

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, PASCO COUNTY

STATE OF FLORIDA,

Plaintiff,

Case No. 2023-CF-000562-CFAXWS

vs.

WILLIAM ARSAND CLIFTON,

Defendant.

PROCEEDINGS:

Jury Trial - Day 1
Volume I

DATE:

October 16, 2025

BEFORE:

The Honorable Mary M. Handsel
Circuit Court Judge

PLACE:

West Pasco Judicial Center
7530 Little Road, Suite 201
New Port Richey, Florida 34654

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DOCUMENT

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None.	
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None.	

P R O C E E D I N G S

1
2 THE COURT: Why don't I call the trials first,
3 and then I'll get to everything else. My trial is on
4 the Clifton case. Is Defense counsel here?

5 MS. STEVENS: Yes, Your Honor.

6 THE COURT: All right. And I see Mr. Clifton.

7 This is case number 23-CF-562.

8 Mr. Clifton, come on up.

9 Ms. Stevens, good morning.

10 MS. STEVENS: Good morning, Your Honor.

11 THE COURT: Mr. Sarabia, you're here for the
12 State. Yes?

13 MR. SARABIA: Yep. The State's ready, Judge.

14 THE COURT: Okay. We had a couple things that
15 were filed in this matter. One, the State amended
16 the Information, adding a fourth count. Were you
17 aware of that?

18 MS. STEVENS: Yes, Your Honor.

19 THE COURT: Are you entering a not guilty plea
20 to that?

21 MS. STEVENS: Correct.

22 THE COURT: All right. And then the Defense
23 filed a couple of different things. One is a request
24 for judicial notice, and then a motion to
25 suppress/motion in limine. And, additionally, you

1 filed some extensive additional discovery, which was
2 interesting.

3 State, did you receive a copy of all of that?

4 MR. SARABIA: I did, Judge. And we have all
5 the -- we've had all the discovery. I think they're
6 just memorializing it.

7 THE COURT: Oh, okay.

8 MR. SARABIA: A lot of it's ours, and some of it
9 is just other copies of ours. So we -- we've
10 communicated about that.

11 THE COURT: So nothing that they listed is stuff
12 that is new to you?

13 MR. SARABIA: Correct.

14 THE COURT: Okay. No problem with what they
15 filed? We'll, of course, talk about the judicial
16 notice and the motion in limine and motion to
17 express. We can talk about that, but I was concerned
18 about the discovery that I saw that was noticed. But
19 that's not going to stop you from being ready?

20 MR. SARABIA: No issues.

21 THE COURT: Okay.

22 MS. STEVENS: Your Honor, I am -- I've prepared
23 a flash drive so the State can make sure that
24 everything that I believe was already provided,
25 because I am the second attorney on the case, and I

1 just want to make sure. So I -- I brought it so he
2 could just look at it and make sure that everything I
3 believe he has in, in fact, what he does have. We're
4 making sure of that.

5 THE COURT: Okay. Is the Defense ready?

6 MS. STEVENS: Yes, Your Honor.

7 THE COURT: All right. State, what does he
8 score now that you've added the extra count?

9 MR. SARABIA: That is a good question, Judge.
10 Sixty months.

11 THE COURT: All right. Ms. Stevens, was
12 there -- he's been through quite a few lawyers in
13 this case, so I just want to make sure. Has there
14 been any offers that you've made to this --

15 MR. SARABIA: I'm sorry. I miscalculated.

16 THE COURT: Okay.

17 MR. SARABIA: It's going to be 46.5 months.

18 THE COURT: 46.5 months, up to 20 years.

19 So, Ms. Stevens, has there been any offers that
20 you've made for your client to the State to resolve
21 this matter?

22 MS. STEVENS: Your Honor, I've had several
23 discussions with my client. He will not be making
24 any offers at this time.

25 THE COURT: Okay. So you haven't made any

1 offers.

2 MS. STEVENS: Your Honor, I did ask for a
3 dismissal.

4 THE COURT: Okay.

5 MS. STEVENS: That's the best I got for you.

6 THE COURT: That's not an offer. That's a --

7 MS. STEVENS: No, Your Honor.

8 THE COURT: That's a nolle pros. I understand
9 that.

10 MS. STEVENS: That's correct.

11 THE COURT: The State's not doing that.

12 MS. STEVENS: He's not making a formal offer. I
13 have not made any at his request.

14 THE COURT: And, State, you haven't made any
15 offers, have you?

16 MR. SARABIA: No, Judge. We've had some
17 discussions, and I -- I made it clear to Defense that
18 we are very set on getting adjudication guilty so the
19 defendant cannot have a firearm, but beyond that,
20 we're open to negotiations, and that's where it's
21 been for the past two years.

