Bynum probably already told you that.

THE DEFENDANT: Right, yes, sir.

THE COURT: But you understand all that and you're good with that.

THE DEFENDANT: Yes, sir.

THE COURT: Okay. So what we'll do is we're going to start at 8:30 in the morning just to get a little bit of a jump because what I want to do is really get them there. I'm going to let them order lunch. So we'll have their lunch orders, and then we'll bring lunch in for them because I'm thinking we will -- they'll go out to start their deliberations about lunchtime, and so we'll just let them have lunch in the deliberation room as they're talking about the case. Sound good to you?

THE DEFENDANT: Yes, sir, sounds good.

THE COURT: So that's good.

Anything else you want me to inquire

about?

MR. DE LA RIONDA: Yes, not of the defendant. I just think Miss Bynum and I did have an opportunity before we came to court today, earlier this morning. We met and went over some of the mitigation, aggravation --

THE COURT: Right.

MR. DE LA RIONDA: -- that I was going to object to or in terms of whether we would agree to certain things that would narrow down the issues that we will have conceivably Monday morning, Monday the 25th.

We also have -- I believe Dr. Ouaou is how you pronounce his name.

MS. BYNUM: Ouaou.

MR. DE LA RIONDA: -- Ouaou's testimony and I guess -- I believe defense co-counsel, Mr. Williams, is inquiring of him whether he's going to be available the 25th or whether we're just going to read his prior testimony, et cetera.

THE COURT: Okay. So we don't know that yet.

MS. BYNUM: We don't. I can assure the Court that we are trying our best to have him

here in person --

THE COURT: Okay.

MS. BYNUM: -- by 8:30 on 9-25.

THE COURT: Okay. That's fine. And if not, then we'll -- we've got the backup of the testimony to read.

MS. BYNUM: Yes, sir.

THE COURT: Which you guys have now had plenty of time to go through and redact, and it should be smooth as silk.

MS. BYNUM: Yes, Your Honor.

MR. DE LA RIONDA: That is correct.

THE COURT: Okay. And then at that point, I've got to talk to him about testifying or not, but, you know, he could always change his mind between now and then. So I'll wait till then to do that.

So as far as the final jury instructions are concerned, those are fine or -- or are they? I mean --

MS. BYNUM: Well, Your Honor, the only thing that would change would be one of the statutory -- well, all of the statutory mitigators might change if Mr. de la Rionda is successful in getting all of them out.

But I did concede that (e) should come out, just after reviewing case law.

THE COURT: All right. Let's do this: Let's go back through these instructions page by page --

MS. BYNUM: Yes, Your Honor.

THE COURT: -- until we get there. Let's just look at Page 1, which is the first page of the standard instruction, and it starts with the aggravating factors. I assume that's agreeable.

MR. DE LA RIONDA: Your Honor, yes. For purposes of the record, we're talking about the final jury instructions, right?

THE COURT: Yes.

MR. DE LA RIONDA: Okay. Yes, sir.

THE COURT: It's a document entitled "Final Jury Instructions For Penalty Phase Proceedings" --

MR. DE LA RIONDA: Yes, sir.

THE COURT: -- in Mr. Bright's case.

Then we go on to Page 2 which continues on with the aggravating factors. Any objection to that --

MR. DE LA RIONDA: No.

THE COURT: -- from the defense?

MS. BYNUM: I'm sorry, Your Honor. I'm looking at -- I have the verdict forms. I'm trying to find the -- I know they're in here.

Oh, here we go.

THE COURT: We'll go back then, just to make sure we're clear.

So Page 1, any objection from the defense?

MS. BYNUM: No, Your Honor.

THE COURT: Page 2?

MS. BYNUM: No, Your Honor, no objection.

THE COURT: Page 3, that starts to explain the process.

MS. BYNUM: No objection.

THE COURT: Page 4 is where we start to get into the mitigating circumstances. Was that where you were talking?

MS. BYNUM: Yes. This is where I was, Your Honor, as it relates to the statutory mitigators. I guess it would be 2, not (e), but it would be Page 2 on Page 4.

THE COURT: Right.

MS. BYNUM: I agree that that does not

apply to this case after reviewing case law.

THE COURT: Okay.

MS. BYNUM: So I would agree to strike that one. I am still requesting 1 and 3 and obviously 4, but I know Mr. de la Rionda has objections to 1 and 3.

THE COURT: Okay. Up to that point, Mr. Bright, are you okay with the jury instructions and okay with striking Mitigating Factor No. 2?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And, Mr. de la Rionda, you are objecting to 1 and 3, which was extreme mental or emotional disturbance and -- that's 1. And 3 was inability, I guess, to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.

MR. DE LA RIONDA: Yes, sir. And I will concede that there was testimony from Dr. Gold, who stated he -- in his opinion, he felt that it applied.

As Miss Bynum already mentioned as to No. 2, Miss Bynum has conceded it does not apply. And for the record, Judge, that would

apply to both counts because technically, we have two separate murders.

THE COURT: Right, right.

MR. DE LA RIONDA: But I think there still might be an issue as to No. 1 and 3 in terms of the mitigators, and we're talking about statutory mitigators on Page 4 and Page 5 of the jury instructions.

I guess we will have to listen also to Dr. --

MS. BYNUM: Ouaou.

MR. DE LA RIONDA: -- Ouaou's testimony, and that might enlighten the Court some more. But at this point I will concede that Dr. Gold stated that -- at least one witness has stated. So I think probably --

THE COURT: Yeah. I mean, I -- initially, I was concerned about those too but then like it or not, you know, agree with it or not, Dr. Gold did say enough, I think, that would probably bring 1 and 3 into play. But you're right. We've got to see what Dr. Ouaou says that may add to it.

Unless -- let me just clue you in because out of an abundance of caution, given

Gold's testimony, I will probably allow those unless you can find some case somewhere that seems to direct me otherwise.

MR. DE LA RIONDA: I -- I concede that point and I will keep doing research but yes, sir.

THE COURT: But right now --

MR. DE LA RIONDA: That's correct.

THE COURT: -- while you object, it's kind of --

MR. DE LA RIONDA: I think it's cautious on the part of the Court, should probably at this point give it, yes, sir.

THE COURT: Right. Okay.

So then we would -- theoretically, we would need to change this to be -- to read 1 -- 2 is gone. Make No. 3 No. 2 and No. 4 No. 3.

MS. BYNUM: Yes, Your Honor.

THE COURT: And the same for the second count.

MR. DE LA RIONDA: Yes, sir.

THE COURT: Then as we flip over to Page 5, the remainder of the page, I assume, is okay with the defense.

MS. BYNUM: Yes, Your Honor.

THE COURT: And then we move on to Page 6. Is that all right as well?

MS. BYNUM: Yes, Your Honor.

THE COURT: Mr. Bright, we good through there with those things we just said?

MS. BYNUM: Yes, Your Honor.

THE COURT: Then we get to Page 7, which is weighing the evidence. We already talked about the fact that we'll have 1 through 5. 6 we scratched. 7 we scratched. We weren't -- 10 we scratched. We were waiting to see if we were going to have 8 and 9, which would be an inconsistent statement as No. 8, and then No. 9 is convicted of a felony.

MS. BYNUM: And I don't think 8 or 9 came out, and I don't anticipate that they would in Dr. Ouaou.

MR. DE LA RIONDA: I -- I concede that. The only thing -- the only question I have is as to what's now No. 9. That would only apply if the defendant testified.

THE COURT: Right.

MS. BYNUM: Yes. That's true.

THE COURT: Okay. So to be on the cutting edge of this -- and -- and are you conceding that 8 probably is out?

MR. DE LA RIONDA: Yeah, I concede that -- yes. I would agree with that, yes, sir.

THE COURT: Unless something earth-shattering happens with Dr. Ouaou.

MR. DE LA RIONDA: I agree.

THE COURT: So let's do this: Let's have a new page here, one that just has 1 through 5 and that's it, and then another one could have 1 through 6 --

MR. DE LA RIONDA: Yes, sir.

THE COURT: -- 6 being No. 9, just in the off chance Mr. Bright decides to testify.

MR. DE LA RIONDA: Yes, sir.

THE COURT: And that way, we'll have one ready to go. We won't have to wait to reprint.

Moving over to Page 8, again, these are standard instructions now. Any objection, Miss Bynum?

MS. BYNUM: No, Your Honor.

MR. DE LA RIONDA: The only thing, if I

could, Your Honor, as to Page 8, that right now has got the defendant not testifying. Obviously, that would change if the defendant testifies.

THE COURT: Correct. Correct. I guess you could prepare a separate page with the language if he did.

MR. DE LA RIONDA: Yes, sir.

THE COURT: That way, we'll have it.

Moving on to Page 9, again standard instruction. Any objection from the defense?

MS. BYNUM: No, Your Honor.

THE COURT: And last page is 10. Good?

MS. BYNUM: No objection.

THE COURT: We good there, Mr. Bright, with the caveat that there might be a couple little changes, but for the most part, we're fine with those jury instructions?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. Excellent.

MS. BYNUM: And, Your Honor -- and this might just be me. But on Page 4, it's the only time that Randall Brown is not in all caps, and it, like, pops out at me every time I read it. I know it doesn't have -- make

any difference really whatsoever in the jury instructions but just for uniformity.

THE COURT: What page?

MS. BYNUM: Page 4 at the bottom. It's the only time Randall Brown's name is not in all caps, and Derrick King and Randall Brown everywhere else --

MR. DE LA RIONDA: I'll be glad to change it.

THE COURT: Yeah, yeah, just make it uniform.

MR. DE LA RIONDA: That makes sense. Well, you know what? If I can just go back to -- the reason it's not in all caps is because technically that's still under Count 1. But I'll change it. It's not a big deal.

No. You're right. You're right. It should be in all caps. You're absolutely right. I'll change it.

THE COURT: All right. So then the only other thing we've got to talk about is the nonstatutory mitigators.

MR. DE LA RIONDA: Yes, sir. If I can go back, if to could, to -- regarding the verdict forms then, on the verdict forms, we

would scratch out that statutory mitigator here. I think it's on here.

THE COURT: Let me go back and find those real quick.

The verdict forms are five pages and so under Section C --

MR. DE LA RIONDA: On Page?

THE COURT: Which would be on page -- the second mitigator would be on Page 3, is now going to be taken out.

MR. DE LA RIONDA: Yes.

THE COURT: And then all the renumbering needs to happen.

MR. DE LA RIONDA: Yes, sir.

THE COURT: And then the rest of the verdict form would be fine. Is that right, Miss Bynum?

MS. BYNUM: That's correct.

THE COURT: And obviously the same with Count 2.

MR. DE LA RIONDA: Yes, sir.

MS. BYNUM: Yes, Your Honor.

THE COURT: And that's -- you understand that, Mr. Bright? We're taking out that mitigating factor there, just to make it

conform with everything else?

THE DEFENDANT: Yes, Your Honor. I understand.

THE COURT: So that would be satisfactory to you.

THE DEFENDANT: Yes, sir.

THE COURT: All right. So we need that changed.

Now we're talking mitigators, nonstatutory mitigators. Where are we on that?

MS. BYNUM: Your Honor, I think we made some good headway this morning. I agreed to a handful, just simply based on witnesses that I declined to put on the stand. There are some that we are still not in agreement with, and then there are some that we kind of had to shelf just because Dr. Ouaou will determine whether or not that's proven.

The one nice thing is that obviously, these pleadings don't go back to the jury, and I will not have them in my PowerPoint.

THE COURT: Right.

MS. BYNUM: So --

THE COURT: So it's just a matter of

really what you can argue --

MS. BYNUM: Right.

THE COURT: -- before the jury.

So all of our jury instructions, verdict forms will be in proper order because previously, Mr. Bright, through counsel, had agreed, and he was given the option that we could just have one nonstatutory mitigator that kind of encompassed all of the subparts, if you will, or we could list each individual one. And Miss Bynum and Mr. Bright opted to just have the one catchall.

You're still in that position, Miss Bynum?

MS. BYNUM: Yes, Your Honor.

THE COURT: And, Mr. Bright, you still want to do it that way?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Well, I'm not sure when we'll have the argument about that but --

MR. DE LA RIONDA: Judge, Miss Bynum and I did spend over an hour or close to an hour going over them, and I think we're in agreement as to almost all of them. The only

ones we really have an issue with is depending on Dr. Ouaou testifying in terms of what he says specifically, and then there may be two or three that -- I think it can be handled very quickly.

THE COURT: Okay.

MS. BYNUM: And, again, it won't be in writing before the jury at all so I will --

THE COURT: Do you know offhand the -- not the Dr. Ouaou ones, the other ones that are kind of in controversy?

MS. BYNUM: Yes. If I might have just a moment.

THE COURT: Yeah. Take your time.

MS. BYNUM: And I'm sorry. Does Your Honor have the pleading readily accessible? If not, I can certainly give you my copy.

THE COURT: I don't.

MS. BYNUM: I have --

THE COURT: I don't think I do. I know I've seen it but I'm not sure where I put it. What was it entitled?

MS. BYNUM: It's the list of nonstatutory mitigators.

THE COURT: Let me see if I can put my

hand on it.

MS. BYNUM: And it's four pages in length. I'm trying to see if I have another hard copy.

THE COURT: Well, if you just want to articulate which ones they are, that's fine.

MS. BYNUM: Yes, Your Honor.

MR. DE LA RIONDA: We can just do them by number.

MS. BYNUM: That's fine.

No. 5 on the list of nonstatutory mitigators, I -- I phrased it Mr. Bright was the victim of violence and abuse. Mr. de la Rionda and I have agreed to limit it to physical abuse unless Dr. Ouaou testifies about the sexual abuse. Because I did not bring out sexual abuse through Janet -- through Janice Jones, and what came out through Dr. Gold was in the way of hearsay. So I've agreed not to -- not to discuss that.

I've agreed to take out No. 10, Mr. Bright was choked by his older brother until he was unconscious.

No. 11 we had to shelf for Dr. Ouaou

because that says Mr. Bright was sexually abused by his older brother, so depending on that testimony, that may or may not come in.

I've agreed that No. 12 -- it's phrased Mr. Bright's father threatened to kill his mother on several occasions. Janice Jones testified that he did discharge the firearm and kind of waved it around in a threatening manner, but I don't intend to argue that their father actually said, I'm going to kill you.

No. 17, Mr. Bright was a poor student because of his home life. Again, we need to shelf that for Dr. Ouaou.

No. 18, I have phrased Mr. Bright's punctuality and school attendance were poor. I've agreed to take out school attendance and just focus on the punctuality, the fact that he was late to school because of working in the junkyard. That came out through Miss Jones.

No. 32, I've agreed to take out, Mr. Bright mentored young mechanics.

No. 33, I've agreed to take out, Mr. Bright was a dedicated, likable,

hardworking employee.

No. 34 states Mr. Bright put his niece through school and helped raise her. Miss Jones testified about Mr. Bright's relationship to her part -- her family and her children. But I don't intend to elicit that he helped put her daughter through school or anything like that 'cause that was very specific and probably would have come out through Tenneka. And we -- Tenneka Bright Lewis is her name, and we -- we did not put her on.

THE COURT: So that one's out.

MS. BYNUM: Yes.

THE COURT: Okay. Because I didn't remember testimony like that at all.

MS. BYNUM: Right. I'm not putting -- that one is out. Sorry if I made that confusing.

THE COURT: Yes.

MS. BYNUM: No. 36, Mr. Bright encouraged his daughter to go to college. Again, that would have come out through a witness that I declined to put on the stand.

No. 38, Mr. Bright's daughter loves him

unconditionally and is grateful for their relationship. Again, with that specificity, that would not come in. It would just be overall the fact that he has been able to maintain a relationship with his family while incarcerated and would continue to do so.

No. 40, Mr. Bright has no disciplinary history while incarcerated since his arrest for this case in 2008. I declined to put on custodian of records while he was incarcerated. And if I need to speak to that one day, I can definitely do that, as to why.

No. 43, Mr. Bright has shown remorse. Mr. de la Rionda agrees that I can talk about what the observations were of Mr. Bossen and Mr. Hernandez, but I'm not going to talk about the fact that those observations may have been signs of or indicative of remorse, if that makes sense.

THE COURT: Okay.

MS. BYNUM: No. 44, Mr. Bright was afraid of the victims and took steps to remove them from his house. I've agreed that there's been no evidence presented that he was in fear at all of the victims in this

case. There was testimony from Miss Jones that she made efforts to get people out of his house, and Mr. Gold was also able to corroborate that. But I'm not going to alleged in any way that it was the victims.

THE COURT: Okay.

MS. BYNUM: I mean, I am going to argue that he was having problems at that house, but I'm not going to argue that it was -- it was the victims.

MR. DE LA RIONDA: And I will argue it was Mr. Copeland, who was in jail at the time.

MS. BYNUM: Exactly.

THE COURT: Right.

MS. BYNUM: So -- and that's it. That's where we're at.

THE COURT: Okay. Well, then it sounds like --

MS. BYNUM: Oh, yeah.

THE COURT: -- were agreed --

MS. BYNUM: I guess they were all agreed to.

MR. DE LA RIONDA: Yes, except for Dr. --

THE COURT: Ouaou.

MR. DE LA RIONDA: -- Ouaou.

THE COURT: Yeah. That's fine.

MR. DE LA RIONDA: And then there was also a statement of yet another form. Didn't you -- I think we went over that already, statement of particulars, mental mitigators. There was one that -- right, nonstatutory?

MS. BYNUM: I'm sorry. On the statement of particulars of mental mitigation, No. 3 under Dr. Krop, Mr. Bright lost control and snapped on the night of the incident when the victims started threatening him with firearms, I don't intend to argue that at all and certainly not through Mr. -- or through Dr. Krop's testimony. Dr. Gold testified somewhat about the incident, but I don't think Dr. Krop had anything to say about that.

And then Nos. 1 through 8 under Dr. Ouaou's testimony, obviously, we need to wait.

THE COURT: Mr. Bright, you've heard all that. Are you in agreement with those changes and deletions and the mitigators that

are going to be argued? You've had a chance to talk to your lawyer about it and you're in agreement with that?

THE DEFENDANT: Yes, Your Honor, I am.

THE COURT: Okay. And I'm sure you and she have spoken at length about these things, right?

THE DEFENDANT: Right, right, yes, Your Honor.

THE COURT: Okay. You satisfied with how things are going so far other than the interruptions?

THE DEFENDANT: So far, yes, sir.

THE COURT: Okay. Good.

What else?

MR. DE LA RIONDA: I think that's all we have from my perspective and State's perspective.

I guess we're convening back again Monday at 8:30.

THE COURT: Yep.

MR. DE LA RIONDA: And then we'll have the doctor and then closing arguments.

THE COURT: And if something pops up, then obviously, you won't be around next

week, Miss Bynum. But Mr. Williams will and so will I and Mr. de la Rionda. We can -- if something happens, we can get together.

MS. BYNUM: And I can be reached via e-mail. I'll have my laptop with me and I'll have Wi-Fi. There is obviously a big time difference, but I'll be checking it a couple times a day.

(Off-record discussion.)

THE COURT: Well, hopefully, there won't be a need for that.

Okay. Then we're good to go.

And, Karen, you know 8:30 so we'll probably get there a few minutes -- maybe everybody can gather about 8:15, and then hopefully, we'll be ready to get going right away.

MS. BYNUM: Yes, sir.

THE COURT: Although I may let them get the lunch order from the jurors, so we might not really get started till a quarter to 9:00.

MS. BYNUM: Yes, Your Honor.

THE COURT: But then we can -- if there's anything else, we can talk about it,

and then see what happens with Dr. Ouaou.

Okay. Good.

Anything else, Mr. Bright, for me? You need anything from me?

THE DEFENDANT: No, sir.