22 THE COURT: All right. Mr. Clifton, will you
23 raise your right hand?

24 (The defendant was sworn.)

25 THE COURT: All right. You can put your hand

1 down. Have you had any discussions with your lawyer?
2 Any offers that you wanted her to make on your
3 behalf?

4 THE DEFENDANT: I have had discussions with my
5 attorney, Your Honor, but I've not made any offers.

6 THE COURT: Okay. And you understand what the
7 State's saying, that their only offer that they would
8 even entertain, I guess, is a lack of a better term,
9 is if you were adjudicated guilty on all counts.

10 That means you're a convicted felon. But whether you
11 got probation, county jail, prison, they'd be open
12 for you making an offer that includes something. I
13 don't really know. But you score, if you're
14 convicted, 46.5 months in the Department of
15 Corrections. Do you understand that?

16 THE DEFENDANT: Yes, I do, Your Honor.

17 THE COURT: All right. Do you want any
18 opportunity to speak to your lawyer about -- we're
19 here, a jury is ready, they're downstairs -- about
20 making any offers today before trial begins?

21 THE DEFENDANT: No, I don't, Your Honor.

22 THE COURT: Okay. We're fine then. I -- I just
23 wanted to make sure you understand that, if you're
24 convicted, your scoresheet, which is where I'm
25 supposed to start, is 46.5 months in the Department

1 of Corrections, and, unless somebody could show me a
2 reason for a departure, that would be the least I
3 could give you if the jury returns a verdict of
4 guilty on all charges. You understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And up to 20 years. And I'm -- I'm
7 open to, if you're convicted -- now, this is an if --
8 if the jury returns a verdict of guilty on all
9 counts, I could go anywhere from that 46.5 months up
10 to 20 years. And I'm not involved in any discussions
11 that you all had before, so I'm bound by the
12 guidelines based on what the jury does. You
13 understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. All right. I ordered 50
16 jurors, so if you can ask them to do panels. It's
17 9:18. If you all can come back at 9:45. Give
18 Mr. Sarabia an opportunity to look at this flash
19 drive, make sure that there's -- that he does have
20 everything that you're intending to try to put in
21 during trial, and then we'll go on from there. So
22 you guys got about 30 minutes to talk about the flash
23 drive and everything out there, and then I'll have
24 the list of jurors ready to go in about 30 minutes.
25 Okay?

1 MR. SARABIA: Judge --

2 THE COURT: That doesn't mean the jurors will be
3 up here. That's just the list.

4 Yes.

5 MR. SARABIA: Two things. One, the State did
6 file a motion in limine yesterday. We've given it to
7 Defense. I -- I don't think it'll take long to
8 litigate.

9 And then, two, what time would you like me to
10 have the witnesses here for?

11 THE COURT: Well, why don't we wait to see how
12 long the two motions in limine talk to. So I
13 don't -- I don't really know.

14 MR. SARABIA: All right.

15 THE COURT: I can't really answer that because I
16 don't know how long the discussion's going to be
17 about the things that you all filed yesterday and the
18 day before. So why don't you come back at 9:45 and
19 I'll give you a better answer. Okay?

20 MR. SARABIA: Very good, Judge.

21 MR. MOELLER: Your Honor, I have a paper copy
22 for the Court. (Indiscernible) it may not be showing
23 up on the clerk's screen yet.

24 THE COURT: You can approach.

25 Ms. Stevens, you got a copy of this -- their

1 motion in limine?

2 MS. STEVENS: Yes, Your Honor.

3 THE COURT: Okay. Great.

4 MS. STEVENS: Did the Court get the -- State and
5 Defense have put together a proposed draft of the
6 jury instructions. I sent them over yesterday for
7 your -- just so you have them as well. They are not
8 finalized in any way. Obviously, we wanted you just
9 to have them so you knew kind of where we're starting
10 off.

11 THE COURT: Sure. I got them.

12 MS. STEVENS: Okay.

13 THE COURT: I -- I usually go over them, but
14 State usually gives me a copy of the jury
15 instructions. Are these the ones that you all worked
16 out together?

17 MS. STEVENS: They're not finalized but we're --

18 MR. SARABIA: Yeah. We -- we discussed
19 different things. They have requested some things,
20 and we put in some things. We -- there may be a
21 little argument, but I think for the most part we're
22 going to be largely in agreement.

23 THE COURT: Okay.

24 MS. STEVENS: I -- I think we're close.

25 THE COURT: All right. Thank you.

1 (Recess from 9:17 a.m. to 10:10 a.m.)

2 THE COURT: Ms. Stevens, if your client wants to
3 go ahead and come up and sit with you, that'd be
4 great.

5 MS. STEVENS: Yes, Your Honor.

6 THE COURT: I have a few matters that I need to
7 discuss.

8 Deputy, will you do me a favor? Will you give
9 one of these each to the State and the Defense?

10 All right. Just some ground rules real quick on
11 the William Clifton case, 2023-CF-562. This -- these
12 are all third degree felonies. That means everything
13 we do today is going to be digital. We'll not have a
14 court reporter.

15 I know, Mr. Sarabia, it's been a while since you
16 didn't have a court reporter. So that means
17 everything we do, you will be next to a microphone.
18 No walking around. No leaving your microphone
19 without permission. Everybody's at the microphone.
20 Everybody got it?

21 MS. STEVENS: Yes, Your Honor.

22 MR. SARABIA: Yes, Judge.

23 THE COURT: Okay. I'm sure I'm going to have to
24 remind you, but I will. Because the digital will be
25 telling me if they can't hear you or you're not clear

1 enough. And I'll be in charge of people talking too
2 fast or mumbling or whatever because I need to make
3 sure that my record is correct. So that's number
4 one.

5 Number two is, last week I received -- and you
6 can see it's -- today is the 16th. This was received
7 on October 13th. I received a letter to me from
8 Mr. Clifton directly, not through attorney. And I
9 apologize. I'd forgotten that I made copies for
10 everyone, and I had forgotten that I needed to
11 address this, so when I was downstairs, my judicial
12 assistant was nice enough to remind me.

13 But this was a letter where Mr. Clifton, not
14 through attorney, wrote that he was concerned about
15 his case and requests that I consider as a matter
16 that I believe is critical for supporting my defense,
17 that the 911 audio calls, which he calls exculpatory
18 evidence, has been destroyed. That there will be no
19 omission from the Office of the State attorney on the
20 destruction of the 91 -- 911 audio calls. Again, he
21 refers to it as exculpatory evidence. The 911 audio
22 calls exculpatory evidence does not support the
23 State's case against me. Previous representation,
24 ineffective assistance of counsel, from March 30th of
25 2023 through March 28th of 2025. He says, in

1 reviewing 3.220, after receiving the demand for
2 discovery, the prosecutor must provide the answer to
3 demand for discovery in 15 days. It was filed on
4 February 16th of 2023. The answer to demand must be
5 filed by March 3rd of 2023. The answer to demand for
6 discovery was not filed until May 18th, which is
7 76 days beyond when the answer to demand for
8 discovery must be filed. The failure of the
9 prosecutor to comply with the discovery obligation is
10 prosecutorial misconduct and violates my rights to
11 due process.

12 Not exactly sure that has anything to do with
13 the 911 tape, but we'll -- we digress.

14 Next paragraph: The 911 audio calls were made
15 on February 9th. The prosecutor took no action to
16 obtain the 911 audio calls, exculpatory evidence.
17 Pasco County Sheriff's Office 90-day period for 911
18 audio calls was May 10th of 2023. The prosecutor did
19 not file the answer to demand for discovery until
20 May 18th of 2023, therefore committing prosecutorial
21 misconduct and allowing the 911 audio calls,
22 exculpatory evidence, to be destroyed. The 911 audio
23 calls are favorable to my defense.

24 I assume these 911 calls are the ones he made.
25 I'm not exactly sure. He doesn't really say. I

1 think there was multiple 911 calls made in this case,
2 but irregardless.