THE COURT: You good to go?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Well, sorry about the delay but hopefully we'll get everything squared away on Monday the 25th.

Now, let me ask you this about the sequestration: I don't know that we're going to get to that, but I've got to know to be prepared. If the jurors took all day and into the night and, you know, it got to be 8:00 or 9:00 o'clock and, you know, they were kind of tired and we decided to stop for the day, do we want to let them go home to sleep at their home, or do we want to have to put them into a hotel room?

THE DEFENDANT: Well, me and my attorney kind of differ on that. I prefer not to -- not to -- to sequester them, Your Honor.

THE COURT: You prefer to let them go home?

THE DEFENDANT: Right.

THE COURT: And she's kind of the mind-set, make them go to the hotel.

THE DEFENDANT: Right, yes, sir.

THE COURT: Well, you get to run the show on some things here, Mr. Bright. You know that.

MS. BYNUM: And, Your Honor, we haven't gotten to -- like, exactly to that place yet but certainly, you know, we do. We differ and, of course, on this, I defer to Mr. Bright.

THE COURT: Well, the reason I ask is because if we -- and it's up to you. If you want to have them put in a hotel, that's fine, but we just need to make those arrangements well in advance. I can't decide at 6:00 o'clock on Monday, oh, let's go see if we can find some hotel rooms. Probably by then, we'll be able -- we could. But I'd hate -- it kind of gets the Sheriff's Office and the clerk's office, you know, kind of cranked up at me.

THE DEFENDANT: Yes, sir.

THE COURT: So are you sure that's what

you want to do is let them go home?

THE DEFENDANT: Well, my -- my reasoning is, I mean, there's nothing -- I don't see anything that can happen in one night that can't happen already.

THE COURT: I -- I tend to kind of agree with you, quite frankly. And depends on how you wanted to look at it. You know, not that they know who makes those decisions, but that way, they're more comfortable. You know, they're in their own home rather than being -- having to pack a bag and go to a hotel. And I'm thinking everybody on both sides wants happy jurors rather than ones that feel like they got put out a little bit.

THE DEFENDANT: Right, yes, sir.

THE COURT: 'Cause we probably aren't putting them up at the Ritz Carlton or anything.

THE DEFENDANT: Right.

THE COURT: So shall we do -- I'll just -- you want me to go with what your choice is and that is -- and I don't know that we're going to get to that. But if we did, we're going to let them go sleep in

their own bed and come back on Tuesday morning and finish.

THE DEFENDANT: Yes, sir.

THE COURT: Okay. That's what we'll do then. I appreciate that.

Okay. Then we're good.

MS. BYNUM: Yes, sir.

THE COURT: Thank you guys for coming down here.

MS. BYNUM: Thank you.

THE COURT: And we'll conclude this.

(Whereupon the proceedings were adjourned.)

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IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA

CASE NO: 16-2008-CF-002887-AXXX-MA

DIVISION: CR-I

STATE OF FLORIDA

-vs-

RAYMOND CURTIS BRIGHT,

Defendant.

STATE OF FLORIDA)
COUNTY OF DUVAL)

Trial before the Honorable RUSSELL L. HEALEY, Judge of the Circuit Court, Division CR-I, as cause in this matter came to be heard on the 25th of September, 2017, before Karen Waugerman, a Notary Public in and for the State of Florida at Large and Registered Professional Reporter.

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APPEARANCES:

BERNARDO ENRIQUE DE LA RIONDA and PAMELA J. HAZEL, Esquires, Office of the State Attorney, appearing on behalf of the State of Florida.

KELLI JANE BYNUM and CHARLES MICHAEL WILLIAMS, Esquires, Private Attorneys, appearing on behalf of the Defendant.

PROCEEDINGS

PROCEEDING	PAGE
JURY CHARGE CONFERENCE	1135
DEFENSE RESTS	1167
CLOSING ARGUMENT BY MR. DE LA RIONDA	1170
CLOSING ARGUMENT BY MS. BYNUM	1210
JURY CHARGE	1257
VERDICTS	1289
CERTIFICATE OF REPORTER	1303

DEFENSE WITNESSES

WITNESS	PAGE
ROBERT H. OUAOU, Ph.D.	
VOIR DIRE EXAMINATION BY MR. WILLIAMS	1143
DIRECT EXAMINATION BY MR. WILLIAMS	1147
CROSS EXAMINATION BY MR. DE LA RIONDA	1159
REDIRECT EXAMINATION BY MR. WILLIAMS	1166
RECROSS EXAMINATION BY MR. DE LA RIONDA	1167

P R O C E E D I N G S

(September 25, 2017) (8:31 a.m.)

THE COURT: Mr. Bright's case, I've got another set of final jury instructions.

We need to bring Mr. Bright out.

Is this gentleman, by the way, live?

MR. WILLIAMS: Yes, sir.

MS. BYNUM: Yes, Your Honor.

THE COURT: I want to go ahead and deal with Mr. Bright, him testifying or not, now so that assuming he's not, we'll put on this other fellow; you'll rest and we'll get into closings.

MS. BYNUM: Yes, Your Honor.

THE COURT: Get us squared up on the jury instructions as well.

Let's look at them. The first page, second page, third page, fourth page, those are all the aggravators and mitigators with the changes that we talked about when we were here last during the storm. So everybody agreed that one of the statutory mitigators are coming out so it's out. So you've got the two statutory mitigators and then the one catchall for the nonstatutory mitigators.

MS. BYNUM: Yes, Your Honor.

THE COURT: Then Page 5 and 6 is standard. Page 5 and Page 6 starts talking about weighing the evidence. And all we have is 1 through 5. I don't think you're going to impeach this guy with a depo or anything.

MR. DE LA RIONDA: I don't think so.

THE COURT: Okay. And then we have defendant not testifying.

That looks like. It looks like everything's in proper order. Correct, Miss Bynum?

MS. BYNUM: Yes, Your Honor.

THE COURT: Mr. de la Rionda, correct?

MR. DE LA RIONDA: Yes, sir.

THE COURT: And everybody okay with those verdict forms?

MR. DE LA RIONDA: Yes, sir.

THE COURT: Miss Bynum?

MS. BYNUM: Yes, Your Honor.

(Defendant present.)

THE COURT: Mr. Bright, good morning. I need you to stand up. Come right up here for me, if you would.

(Defendant sworn by the Court.)

THE COURT: We started this -- seems like a long time ago. I was going to have a conversation with you about whether you're going to testify or not. And so I want to do that with you.

But before I do, Miss Kyser is here on another case.

(Further proceedings were held from 8:35 a.m. until 8:36 a.m., omitted from this transcript.)

THE COURT: So, Mr. Bright, we -- this is about whether you're going to testify or not, which I understand you're not, correct?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. So obviously you understand you've got these criminal charges pending. The guilt phase is over. We're in the penalty phase. And you still have a right to testify. Even if you didn't testify in the guilt phase, you can testify in the penalty phase and vice versa, quite frankly. If you did testify in the guilt phase, you don't have to testify in the penalty phase. It's a new day. You can make whatever decision you want. You understand you have that right.

THE DEFENDANT: Yes, sir.

THE COURT: Okay. So you have the right to remain silent obviously. Nobody can make you testify or take the witness stand or anything of that sort, but you also have the right to waive that right and become witness, if that's what you want to. Do you understand you have that option?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. From what I've been told, you have decided to exercise your right to remain silent and not become a witness, is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And I'm sure that you've come to that decision after conversations with your attorneys, maybe family or friends, whatever. So you've had some advice from your lawyers about whether to testify or not.

THE DEFENDANT: Yes, sir, I have.

THE COURT: Okay. At the end of the day, though, you know then can be telling you, yeah, I think you ought to testify, and you go, I don't know; I don't think I want to

do that, or the other way around. It's your decision, not theirs. You make the choice at the end of the day after you consider everything, right?

THE DEFENDANT: Right, yes, sir.

THE COURT: Okay. So at the end of the thought process, what I'm hearing you say is you have decided yourself to exercise your right to remain silent and not become a witness, correct?

THE DEFENDANT: Yes, sir.

THE COURT: And if you did become a witness, you know you'd take the witness stand like the other people did. You'd be examined and cross examined just like the other witnesses. It would work the same way if you took the stand. You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. So you have freely and voluntarily and independently decided, I'm going to exercise my right to remain silent and not become a witness, correct?

THE DEFENDANT: Yes, sir.

THE COURT: Has anybody threatened you

or coerced you or promised you to get -- promised you anything to get you to make that decision, to do it that way?

THE DEFENDANT: No, sir.

THE COURT: Are you now under the influence of any drugs or alcohol or mental condition that would keep you from understanding what we're doing, what we're talking about and the significance of that decision?

THE DEFENDANT: No, sir.

THE COURT: Okay. So we're good now.

THE DEFENDANT: Yes, sir.

THE COURT: So you can take your seat, and we'll get started here in a few minutes, I hope.

(Pause.)

THE COURT: All right. State ready to proceed and resume?

MR. DE LA RIONDA: Yes, Your Honor.

THE COURT: Defense ready to proceed and resume?

MR. WILLIAMS: Yes, Your Honor.

THE COURT: Mr. Bright, ready to get started again?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And finish up. Okay.

All right. I think the jury will be ready to come out here in just a second.

All right. Bring the jurors on in.

(Jury present.)

THE COURT: Good morning, ladies and gentlemen.

You-all can have a seat.

Good morning and welcome back. Thank you again very, very much for indulging us and being willing to come back and to resume so that we can conclude this case.

And I'm thankful, from what I heard from all of you when we talked after the storm, that everybody survived it pretty well. Didn't sound like anybody had any major league damage or flooding or anything of that sort, so we're very, very blessed in that regard after seeing some of the pictures and things and looking at things around town and even downtown -- of course, we were fine here.

But anyway, I'm glad that y'all came through relatively unscathed, although

probably -- I am, anyway, still quite sore from all the yard work and debris, which I'm still kind of working on a little bit. But anyway, good for the soul, I guess.

So we're ready to resume and I think when we broke, I was telling you that we had one more witness to handle, which is the case. And so the witness will be called here in just a minute. And then just so you know, after that, the testimony will be concluded and then we'll do closing arguments. I will, after the closing arguments, read to you the jury instructions that apply, and then you'll be able to begin your deliberations.

We've also, I know, gotten your orders for lunch and we'll get that squared away. We won't order it just yet. I'll try and time that so it won't be cold or whatever, depending on what you order.

So we're ready to go. And I, again, thank you so much for being willing to come back after this delay.

Mr. Williams, next witness.

MR. WILLIAMS: Defense calls Dr. Robert Ouaou.

THE COURT: Dr. Ouaou, please.

Doctor, if you'll come to the front and raise your right hand, the clerk will administer the oath to you.

(Witness sworn by the clerk.)

THE COURT: All right, sir. If you'll come right over this way for me, please.

Mr. Williams?

ROBERT H. OUAOU, Ph.D.,

having been produced and first duly sworn as a witness on behalf of the Defendant, testified as follows:

VOIR DIRE EXAMINATION

BY MR. WILLIAMS:

Q Morning, Dr. Ouaou.

A Good morning.

Q Could please state your name and spell it for the record?

A Yes. My name is Robert H. Ouaou -- last name is spelled O-U-A-O-U -- Ph.D.

Q And what's your occupation sir?

A I am a neuropsychologist.

Q Okay. Where do you work?

A I have my own practice in Naples, Florida, which is called "Naples Neuropsychology."

Q All right. And what is your job title?

A I'm a neuropsychologist.

Q Okay. And your educational history?

A Sure. I have a bachelor's degree from Temple University in clinical psychology, after which I obtained a master's degree from Palo Alto University and a Ph.D., doctorate, from Palo Alto University, which is a graduate program that's affiliated with Stanford University.

During that process, I completed an internship in neuropsychology and psychology at the VA Medical Center in Baltimore, Maryland.

After I received my Ph.D., I then completed a two-year postdoctoral fellowship in clinical neuropsychology at the VA Maryland health care system, which is the Baltimore VA hospital and the University of Maryland Medical School.

Q Sir, are you trained to do administration of psychological testing?

A Yes.

Q What's your employment history (inaudible)?

(Brief interruption by the reporter.)

BY MR. WILLIAMS:

Q What is your employment history to the extent you haven't already said?

A Well, I've -- I've been employed in various

capacities prior to receiving my doctorate. I worked in traumatic brain injury since I was an undergraduate, full-time, while I was attending school in Philadelphia, after which time, I also did some work in research, Baltimore -- at the San Francisco VA Medical Center. At postdoctoral, I was employed as a neuropsychologist through the VA Medical Center in Baltimore, Maryland, and University of Maryland Medical Center.

I then decided to leave Baltimore and go to beautiful Naples with my family and worked in a neurology practice in Naples before working with a forensic neuropsychiatrist in Fort Myers for a couple years and then finally started my own practice since -- seven years ago, I believe.

Q Have you taught any courses in undergraduate or graduate programs?

A I have, yes.

Q Which ones?

A Well, I've taught statistics. I've taught psychopathology so study of psychiatric disorders.

Q And do you have any licenses?

A I do. Yes, I'm currently licensed as a psychologist in the State of Florida.

Q And do you routinely administer or supervise

the administration of psychological tests as part of your career?

A I routinely administer psychological tests, yes.

Q What percentage of your work would you say is forensic practice?

A I would say 60 percent, at this point, of my work is forensic.

Q Have you testified as an expert witness in any jurisdiction?

A I have, yes.

Q In the State of Florida?

A Yes, sir.

Q Approximately how many times?

A Overall, I'd say approximately 50 times at this point, maybe a little more.

Q And what have you been qualified as an expert in?

A Neuropsychology and clinical psychology.

MR. WILLIAMS: Your Honor, at this time, we'd tender the witness as an expert in the field of neuropsychology.

MR. DE LA RIONDA: I have no questions, Your Honor.

THE COURT: All right.

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q Sir, what -- if you would explain to the jury, what is clinical neuropsychology?

A So neuropsychology is a specialization within the field of psychology. It's the study of brain behavior relations. So basically we evaluate folks who have any known neurologic problem. That could include something related to psychiatry because the two are not mutually exclusive.

So a neuropsychologist, in my capacity, who administers tests utilizes a battery of known valid measures that measure things that like intelligence, attention, concentration, malingering, whether somebody's giving full effort and compare the person's performance to -- to a control group, a sample of known normals, to see if there's any differences in between that person you're evaluating and the known control group or the known norms.

Q You used the word "malingering." Could you explain further to the jury what that means?

A Sure. Malingering is sort of, in its simple itself form, I suppose, not putting forward maximum effort. It ranges from putting forth inaccurate

responses in order to manipulate something, whether it's, in a civil case, money, whether in a case like this, could be incarceration or -- or worse.

So there are ways to measure whether or not somebody is giving you full effort obviously 'cause there's a lot at stake for some who are taking these tests who want to look bad.

So there are tests that are sensitive to malingering or poor effort and not sensitive to psychiatric or -- or neurologic problems.

Q And generally, what do the neurological tests help you determine?

A They determine whether there's a deficit in someone, whether -- for example, you're evaluating somebody for intellectual disability, their IQ level, or you're evaluating somebody who has head injuries. Do they have the types of deficits that we see on testing that are consistent with head injury, things like memory problems, attention problems?

So it helps to describe the behavior of somebody's brain more or less. You know, what does it look like on the outside? Can we see any evidence that there's a problem or not?

Q Have you -- over your career, have there been times when you've been retained by defense counsel and

the testing you've done did not result in any impairment you found?

A Yes.

Q And have you had occasions in your career where you worked with defense counsel, where you've tested defendants who you believed were malingering?

A Yes, sir, absolutely.

Q Okay. And you've had an opportunity, of course, because you're here, to meet with Raymond Bright, is that right?

A Yes, sir.

Q Okay. Did you find Mr. Bright to be malingering?

A No, to the contrary. I administered several tests to him, not only to measure whether he is giving full effort on tests related to thinking, memory, concentration, intelligence but also psychiatric symptoms. So there are these tests that are developed that if you're sort of embellishing your symptoms, it will tell us that's the case. And, no, he was not.

Q Did you review any records prior to seeing and testing Mr. Bright?

A I did, yes.

Q Could you please explain what records you reviewed?

A So I evaluated Mr. Bright back in 2014. And I had reviewed records from the departments -- Department of Veterans Affairs Medical Center, the Department of Corrections medical records. There was two psychological evaluations, one by, well, a psychiatrist, Dr. Miller, another one by a Dr. Krop.

I also had some records that were provided to me by defense counsel at the time, some academic records, school records.

Q Did you -- did you interview any family, friends or people associated with Mr. Bright?

A I spoke briefly with his sister.

Q Okay. And did you -- did you perform neurological assessments on Raymond Bright?

A I did, yes.

Q Okay. Did he mention he was abused in his childhood?

A Yes, he did. His sister also did.

Q So you had knowledge that he had a rough upbringing?

A Well, I feel like I would call it a little more than a rough upbringing. From what I was told, it was -- there was a history of severe abuse, not only from his mother and father but his brother.

Q Do you have experience -- you mentioned the

VA earlier. You have experience working with soldiers, possible mental illness?

A Yes, I do.

Q And like you mentioned, the VA, that's the Veterans Administration?

A Yes. So I spent several years in the VA, not only as a student and then as an advanced student but as an actual staff psychologist. So part of -- part of my duties were at one point to evaluate folks who had claims of posttraumatic stress disorder, which I'm sure we've all heard about, and to evaluate for the veracity of those claims for disability.

Q For the jury, that means whether or not they're true?

A Whether or not they're true and what the extent of their -- their defects were.

But I was also part of a research group in Fort Hood, Texas, which is the largest Army base in the U.S., studying pre-deployment in the Gulf War, which was some time ago. So I have -- I have -- and not only there but also in San Francisco, during graduate school, I did some practicing work at the VA in San Francisco. So I have a decent amount of experience.

Q Did you consider that experience working with veterans in the past relevant to your evaluation of

Mr. Bright?

A I did in the extent that he's a veteran, and he appeared to have some pretty significant substance abuse problems that were treated or attempted to be treated while in the military, which is not uncommon.

Q What testing did you administer to Mr. Bright?

A So I administered what's called a "comprehensive neuropsychological test battery" with malingering checks to make that sure he's giving me his full efforts. That includes a measure of intelligence, the Wechsler Adult Intelligence Scale, fourth edition, other measures related to memory and learning and what's called "executive functions," those measures that are most closely associated with the frontal part of the brain that have to do with planning and reasoning.

So I gave him sort of the gold standard battery of tests that's accepted in the field.

Q How many hours of testing would you say you did with Mr. Bright?

A I looked back. I believe it was approximately seven hours.

Q Was that over a couple of days?

A Yes.

Q We talked about this a little bit. But just so the jury is clear, what are these tests supposed to determine or measure?

A Basically the integrity of the central nervous system. We know that certain tests measure certain problems in the brain. We know that certain tests are consistent -- performance of certain tests are consistent with certain syndromes that are diagnoses, like traumatic brain injury or intellectual disability. So we're trying to get a snapshot -- or I was asked if I could get a snapshot of what his level of functioning was.

Q And did you administer the Miller Forensic Assessment Test?

A I did.

Q And what is that?

A That is a malingering measure that measures whether or not -- measures the veracity of one's psychiatric presentation. Even folks who are -- are severely mentally ill will not endure some of the items that are on this test. So basically it's a malingering measure of psychiatric symptoms.

Q And so beyond not malingering, was Mr. Bright cooperative with you when you administered the tests to him?

A Mr. Bright was cooperative, pleasant, gave full effort.

Q Okay. Did Mr. Bright talk about his family history of mental illness?

A He did a bit, yes.

Q Did it seem that his father was an alcoholic and abusive?

A That's what he conveyed to me, that his father was an abusive alcoholic as well as his grandfather.

Q Did he mention sexual abuse to you?