3 But due to their destruction, I do not have this
4 exculpatory evidence in support of my defense. The
5 911 audio calls are the only source where this
6 exculpatory evidence is located. The judgment
7 received from risk protection order, RPO, proceedings
8 conducted on April 5th was poisoned by the
9 prosecutor. The failure by the prosecutor to
10 disclose the answer to demand for discovery was
11 prosecutorial misconduct and violated my rights to
12 due process which severely disadvantaged my ability
13 to prepare for the -- present a defense during the
14 RPO proceeding. Had the answer to demand for
15 discovery been provided, the outcome of the RPO
16 proceeding would have been different.

17 I'll note the RPO proceeding is a civil action
18 under the mental health part of the court and not
19 criminal in nature, so I have no jurisdiction on that
20 case. It was not my case.

21 The judgment received from the hearing to
22 dismiss based upon statutorily immune proceedings
23 conducted -- conducted on October 13th, the Stand
24 Your Ground hearing, was poisoned by the prosecutor.
25 The prosecutor withheld the Pasco County Sheriff's

1 Office body-worn camera footage evidence and
2 destruction of the 911 audio calls, exculpatory
3 evidence, which is prosecutorial misconduct. The
4 Pasco County Sheriff's Office body-worn camera
5 footage evidence was not provided by the prosecutor
6 until December 14th of 2023.

7 The withholding of the evidence and destruction
8 of the exculpatory evidence -- which I assume he's
9 talking about the 911 tape again -- violates my right
10 to due process, severely disadvantages my ability to
11 prepare for and present a defense during the hearing
12 to dismiss based on statutory immunity. Had the
13 Pasco County Sheriff's Office body-worn camera
14 footage been provided -- I don't know if to him or to
15 me; I don't actually know what he was talking about
16 there -- and 911 audio call evidence not been
17 destroyed, the outcome of the hearing would have been
18 different.

19 Withholding evidence and destruction of the
20 exculpatory evidence is prosecutorial misconduct and
21 intentional action to seek a wrongful conviction.
22 Through prosecutorial misconduct, withholding
23 evidence, and destruction of exculpatory evidence,
24 the Office of the State Attorney has ensured that I
25 will not receive a fair trial.

1 Due to prosecutorial misconduct, withholding
2 evidence, destruction of 911 audio calls, exculpatory
3 evidence, and violating my Constitutional rights to
4 due process, I'm seeking the legal remedy and asking
5 this Honorable Court to dismiss all charges with
6 prejudice.

7 I respect your role in ensuring justice. Thank
8 you for your time and attention in this letter.

9 So, Ms. Stevens, you've been on this case for
10 quite some time. Not going back, but six, eight
11 months, at least. You have not at any time -- you
12 were not of record or -- you know, you were not
13 representing Mr. Clifton in the -- in the Stand Your
14 Ground motion; he had separate counsel at that time.
15 And I'll note that the basis of the Stand Your Ground
16 hearing, the State has the obligation of providing to
17 the Court any evidence they think will assist me in
18 my decision-making. They have no obligation to
19 present anything. They get to choose what they want
20 to present, and they presented what they presented.
21 And the Defense presented nothing, including no
22 statements, no testimony of your client, or anything.

23 So you know, the -- the allegation in this
24 letter -- I'm calling it a letter, because he's
25 represented by counsel -- that somehow the Stand Your

1 Ground motion and hearing would have been different
2 but for prosecutorial misconduct, I would have to
3 find that to be incorrect. The State provided
4 whatever they provided and they stood on that.
5 There -- it was their burden. They can provide
6 whatever they want. The Defense provided nothing.
7 They didn't tell me they were looking for anything.
8 They had discovery at that time. And so the idea
9 that it's prosecutorial misconduct, you know, I'm not
10 finding that it's prosecutorial misconduct.

11 But notwithstanding that, you can still claim
12 self-defense in this trial. So I'm concerned about
13 Mr. Clifton's statements when they're not accompanied
14 by any motions by counsel. So -- but, you know, this
15 is something I think we should talk about before we
16 proceed to trial. Because if he's convicted, I
17 assume he will just raise them as 3.850, 3.800 issues
18 after trial.

19 So first and foremost, discovery -- demand for
20 discovery. If it's not provided within the 15 days,
21 there's a -- you know, you just do a motion to
22 compel. There's -- that doesn't, by itself, leave --
23 lead to the ability to have anything dismissed unless
24 you do a motion to compel and they're still holding
25 it. And I don't know if one was done. I don't know

1 when it was.

2 State, when did you answer discovery in this
3 matter?

4 MR. SARABIA: Judge, there's a date that the
5 defendant does not include and probably isn't aware
6 of, but we didn't file the Information until May 6th
7 of 2023. So I'm showing that discovery went out on
8 May --

9 THE COURT: On May 6th of 2023?

10 MR. SARABIA: Correct. And May -- May 18th of
11 2023 is when discovery went out, which would be
12 within 15 days.

13 THE COURT: Okay. So just so Mr. Clifton knows,
14 the State is not obligated to provide discovery until
15 15 days after the Information is filed. That's what
16 the rule requires. And they had -- and from what I
17 hear, they would -- they have done that.

18 So the RPO and what was presented at that point
19 has nothing to do with the Court and has nothing to
20 do with this criminal trial.

21 Now, if somebody testified in that, it might be
22 able to be used for impeachment or something like
23 that, but the fact that they had an RPO I assume no
24 one's going to talk about when it's not --

25 State, you're not talking about the fact that

1 they were able to get a -- a risk protection order
2 against the defendant?

3 MR. SARABIA: Not at all. And for the record, I
4 attended the RPO to watch the witnesses testify, but
5 I had no involvement in the hearing or influence on
6 it whatsoever.

7 THE COURT: Okay. So you watched just because
8 these are your same witnesses and it's --

9 MR. SARABIA: Correct. And I believe --

10 THE COURT: You -- and it's testimony under
11 oath.

12 MR. SARABIA: I believe it was reset. I think
13 it was set for one date and maybe got reset to a
14 second date, but that's by memory and going back a
15 ways. But I was just watching to see the testimony
16 and make sure that I was aware of all things.
17 Because at that point, we were still getting all the
18 information from law enforcement, and I knew that the
19 sheriff's office was running the RPO hearing and
20 would probably have all the evidence or the best
21 evidence that that was collected in this case. So I
22 was -- it was of interest to me, but I had no
23 involvement in it.

24 THE COURT: Okay. I'll also note that the
25 Defense, who had filed in on this case for

1 Mr. Clifton back on February 16th, filed an actual
2 waiver of speedy trial, I assume -- and, State, you
3 can correct me if I'm wrong, but I've been doing this
4 long enough -- they do that because they're hoping
5 they can convince -- convince you not to file or to
6 file something lesser in this case. Is that correct?

7 MR. SARABIA: Yeah. I do recall that there were
8 some conversation. Because I think I spoke with
9 Mr. Falls following the RPO hearing or around that
10 time. I think there was a conversation. That --
11 again, that is going a long way, but there was some
12 discussion. Because I believe I was talking to the
13 Defense about, well, if we can come to agreement in
14 advance, maybe we just file one count instead of all
15 the counts that we could potentially file. Sort of a
16 pre -- pre-negotiation -- pre-filing negotiation.

17 But -- and I would also note, on the May 18th
18 discovery of 2023, we alerted the Defense of the
19 body-worn camera. So we fulfilled our discovery
20 obligation, which is not to hand them to the Defense,
21 but to alert them to their existence and how they can
22 get them and how they can view them, which it sounds
23 like maybe, perhaps, they didn't do until November or
24 December of that year, but they were aware.

25 THE COURT: Okay. It does appear that the

1 answer to demand, which was within the 14 -- 15 days
2 of filing of the original Information in this case,
3 it alleges that there are documents of electronic
4 surveillance and it gives those -- the sheriff's
5 office case number to Mr. Metcalf, who was actually
6 filed in as counsel of record, even though Mr. Falls
7 was doing most of this. They were in the same firm.
8 So it went to, you know, Mr. Metcalf's office so they
9 could provide that answer to the sheriff's office to
10 get copies of any of the body-worn cameras if they
11 wanted.

12 So the destruction of the 911 case is the only
13 thing that I think is of any interest in this case.

14 Ms. Stevens, did you know your client had filed
15 this letter?

16 MS. STEVENS: No, Your Honor, not until last
17 night when I was doing my final review of the docket.

18 THE COURT: Okay. And are you in agreement with
19 him that you were -- you're doing a motion to dismiss
20 for prosecutorial misconduct? Are you going to file
21 that in -- for him?