A He did. He did. He -- he stated that there was a brother who possibly sexually abused him, if I'm not mistaken, regularly over a year or so, who also on two occasions did what he called "choked him out," where he strangled him to the point that he lost consciousness. And there was some question of whether he was being sexually molested during that time as well.

Q And Mr. Bright reported that to you about his father?

A About his brother, yes.

Q I'm sorry. Right.

Did you have information about Mr. Bright's father's sisters, his aunts, at all?

A I just had -- I had some information that they -- he had two paternal aunts, I believe, that were hospitalized with psychotic disorders.

Q Did you administer an IQ test to Mr. Bright?

A I did, yes. I administered the Wechsler Adult Intelligence Scale, fourth edition.

Q What was the result that?

A Mr. Bright's scores were in the average range. His score was -- I believe it was a 100, which should be exactly average for that scale, so 50 percent of the population does worse and the rest do better. So he was average.

Q As far as intelligence?

A As far as intelligence goes.

Q Okay. Did he advise you he had been previously prescribed Paxil and Zoloft?

A Yes.

Q And do you know anything about his previous diagnoses as far as PTSD, depression, anxiety?

A Well, I know that within the VA, he was diagnosed, if I'm not mistaken, with anxiety disorders, with agoraphobia, which is a fear of being in public, with -- also diagnosed with panic disorder and social anxiety, sort of a cluster of syndromes that are related to severe anxiety.

Q Were the Paxil and Zoloft prescribed for those maladies?

A Yes. And from what I recall from the notes, the -- for whatever reason, this was sort of unsuccessful in treating the symptoms.

Q In your experience with patients like Mr. Bright, is it common for such individuals to self-medicate with alcohol?

A Yes.

Q Is it relevant to the client's mental health?

A Well, I think it's relevant in that it worsens the problems, like, in the long term. But that -- and causes -- causes more complications in one's functioning. But certainly it's common for one to self-medicate with alcohol or drugs with such a history that he has.

Q And beyond just the self-reporting, that is, what my client conveyed to you, did you undertake to corroborate what he said with other sources?

A Well, I -- I did, yes. I mean, there was some -- there were records from the VA and DOC which discussed his history. There was some interview notes from a mitigation specialist, who --

MR. DE LA RIONDA: Objection as to hearsay. Hearsay objection.

THE COURT: Sustained.

BY MR. WILLIAMS:

Q You can answer the question without telling what someone else told you.

A So I received records from a mitigation specialist.

MR. DE LA RIONDA: Objection, same objection. The basis --

THE COURT: Well, he just said he reviewed the records.

MR. DE LA RIONDA: Okay.

THE COURT: That's like reviewing the VA records. We'll see where we go from there.

THE WITNESS: So I reviewed the records of a mitigation specialist that was -- that provided me -- provided this to me during -- before the previous hearing and she had interviewed multiple family --

MR. DE LA RIONDA: Objection as to what this witness is going to say or not say.

THE COURT: Sustained.

BY MR. WILLIAMS:

Q Would you say that Mr. Bright suffered from emotional distress severely in his life?

A Yes.

Q What do you think was the crux and cause of that?

A Well, I think it was -- I think it's rooted in childhood. And I think it's rooted from severely abusive parents, who are supposed to be role models, and severe sexual abuse.

Q Do you think the abuse possibly resulted in his low grades in school?

A Well, according to the -- yes. And according to the academic records, there was some mention of him being nervous as a student, certainly his IQ being average and some of his other cognitive functions, despite having what I see as a horrendous upbringing and some self-reported head injuries as a kid. He probably should have done better in school than he did, and that's likely related, in my opinion, to the distractions of an abusive childhood.

Q Did Mr. Bright talk to you about an episode where he lost part of his thumb in the door he was younger, and his father made him go right back to work?

A Yes.

Q Is that just part and parcel of the abuse?

A Yes, and the same with the development of his stutter as a child, especially around his father.

MR. WILLIAMS: No further questions.

THE COURT: Mr. de la Rionda.

CROSS EXAMINATION

BY MR. DE LA RIONDA:

Q Good afternoon, Doctor, or I should say good morning.

A Good morning, good afternoon, either one.

Q Let me cover a few things with you first.

Specifically, you interviewed the defendant. You saw him back in 2013, is that correct?

A That is correct as well as 2014.

Q I'm sorry. 2013, 2014. So this was at least -- this happened in 2008 -- five years, six years after the murder itself, correct?

A Yes.

Q Okay. And you were aware that Dr. Miller had seen him closer in time to the murder.

A Yes.

Q Okay. And you were aware that Dr. Miller, when he interviewed -- who was a psychiatrist, when he interviewed the defendant, the defendant never told him about any kind of abuse. You were aware of that.

A Yes.

Q And you were aware, in fact, that he was also seen around the time of the murder, you know, within a year or so by Dr. Krop, and the defendant never told

Dr. Krop about any kind of abuse. You're aware of that too.

A Yes.

Q Okay. You mentioned sexual abuse. That is what the defendant told you in 2013, 2014, is that correct?

A Yes.

Q And he, the defendant claimed, that he was sexually abused by an older brother, correct?

A Yes, that's correct.

Q I think that's what you put in your report. I apologize.

A I just wanted to make sure he was an older brother. Yes.

Q And you did not speak to the brother, right?

A No.

Q Okay. So this is just self-reporting on his part, the defendant's part, correct?

A That's correct.

Q Now, you mentioned about the upbringing that the defendant had, that is, his dad forcing him to work and that kind of stuff, correct?

A Yes.

Q Okay. And besides forcing him to work, apparently he whipped him or did something when he

misbehaved or when he felt he misbehaved, correct?

A Yes, he whipped him.

Q Okay. All right. And that -- and you were able to corroborate that by -- the defendant's sister told you that, correct?

A Yes.

Q Okay. Now, the defendant grew up in the rural south. His parents were not rich people, correct?

A That's correct.

Q I think they owned a junkyard. The dad owned a junkyard. And so would it be fair to say that he kind of forced him to work at a very young age? Correct?

A Well, I -- yeah. He worked at a very young age, yes.

Q And that is, I guess, frowned upon by society now because that's -- you don't want kids that are five, six, seven, eight years old having to work, correct?

A Well, I -- I don't know. I didn't ask him about that.

Q Okay. All right. But he was telling you that he was forced to work excessively by his parents?

A Well, I don't -- I don't really remember him

actually saying that but --

Q Okay.

All right. You did not diagnose him with PTSD, correct?

A I did not.

Q Okay. And to make sure the record's clear, you performed neuropsychological testing, correct?

A Yes.

Q You're actually going into -- I'm going to describe from a layperson -- going into the brain itself to see whether there's anything wrong with his brain, correct?

A Yes.

Q And that's my words. If there's a more eloquent way to say it, please do so.

A That -- that is one way, yes.

Q Okay. And your evaluation of the defendant determined that he had nothing wrong with him in terms of his brain. He was functioning perfectly all right, correct?

A Yes.

Q All right. He had no cognitive disability; that is, he had no mental impairment, correct?

A No cognitive disability would be accurate, yes.

Q And cognitive disability, can you -- for purposes of this jury, can you tell the jury what you mean by cognitive disability?

A Sure. So there are different cognitive domains -- right? -- memory, attention, concentration, executive functions. Different disorders cause different cognitive deficits. So we test for those. And Mr. Bright was average.

Q So in other words, he had no impairment that prevented him from planning things out or carrying out the executive functions that people do on an everyday basis, make decisions and do something as a result of making those decisions.

A They --

Q He was able to function perfectly. I apologize. I interrupted you?

A So no. His executive function tests were -- were all within what you would expect.

Q You mentioned that you have reviewed his VA records, and I think you mentioned also that you had also worked for a period of time with the VA. The VA never diagnosed him with posttraumatic stress disorder, did it?

A Not that I saw.

Q Okay. And I think -- is it true that the VA

records showed that actually he had an alcohol and/or drug problem at the time?

A Yes.

Q And that's the reason why he was not successful in the programs that the VA provided him that he did not actually comply with.

A I -- I don't -- I don't know -- I don't really know the answer to that.

Q Okay. You were aware that he had an alcohol and drug problem.

A Yes.

Q Okay. And, in fact, part of the reason why he wasn't in the Marines for longer than nine years is because of his alcohol problem.

A Yes.

Q Okay. And you were aware that after he left the Marines, he then continued to have a drinking problem and then, I guess, my word, exaggerated it but developed also a drug problem.

A Yes.

Q Okay. And was pretty excessive, correct?

A Yes.

Q Now, nobody was forcing him to drink or to take drugs in excess, correct?

A Not that I'm aware of, no.

Q Okay. You didn't see anything that said, hey, he was being forced to ingest crack cocaine or cocaine or anything like that, correct?

A Correct.

Q And I think that's what defense counsel asked you, about self-medicating. I guess some people do that in order to deal with anxiety or whatever. They take drugs and/or alcohol to the excess, correct?

A Definitely, yes.

Q Okay. And you reviewed, I guess, his DOC records, Department of Corrections records, correct?

A Yes, sir.

Q Okay. And it showed that he had a pretty extensive criminal history, correct?

A That's correct, yes.

Q Okay. I mean, he had been in prison before and had given opportunities for treatment, and I guess he didn't comply with them for whatever reasons, correct?

A Yeah. That's true, yes.

MR. DE LA RIONDA: If I could have a moment, Judge, I think I may be through.

THE COURT: Yes, sir. All right.

BY MR. DE LA RIONDA:

Q Oh, you did not ask him specifically about

the murders that he committed here, correct?

A That's correct.

MR. DE LA RIONDA: Thank you, sir. I have no further questions.

THE COURT: Anything else, Mr. Williams?

MR. WILLIAMS: Very briefly, Judge.

REDIRECT EXAMINATION

BY MR. WILLIAMS:

Q Sir, with regard to the sexual abuse, the State brought out -- or the State mentioned that there was a lack of corroboration there or tried to emphasize that it was self-reporting, right? Didn't you also speak to the sister?

A I did, yes.

Q And are sexual abuse generally easy to corroborate?

A No.

Q I mean, are they usually witnesses to such things?

A No. And, you know, especially -- and it's a case-by-case basis but, you know, an older male, military man, doesn't tend to come out and tell you all his dark, deep secrets.

Q But you spoke with the sister as well.

A Right.

MR. WILLIAMS: No further questions.

RECROSS EXAMINATION

BY MR. DE LA RIONDA:

Q The sister didn't say that he was sexually abused, did she?

A She said that he had a horrible upbringing with lots of abuse. If I --

Q Physical abuse.

A I'm sorry?

Q Physical abuse.

A Physical abuse, yes.

MR. DE LA RIONDA: Thank you.

THE COURT: All right. Thank you, Doctor. You're excused.

THE WITNESS: Thank you. Sorry about last week.

THE COURT: Okay. Defense's next witness.

MS. BYNUM: Defense would rest at this time, Your Honor.

THE COURT: Ladies and gentlemen, both the State and the defense have now rested their cases, so we're ready to move into closing arguments. We probably need a minute because I suspect they're going to crank up

this cart, and some things are going to show on your monitor.

So why don't I just let you stand and maybe step into the jury room, stretch for a minute or two? We shouldn't be more than five to six minutes get this going. Okay?

(Jury excused.)

THE COURT: Okay. Do whatever you got to do.

(Off-record discussion.)

(Short recess.)

(Defendant present.)

THE COURT: Do you guys want names or numbers when polled?

MR. DE LA RIONDA: Names is fine.

MS. BYNUM: That's fine.

THE COURT: Are you ready, Mr. de la Rionda?

MR. DE LA RIONDA: Yes, Your Honor. Thank you.

THE COURT: And, Miss Bynum, you're doing the close, right?

MS. BYNUM: Yes, Your Honor. And all I'll have to do, my closing is uploaded to the computer. I guess I just need to go

back, click it for it to come up or you can do it.

MS. HAZEL: I'll do it.

MS. BYNUM: Okay. Miss Hazel will do it.

THE COURT: Okay. Well, depending on how long Mr. de la Rionda goes, we may let them stretch for a minute.

MS. BYNUM: Yes, Your Honor.

THE COURT: All right. Bring the jurors on in.

(Jury present.)

THE COURT: Okay. Thank you, ladies and gentlemen.

As I mentioned, both the State and the defense have rested their cases. So now the attorneys will be able to present their closing arguments to you. Please remember, though, what the attorneys say to you is not evidence. Evidence has come before you in the form of testimony from witnesses, exhibits, things of that nature.

I think I also mentioned to you exhibits that have been offered into evidence. You'll be allowed to take those back into the jury

room to review if you need during the course of your deliberations.

You should listen very carefully, though, to what the attorneys have to say. Their arguments are intended to aid you in understanding what testimony has been presented and evidence has been presented as it may apply and -- with the law that I will ultimately instruct you on.

Basically, both sides will have a chance to address you. Generally speaking, they'll have about the same amount of time to address you. And we'll hear first from Mr. de la Rionda on behalf of the State and then Miss Bynum on behalf of Mr. Bright. And then, at that point I'll read to you the jury instructions that apply.

Mr. de la Rionda.

MR. DE LA RIONDA: May it please the Court?

THE COURT: Yes, sir.

MR. DE LA RIONDA: Counsel.

Good morning.

THE JURORS: Good morning.

MR. DE LA RIONDA: Carrie Gray's worst

nightmare, any mother's worst nightmare. Randall Brown's mother let her son borrow the car she had rented when she got back from Georgia, after doing some religious preaching over there. Son leaves with that car and then she doesn't hear from him. She calls. She calls. She texts. She tries to get ahold of her son Randall but there's no response. She's worried all night, why her son had not returned. She kept trying that phone over and over but there was no response.

Then Randall's friend Michael Majors came by and said, what? Let me go see.

And he went to the house, that house that now you've seen pictures of of what this defendant did.

State's Exhibit 32 before you, there was Randall Brown on that recliner, and you see on the floor, near his body, his phone. In fact it looks like it was plugged in at some point, charged -- trying to charge it. But Randall Brown couldn't get to that phone, and he couldn't get to that phone because of the actions of one man, one man only, Raymond

Bright.

That's how Michael Majors found his friend Randall Brown. That's how he also found, as you can see towards the bottom of that photograph, Derrick King.

There's no dispute that on February the 18th of 2008, defendant, Raymond Bright, murdered two human beings using a hammer. He inflicted blunt force trauma. That is, he beat Derrick King to death. He beat Randall Brown to death.

That is one of the last photographs that will ever be taken of Derrick King, State's Exhibit 130, medical examiner photograph, and that was what's called the "identification photo," that is, when the victim's family is shown a photograph to be able to identify their loved one. That is State's Exhibit 130.

State's Exhibit 122, that's the last photograph or one of the last photographs ever taken of Randall Brown.

This is the real world. This isn't fiction. This isn't make believe. This really happened in Jacksonville, Duval

County, Florida, back in 2008.

On behalf of the State of Florida, I'd like to thank you for your service, not just the week in which we picked and started the trial but for actually coming back and participating in our criminal justice system. I know the judge has already commented to you, but I want to on behalf of State. And also, I'm sure defense really appreciates the fact that you-all cared enough to come back, all 14 of you. Even though stuff was going on in the real world around us that impacted all of us, you still felt a duty, an obligation to serve as jurors. And I commend you on behalf of State, on behalf of the Court and on behalf of the defense that you cared enough to come back, that you didn't look for excuses to get out of this.

This case is important to the State of Florida. It's important to the victims' families and it's important to the defendant. You've got to render a verdict. Each of you individually and collectively as a group will render a verdict in this case. And the verdict will be whether the defendant should

be sentenced to death or life imprisonment without the possibility of parole.

So how do you go about doing that? How do you -- how do you make a decision that is just? I'm going to go in a little while through the process that the jury instructions will tell you about; that is, the judge will read to you and you'll actually be given a copy of how you'll arrive at your decision.

You know, we started picking a jury a long time ago, seems like, almost, I guess, three weeks ago. And I recall -- actually, it wasn't in this courtroom, but there was people sitting on both sides of the courtroom and you were among them.

And so how do you arrive at a verdict? How do you arrive at a decision that speaks the truth, a decision, a verdict that is just? I will submit to you three things.

Number one is, you rely on the testimony you heard from that witness stand, the physical evidence that you saw and you'll have it back there with you so you can look at it if you want to much more closely,

evaluate.

You rely on the jury instructions, the law, that Judge Healey will provide to you, read to you and then also provide to you.

You also rely, I will submit to you, on your God-given common sense in evaluating the testimony, evaluating all the facts.

What you don't do is you don't start speculating. I wonder if or that. That's not the process here. That's not allowed.

What I want to do is take you back to -- if I could, to three weeks ago, almost three weeks ago, Tuesday and Wednesday, when we were picking a jury. And the reason I want to take you-all back to that, because it's crucial in terms of you-all being able to serve as jurors in this particular case.

At the very beginning, one of the first things you did when you came into the courtroom on -- that big courtroom, you-all raised your hands and you took an oath. Before anybody asked you any questions, you took an oath to tell the truth. And then you sat down and then the judge read you some instructions. And then I, on behalf the

State, got up and asked you some questions, and then the following day, Miss Bynum, on behalf of the defendant, Mr. Bright, got up and asked you questions.

And you, I'm sure, even though it was almost three weeks ago, have a good recollection of the kind of questions that we asked you. And I want to focus on one of the questions that we asked you is your feelings about the death penalty because that's why you-all are here. As you recall, when we were picking the jury, there were people who said that they could not. For either moral, religious or whatever grounds, they could not sit as a juror in any case involving the death penalty and be able to vote for the death penalty, that they could not. When they consider all the factors and everything, not that you have to vote, but they couldn't even consider voting for the death penalty.

And as you surmised, by the fact that you-all are here and they are not here, they were not allowed to sit on the jury.

Now, at the same time, there was also, I think, a lesser number, a much lesser number,

I think three or four people who said, oh, it's automatic. You know, they couldn't even listen to the mitigators. And those people were also excused.

And so what we are left with is jurors who took an oath to tell the truth when they were asked, and each of you individually were questioned by the State and by the defense in terms of if you could in a particular case vote to impose the death penalty, that is, vote your verdict, that is, that the death penalty should be imposed, that Judge Healey impose the death penalty. All of you said you could, not that you're compelled to, but you-all said you could.

And each of you understood that each of you yourselves would have to vote. And that in order for the death penalty to be imposed, it would be -- have to be a unanimous decision; that is, each one of you would have to vote that the death penalty be imposed. And all of you said you could in a particular case.

Well, I would submit to you, on behalf of the State of Florida, this is that case

because you just don't have to vote once. You actually have to vote two times. There were and are, in the sense that they're no longer with us -- but there are or there were two innocent -- two innocent young men who were brutally beaten to death with a hammer.

This right here was used and I'm showing you State's Exhibit 29. Take it back there with you because you'll have it in evidence. I would submit to you, not that you should -- but some of you may want to actually hold it, see how heavy this is.

And do you recall the testimony of Dr. Rao as to how many times each of these innocent young men were hit on the head, on other parts of their body? Because I would submit to you, on behalf of State of Florida, why I state to you that in this case, the death penalty is appropriate and that all of you, each individually and then collectively as a group, should vote to impose a death penalty; that is, your verdict should be death is because of how each of these young men were killed.

That is, as Dr. Rao testified to,

they -- each of them suffered. That is, each of them were in pain. You saw the photographs. You saw the autopsy. You saw the end result of what caused them to die in terms of the last photographs taken of them.

But what you have to do in arriving at a verdict in this case -- and I'm going to cover it with you because one of the aggravators in this case is what's called "heinous, atrocious and cruel," that is, was an evil act because that's the only way to explain what this defendant did in that each of those young men were beaten to death. And there was some attempt at defending themselves. It was a futile attempt. You heard about some injuries to their arms and to their legs. But the best evidence is those photographs at the scene and then also the autopsy photographs.