22 MS. STEVENS: Your Honor, obviously, without
23 going into any of that -- the conversation I had with
24 my client, I have reviewed at length the concerns in
25 the letter. I have counseled my client appropriately

1 and I've discussed that at this time I will not be
2 filing any motions to address anything in those
3 letters because I believe they -- I -- I agree with
4 the conversations that have already been had with the
5 Court and --

6 THE COURT: Okay.

7 MS. STEVENS: -- and amongst it, and I don't see
8 anything. I will, for candor to the Court, the 911
9 items were disclosed quite early. They are commonly
10 available. And nobody, neither side, per --
11 requested them within the 90 days, so they were
12 naturally disposed of, as is the policy.

13 I went the extra mile to actually reach out to
14 the sheriff's office that maintains -- the portion of
15 the sheriff's office that maintains those records,
16 and went so far as speaking with a Tammy Dutton to
17 ascertain whether or not they were ever requested by
18 any parties, either connected or not connected with
19 this case, and I am confident that nobody was
20 provided those and that they are unavailable as a
21 matter of course. They were destroyed within the
22 90 days.

23 THE COURT: Okay. And so it's not that the
24 State got them and then destroyed them. They never
25 got them a copy either. Therefore, that's not

1 evidence that was, quote, destroyed. And any
2 statements made by your client on those 911 types
3 would not be exculpatory. They'd be -- you couldn't
4 put them in yourself because they would be statements
5 of your own client, and so the only person that could
6 put them in, if they wanted, is the State, against
7 your client, and they're not asking to do that. So
8 your client can't put in his own statements in a
9 trial unless to complete -- rule of completeness.
10 But the State's not putting them on; you couldn't put
11 them on. Would you agree with that recitation of the
12 law?

13 MS. STEVENS: Yes, Your Honor. And I will also
14 add that I have no foundation or belief that anything
15 inappropriate has occurred with our discovery
16 process, as far as I am aware in this case.

17 THE COURT: Okay.

18 MS. STEVENS: And I'll address everything with
19 my client.

20 THE COURT: So Mr. Clifton's request to have me
21 dismiss the case without prejudice, you're not --
22 you're not requesting that of the Court.

23 MS. STEVENS: No, Your Honor.

24 THE COURT: All right. So if -- if I find that
25 this would be a motion, although it's really a

1 letter -- if I would find this a motion, I would deny
2 it because he is represented by counsel, and counsel
3 is not adopting -- not adopting the requests or the
4 statements of Mr. Clifton. So I've -- I've addressed
5 that.

6 Next up, the amended Information in this case is
7 the one that was currently just filed by Defense --
8 I'm sorry, the State on October 1st, I believe. It's
9 a four-count information. It alleges four separate
10 counts of aggravated assault, third degree felonies.
11 I'll be reading this to the jury.

12 Mr. Sarabia, is this the latest and greatest of
13 your Informations?

14 MR. SARABIA: Yes, Judge.

15 THE COURT: Okay. So I just want all count --
16 parties to know that's the Information I'll be
17 reading to the jury.

18 Next up, we have a Defense motion in
19 limine/motion to suppress, and the State's motion in
20 limine, and then the defendant's request for judicial
21 notice.

22 Why don't I start with the defendant's request
23 for judicial notice. Again, we're on case number
24 23-CF-562.

25 State, what's your position on the Defense's

1 request for judicial notice?

2 MR. SARABIA: We have no objection.

3 THE COURT: Okay. So that's granted. And
4 again, as Ms. Stevens so clearly stated out, I shall
5 take judicial notice of, you know, laws and statutes
6 and things like that. Although I do, that doesn't
7 mean that, when we get there, they're admissible or
8 relevant or, you know. So we'll argue about when you
9 can put them in, if you can put them in, if they're
10 relevant, cross-examination, those kinds of things.
11 We'll talk about that.

12 But I will take judicial notice that the Florida
13 Statute 316.2045 exists and what it says. That's
14 Florida Statute 316.2045(1)(a) and (1)(c). And then
15 you're asking me to take judicial notice -- I think
16 that's it. Just that statute. Oh, the Pasco County
17 Code Ordinance Section 82-2. So I'll take judicial
18 notice of that, for whatever that's worth. And we'll
19 talk about that later.

20 Then the State has filed a motion in limine this
21 morning in that the State is asking that I allow the
22 motion in limine that the defendant's lack of
23 criminal convictions, that not be admitted.

24 Ms. Stevens, we're not going to talk about that.
25 Yes?

1 MS. STEVENS: I would -- I don't think I'd be
2 able to anyway.

3 THE COURT: Okay. I just want to make sure.
4 Mr. Clifton's sitting here. I just want him to
5 understand that the State is running a motion in
6 limine which puts you and your client on notice that
7 he doesn't get to accidentally say things like I've
8 never been in trouble before, I've never been
9 arrested before, I didn't know because I've never
10 been in trouble before.

11 So, Mr. Clifton, this gives me power, if you
12 happen to, quote, slip up and claim in front of the
13 jury that you've never been arrested, you have no
14 criminal conviction, that you're -- you're, you know,
15 somebody with a clean record -- I'm trying to think
16 of all the different ways you could say it -- that
17 that is being limined out. So there's no questions,
18 in no circumstances, whether it's from the State
19 questioning or your -- or your attorney questioning
20 you, if you take the stand -- now, you might not take
21 the stand -- that you're allowed or anyone else is
22 allowed to say that you've never been in trouble
23 before and you have no criminal convictions. Are we
24 clear about that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Okay. So that's granted. It's
2 pretty standard. But sometimes, especially when
3 someone has never been in trouble before, the State
4 runs it just to remind everyone.

5 Number two, the defendant's service in the
6 United States Armed Forces and/or National Guard, as
7 well as any mobilization or deployments while in this
8 capacity.

9 State, where do you think that's coming up? If
10 the defendant testifies?

11 MR. SARABIA: Correct, Your Honor.

12 THE COURT: Okay. Ms. Stevens, what's your
13 position on that?

14 MS. STEVENS: Our position is, if my client
15 testifies, then it would be used to add relevance to
16 the case based on the fact that he is trained to use
17 a firearm, the difference between using it for deadly
18 force and not deadly force, the fact that if he
19 represented he's trained in a way that gives him more
20 information than the average citizen. I would not be
21 using it to attempt to bolster his credibility as it
22 relates to model service or anything of that regard;
23 I do believe that would be inappropriate. But I do
24 believe that his training with weapons is relevant in
25 this case.

1 THE COURT: Okay. I -- I don't think that I
2 could stop you from asking, you know, have you been
3 trained in use of firearms and where, you know, and
4 he can say United States Armed Forces. Great. That
5 he was in the National Guard or that he was deployed
6 in any capacity, I don't see where that would be
7 relevant. And he has never been a law enforcement
8 officer in the State of Florida. You would agree
9 with that?

10 MS. STEVENS: I would.

11 THE COURT: So the use of force cannot be
12 described or discussed by the defendant because he
13 has no knowledge, personal or professional, of the --
14 the use of force statutes in the State of Florida. I
15 don't know what the use of force statute was in the
16 province of, you know, Iraq during the war. So
17 that -- the military has completely different
18 standards --

19 MS. STEVENS: I understand.

20 THE COURT: -- statutes, and that type of thing
21 about use of force and all that kind of stuff. He's
22 not a trained law enforcement officer in Florida, so
23 his knowledge of use of force would not be relevant
24 or admissible here.

25 He can talk about, you know, the safety was on.

1 You know, I've been -- I -- you know, I was trained
2 and I -- I had the safety on. I don't know what he's
3 going to say. But he doesn't get to say, you know,
4 when I was in the military, you were allowed to pull
5 the gun, you were allowed to do this, you were
6 allowed to do that, because that's not the rules
7 here. It's up for the jury to decide based on the
8 law. And he's not a law enforcement officer, so he
9 doesn't have that part of the Stand Your Ground
10 statute or -- to be a law enforcement officer so
11 there's a little different rules. He's not allowed
12 to use those because he's not a law enforcement
13 officer.

14 So I'm okay with him testifying that he knows
15 how to use a firearm and that he was in the United
16 States Army, Marines, Air Force, and he was trained
17 in firearms at that time, but other than that, you
18 know --

19 MS. STEVENS: I --

20 THE COURT: And -- and why he did what he did.
21 But use of force, we're not going there.

22 MS. STEVENS: I apologize, Your Honor. I think
23 that I use that phraseology just amongst ourselves.
24 I absolutely agree. I would not be using that to go
25 to the total meaning of force or his ability to

1 determine force.