I kind of jumped ahead and I apologize because what I want to do first is to kind of go over how you arrive at a verdict. And do you recall the testimony was that after he murdered Derrick King and Randall Brown, he covered up their faces, their bodies or

attempted to? He hid the murder weapon; that is, he threw it out there. Remember, they didn't even find it the first day. They had to go back and it was under the leaves. And then he fled the scene. That's important in terms of showing you the context of what actually occurred. And recall also that he was arrested -- what? -- a day, two days later and that he had no injuries.

Now, when I say he covered up their faces, because he knew he had committed an evil act. Because look how Randall Brown is left, and look how Derrick King is left.

Recall also the testimony was that he discarded the murder weapon.

And recall also the testimony that when he was arrested, photographs were taken. He was examined to see if there was any kind of explanation in terms of he had some, you know, injuries or something, looked at his hands, everything. I think he had one scratch on the side, on his side.

This defendant picked his prey, made sure that they were defenseless in that they were asleep and somehow that he caught them

off guard and he beat them to death. I mean, he beat them to death. And Dr. Rao told you that they were alive while this was happening. That isn't one blow to the head and then they're just unconscious and then they're just out of it. No. They were alive. They were experiencing pain.

So as we talked about in jury selection, the Court -- the very first thing that the Court instructed you is this defendant's guilt is not an issue, that he's been found guilty of murder in the first degree.

So your only concern here is as to what the punishment should be, Count 1, Derrick King and Count 2, Randall Brown; that is, you have two separate decisions, two verdicts. That is verdict first as to the murder of Derrick King and verdict as to the murder of Randall Brown.

You're not to concern yourselves about how exactly it happened. The best evidence of what he did is what he left behind. That's the best evidence of what he did. That best explains what he actually did.

Because see, the last date y'all were

here in the courtroom, you heard testimony from experts, and this morning you heard testimony from experts. And they attempted to get into his brain, to the defendant's brain, to explain somehow how -- or why he committed this evil act. And the last witness you heard from, Dr. Ouaou, testified he has no cognitive -- there's no mental impairment there. He doesn't have a defect in his brain. There's not something that he was -- something he had that, you know, kind of caused him to do this or he wasn't able to function; he wasn't able to act upon what he was -- made the decision to do. So there's no issue there.

Yeah. There was evidence that he was abused as a child. And you can factor that in, and we'll talk about the mitigation in terms of the aggravation.

But -- but years later, there's an attempt made to get into Mr. Bright's brain, into his mind to kind of explain why Mr. Bright, why the defendant, committed such heinous, atrocious and cruel murder, not just once but twice in one day.

So your decision must be based on the evidence and the law contained in these instructions that the Court will read to you and you'll be provided. But one of the key things that the Court will read to you is your decision must be based on the evidence, that is, the testimony, the physical evidence, and the law contained in the instructions that you're going to get.

Your decision should not be influenced by feelings of prejudice or by racial or ethnic bias or sympathy. That's not a basis for your decision, that he was abused, et cetera. No. You cannot have sympathy for that in terms of -- it's mitigation and aggravation. You can't have sympathy for the victim or the defendant -- for the victims, I should say. It should be plural.

And your decision, the Court will instruct you, is -- you're not to base your decision because you feel sorry for anyone or are angry at anyone.

So then let's get to the heart of why you're here, why you returned. How do you make a decision in terms of what the verdict

is? I would submit to you it's a five-step process, and you're going to have a verdict form. And the Court's going to read you the instructions, and you're going to be provided a copy of it.

Four of those steps require you to make a unanimous finding; that is, each of you have to agree. If not, you don't go to the next step. Let me cover that with you. Let me stress that again. Four of the steps require you to make a unanimous finding; that is, the jurors, all of you, have to agree to that.

And the verdict identifies steps as A, B, C, D and E. And I want to go over those with you. So it's five steps step.

Step A, has an aggravating factor or actually factors been proven beyond a reasonable doubt? That is, have -- the aggravator factors I'm going to talk to you about, have they been proven beyond a reasonable doubt? State's burden is to prove them beyond a reasonable doubt. And actually by law -- and I'm going to get to this in a minute -- the State only has to prove one

aggravator.

And so you-all vote as to each, the murder of Derrick King and the murder of Randall Brown. Each of you will vote. And if you determine that at least one -- you vote each as to each aggravator, and if at least one of those aggravators has been proven beyond a reasonable doubt and all of you agree unanimously, then you go to Step B.

Let me stress that again. So all you have to vote is for that aggravator. Was it proven? And if you find at least one, then you go to Step B. You review the aggravating factors and in your opinion, each of you individually has to determine whether sufficient evidence to -- for possible death.

So Step A is aggravator been proven. Step B is is that an aggravator that merits or potentially merits the death penalty? Each of you have to unanimously agree to that.

Then you go to Step C. Assuming you get past Step B, you go to Step C. You evaluate what -- the mitigating circumstances. And the mitigators do not have to be proven by

beyond a reasonable doubt. It's by a greater weight of the evidence. And then each of you vote as to each of those, and that doesn't have to be unanimous, as opposed to the aggravators. As I said, four of the five-step process requires you to vote unanimously. This is the one step, C, that it is not required that each of you agree if the mitigators have been proven or a particular one.

D, so you go and then you weigh. You weigh the aggravators and mitigators. So you weigh what the aggravators are, and then you weigh them against the mitigators. And do the aggravators outweigh the mitigators? And then you vote as to that and that has to be unanimous.

And then you go to Step E. Each of you have to agree that this verdict should be death. And then you vote as to that.

The process of weighing aggravators and mitigators is not a mechanical or a mathematical process. You determine how much weight you assess to each of these murders in terms of the aggravators, how much weight you

give or how much weight you give to mitigation. Does it outweigh the aggravation?

The law contemplates that different factors or circumstances may be given different weight or values by different jurors. In your decision-making process, you and you alone decide what weight is to be given to a particular aggravator, particular factor.

And by the way, as we stressed about in jury selection, you're never compelled to actually vote for death. But I would submit to you that this is the case that you should in terms of following the law.

So what are the aggravating factors in this case? What has the State proven beyond a reasonable doubt? And what is an aggravating factor? It's a circumstance that increases the gravity of a crime or the harm to the victim.

And let me stress that again. Let me focus on that. It is a circumstance that increases the gravity of a crime in terms of the murder, how outrageous it is or how

egregious it is and also the harm to a particular victim. That's an aggravator. And in order to consider the death penalty as a possible penalty, you must determine at least one aggravating factor has been proven. I will submit to you, in this case, you have two aggravating factors, and I'm going to cover those with you.

First one is Raymond Bright was previously convicted of a capital felony and/or a felony involving the use of threat or violence to another person. That is the first aggravator.

Now, what we're doing is you've got to look at each of the murders individually. So as to the murder of Derrick King, an aggravator is that he also committed first-degree murder on Randall Brown. That is a capital offense so that is an aggravator. The fact that in killing Derrick King, he also killed Randall Brown, that is an aggravator.

As to Randall Brown, Count 2, the first-degree murder of Derrick King is a capital offense. That's an aggravator as to

the murder of Randall Brown.

So what we have is the defendant murdered Derrick King and murdered Randall Brown. He knew the victims. Victims knew him. He used element of surprise to get the upper hand and used that hammer to inflict injury, to inflict death upon each of these innocent victims. Hammer was used, blunt force trauma and he beat them to death. There's no other more delicate way to say that other than he beat them to death.

And recall the testimony was that they had defensive injuries. That is, they were alive. They were aware that they were getting killed, and they attempted to -- as best this could to defend themselves but they were unable to.

Recall the testimony -- and you saw the exhibits too in terms of the photographs. You heard from Detective Brookins, who processed the scene in terms of State's Exhibit 31. And I throw that out here now or I show that to you right now is because one of the mitigators that the defense is going to get in terms of alcohol, drugs, all this

stuff, recall also, Randall Brown did not have any alcohol or drugs in his system, but Derrick King did have some drugs in his system.

But recall also, the testimony from Michael Majors. I take you back to one of the first witnesses you heard from. They had actually ordered a pizza. And also the testimony was that Derrick King was playing chess with the defendant. Somehow the defendant made a decision to kill them. And he caught them both off guard.

Recall the testimony in terms of the blood, how much blood there was in terms of on the wall, not in terms of just the victims, in terms of the infliction of pain because every time that the defendant was hammering these victims to death. Especially Derrick King, you see he was hitting, and then as he was taking out, he's going to him again. That blood went even on the ceiling. You recall that testimony in terms of the blood spatter on the ceiling? That's how much force he was using, and that's how much pain he was causing to each of those victims.

See photograph, State's Exhibit 35, look at the blood on the wall behind the sofa, where Derrick King was laying, asleep when this defendant made the decision to eliminate or exterminate his life.

Also, in terms of -- under that aggravator, in terms of prior violence, the defendant had previously -- before these murders, had been convicted of the crime of armed robbery. And that is an aggravator -- part of that aggravator in terms of the first aggravator in terms of how much weight. So what you have is how much weight do you assess to that first aggravator? The first aggravator, has the defendant been previously convicted of -- meaning at the time of this, has he previously been convicted of another murder? He was. As to Derrick King, it's Randall Brown. But he also has -- in addition to this, he had a prior armed robbery, and you've got the judgment and sentence back there. He was put on probation. He was -- an attempt to deal with this issue in terms of alcohol or whatever it was, didn't learn from that. But that armed

robbery involved the use or threat of violence to another person.

Recall also, the testimony was that it happened in 1989, and defendant was with a knife, robbed a store clerk, got convicted on January 2nd, 1990. Fortunately, the victim in that case was not hurt.

Recall also that Officer Bell was nearby. He came upon what was happening, but it was still a violent crime. And the defendant was given a chance, probation.

So as to Count 1 and Count 2, you'll also have the second aggravator, heinous, atrocious or cruel.

Now, let me read to you what the Court is going to instruct you, what that means, what -- heinous, atrocious or cruel, which is what we refer to as HAC.

So what we're talking about is a first-degree murder that is especially heinous, atrocious or cruel.

Heinous means extremely wicked or shockingly evil. Think of this murder -- I keep saying murder. It's actually two. I apologize. Think of each of the two murders

in terms of were they extremely wicked or shockingly evil?

Atrocious means outrageously wicked and vile. Weren't they?

Cruel means designed to inflict a high degree of pain with utter indifference to or even enjoyment of the suffering of others. You recall the testimony of Dr. Rao? I specifically asked her, as to Mr. Brown and Mr. King, were they in pain? Yes. He, the defendant, was inflicting pain upon them.

So to categorize them as being included as HAC or heinous, atrocious or cruel is accompanied by additional acts to show that the crime was consciousless or pitiless and was unnecessarily tortuous to King and Brown.

So on that aggravator, the focus is on the victim -- or victims in this case since there were two of them. Derrick King, what he went through, what Derrick King went through, that's what he went through. This is this defendant's handiwork in terms of what he left. You see the remnants of it. You see the blood all over. That's a closer-up of that blood, how long it took.

The testimony was, I believe, 30-something blows or injuries or abrasions or contusions or fractures on his head. I think it was 38. Derrick King, 20 defensive wounds.

There's the evidence. That doesn't lie. Those photographs show what this defendant did. And the photographs -- unfortunately, the medical examiner photographs show best what he did. You recall the medical examiner photographs of how this defendant murdered Derrick King.

Now, when you see those photographs, are those not evil? Are those not shockingly evil, wicked, vile? Because this defendant knew what he was doing, and he just kept doing it over and over and over.

Derrick Brown -- Derrick King -- excuse me -- had 38 head injuries. Other injuries to his arms and legs, 20 defensive wounds. Derrick King, the murder was not quick. He was alive during this horrific murder, and he felt pain and blows to the head, defensive wounds. So focus on the victim.

Now, let me move to Victim No. 2, Randall Brown, what he went through. Recall

the testimony about how he was found. There's Randall Brown on that recliner, asleep. See kind of a little part of his cell phone there that his mother was trying to reach. You see the severity of -- and I'm showing you photographs, now showing you State's Exhibit 48, of the blows to the head because that was before he was covered up. And this is how his body -- when his body is left, this is what the recliner looked like. You see, at one point, the defendant, as he was swinging, hit the frame on the wall there. Ironically, the frame was still up, didn't fall, but he got -- he got hit with a hammer. But you see the blood going down. State's Exhibit 72, that's a closer photograph of that. Isn't that shockingly evil?

Last photographs taken or some of the last photographs taken of Randall Brown, 16 years old. Dr. Rao talked about the blows to the head when she described in terms of consistent with the hammer, and you can see there, State's Exhibit 125.

Randall Brown had 14 injuries to his

head and at least 20 defensive wounds. Randall Brown's murder was not quick either. Even though there is less blows to his head than to Derrick King's head, his murder was not quick, and he was alive during this murder. So it wasn't like he was unconscious and he didn't suffer; he wasn't aware of what was happening. He was aware of what was happening. He felt pain and the blows were to the head, defensive wounds.

So what's the bottom line as to these aggravators? They were vulnerable victims, defenseless. They wanted to live and they really couldn't defend themselves because he, the defendant, had the upper hand.

Let's -- let's -- move on now -- right now to -- because I will submit on behalf of the State of Florida, State has proven both of those aggravators; that is, the defendants, each of them -- as to -- I'm sorry -- as to each victim, as to Derrick King and Randall Brown, the State has proven the aggravator of prior capital murder in terms of first-degree murder and also prior robbery. So that one's aggravator. Second

aggravator, that it was heinous, atrocious and cruel as to each of those. And I would submit to you that each of you should vote, based on the law and based on the facts, that the State has proven beyond a reasonable doubt those aggravators.

So then you go to Step B. Does it merit or does it possibly merit the death penalty? I would submit to you that it does as to each of those.

Then you go, okay, what -- what mitigation has been proven? And remember, we talked about that mitigation doesn't have to be proven beyond a reasonable doubt. It's just a reasonable certainty. And all of you don't have to you degree as to the mitigators.

The first mitigator that the Court will instruct you on in terms of a mitigation circumstance is it was committed while under the influence of extreme mental or emotional disturbance.

Now, what evidence have you heard of that? And I want to stress the word "extreme," mental or emotional disturbance.

What evidence have you heard of that? Recall the testimony today of Dr. Ouaou. He said he doesn't have any cognitive, mental problem there. Yeah. He's got -- apparently, he says, I didn't diagnose him with PTSD, but apparently, he was abused as a child. Did that cause him to have -- be under the influence of extreme mental or emotional disturbance? I think Dr. Ouaou said he's got a phobia or something too.

Dr. Gold, last week, and Dr. Krop talked about whether he's got whatever he's got. Dr. Krop did not find any sexual abuse, or actually, he didn't even mention to Dr. Krop any physical abuse. Dr. Gold talked about, oh, he suffers from PTSD. He meets all the criteria for this questionnaire that we sent out or that we do, where we have him ask -- answer ten questions. It's called, I think, the ACE exam or questionnaire.

But anyway, was that established here in this case? And you can find it yes. You can find it no.

Second mitigation is the capacity of Raymond Bright to appreciate the criminality

of his conduct or to conform his conduct to requirements of the law is substantially impaired; that is, he wasn't able to understand in terms of the criminality of his conduct or to conform his conduct to the requirements of the law because he was somehow impaired in some way.

Think of what he did. Think of how he got up the upper hand of two individuals. Even though they were young, they were still alive. I'm assuming they would have fought as best they could this man who was older and how he was able to overcome them and how he was able to kill them in the manner in which he did, each of them and that he was able to discard -- he got the hammer. I think he took also some firearms that were in the house and threw them all out there and then how he was able to flee the scene. And then remember, he was caught hiding in a house or something, like, the next day.

So was he so impaired that he wasn't aware of what the hell was going on?

Expert's testimony, Dr. Krop, he did it closer to when it happened. Drs. Gold and

Ouaou, years after the fact. And they tried to explain to you why it happened, tried to get into his brain in terms of how -- why did he do this?

So the question was, I guess, from defense is at the time of the murder -- Dr. Gold I believe is the only one that says oh, yeah, he suffers from PTSD.

Now, let me focus a minute on PTSD because PTSD is a valid thing that people unfortunately have gone through, either because of their upbringing or because, God forbid, they served in the military and they were subjected to that. He did not get this PTSD if you find it, even their experts acknowledge, as a result of serving in the military. Let me stress that again. He did not, because of his service in the Marines for nine years, get PTSD from that.

He apparently, according to Dr. Gold, got PTSD because of his childhood, because his dad was excessive in terms of making him work and would beat him. So what happened is as young child, he got -- he got beaten, so as a result, he's got this trauma that he

suffers from. He was able to go in the military, serve for nine years. He had an alcohol problem but he was able to do that, not have any issues other than alcohol problems and then was able to get out. And then all of a sudden, the PTSD, this trauma, surfaced when he decided to kill both of these innocent young men.

So he's got alcohol and he's got a drug problem.

And, again, I'm showing you State's Exhibit 34, not to show you the photograph of the victims again but to show you the chess board and pizza that was ordered in terms of refuting mitigation that the defense has submitted for you to find, is asking you to find.

So this isn't part of the instructions, part of the law, but it's just, I think, common sense in terms of expert's opinion. I would submit to you, it carries or gains its greatest force to the degree it's supported by the facts and testimony and evidence. And its weight diminishes to the degree it's not supported by the facts and testimony and

evidence in terms of when there's hearsay and all that. What exactly -- who did you talk to that exactly said that?

So I would submit to you in terms of the mitigation, you should look at what the defendant did before the murder, what he did during the murder, and what did he do after the murder? His actions speak louder than words.

And then the other mitigation that the defense is going to submit to you is the existence of any other factors in Raymond Bright's character, background or life or the circumstances of the offense, meaning each of the murders, that would mitigate against imposition of the death penalty.

So what are the circumstances of the murders? What, that he killed two people? I guess that's -- the way he killed them? How is that mitigating?

Defendant's character? I guess they're going to say -- and he did. He served nine years. We've got to give him credit for that. He served nine years in the Marines. Now, he left and it wasn't dishonorable but

it was less than honorable, the highest you can get. I guess it was a Category 2. He left because he had an alcohol problem.

Defense is going to go, well, hold on. At one point, he saved some aircraft that potentially could have crashed and potentially saved the life of an airman that was going to fly. He should get credit for that. But what he was doing at the same time, he was showing up for work drunk or had an alcohol problem, where they had to deal with him. And they tried to put him in programs and he didn't learn from that. And so he left. That's why he left. Doesn't that show his true character?

And then his background. They're going to tell you again -- I'm sure Miss Bynum, on behalf of the defense, will argue to you based on the evidence that he was whipped excessively by his dad, made to work and excessively beat. And, you know, that's bad. But does that mean, okay, we're going to mitigate -- we're going to say that this mitigates the point of he shouldn't get the death penalty for these two murders and his

life.

So he was physically abused. We had a sister and a friend talked about that. The father would beat him. Father made him work long hours at the junkyard. Father mistreated his wife. Was in the Marines, served his country for nine years, had alcohol an problem. Marines attempted to help him. He kept falling or failing, came to work drunk, dismissed. Alcohol and drugs.

Arrests and convictions. We briefly talked about -- in terms of cross examination of the experts, talked about his extensive criminal history, that he had been in prison before. Also, in terms of evaluating, if you're really getting into his real character, knowing everything about him, then it was important for you to hear that, and that's why those experts asked him about that. And they were trying to develop in terms of explaining in some way why he did this. My recollection, he has -- I don't know how many -- 20-something priors in terms of a lot of them financial. But he has a prior robbery, et cetera, that he had been

through the system before.

And so apparently, the sister, I think, had something to say about, well, it's the criminal justice system's fault in the sense they didn't deal with him; they didn't help him.

Allegation of prior sexual abuse. I would submit to you the State -- the defense hasn't proven that but the defendant did say that. He did tell at least one expert that.

Contrast what you heard to what he did. Focus on his true character, those photographs. The way he left both of those victims speak volumes as to his true character.

You know, you also heard victim impact evidence. And that is not an aggravator and it's not a mitigator.

And I'm almost done so I want to leave you with some good photographs that you'll be able to go and think about also in terms of the fact that Derrick King and Randall Brown, they were unique. They have family who loved them, who cared for them, who miss them.

In fact, I think that was his driver's

license, Randall Brown's license. He'd just gotten it, I think, a few days before this murder. These are last photographs that his mother has of him.

And you have Derrick King, last photographs of him.

So I leave you with those photographs.

You know, in closing, it's kind of ironic in this case that the mitigation here -- part of the mitigation is the fact that Randall [sic] Bright was beaten by his father excessively with a whip or whatever as a child. So he knew what pain was; that is, he had been the person who had -- the pain had been inflicted upon, so he knew what that was, what that meant, how it hurt.

Now, fortunately, he lived through that, but yet he had no problem -- he had no problem at all in inflicting pain on two other human beings, that is, knowing that -- what the pain caused and how fortunately he had survived, he had no issue with inflicting pain on both of these victims.

Well, ladies and gentlemen, I leave you with these parting thoughts. You've got a

decision to make about whether the defendant should get the death penalty, that is, death, or life imprisonment without the possibility of parole as to the murder of Derrick King and as to the murder of Randall Brown.

Defense will suggest to you, well, you're going to determine whether he lives or whether he dies. They may say to you, well, you know, he was a sinner, but even a sinner should be forgiven. And they will tell you that your vote makes it happen and it is your vote. That is, each of you control this.

Isn't it ironic that in terms of -- you have a choice. By his actions, he now is in the criminal justice system, and as a result, you have a choice as to whether he should get death or whether he should get life. Well, Raymond Bright never gave each of these victims a choice, did he?

MS. BYNUM: Your Honor, I'm going to object. If we can approach, that's fine.

THE COURT: Okay.

(The following sidebar conference was had out of the hearing of the jury:)

MS. BYNUM: Your Honor, I'm actually --

my objection was based on violation, I believe, of the Court's order. It's not word for word but one of the grounds of the Court's order was to -- and I should have brought it up here with me. But quotes the case as far as talking about the defendant, not giving the victims the same courtesy that he's requesting. And in my mind, I believe it's a violation of the Court's orders. So I'd object at this point to that line of argument.

MR. DE LA RIONDA: I don't think it was improper, what I said.

THE COURT: I agree. So it's overruled.

(At the conclusion of the sidebar conference, the following further proceedings were had in the presence of the jury:)

MR. DE LA RIONDA: As I stated earlier -- and I was finishing up -- ladies and gentlemen, each of you have got to vote when you go back there, and it's something you've never done before. I think when we picked you-all, I think some of you, at least, I think, one of you had been on a jury before, at least one of you. And I think one

of you had even been the foreman before.

So I just ask you to follow the law. Go through all those steps, A, B, C, D and E. And I ask you to render a verdict that is just, that is truthful, each of you individually, and that's why each of you individually were asked whether you could, in an inappropriate case, vote for death. You -- each of you said you could. You understand you didn't have to but the question is could you.

And so I ask you in this case, based on all the evidence and based on the law, to vote for death. And I ask you because this was heinous. It was atrocious. And it was cruel. And it wasn't just once but it was twice. And that's why each of these murders should result in a verdict of death as to each one. That is, as to the murder of Derrick King, your vote should be that he be sentenced to death, and as to the murder of Randall Brown, your vote should be that he be sentenced to death.

Thank you.

THE COURT: Thank you, Mr. de la Rionda.

Miss Bynum.

MS. BYNUM: Thank you, Your Honor.

May it please the Court?

THE COURT: Yes, ma'am.

MS. BYNUM: Counsel.

Members of the jury, good morning.

THE JURORS: Good morning.

MS. BYNUM: Let me tell you a story about a little boy, a little boy who grew up poor with little to no heat and no running water, a boy who grew up stuttering and wetting the bed because he was so terrified of his abusive alcoholic father, a boy who was beat over and over and over again to the point of unconsciousness by a man who supposed to be his protector, who grew up listening to the screams of his mother as she was being sexually assaulted by his father, a boy who was smart but who was never given the opportunity to excel, who was forced to work long hours in a junkyard at the age -- as early -- I'm sorry -- at the age as young as five years old, a little boy who was never allowed to play with other children.

You might think that was the beginning

of a horror story and you'd be right. But that horror story wasn't just a horror story for Mr. Bright. It was his life. It was his living nightmare.

When you were selected to sit as a juror for this case, I'm sure to most of you, it felt like a job, like an obligation. I think Mr. de la Rionda said "duty" as well. And to an extent, that's correct, to an extent you were subpoenaed to come down and -- and to do this. So to that extent, that is correct.

But I submit to you that it's also an opportunity, that it's an opportunity to save a life, to spare a life. I realize you didn't ask for such a task or for such an opportunity. Most of you probably, when selected, didn't want it but here we are. You've been handed this opportunity. It's one with great weight. I realize it is one that's very heavy. But I'm asking that your decision be not to save the life of a man but to spare, as Mr. de la Rionda put it, the life of a sinner. That's what I'm asking you to do today.

Why am I asking this of you? This

case -- why does this case warrant nothing more than a life recommendation? And, ladies and gentlemen, it's because the aggravation simply does not outweigh the mitigation. It just doesn't.

I want to remind you of a few things before I get started, and these are just called "sentencing principles." This is the only time I'm going to remind you of these things because, quite honestly, I submit to you that this case is much more than this. But I do want to remind you of these things if you get this far in your deliberations.

Florida never requires a death verdict in any case, not in this case, not in any case. It's never acquired. Florida always allows you to vote life, even if the aggravators outweigh the mitigators, even if not a single mitigator exists. You never have to vote death. Nor do you ever have to give your reason. You don't have to explain. You don't have to justify. You can vote life just because you feel like it, because it's what your heart is telling you to do, because it's what you're being moved to do.

I want to remind you of those things because it's the truth and it's the law. But it's not even what we have here. We have so much more. I'm not asking you to vote life because you have no reasons or because you just don't feel like voting death today. I'm asking you to vote life because the mitigation in this case warrants nothing more. This man's life has value and while it's far from perfect, it is definitely worth sparing today.

The most I would say about the victim impact statements is the length of the slide. I'm not going to belabor the point. You may not consider it as evidence as an aggravating circumstance, and your sentence must only be based on aggravating circumstances and mitigating circumstances which you have found to exist. We went over that in depth in jury selection. Mr. de la Rionda talked about it in his closing argument. That's the most I'm going to say on it.

I respect the fact that the victims' families were able to come up here -- I was about to say today -- two weeks ago and --

and talk about their losses. But that's -- that's where it stays as far as your balancing test goes, your weighing.

What I do want to talk about -- what I want to start -- and Mr. de la Rionda did a nice job as far as going A, B, C and D and E because that's actually how it is laid out on the verdict forms.

And so the first thing you have to do is decide whether or not at least one aggravating circumstance has been proven beyond a reasonable doubt. The two that they've alleged here are previous conviction for a prior violent felony and heinous, atrocious and cruel, commonly referred to actually as HAC.

As far as this goes, as far as A goes, ladies and gentlemen, I'm going to make this real easy. Armed robbery from almost 20 years ago. There is a judgment and sentence in evidence that says my client was convicted of an armed robbery in 1989. You can go ahead and have that one.

Let's look at the circumstances, though, surrounding that case. It was almost

20 years prior to the incident in this case. He -- he was armed with a knife. You heard the testimony of the officer. I guess it was an off-duty officer at the scene. He was armed with a knife. He never went over the counter, never held it to the clerk's neck. It sound like he didn't even really approach. Her I believe she was behind the counter. He reached over the counter took the money and fled.

And trust me, when I say as a defense attorney, it's not easy to stand up here and -- and try to justify those actions. And in no way am I defending that or trying to justify that. But I am -- it is my job and it is my opportunity right now to talk about and explain why that may have happened and how that may have happened and how it relates to this case and what kind of weight you should give to that prior conviction.

1989, why is that important? Well, you heard from my client's sister, Miss Jones, that that was when she noticed some sort of substance abuse going on. You also heard from Dr. Gold that my client's entire

criminal history -- which by the way, this is the only prior violent felony conviction that my client has. Everything else is theft or money-related, forgery, things of that nature to get money for this drug habit. You heard from Dr. Gold that his criminal history stems from the drug habit, the drug abuse, which stems from -- from his childhood. And we'll definitely get into his childhood. But substance -- if nothing else explains that -- that armed robbery conviction 20 years prior to this, it's definitely substance abuse.

And so, yes, while I submit to you that that aggravating circumstance has been proven beyond a reasonable doubt, when you get to B, which we'll get to in a moment, as far as looking at that and weighing that and deciding whether or not that aggravator is significant or not on its face --

MR. DE LA RIONDA: I apologize for interrupting. May we approach sidebar with the court reporter?

THE COURT: Sure.

(The following sidebar conference was had out of the hearing of the jury:)

MR. DE LA RIONDA: Your Honor, I know it's not intentional on the part of defense counsel, but you have a prior aggravator as the prior violence and actually also includes the prior aggravator, the prior murder.

MS. BYNUM: I'm going to get into that.

MR. DE LA RIONDA: The way it's up there, it only has one. It doesn't have the prior murder up there as an aggravator.

MS. BYNUM: I didn't even list the priors. I just listed the prior violent felony.

MR. DE LA RIONDA: Okay. Okay.

MS. BYNUM: And I was getting into the priors.

THE COURT: While we're here, I looked at my order, and I think what Miss Bynum was referring to when she objected to Mr. de la Rionda's argument was Paragraph 15. Says counsel shall not argue that the defendant should be shown the same mercy he showed the victim. And I believe that was what the tone of that argument was.

We will go into it later if I need to, but just to clear the record up, I think

that's what you were referring to, that paragraph.

MS. BYNUM: Yes, Your Honor.

THE COURT: Okay. Go ahead.

(At the conclusion of the sidebar conference, the following further proceedings were had in the presence of the jury:)

MS. BYNUM: May I continue?

THE COURT: Yes, ma'am.

MS. BYNUM: Thank you, Your Honor.

And as to that prior, ladies and gentlemen, I'll leave that there. It was 20 years prior to this incident, and I've explained the reason that you should not give it great weight when considering the death penalty in this case, and on its face, I certainly do not believe it's significant enough to justify the death penalty.

Moving on to the other -- what's considered previous conviction for a prior violent felony, and that's obviously contemporaneous murder in this case. And I want to start by saying that I totally recognize that these are two individual unique lives. It is one incident but two

lives were lost. And I don't want that to be lost on anyone here today before I start to argue what I'm about to argue.

But when you are looking at a prior violent felony conviction, a contemporaneous prior murder, so to speak, I want to be clear that this -- Dr. Rao, even, as she was testifying stated that she -- she couldn't tell even who was hit first or who was hit second. These are definitely two unique, distinct lives, but, ladies and gentlemen, there is no question that this is one incident. This is one, two- to five-minute incident. This is not a situation where Mr. Bright committed a murder, went away and did some time, came back and committed another murder. This was the same exact situation. Whatever was going on that night, whatever was going on in my client's head, that was -- that was focused on -- on two people in the same incident.

And so give that aggravating circumstance the weight that you want to, but I submit to you that, again, just because both were killed at the same exact time --

and you can look at those two individuals as two individual victims, two individual unique people -- that this was one circumstance. And I ask you to keep that in mind when -- when looking to that aggravating circumstance and when deciding whether or not -- not only was it proven beyond a reasonable doubt, but when you get to B, does it alone on its face justify the fact that two instead of one were killed -- two people instead of one were killed? Does that alone justify the death penalty?

And I submit to you that it does not. And I would implore you to think about the fact that this was one evening. This was one five-minute episode and this was one circumstance. And like I said, Mr. Bright didn't do these, you know, years apart.

We also know that on that evening, according to Miss Jones, she suspected that he was once again on drugs and that he was abusing substances. And the only reason I bring that up is to show the correlation in the 1989 armed robbery and this incident in 2008. There's certainly a strong correlation

there.

Moving into the heinous, atrocious and cruel. And Mr. de la Rionda explained what that meant and defined those for you. And I just ask that you bear with me on this because I saw the pictures, and I sat through the trial here with you. And I read the medical examiner's reports, and no one deserves to die like that. No one should be killed like that.

And the reason why I want to start with that is because I think it's important for you to recognize that even though those pictures are what they are, I still want to talk to you. As hard as it is, I still want to talk to you about why it might not actually be HAC; it might not actually be heinous, atrocious and cruel.

And the first thing I want to talk about is did the victim suffer? And I'm -- I'm not arguing that they -- that they didn't. I would submit to you that in most murders, victims are going to suffer. But what did Dr. Rao say as far as how long they were alive, as far as how long they were aware of

what was going on? She said the bruising and the redness was indicative that the heart was still beating, and when I asked her, well, would it be indicative of unconsciousness; could you tell whether or not the person was just actually unconscious versus conscious, she said no, that that wouldn't be indicative of that. It was just the heart was still beating.

And I say that to -- to argue that the victims -- we don't know exactly when they were killed or when they lost consciousness. And so it might be a very real possibility that they were not conscious for all of this.

The sequence of blows, there were several, but Dr. Rao couldn't tell which one was first and which one was last, and any of them could have been fatal. The first one could have been fatal. She -- she was not able to opine which one was fatal.

Lastly on that section, I asked her if she would agree with other doctors as far as what they had opined, and one doctor that she was testifying off of, he said he felt the force was a direct trauma rather than

swelling because the brain didn't swell a lot because the individual didn't survive long enough, meaning that those fractures were caused by the blunt force trauma and not by the brain swelling because the individual was not alive long enough for the brain to swell.

Wicked, evil or vile. And Mr. de la Rionda's right. HAC does deal with the victims, but according to the definition of it, it actually also goes to Mr. Bright's actions and thoughts behind those actions that night. Wicked, evil and vile. He was playing chess earlier in the evening with Mr. King. You know, the State fleshed that out multiple times.

So I -- I'm not really sure, you know, where this -- where this evilness came from, and we'll talk about the lack of what we know in this case. But the fact of the matter is you were told by a couple of witnesses and through the pictures that he was just sitting around with Mr. King playing chess.

To the extent that the State wants you to believe that these two men were asleep, we need to talk about some things there. Ladies

and gentlemen, you have not heard a single thing come in.

And, again, let me remind you that nothing that the State or myself says during opening or closing is evidence. You take what you've heard and seen from the witnesses and the testimony and the physical evidence, and that's the evidence in this case.

But Mr. de la Rionda, in his closing -- I counted at least five or six times -- said that my client surprised these two individuals, that he crept up on them in their sleep, that he took advantage; he had the upper hand. There was no evidence that these men were sleeping in my client's house.

What do we know, though? Michael Majors said that neither of them lived there, that he took Mr. Brown home, and he had no reason that he -- I'm sorry Mr. Majors had no reason to believe that Mr. Brown was going back out that night. He had no idea why he went back over to my client's house.

Mr. Brown's own mother didn't know where he was going. All she knew was that he took the rental car around 9:00 or 9:30 and left.

She didn't know where he was going. She didn't know what he was doing. But what did she know and what did she testify to? She said it was a school night so he was due back home. She said he was going to come home and, I guess, maybe take a girlfriend to the movies and that he never slept over anywhere else other than his own house. His own mother said there was no way he was going over there to sleep. He never slept anywhere other than his own house.

So the evidence of them sleeping, we actually have exactly the contrary. You heard nothing of them being over there asleep. And you heard multiple, multiple reasons why they would not have been over there asleep. Mr. Brown wasn't sleeping.

As for Mr. King, Mr. King had cocaine and marijuana in his system, and you heard from Dr. Rao that the cocaine was ingested as recently as minutes before he was killed. No. Mr. Brown -- I'm sorry. Mr. King wasn't asleep. You heard no evidence that Mr. Bright killed these males in their sleep.

And at one point, Mr. de la Rionda,

during trial, insinuated that because the males were covered in sleeping bags or comforters or something, that proved that they were asleep, and now he's arguing that my client put -- you know, put the blankets over their heads to cover their heads. So I don't think you can have it both ways. There's been no evidence these men were sleeping in my client's house.

Lastly, utter indifference to life or enjoyed killing them. Ladies and gentlemen, you heard -- you heard the opposite. You heard that my client was crying the next day, that he had to keep handing the phone off to his ex-wife while on the phone with Mr. Bossen. Mr. Hernandez described his demeanor as shock, disbelief and totally out of it. I don't know that that shows an utter indifference to life or enjoyment in -- in killing those men.

That's when you get to B, and that's when you -- we've kind of already talked about this. Are they -- are those aggravating circumstances sufficient on their face? Without hearing anybody mitigation,

are they sufficient on their face to justify the death penalty? Based on everything that I've just said, I submit to you that they are not. However, if you unanimously find that they are, that's when you get to C, which are the mitigating circumstances.

Now, a mitigating circumstance is not limited to the facts surrounding the crime. It can be anything in the life of Mr. Bright which might indicate that the death penalty is not appropriate for Mr. Bright. In other words, a mitigating circumstance may include any aspect of Mr. Bright's character, background or life or any circumstance of the offense that reasonably may indicate that the death penalty is not an appropriate sentence in this case.

They need not be proven beyond a reasonable doubt. They need only be proven by the greater weight of the evidence, which means the evidence that more likely than not tends to prove the existence of a mitigating circumstance. If you determine by the greater weight of the evidence that a mitigating circumstance exists, you may

consider it established and give that evidence such weight as you determine it should receive in reaching your conclusion as to the sentence to be imposed.

The mitigation in this case, ladies and gentlemen, it not only outweighs the aggravation, but it actually serves to explain it. Let's talk about that. What is the mitigation in this case? I submit to you, first of all, it's endless.

I want to start by talking about my client's childhood. And the State touched on it a little bit, said he was whipped; he was made to work and said that's probably bad. And, you know, all kids are made to do chores and -- but let's call Mr. Bright's childhood what it was and that is torture.

And Mr. Knight himself, Isidore Knight, you heard from him -- who by the way is no longer in touch with Mr. Bright. He's not a best friend of Mr. Bright's. He had no -- he had nothing to gain from this case. He -- he has no bias. He came down. He drove over and he told what he saw, what he remembers from his childhood. And when asked to

describe Mr. Bright's childhood, he said it was torture.

My client was poor, no running water, little heat. You heard from my client's sister, Janice Jones, who had front row seats to my client's life. Yes, they were five years apart, but she was there the entire time that Mr. Bright lived there up until the day he left for the Marines. You heard everything she testified to. She saw; she heard; she witnessed with her own eyes.

And I submit to you that that's proven by the greater weight of the evidence. Even her testimony was corroborated by things that my client told psychologists. It was corroborated by Mr. Knight himself. I have no reason to believe -- and I submit that neither should you -- that she came out here and exaggerated anything or lied about anything. She was a little longwinded but what she said was raw. It was real. And I ask that you believe her testimony. I submit you have no reason not to.

But she said that they would fill the bathtub with water and have to use that, when

there was plumbing, to then fill the toilet, to flush the toilet. That's only when they had plumbing. Before they had plumbing, they had to use the restroom in a bucket and then that was emptied.

No toothpaste or toothbrushes. She didn't get a toothbrush until she was in middle school, which my client at that point was five years older years older than that.

She said it was hard to stay clean. She they were called "grease monkeys" by the other children at school because they had to work before they went to school. They didn't have much time to wash up and then they'd get bullied.

No garbage collection. Father made them burn everything, even when, I guess, garbage collection came to be.

The abuse that was in Mr. Bright's household was -- was various and it was extensive. It was physical, verbal and, we heard today, sexual. My client's father would pick on Mr. Bright because he was the weakest. You heard his sister say that, you know, their older brother kind of stood up to

him a little bit, and she may have gotten it a little easier because she was the girl. But Mr. Bright was in the middle and he was meek and he was weak. And his father took full advantage.

The verbal abuse was endless. He would criticize him. Mr. Bright's father would criticize him and put him down. He would be beat physically for a number of reasons, wetting the bed and stuttering. You heard Miss Jones say that both would actually -- it was a vicious cycle. The more he was beat, the more afraid he'd be of his father, the more he wet the bed, the more he'd stutter, and then his father would get angry at those things and beat him even harder for those things.

They would be get beat for forgetting to get water from the neighbor's house, not having a car stripped, not doing things that children should not be -- should not even be responsible for doing.

Ms. Jones detailed whippings versus beatings. She said a whipping would happen every day or so. Father would just throw

something in the junkyard at them, whether it be a car part or piece of metal, anything that he could get his hands on. Beatings, however, they were planned. They were scheduled. He would walk around the house, saying, well, I'm going to add this up. I'm going to add this up.

And he would. He would add things up for a certain day. Miss Jones said they would be summoned into the bedroom. They knew what time it was, and they would be beat for hours. Mr. Bright passed out. He had blood drawn because of the use of electric cords and leather belts. And you also heard Miss Jones say that their father would go so far as read the bible while he was doing it to kind of justify why it was he was doing it.

My client also suffered from neglect. His father -- you heard Miss Jones testify about the time that their father left them at their grandmother's house while they were doing yard work. She said she's never been so cold in her life. They almost froze to death.

The State made a big deal about my client asking for his jacket back because his sister was wearing it. And I want to remind you that Mr. Bright was sleeveless that day, and he had given it to Miss Jones for as long as he could handle it. She had a sweeter on. And so he was sleeveless and so he needed that jacket.

When their father finally came back, he laughed at them when he found them in the yard and kind of joked about how he had raised such strong kids. And Miss Jones and Mr. Bright didn't leave because they were more afraid -- they would have chosen death by freezing than to leave and have their father come back and them not being where he told them to be.

Mr. Bright worked in the junkyard attached to his father's house -- I'm sorry -- to, I guess, their house as early as age five, before and after school, sunup to sundown. He couldn't play with other children, and you heard from Isidore Knight that if he did sneak over -- occasionally, I guess Mr. Knight was allowed over, but if

Mr. Knight would sneak over to try to play, then Mr. Bright would be beat for that.

And Mr. Knight actually started crying when he remembered the times that he felt it was his fault that my client was beat. It still affects him, listening to my client being beat, decades later.

He was made to work through injury. You heard about a time that he lost part of his thumb at school and was actually made to work later that day. And actually, one of the State's -- one of the State's own exhibits, Exhibit 107, these are my clients hands -- a picture of his hand taken after this incident, and if you see on his left hand, sure enough, he's missing a portion of his thumb.

The only reason I show you that is because it's one more thing that corroborates some of the things that you've heard from the stand as to how terrible my client's childhood was.

He was injured. He was not only made to work through injury in the junkyard; he was injured while working in the junkyard. He

stuck his eye with a funeral wreath, I think is what Miss Jones called it, kind of one of those things that you put wreaths on at funerals. And he still blinks to this day.

He set himself on fire one morning. And what did he do? Instead of telling his father or running for help, he jumped into a little pool of water, I suppose, that had collected because of the rain to put the flames out, ran inside to change his clothing, ran back out and burned the clothes that he had been in when he got burned because he was so afraid that his father was going to be angry that he burned himself in the junkyard. It's not -- that's not a natural reaction. That is one of the many things that I think illustrates what my client was living in for years and years at home. A home that's supposed to be protected and safe and loving was terrible.

And his father, at the time, was drinking. Miss Jones, I think, testified that while he burned himself in the yard that morning before school, his father was in a truck drinking with one of his buddies.

They also witnessed -- I'm sorry. My client also witnessed the abuse of his own mother. He and Miss Jones saw their father dragging their mother down the driveway by her hair out the truck. His father would shoot his gun around, and Miss Jones, at that point, I remember actually getting very emotional during her testimony, recounting the times that she had to actually hide that gun because she was so afraid that he was going to shoot and kill somebody.

Their father would leave for days and weeks at a time to be with other women at times. That's maybe not always where he was going, but they do know at times, it would be to go see other women.

And on at least occasions, Ms. Jones recounted where she and Mr. Bright could actually hear their father raping their mother.

They father would binge drink and disappear. He would come back and things would be even worse. They were always better when he was gone.

The only job that he could hold down was

hoarding and salvaging, and despite what the State tried to flesh out through Mr. Knight, Mr. Bright's father was not a mechanic. This was not family trade. This is not a family business. They were not fixing cars. Mr. Knight testified that he eventually became interested in fixing cars when he was tinkering on things in the salvage yard.

But this wasn't a trade. My client's father was an alcoholic, couldn't hold down a job, scrapped metal and sold the metal. They weren't fixing up cars. They were tearing them apart.

So finally, at the age of 19, in 1973, Raymond Curtis Bright had enough. Tell dad I'm gone, he says to his sister. He takes small pack under his arm and the clothes on his back, walked up the road and joined the Marine Corps. And he didn't look back.

It's not hard to understanding how the Marine Corps might have been a more loving, accepting, stable, supportive environment than his own home.

Ladies and gentlemen, he served our country for nine years and he served us well.

Mr. de la Rionda, in voir dire, in jury selection a couple of weeks ago, was talking to a juror whose son, I guess, was a Marine, and he said, we all appreciate his serving. And why do we say that, serving? It's a life and a career of service. It's selfless. It's honorable. And if that doesn't speak to Mr. Bright's character, I don't know what does.

I'm not going to go over -- I'm not going to go over all of these again. All of his awards are actually part of evidence, and so these will go back with you when you deliberate your sentence and your verdict. But I encourage you to just take a look at those and what he -- these speak to his time in the Marine Corps.

The State would have you believe the only thing he did while he was in there was drink. Did he have an alcohol and substance abuse problem? Absolutely, 100 percent. But did he also serve our country and serve us well? Yes. And I encourage you -- you don't have to read them word for word, but I encourage you to take a look at what the

awards are that Mr. Hernandez testified to a couple of weeks ago and see actually what he did for us.

He was introduced -- I think I just stated, he was introduced to alcohol in the Marine Corps. And make no mistake, ladies and gentlemen, not myself, not my team, not Miss Jones, no one is blaming the Marine Corps for my client's alcohol and substance abuse. No one is blaming the marine Corps for his failure in rehabilitation. No one is blaming the criminal justice system for that. If I have made anyone feel that that is the case, I sincerely apologize, and I wanted to clarify that right now.

No one's even saying that PTSD is coming from the Marine Corps. That is from his childhood, as is, as the doctors have stated, the substance abuse. It stems from childhood, not the Marine Corps.

But yes. Was he exposed to alcohol in the Marine Corps? Yes. That was the first time that he had it.

The State, in their cross examination of Mr. Knight, fleshed out the fact that he

didn't have a juvenile record, did he? He wasn't drinking as a juvenile. And, no, he wasn't. That's actually a mitigator I hadn't even thought of. And for some reason if he had been, I'm sure that that would -- they would have seen that as aggravating.

No. He was not exposed to it, even though it was around the house, even though his father was drinking it. He lived in constant fear. He lived in terror of his father. He was not allowed to leave the house. The only thing he did was work and try to avoid being beat by his father.

So, no, he did not try alcohol until he was released from that environment, until he was out in the Marine Corps. And what did he do? He started to use it to suppress everything from his childhood. And eventually, as we know, he went from alcohol to other substance abuse.

So why did he start drinking? As I just said, to self-medicate from his childhood. His other substance abuse was first detected in 1989. That's what Miss Jones testified to. Miss Jones tried to get him help. And

she tried again and again. And sometimes he was in clean and sometimes he wasn't.

And Mr. de la Rionda, I think, in his cross examination of Dr. Gold, said, well, he kept messing up right? That's called "relapsing." That's what we call "relapsing." And that's what was happening over the course of his life.

Mental health issues ran in his family. You heard that he had two aunts that lived in psychiatric wards. Mr. Bright, throughout the course of his life, has been diagnosed with depression, anxiety, social phobia, panic disorder, substance abuse, OCD and severe PTSD.

I want to talk a little bit about Dr. Gold's testimony. He was -- and I appreciate your patience on that. I know he had to appear via Skype and that can be tricky. But we did -- you know, we did the best we could with the storm, so I do appreciate your patience on that.

He is an expert in trauma and in forensic psychology. And you can rely on his expert opinion and testimony based on

well-founded research. Ladies and gentlemen, yes, he used notes and interviews to corroborate what Mr. Bright was telling him, and he told you he did that because occasionally, people lie. And so, yes, he uses notes from mitigation specialists; he uses interviews from other people; he uses reports from other doctors to form his opinion, not only to form his opinion. He didn't solely use those. It was to corroborate what Mr. Bright was actually telling him. And you can rely on that. Its done in his field.

And may I remind you that one of the two aggravating circumstances in this case came from Dr. Rao, who never laid eyes on the bodies about what she was testifying. Why? Because she used -- because it's common practice in her field to use reports and opinions from other doctors. And that's exactly what Dr. Gold was doing. The State has a problem when he does it but puts half of their aggravating circumstances into evidence through another doctor who does it in their case.

You can rely on what he's telling you, and you can rely on his opinions based on that information. What did he tell you? He talked about -- and like I said, this may have been hard through the Skype, but he talked something called ACES, which are ten factors people may or may not have. The more they have, the more likely they are to engage in behaviors, have health problems, develop substance abuse problems, have poor decision-making and it affects their health.

Mr. Bright had all ten. And it's the most severe case that Dr. Gold has ever seen. Even though he's only testified 30 times, he's seen thousands of cases. And he even testified that Mr. Bright's case is not -- it's not only the most severe he's ever seen because he has all ten factors but because of the circumstances behind those factors. And what I mean by that is when someone has all ten factors -- they could have, you know, physical abuse, and it could be -- that could be just considered spanking, or it could be considered -- I don't know -- being hit around a couple of times.

Mr. Bright's physical abuse, the circumstances behind that factor, were so egregious that all ten of those together are just absolutely horrific, in the opinion of Dr. Gold.

Dr. Gold's the one that diagnosed my client with PTSD. And PTSD -- and I -- we talked about it at length, especially with Dr. Gold. It's not something -- it's not a mental disability. It's not a cognitive impairment. It is -- it is an anxiety-induced disorder that comes -- that stems from trauma.

And so when Mr. de la Rionda was crossing Dr. Gold and saying, well, all these other instances, was he suffering from PTSD? Well, first of all, Dr. Gold wasn't asked to evaluate any other instance other than this one.

But secondly, when I asked him on redirect, well, has my client been suffering from PTSD for decades? Yes. My client is constantly suffering from PTSD. But what is it about PTSD that's so different, I guess, than maybe any other sort of mental

disability or disorder? You have to be triggered. One has to be triggered for it to go into effect, for someone to react. Something has to take that person back to that traumatic event.

And so my client, while constantly suffering from PTSD, is not always triggered because of it. And it's the doctor's opinion that in this instance, he was. Certain things trigger it.

I'm going to talk a little bit about the incident, and I want to make it perfectly clear that another jury found these homicides were not justified. They found my client guilty as charged with first-degree murder in two counts. And I respect that verdict with everything in me, and I ask that you do the same.

But what I am allowed to do is talk about the PTSD that my client was diagnosed with and how that may have played a role in this case and affected my client's perception. It's not an excuse. It's not a defense. It's an explanation. I want to make that very clear.

What do we know about the circumstances of that evening? What do we know about the environment and the home that night? We know that the only other person who was residing there -- and when I say "legally residing," I mean, like, had his things there, and it was okay for him to be residing there.

Mr. Bright said it was okay. That person was [redacted] So we heard that the only other resident in the house [redacted] We don't know for but for whatever reason, he was [redacted]

We already heard that there's been -- I'm sorry. There's been no evidence that the -- that either victim was asleep. So I don't know where that's coming from, or I don't know where bum rush or bombardment is coming from but neither victim was sleeping.

There was evidence of drug use. There was also evidence that Mr. Bright was having problems with people in his house. How do we know this? Miss Jones testified that she made attempts to get people out of his house and she was unsuccessful. When I asked her if she was aware whether or not that

distressed Mr. Bright, she said, I know it did because he was stuttering. He only stutters when he's afraid or upset or frightened.

We know those things because it came from that stand and those things have been proven. And even if this was -- even if this was not a justified homicide, something was going on at that house.

What PTSD is not, it's not -- this is not an insanity situation. This is not an intellectual disability. You actually heard from a doctor this morning that my client is of average intellect on the IQ test.

So what he did after the crime as far as, you know, covering the faces or hiding weapons or running, the defense isn't here arguing to you that he totally blacked out; he totally lost it; he's insane. You actually heard a doctor say that he had -- he showed no signs of antisocial personality disorder. And why is that important? It means he's not a psychopath. It means that he's not a crazy person. This is something -- he has PTSD. He has severe --

when I say "PTSD," he has severe PTSD. And no disrespect to my doctors, but I don't even know, based on his childhood, if I needed to put them up for you to believe that after a childhood like that, how could one not walk around on edge; how could one not be triggered?

This was an in-the-moment situation. You heard the question. Well, not everyone who grows up poor commits murder. Not everyone who's abused commits murder, right? Well, of course not.

But I got back up and I said, Doctor, is it more likely than someone with Mr. Bright's childhood and background would commit murder? Yes. I'd liken it to the fact that not everyone who's over six-five becomes an NBA player, but it's more likely if you're six-five than five-two.

The statutory mitigators that Mr. de la Rionda was talking to you about, they will be listed on the verdict form, and I submit to you that they have been proven by a greater weight of the evidence because they came from the mouth of a trauma expert, an

expert in forensic psychology. He found that Mr. Bright killed Mr. Brown and Mr. King while he was under the influence of extreme mental or emotional disturbance. I actually asked him that question word for word. He said, yes, absolutely, based on everything I just testified to. You can -- you can find that that's been proven by a greater weight of the evidence. An expert on the stand testified to that, agreed with that.

Secondly, found that the capacity for Mr. Bright to appreciate the criminality of conduct or to conform his conduct to the requirements of the law was substantially impaired. Doctor, did you find that? Do you opine that? Do you agree with that? Yes. Again, that's coming from the testimony of a doctor -- I say on the stand. It was via Skype. But that's coming from the testimony from the mouth of a doctor who met with my client hours on end before he issued any sort of opinion in a report.

Both of those, ladies and gentlemen, have been proven by a greater weight of the evidence. They came from the mouth of a

doctor, of an expert.

My client has a family who loves him. You heard from his sister that he fixed her roof, I guess, after a hurricane, saved her a lot of money with that, still has a relationship with his family. He sends birthday cards. He keeps up with his grandkid's football, college football. And Miss Jones has no reason to believe that anyone will discontinue a relationship with him, that they would continue to be in his life if given a life sentence.

So that's C. That's the mitigation. Those are mitigating circumstances. Have those been proven by a greater weight of the evidence? I submit to you, ladies and gentlemen, that they have. Each and every single one of them that I have just talked about have been proven by a greater weight of the evidence in the form of testimony by not only people who saw firsthand, heard it, were present for it but three different experts who evaluated my client and opined all these things.

So then you get to D. You get to D and

you get to weigh those aggravating circumstances against the mitigating circumstances. And if after weighing the aggravating and mitigating circumstances, you determine that at least one aggravating circumstance is found to exist and that the mitigating circumstances do not outweigh the aggravating circumstances or in the absence of mitigating factors that the aggravating factors alone are sufficient, you may recommend that a sentence of death be imposed rather than a sentence of life in prison without the possibility of parole. Regardless of your findings in this respect, however, you are neither compelled nor required to recommend a sentence of death.

If on the other hand, you determine -- and this is where we go A, B, C 'cause now we're in D. If on the other hand, you determine that no aggravating factors are found to exist or that the aggravating factors are insufficient to warrant a possible sentence of death or that the mitigating circumstances outweigh the aggravating factors, you must recommend life.

Ladies and gentlemen, I submit to you that after you -- after contemplating all of these mitigating circumstances and weighing them against the aggravating circumstances in this case, I submit that you don't get past D. I submit that the mitigation in this case, even if you do get past -- well, you've gotten past A. If you do get past B, that on the face of the aggravating circumstances you believe unanimously do justify a death sentence in this case, if you get past B, you get to C. You find that those mitigating circumstances have been proven by the greater weight of the evidence.

Here we are at D. I submit to you that this is where the buck stops. I submit to you that this case -- that the mitigation in this case far outweighs the aggravation. And there are aggravating circumstances. I'm not standing up here pretending there's not, but the mitigation in this case just overcomes that aggravation.

If, however, you don't agree and you move from D to E and you unanimously think that the aggravating circumstances outweigh

the mitigation in this case and here you are at D, I want to just remind you of a few things. Raymond Bright will die in prison. Another jury has already decided that. He will die in prison. He's been found guilty of first-degree murder, and there are only two possible penalties, life without the possibility of parole or death. You could not be easy or soft on him if you wanted to be. You can't give him a break.

As a law student, I had a professor tell me right before I graduated that he hoped I'd not only do well in my life but that I'd also do good. He also asked that I always temper justice with mercy.

You have the chance to do both today. So, ladies and gentlemen, I'm asking you to spare the life of this man before you, this sinner of a man whose life, though riddled with blemishes and mistakes, is still worth sparing, whose life so speckled with moments of violence and substance abuse was also filled with love for his family and service to our country. This man before you is nothing more and he's nothing less than that.

He's a man. He's a simple, imperfect yet loving, respectful, well human being. He's not a saint. And as Mr. de la Rionda, said he's not a superhero. He's a man. I'm not asking you to save the life of a man. I'm begging you to spare the life of a sinner.

And I'm going to leave you with this: We've all heard the phrase "err on the side of caution." If for some reason, even after hearing everything in this case, all of the mitigation, after hearing from his family what he went through, the doctors in this case, if you're still sitting here torn, then I ask one thing of you. I ask that you err on the side of grace, err on the side of mercy, err on the side of life.

Thank you.

THE COURT: Thank you, Miss Bynum.

Ladies and gentlemen, let's take about -- just cause we've been going for a little while, about a 15-minute comfort break. If you can just step in the jury room. When you come back out, I'll begin to read the jury instructions to you. Please don't discuss the case among yourselves yet.

We're not at that point. Thank you.

(Jury excused.)

THE COURT: I'm going to need -- I don't know if this is the original. Doesn't look like it. It's just a copy of these instructions but I need --

MR. DE LA RIONDA: I believe I tendered to the Court two copies. Do you have two?

THE COURT: This is all that was on my --

MR. DE LA RIONDA: Pam, you got another set?

THE COURT: We need more than that. I want 12.

MR. DE LA RIONDA: Oh, we can -- okay.

MS. HAZEL: You want 12 copies, Your Honor?

THE COURT: Yeah. I want one for everybody. I normally don't in regular cases but I do in these kind.

MR. DE LA RIONDA: Do you want them right now while your reading it to them or not?

THE COURT: No.

MR. DE LA RIONDA: Okay.

THE COURT: I want to be able to send them back but no. While I'm reading, I want them just to listen.

MR. DE LA RIONDA: And you want 12 of the verdict forms or just the --

THE COURT: I think probably, yes.

MR. DE LA RIONDA: Okay.

THE COURT: And I'll explain to them, you know, to be careful about that.

MR. DE LA RIONDA: We'll get 12 made.

THE COURT: Okay. And I'll just tell the foreperson, whoever that is -- I've got to talk about the foreperson too, but I'll just tell the foreperson, whoever that is, theirs is the original.

(Short recess.)

(Defendant present.)

THE COURT: So we ready? Everybody back?

State?

MR. DE LA RIONDA: Yes, Your Honor.

MS. BYNUM: Yes, Your Honor.

THE COURT: Okay. If they're ready, bring the jury on in.

(Jury present.)

THE COURT: All right, ladies and gentlemen. Thank you.

And we're at the last stage of the court proceedings. You have heard all the evidence and the arguments of the attorneys, and so now it's time for me to read to you the jury instructions that apply in this case. And when I've concluded that, you'll be allowed to go in the jury room to begin your deliberations.

It's now your duty to make a decision as to the appropriate sentence that should be imposed upon the defendant for the crimes of first-degree murder in Count 1 as to Derrick King and first-degree murder in Count 2 as to Randall Brown. There are two possible punishments for each count, life imprisonment without the possibility of parole or death.

In making your decision, you must first unanimously determine whether the aggravating factor or factors alleged by the State have been proven beyond a reasonable doubt.

An aggravating factor is circumstance that increases the gravity of a crime or the harm to a victim. No facts other than proven

aggravating factors may be considered in support of a death sentence. The aggravating factors alleged by the State in Count 1 as it relates to Derrick King are: One, Raymond Bright, previously convicted -- was previously convicted of a capital felony and/or a felony involving the use of threat of violence to another person; A, the first-degree murder of Randall Brown is a capital offense; B, the crime of armed robbery is a felony involving the use or threat of violence to another person.

The second aggravating factor alleged as to Count 1 is that the first-degree murder as it relates to Derrick King in Count 1 was especially heinous, atrocious or cruel.

Heinous means extremely wicked or shockingly evil.

Atrocious means outrageously wicked and vile.

Cruel means designed to inflict a high degree of pain with utter indifference to or even enjoyment of the suffering of others.

The kinds of crime intended to be included as especially heinous, atrocious or

cruel is one accompanied by additional acts that show that the crime was conscienceless or pitiless and was unnecessarily tortuous to Derrick King.

The aggravating factors alleged by the State in Count 2 as it relates to Randall Brown are effectively the same. But first, Raymond Bright was previously convicted of a capital felony and/or a felony involving the use or threat of violence to another person; the first-degree murder of Derrick King is capital offense, and secondly, the crime of armed robbery is a felony involving the use of -- the use or threat of violence to another person.

Second, the first-degree murder as it relates to Randall Brown was especially heinous, atrocious or cruel.

And I've defined those terms and they're contained here in the jury instructions for you if you need to review them again.

As explained before, the presentation of the evidence, the State has the burden to prove an aggravating factor beyond a reasonable doubt.

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to disregard an aggravating factors if you have an abiding conviction that it exists.

On the other hand, if after carefully considering, comparing and weighing all the evidence, you do not have an abiding conviction that the aggravating factor exists or if having a conviction, it is one which is not stable but one which wavers and vacillates, then the aggravating factor has not been proven beyond every reasonable doubt, and you must not consider it in providing a verdict.

A reasonable doubt as to the existence of an aggravating factor may arise from the evidence, a conflict in the evidence or lack of evidence. If you have a reasonable doubt as to the existence of an aggravating factor, you must find that it does not exist. However, if you have no reasonable doubt, you should find the aggravating factor does exist.

A finding that an aggravating factor exists must be unanimous; that is, all of you must agree that each presented aggravating factor exists. You will be provided a form to make this finding as to each alleged aggravating factor, and you should indicate whether or not you find each aggravating factor has been proven beyond a reasonable doubt.

If you do not unanimously find that at least one aggravating factor was proven by the State, then the defendant is not eligible for the death penalty, and your verdict must be for a sentence of life in prison without the possibility for parole. At such point, your deliberations would then be complete.

If, however, you unanimously find that one or more aggravating factors have been proven beyond a reasonable doubt, then the defendant is eligible for the death penalty, and you must make additional findings to determine whether the appropriate sentence to be imposed is life in prison without the possibility of parole or death.

If you do unanimously find the existence

of at least one aggravating factor and that the aggravating factor or factors are sufficient to impose a sentence of death, the next step in the process is for you to determine whether any mitigating circumstance or circumstances exist.

A mitigating circumstance can be anything in the life of the defendant which might indicate that the death penalty is not appropriate.

It is not limited to the facts surrounding the crime. A mitigating circumstance may include any aspect of the defendant's character, background or life or any circumstance of the offense that may reasonably indicate that the death penalty is not an appropriate sentence in this case.

Among the mitigating circumstances you may consider in this case as it relates to Count 1 are: First, the first-degree murder was committed while Raymond Bright was under the influence of extreme mental are or emotional disturbance; second, the capacity of Raymond Bright to appreciate the criminality of his conduct or to conform his

conduct to the requirements of law was substantially impaired; and, third, the existence of any other factors in Raymond Bright's character, background or life or other circumstance of the offense that would mitigate against the imposition of the death penalty.

The mitigating factors as it relates to Count 2, Randall Brown, are the exact same factors I just read as to Count 1, the same three, and they're enumerated here in the jury instructions for you to review if you believe you want to review them again.

It is the defendant's burden to prove that a mitigating circumstance or circumstances exist. As explained before these proceedings, the defendant need only establish a mitigating circumstance by the greater weight of the evidence, which means the evidence that more than likely -- more likely than not tends to establish the existence of a mitigating circumstance.

If you determine by the greater weight of the evidence that a mitigating circumstance exists, you must consider it

established and give that evidence such weight as you determine it should receive in reaching your verdict about the appropriate sentence to be imposed.

Any juror persuaded as to the existence of a mitigating circumstance must consider it in this case. Further, any juror may consider a mitigating circumstance found by another juror, even if he or she did not find that factor to be mitigated.

Your decision regarding the appropriate sentence should be based upon proven aggravating factor or factors and established mitigating circumstances or circumstance that have been proven -- excuse me -- that have been presented to you during these proceedings.

You will now, at that point, engage in a weighing process. You must weigh all of the following: whether the aggravating factor or factors found to exist are sufficient to justify the death penalty, whether the aggravating factor or factors outweigh any mitigating circumstance or circumstances found to exist and based on all of the

considerations pursuant to these instructions, whether the defendant should be sentenced to life imprisonment without the possibility of parole or death.

The process of weighing aggravating factors and mitigating circumstances is not a mechanical or mathematical process. In other words, you should not merely total the number of aggravating factors and compare that number to the total number of mitigating circumstances. The law contemplates that different factors or circumstances may be given different weight or values by different jurors.

Therefore, in your decision-making process, each individual juror must decide what weight is to be given to a particular factor or circumstance. Regardless of the results of each juror's individual weighing process, even if you find that the sufficient aggravators outweigh the mitigators, the law neither compels nor requires you to determine that the defendant should be sentenced to death.

Once each juror has weighed the proven

factors, he or she must determine the appropriate punishment for the defendant. The jury's decision regarding the appropriate sentence must be unanimous if death is to be imposed.

To repeat what I have said, if your verdict is that the defendant should be sentenced to death, your finding that at least one aggravating factor exists must be unanimous. Your finding that the aggravating factor or factors are sufficient to impose the death penalty must be unanimous. And your finding that the aggravating factor or factors found to exist outweigh the established mitigating circumstance or circumstances must be unanimous. And your decision to -- to -- and your decision, if to impose a sentence of death, must be unanimous.

You will be provided a form, a jury verdict form, to reflect your findings and decisions regarding the appropriate sentence.

If your vote on the appropriate sentence is less than unanimous, the defendant will be sentenced to life in prison without the

possibility of parole.

The fact that a jury can make its decision on a single ballot should not be influence -- should not influence you to act hastily or without due regard to the gravity of these proceedings. Before you vote, you should carefully consider and weigh the evidence, realizing that a human life is at stake and bring your best judgment to bear in reaching your verdict.

When considering aggravating factors and mitigating circumstances, it is up to you to decide which evidence is reliable. You should use your common sense in deciding which is the best evidence and which evidence should not be relied upon in making your decision as to what sentence should be imposed. You may find some of the evidence not reliable or less reliable than other evidence.

Some additional things to consider, you should consider how the witnesses acted as well as what they said. Additionally, you should consider did the witness seem to have an opportunity to see and know the things

about which the witness testified? Did the witness seem to have an accurate memory? Was the witness honest and straightforward in answering the attorneys' questions? Did the witness have some interest in how the case should be decided? Did the witness's testimony agree with the other testimony and other evidence in the case?

The fact that a witness is employed in law enforcement does not mean that his or her testimony deserves more or less consideration than that of any other witness.

Expert witnesses are like other witnesses with one exception. The law permits an expert witness to give an opinion. However, an expert witness's opinion is only reliable when given on a subject about which you believe that that person to be -- or is an expert. Like other witnesses, you may believe or disbelieve all or any part of an expert witness's testimony.

It's entirely proper for a lawyer to have spoken to a witness about what testimony the witness would give if called to the courtroom. The witness should not be

discredited by having spoken to a lawyer about his or her testimony prior to coming to the courtroom.

You may rely upon your own conclusion about the credibility of any witness. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

The defendant has exercised a fundamental right by choosing not to be a witness in this case. You must not be influenced in any way by his decision. No juror should ever be concerned that the defendant did or did not take the witness stand to give testimony in the case.

Next are some general rules that will apply to your discussions and your deliberations. You must follow these rules in order to reach a lawful verdict.

You must follow the law as set out in these instructions. If you fail to follow the law, your decision would be a miscarriage of justice. There's no reason for failing to follow the law in this case, and we're all depending upon you to make a wise and legal

decision in this matter.

Your decisions must be based only upon the evidence that you have heard from the testimony of witnesses and have seen in the form of exhibits in evidence and from these instructions.

Your decision must not be based upon the fact that you feel sorry for anyone or are angry at anyone.

Remember, the attorneys are not on trial. Your feelings about them should not influence your decision in any way.

Your decisions should not be influenced by feelings of prejudice, racial or ethnic bias or sympathy. Your decisions must be based upon the evidence and the law contained in these instructions.

You have heard evidence about the impact of this murder on the family and friends and community of Derrick King in Count 1 and Randall Brown in Count 2. This evidence was presented to show the victim's uniqueness as an individual and the result of loss by Derrick King death in Count 1 and Randall Brown's death in Count 2. However, you may

not consider this evidence as an aggravating factor. Your decisions must be based on the aggravating factors and the mitigating circumstances and the weighing process which you have been instructed on.

During the course of the case, you've been allowed to take notes. You'll be allowed to take those notes back into the jury room with you to use during your deliberations. You should know, let me remind, that your notes are for your individual use. You should not share your notes with those of other jurors. The notes are for you to use as a tool in your -- in aiding you in your individual memory. Notes are for the note-taker's personal use in refreshing his or her recollection of the evidence, and remember, the notes themselves are not evidence. Above all, your memory should be your greatest asset in your recollection of the evidence.

In just a few moments, you'll be allowed to go in the jury room to begin your deliberations. But prior to doing that, I have two things I want to do with you.

One is go over the verdict form with you just briefly. You're each going to have a copy of these instructions to look at if you want to refer back to them. You will each have a copy of the verdict forms. There are two because we have Count 1 and Count 2. So there are two verdicts. They're the same except one relates to Derrick King, and the other relates to Randall Brown.

You're also going to have to select a foreperson. And we'll talk about that in just a second. The foreperson's verdict forms are going to be the originals, if you will. So if you started looking at them and jotted something down on them, if I could get the foreperson not to do that because when you come back, it needs to kind of be a clean copy.

And you're not going to be able to see this real carefully -- or clearly from where you're seated, but each verdict form is a four-page document. And it starts off verdict as to Count 1, and then in parentheses, it says Derrick King. The other one is verdict as to Count 2, and in

parentheses, it says Randall Brown so you know which victim that you're talking about.

And it reads we, the jury, find as follows as to the defendant Raymond Bright in this case. And as was described during the closing arguments, there are five areas that are enumerated for you. Starts off -- and it says Raymond Bright, which is the name of the defendant, obviously the State of Florida versus Raymond Bright, has the case number, division assignment, that type of thing.

And then it starts off here. Kind of in bold, it says A, aggravating factors as to Count 1. And then underneath that is listed the aggravating factors that the State has alleged. And what it does then is it has -- it's pretty self-explanatory. We, the jury, unanimously find that the State has proven the following aggravated factors beyond a reasonable doubt as to the defendant, Raymond Bright, in this case.

And the first one reads: Raymond Bright was previously convicted of a capital felony and/or felony involving the use of -- the use or threat of violence to a person. If your

finding is yes -- remember, it's unanimous, then the foreperson is going to check yes. If it's no, you check no. There's a place, a yes and a no, for you to make your finding.

Then you go on to Aggravating Factor No. 2: The first-degree murder was especially heinous, atrocious or cruel. If your verdict was yes, there's a place for that or no, a place for that.

Then you flip the page. And it tells you if your answer -- if you answered yes to at least one of those two aggravating factors, then you're going to proceed to Section B. But it goes on to tell you if you answered no to both of those aggravating factors listed, you would not proceed any further, as Raymond Bright is not eligible for the death penalty, and he will be sentenced to life in prison without the eligibility for parole.

And then it says please sign and date the verdict form and return it to the courtroom. Then you'd skip over the Page 4 which is where the place is for the foreperson to sign and date it.

Assuming you found, unanimously, one or both of those aggravating factors, you move on to Section B. And it says -- and this is sufficiency of the aggravating factors as to Count 1. It's identical for Count 2. And it says: Reviewing the aggravated factors, we unanimously found to be proven beyond a reasonable doubt in Section A above. We, the jury, also unanimously find that the aggravating factors are sufficient to warrant a possible sentence of death. If you find yes, there's a place for a yes or a place for a no. Again, it has to be unanimous.

And then goes on again to explain to you, if you answered yes in Section B, now you're going to proceed to Section C. If you answered no in Section B, you're going to go on to Page 4 and sign the verdict form because the defendant is not eligible for the death penalty, and he'd be sentenced to life in prison without the eligibility for parole.

Assuming you did find yes there, you go to Section C. That's the mitigating circumstance or circumstances section. And, again, it tells you that kind of in bold and

it says: We, the jury, find that the following statutory mitigating circumstances have been established by the greater weight of the evidence as to the defendant, Raymond Bright, in this case.

And then it starts off with number one and it says: The first-degree murder was committed while Raymond Bright was under the influence of extreme mental or emotional disturbance. Again, doesn't have to be unanimous, yes or no.

But then it says: If you answered yes, please provide the numerical jury vote as to this mitigating circumstance. So obviously when you do one that's unanimous, we know it was unanimous. If it's not, we need to know the vote. So depending on what the vote is, you know, ten to two, nine to three, whatever, you write that down as to how many yeses and how many nos there.

Then you move on to Mitigating Circumstance No. 2: The capacity of Raymond Bright to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially

impaired. If you find that by the greater weight of the evidence, yes or no. Again, you have to put down what your vote was. Even if it's 12 to 0, write that down.

Then you go to Mitigating Circumstance No. 3, and that is the existence of any other factors in Raymond Bright character, background or life or the circumstances of the offense that would mitigate against the imposition of the death penalty. Again, yes or no and then the number of your vote.

And then it tells you, since you've completed that Section C, now you're going to go to Section D. Section D, and, again, it says it in bold, eligibility for the death penalty for Count 1. We, the jury, unanimously find that the aggravating factors were proven beyond a reasonable doubt -- that were proven beyond a reasonable doubt in Section A above outweigh the mitigating circumstances established in Section C above as to Count 1.

This is where the weighing comes in.

And if you find that the aggravating factor or factors outweigh the mitigating

circumstance or circumstances, then, again, you put yes or no. And that has to be unanimous. So we don't need to know what the vote is because we know it had to be unanimous. If your answer to that is yes, then you go on to Section E. If your answer there was no, you're going to skip to -- well, actually E is on the last page anyway. You're going to skip Section E, and you're going to sign -- the foreperson is going to sign the verdict form because, again, the defendant is not eligible for the death penalty based upon your findings.

But if you found yes, that the aggravating factor or factors outweighed the mitigating circumstances, then you move to E and it says: Jury verdict as to death penalty. And it says: Having unanimously found that at least one aggravating factor has been established beyond a reasonable doubt in Section A above, that the aggravating factors are sufficient to warrant a death sentence in Section B above and that the aggravating factors outweigh the mitigating circumstances in Section D above,

we, the jury, unanimously find that the defendant, Raymond Bright, should be sentenced to death. If that's your verdict, there's a place for a yes or a no. If your verdict is yes, it's yes. If it's no, then you go down and you write down your numeric vote. And it says: If no, our numeric vote to impose a sentence of life imprisonment without the eligibility for parole is -- or is as follows. And there's a place a little mark there that says life and there's a place for death. And you put the corresponding numbers in there.

And then it says: So say we all, at Jacksonville, Duval County, Florida. There's a place for a foreperson to sign it and date it.

Verdict form as to Count 2 is identical, just different victim, and that would be as to Randall Brown.

So then the foreperson is going to sign it and date it.

So now I'll back up and say this: When you get ready to go into the jury room, before you actually begin your deliberations,

the first order of business is to select a foreperson. It could be any one of you. It doesn't matter who it is. It just -- that person would then preside over your deliberations much like a chairperson would preside over a meeting.

When you have reached a verdict, you will -- well, before you actually even do that, there's a buzzer or a button on the inside of the door. I don't know if you've seen it. When you go into the jury room, the bailiff will point it out if you haven't noticed it.

So the first order of business is to select a foreperson. Don't start talking about the case just yet. Select a foreperson. Once you've done that, I want you to hit that button. It sounds a tone here in the courtroom. The bailiff is then going to open the door -- knock on the door and open the door and basically say, you've selected a foreperson? You're going to say, yes, you have.

While you're doing all of that, we're going to be gathering up the evidence. I'll

be gathering up copies of these jury instructions to bring in for you, and then we'll bring all those items in to you. And then you'll actually start your deliberations.

When you have reached a verdict, you'll do the same thing, hit the button. It sounds the tone. The bailiff's going to knock on the door, ask if you reached a verdict. Assuming you have, the door is going to close, and you may remain in the room for a bit. The reason for that is I go back upstairs to my office to do other works. The attorneys may be out in the hallway milling about. We have to gather everyone back.

So just as the trial had to be conducted in your presence, my presence, the attorneys and the defendant, the same has to hold true when the verdict is rendered. So it might be a few minutes before we bring you out of the room. That's what's going on, if that happens.

When you come out, whoever the foreperson is, all you need to do is take the verdict form and fold it over. Hand it to

the bailiff. The bailiff will hand it to me. I will check it for accuracy. And then I give it to the clerk, and the clerk will publish the verdict.

If by chance, you need to communicate with me sometime during the course of your deliberations, the foreperson would write down a question on a piece of paper, hit the buzzer, sounds the tone. And they get the question. You do not need to stop your deliberations, though, because the door's going to close. I've got to come back downstairs. I've got to find the lawyers. We've got to decide, you know, what, if any, answer we may be able to give you about the question. But you can keep on talking. You can keep on deliberating and keep on moving on things. And then we'll get back with you if -- well, regardless of whether I can or can't give you an answer, I'll get back with you on whatever the question was.

There's a portion of these instructions I'm going to kind of paraphrase. It talks about communicating with other folks during the course of your deliberations. You're not

going to really be able to do that, as we discussed -- yes, it was a couple weeks ago -- about your cell phones and tablets or things that you might have that you've been able to keep with you during the course of the trial. At this point is where I take those items. We put them in a basket. We watch over them. Nobody's going to touch them. Nobody's going to look at them. But then I know that there's nothing else going on in the jury room other than you deliberating and talking about the case. No phone calls are being made or things of that nature. So I'll kind of skip over that.

We talked about the items in evidence that will be brought back into the jury room for you to look at as well.

Please know that I can obviously not participate in your deliberations in any way. Please disregard I anything might have said or done that would make you think I prefer one decision over another.

In closing, let me remind you that it's important that you follow the law as spelled out in these instructions. There are no

other laws that apply to this particular case, and even if you do not like the laws that must be applied, you must apply them and use them. For two centuries, we have all lived by the constitution and the law, and no juror has the right to violate rules that we all share.

As I've kind of alluded, a jury in a case of this nature is made up of 12 folks. We have 14. And obviously, you can see why we would have more than 12, given what has happened during the course of this particular case because if something happened to somebody and we get down to 11 or 10, we cannot continue. We need to fill back in. And so I had two -- we picked 14 so two of you are alternates. Thank God, you know, everybody's still here, but given this case, I mean, I might have could have had 16 the way things went.

But, again, things went beautifully as far as the storm is concerned. Again, you guys are great. I can't thank you enough for going through everything that we did and then you being willing to come back at this point

in time to finish up the case.

So my two alternates in this case -- and what I'm going to ask the alternates to do, if you've got personal belongings, is to get personal belongings out of the jury room. Come back out here I need to talk to you-all separately. And that was Mr. Rhoden and Mr. Kinsey.

Gentlemen, do you have personal belongs in there? If you'll get those and come out here, I can talk to you separately from the other jurors.

And then, ladies and gentlemen, once they've done that, I'm going to let you go into the jury room to, first order of business, select a foreperson. Remember to hit the button and let us know you've done that. And then we'll need know you're getting ready and beginning your actual deliberations and discussions.

So while they're gathering their things, again, let me thank you for your time and consideration dating back to, I guess, September the 5th, believe it or not, which is hard to even fathom, all through that

week. And I appreciate you indulging me when I called you at home to see how you were doing and make sure everybody was okay and then ask the big question, if you were going to be able to come back. And I can't thank you enough for all of that.

So let me have those 12 folks -- you can step in the jury room, please, and select your foreperson. And we'll be gathering these items up for you. Thank you again for your time and attention.

(Jury excused.)

THE COURT: Any exceptions or objections to these instructions as read, from the State?

MR. DE LA RIONDA: No, sir.

THE COURT: From the defense?

MS. BYNUM: No, Your Honor.

THE COURT: Mr. Bright, if you'll -- I had you do that earlier. Any exceptions or objections to the instructions that I read?

THE DEFENDANT: No, Your Honor.

THE COURT: They're okay?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. You satisfied

with how things are going so far for you?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Satisfied with your attorneys?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. You know, the odd thing is I noticed there's not really a signature page for the judge on this. I don't know if that really matters.

MR. DE LA RIONDA: That's true. I didn't think of that. You're right.

THE COURT: I'll just say that's what I read. So there's a copy. We got -- how many more? You got 11 other copies?

THE CLERK: I do, Your Honor.

MR. DE LA RIONDA: They're there.

THE COURT: And then let's do this: Put a little sticky on this. This is okay. On these verdict forms, I'm going to put, like, a little sticky note that says "original" so they'll know not to mark it up, if they start writing on these things for some reason. Is that okay with the State?

MR. DE LA RIONDA: Yes, sir.

THE COURT: Defense?

MS. BYNUM: Yes, Your Honor.

THE COURT: Is that okay with you, Mr. Bright?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay.

(Brief interruption.)

THE BAILIFF: They've selected a jury.

THE COURT: Okay. Great. Call that 11:56.

(Jury begins deliberations at 11:57 a.m.)

THE COURT: By the way, Miss Bynum, have you looked at the laptop? Are you okay with the laptop going back?

MS. BYNUM: Yes, Your Honor. I have no objection. I've looked at it.

THE COURT: Okay.

(Off-record discussion.)

(Alternate jurors excused.)

THE COURT: Any objection to when the lunch gets here, one of the bailiffs and/or the clerk taking that in to them, knocking on the door and taking it in?

MS. BYNUM: No, Your Honor.

MR. DE LA RIONDA: No objection, Your Honor.

THE COURT: Okay. Any objection to that, Mr. Bright?

THE DEFENDANT: No, Your Honor.

THE COURT: Okay. All right. Anything else from you guys?

MR. DE LA RIONDA: No, sir.

MS. BYNUM: No, Your Honor.

THE COURT: Okay. We'll be at ease until we hear from the jury.

(Recess from 12:02 p.m. until 3:21 p.m.)

(Defendant present.)

THE COURT: We're ready to bring the jurors on in.

(Jury present.)

THE COURT: All right, ladies and gentlemen. I see you've got the verdict forms down there. I should have told you when you came out. That way, easier pass there. But I understand you reached verdicts, so just hand those verdict forms up. Thank you very much.

All right. Publish these verdicts.

THE CLERK: In the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida, State of Florida versus Raymond

Bright, Case No. 16-2008-CF-2887, Division CR-I.

Verdict as to sentence, Count 1, Derrick King: We, the jury, find unanimously -- we, the jury, unanimously find that the State has proven the following aggravating factors beyond a reasonable doubt as to defendant, Raymond Bright, in this case: Raymond Bright was previously convicted of a capital felony and/or a felony involving the use or threat of violence to a person; the first-degree murder was especially heinous, atrocious or cruel.

Sufficiency of the aggravating factors as to Count 1. Reviewing the aggravating factors that we unanimously found to be proven beyond a reasonable doubt in Section A above, we, the jury, find -- also unanimously find that the aggravating factors are sufficient to warrant a possible sentence of death.

Statutory mitigating circumstances. We, the jury, find that the following statutory mitigating circumstances have been established by a greater weight of the

evidence as to the defendant, Raymond Bright, in this case.

The first-degree murder was committed while Raymond Bright was under the influence of extreme mental or emotional disturbance, no. Vote of 1, yes, to 11, no.

The capacity of Raymond Bright to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired, no. Vote of 0, yes, to 12, no.

The existence of any other factors in Raymond Bright's character, background or life or the circumstances of the offense that would mitigate against the imposition of the death penalty, no. Vote of 1, yes, to 11, no.

Eligibility for death penalty for Count 1. We, the jury, unanimously find that the aggravating factors that were proven beyond a reasonable doubt in Section A above outweigh the mitigating circumstances established in Section C above as to Count 1, first-degree murder.

Jury verdict as to death penalty.

Having unanimously found that at least one aggravating factor has been established beyond a reasonable doubt in Section A above, that the aggravating factors were sufficient to warrant a sentence of death in Section B above and that the aggravating factors outweigh the mitigating circumstances in Section D above, we, the jury, unanimously find that the defendant, Raymond Bright, should be sentenced to death.

So say we all this 25th day of September, 2017, signed foreperson.

Verdict as to sentence, Count 2, Randall Brown. Aggravating factors as to Count 2. We, the jury, unanimously find that the State has proven the following aggravating factors beyond a reasonable doubt as to defendant, Raymond Bright, in this case: Raymond Bright was previously convicted of a capital felony and/or felony involving the use or threat of violence to a person; the first-degree murder was especially heinous, atrocious or cruel, no.

Sufficiency of the aggravating factors as to Count 2. Reviewing the aggravating

factors that we unanimously found to be proven beyond a reasonable doubt in Section A above we, the jury, also unanimously find that the aggravating factors are sufficient to warrant a possible death sentence.

Statutory mitigating circumstances. We, the jury, find that the following statutory mitigating circumstances have been established by a greater weight of the evidence as to the defendant, Raymond Bright, in this case.

The first-degree murder was committed while Raymond Bright was under the influence of extreme mental or emotional disturbance, no. Vote of 1, yes, to 11, no.

The capacity of Raymond Bright to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired, no. Vote of 1, yes, to 11, no.

The existence of any other factors in Raymond Bright's character, background or life or the circumstances of the offense that would mitigate against the imposition of death penalty, no. Vote of 1, yes to 11, no.

Eligibility of death penalty for Count 2. We, the jury, unanimously find that the aggravating factors were -- that were proven beyond a reasonable doubt in Section A above outweigh the mitigating circumstances established in Section C as to the Count 2, first-degree murder, yes.

Jury verdict as to death penalty. Having unanimously found that at least one aggravating factor has been established beyond a reasonable doubt in Section A above, that the aggravating factors are sufficient to warrant a death sentence in Section B above and that the aggravating factors outweigh the mitigating circumstances in Section D above, we, the jury, unanimously find that the defendant, Raymond Bright, should be put to death.

So say we all this 25th day of September, 2017, signed foreperson.

THE COURT: Anybody want the jury polled?

MS. BYNUM: Yes, Your Honor.

THE CLERK: Do you, Miss Shannon, agree that each of the findings in the verdict form

is yours?

JUROR SHANNON: Yes.

THE CLERK: Do you, Miss Craw, agree that each of the finding in the verdict form is yours?

JUROR CRAW: Yes.

THE CLERK: Do you, Mr. Leonard, agree that each of the findings in the verdict form is yours?

JUROR LEONARD: Yes.

THE CLERK: Do you, Miss Rhone, agree that each of the findings in the verdict form is yours?

JUROR RHONE: Yes.

THE CLERK: Do you, Miss Gay, agree that each of the findings in the verdict form is yours?

JUROR GAY: Yes.

THE CLERK: Do you, Miss Dixon, agree that each of the findings in the verdict form is yours?

JUROR DIXON: Yes.

THE CLERK: Do you, Mr. Rhodes, agree that each of the findings in the verdict form is yours?

JUROR RHODES: Yes.

THE CLERK: Do you, Mr. Kenny, agree that each of the findings in the verdict form is yours?

JUROR KENNY: Yes.

THE CLERK: Do you, Mr. Dempsey, agree that each of the findings in the verdict form is yours?

JUROR DEMPSEY: Yes.

THE CLERK: Do you, Miss Lowe, agree that each of the findings in the verdict form is yours?

JUROR LOWE: Yes.

THE CLERK: Do you, Miss Arias, agree that each of the findings in the verdict form is yours?

JUROR ARIAS: Yes.

THE CLERK: Do you, Mr. Carr, agree that each of the findings in the verdict form is yours?

JUROR CARR: Yes.

THE COURT: All right, ladies and gentlemen. Again, let me thank you very, very much for your time and attention during the last basically three weeks, even though

we had that break. I've said it time and time again. I can't thank you enough for your willingness to come back and make sure that we could finish this case.

I was telling Mr. Rhoden and Mr. Kinsey before they left that without folks like you willing to come down and serve, this system comes to a grinding halt. We have to have folks like you that are willing to serve, and we're very, very thankful that you were here to do that, were ready, willing and able to do that.

And I recognize it's a civic duty that we all owe to one another, but, quite frankly, these are difficult decisions. There's no more difficult decision to make than a case like this. And we can't thank you enough for your time and attention, your dedication and your service because, again, these are very, very difficult cases, not only to listen to, to see but to decide.

And while our system may not be a perfect one, we still believe it to be the best that's been devised. And while this is the thing that I do and the lawyers do for a

living, if we don't have you, the system doesn't work. So I can't thank you enough for your time and your attention during the course of the last, I guess, almost three weeks now. And, again, because of the storm it's just an extra gratitude that I have for you and your dedication to this case.

We will let you step into the jury room here in just a second to gather your items.

We have a little pin that we'll give to you just as token of our appreciation for your service because we reuse the juror buttons that we have there.

But other than that, unless somebody had a question for me, obviously your service is complete. It lasted a lot longer than I anticipated. But, again, we're thankful. So unless somebody has a question for me, I'll let you-all be dismissed. Anything?

All right. Ladies and gentlemen, thank you so much for your time and attention. You can step in the jury room and gather your belongings.

(Jury excused.)

THE COURT: All right. I guess we need

to talk about sentencing.

MR. DE LA RIONDA: Judge, quite frankly, I'm unsure whether -- what we used to refer to as a Spencer hearing, whether that still applies or not. I think it probably does but honestly, I've got to research the law as to that aspect.

THE COURT: Well, I'm not sure you're going to find much law, at least not in Florida since there's only been a few cases that have been tried that resulted in the death penalty since the imposition of the new law.

I thought about it. And I've talked to the staff attorneys about it. I need to probably talk to them a little bit more about it. Because my initial impression is that it doesn't apply. Quite frankly, the reason we changed the law from what it was to what it is now is that it took the discretion out of the judges' hands for the most part and it was not -- I shouldn't say it that way maybe. It wasn't a recommendation but rather a sentence that was imposed. So my initial impression is it doesn't apply, and the

sentence is what the jury says it is.

But that being said, we'll still pass the case for a couple weeks or something to see about that and get everybody's opinion about that. So let's look at when we might be able to do that.

I guess the first order of business would be to really decide if that's something that's necessary. Because the other thing that comes to mind is -- and we talked about this internally -- is to what extent does the Court have to do some sentencing order like was done in the past? And, again, my initial reaction is we don't. There was a whole analysis that got done. I never had one of those cases back then, thankfully.

But I don't know that the analysis needs to be done anymore because the analysis is kind of done in the verdict form, in my mind, but --

MR. DE LA RIONDA: We're in uncharted territory.

THE COURT: Yeah, we are. So maybe what we'll do is we might have to have a couple of hearings perhaps, one to see what you-all

think and what I ultimately decide on a Spencer hearing and a sentencing order because if it's needed, then more time is required to get it done. If it's not, then the sentence is the sentence.

So, I mean, we could do something at the end of next week if you want, just to see where we think we are.

MR. DE LA RIONDA: That's fine with the State.

MS. BYNUM: That's fine.

THE COURT: I could probably do either Thursday the 5th or Friday the 6th of October, whichever works for y'all, and I would do it at the end of the morning calendar.

MR. DE LA RIONDA: Either day is fine with the State.

MS. BYNUM: Either date is fine with the defense.

THE COURT: Let's say Friday because that way, if I have some trials, I'll just try and get them finished before Friday. So I'll put Mr. Bright on for Friday the 6th. And then I guess we'll just see where we go

from there.

MR. DE LA RIONDA: What time does the Court anticipate? 10:00 o'clock? 10:30?

THE COURT: Yeah. I wouldn't think it would be before 10:00.

MR. DE LA RIONDA: Okay.

MS. BYNUM: Yes, sir.

THE COURT: If that works for you-all.

MR. DE LA RIONDA: Thank you, Judge.

THE COURT: Okay. Thank y'all.

MS. BYNUM: Thank you, Your Honor.

THE COURT: Okay.

(Whereupon the proceedings were concluded.)

C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF DUVAL)

I, Karen Waugerman, Registered Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 19th day of March, 2018.

/s/ Karen Waugerman

KAREN WAUGERMAN, RPR

PROCEEDINGS

PROCEEDING	PAGE
JURY SELECTION	13
JURY SELECTION (CONTINUED)	435
PRELIMINARY JURY CHARGE	604
OPENING STATEMENT BY MR. DE LA RIONDA	623
OPENING STATEMENT BY MR. WILLIAMS	639
JURY CHARGE CONFERENCE	786
MOTION FOR ORDER TO SHOW CAUSE BY THE DEFENSE	808
STATE RESTS	854
JURY CHARGE CONFERENCE	1107
JURY CHARGE CONFERENCE	1135
DEFENSE RESTS	1167
CLOSING ARGUMENT BY MR. DE LA RIONDA	1170
CLOSING ARGUMENT BY MS. BYNUM	1210
JURY CHARGE	1257
VERDICTS	1289
CERTIFICATE OF REPORTER	1303

STATE WITNESSES

WITNESS	PAGE
CARRIE MAE BROWN GRAY	
DIRECT EXAMINATION BY MS. HAZEL	654
CROSS EXAMINATION BY MS. BYNUM	660

STATE WITNESSES (CONTINUED)

WITNESS	PAGE
MICHAEL JEROME MAJORS	
DIRECT EXAMINATION BY MS. HAZEL	663
CROSS EXAMINATION BY MS. BYNUM	680
CHRISTOPHER ROBINSON	
DIRECT EXAMINATION BY MR. DE LA RIONDA	683
DEBORAH BROOKINS	
DIRECT EXAMINATION BY MS. HAZEL	691
DAN JANSON	
DIRECT EXAMINATION BY MS. HAZEL	737
CROSS EXAMINATION BY MS. BYNUM	744
TRACY STAPP	
DIRECT EXAMINATION BY MR. DE LA RIONDA	746
CARRIE MAE BROWN GRAY	
DIRECT EXAMINATION BY MS. HAZEL	771
ROBERT BELL	
DIRECT EXAMINATION BY MR. DE LA RIONDA	775
CROSS EXAMINATION BY MS. BYNUM	779
REDIRECT EXAMINATION BY MR. DE LA RIONDA	781
RECROSS EXAMINATION BY MS. BYNUM	781
SHANNON BROWN	
DIRECT EXAMINATION BY MS. HAZEL	812
CAROLYN JAUDON	
DIRECT EXAMINATION BY MS. HAZEL	817

STATE WITNESSES (CONTINUED)

WITNESS	PAGE
VALERIE RAO, M.D.	
VOIR DIRE EXAMINATION BY MR. DE LA RIONDA	822
DIRECT EXAMINATION BY MR. DE LA RIONDA	827
CROSS EXAMINATION BY MS. BYNUM	848
REDIRECT EXAMINATION BY MR. DE LA RIONDA	853

DEFENSE WITNESSES

WITNESS	PAGE
JANICE BRIGHT JONES	
DIRECT EXAMINATION BY MS. BYNUM	856
CROSS EXAMINATION BY MR. DE LA RIONDA	897
REDIRECT EXAMINATION BY MS. BYNUM	910
HARRY KROP, Ph.D.	
VOIR DIRE EXAMINATION BY MR. WILLIAMS	912
DIRECT EXAMINATION BY MR. WILLIAMS	917
CROSS EXAMINATION BY MR. DE LA RIONDA	922
REDIRECT EXAMINATION BY MR. WILLIAMS	933
JAMES HERNANDEZ	
DIRECT EXAMINATION BY MS. BYNUM	935
CROSS EXAMINATION BY MR. DE LA RIONDA	953
REDIRECT EXAMINATION BY MS. BYNUM	961

DEFENSE WITNESSES (CONTINUED)

WITNESS	PAGE
ISIDORE KNIGHT	
DIRECT EXAMINATION BY MR. WILLIAMS	966
CROSS EXAMINATION BY MS. HAZEL	978
REDIRECT EXAMINATION BY MR. WILLIAMS	988
MICHAEL BOSSEN	
DIRECT EXAMINATION BY MS. BYNUM	991
CROSS EXAMINATION BY MS. HAZEL	994
REDIRECT EXAMINATION BY MS. BYNUM	996
STEVEN GOLD, Ph.D. (via Skype)	
VOIR DIRE EXAMINATION BY MS. BYNUM	999
DIRECT EXAMINATION BY MS. BYNUM	1002
CROSS EXAMINATION BY MR. DE LA RIONDA	1033
REDIRECT EXAMINATION BY MS. BYNUM	1070
RECROSS EXAMINATION BY MR. DE LA RIONDA	1077
ROBERT H. OUAOU, Ph.D.	
VOIR DIRE EXAMINATION BY MR. WILLIAMS	1143
DIRECT EXAMINATION BY MR. WILLIAMS	1147
CROSS EXAMINATION BY MR. DE LA RIONDA	1159
REDIRECT EXAMINATION BY MR. WILLIAMS	1166
RECROSS EXAMINATION BY MR. DE LA RIONDA	1167

EXHIBITS

DESCRIPTION	PAGE
State's Exhibit Nos. 144 through 154 and Defendant's Exhibit Nos. 3 through 11	734
State's Exhibit No. 155	782