2 THE COURT: Okay.

3 MS. STEVENS: I would be using it along the
4 lines of what the Court just reiterated, is that you
5 are trained to use a weapon. What did you do that
6 day? How does that relate to your actions? Not the
7 legal definition of force. Along the lines of the
8 trigger, Your Honor, was the safety on? Was it off?
9 That -- that sort of conversation. But not to his
10 determination of when or when not to use force or
11 deadly force.

12 THE COURT: Okay.

13 State, you understand the ruling.

14 MR. SARABIA: I do, Your Honor.

15 THE COURT: Okay. So granted, he can talk about
16 that he was in the Air Force or the Marines or
17 wherever he was and that he got training in firearms
18 and, you know, but whether he was deployed or in what
19 capacity or where he was deployed is irrelevant. So
20 that part I'll grant.

21 MS. STEVENS: And, Your Honor, saying that it
22 was the Navy is acceptable, just not anything
23 further. Correct?

24 THE COURT: Correct. If it's the Navy, it's the
25 Navy. We like Navy here.

1 Yeah.

2 MR. MOELLER: And I don't know if the Court's
3 seen it. We did -- was shown an additional portion
4 of the video by the Defense this morning.

5 THE COURT: Okay.

6 MR. MOELLER: We did file -- it is brief -- one
7 other motion in limine which the clerk does have
8 regarding the main portion of that video, which I
9 could -- I have a copy for the Court if -- if you
10 need it.

11 THE COURT: Do you have the motion in limine?

12 THE COURT CLERK: I -- I do, but I left it on
13 here.

14 MR. MOELLER: It's --

15 THE COURT: You left it where?

16 THE COURT CLERK: Right here.

17 THE COURT: Oh.

18 THE COURT CLERK: The one that was right here.

19 THE COURT: I just --

20 MR. MOELLER: And I can approach with a copy,
21 Your Honor, if you need it.

22 THE COURT: Hold on. Okay. She left it here.
23 I picked it up. So I'm just trying to figure out
24 which one that is. What's it say? Just tell me what
25 it says.

1 MR. MOELLER: Yes, Your Honor. We're asking to
2 keep out that portion of the video where he
3 referenced that after Michael Krnjaich was assaulted
4 by the defendant with the firearm and after he
5 secured his children inside the residence, any
6 mention or any playing of a video where Michael
7 Krnjaich then goes in his home or garage, obtains his
8 own personal firearm, and he keeps it outside of his
9 garage door, his driveway, down by his side after the
10 incident had already ended. You know --

11 THE COURT: Okay.

12 MR. MOELLER: And we argue -- we take the
13 position that that is irrelevant under 90.401 because
14 the -- the incident was over at that point. Both
15 parties had disengaged or -- or retreated. This was,
16 again, after more than just a temporal pause. This
17 is after Mr. Krnjaich, you know, had pushed the
18 defendant, had been assaulted, and then after he
19 secured his children in his home, that's when he
20 comes out, roughly, give or take, about a minute
21 later, and he is standing outside his garage door
22 with his gun pointed down by his side. He's not
23 pointing it at the defendant. He's not waving it
24 around.

25 THE COURT: Is the defendant in the car at this

1 point?

2 MR. SARABIA: We don't know.

3 MR. MOELLER: We don't know. I believe the
4 video might be from the defendant's dashcam, but we
5 don't know where he is or if he's even on the scene
6 at this point.

7 MS. STEVENS: Your Honor, we would argue that he
8 was, and, of course, that would come down to
9 testimony.

10 THE COURT: Well, I need to know now.

11 MS. STEVENS: We would argue that he was, Your
12 Honor. There is a -- a movement on the camera --

13 THE COURT: He was what?

14 MS. STEVENS: In the car.

15 THE COURT: Then I'm going to grant this. The
16 defendant had already -- he was in the car. His gun
17 is secure. He's in the vehicle. Whatever
18 Mr. Krnjaich did after the defendant got in the car
19 is irrelevant. Everything the State has alleged in
20 this case and all of the Stand Your Ground all
21 happened in one time, and then the defendant gets in
22 his car, he stays in his car, and then he drives -- I
23 guess, because law enforcement told him, drives down
24 the street. So anything the defendant did with his
25 own firearm, which he's charged with, happened before

1 Mr. Krnjaich went into his own house and got a
2 firearm. That's irrelevant. So how is it relevant?

3 MS. STEVENS: Your Honor, I would -- I would
4 argue that it is very relevant in this case,
5 especially considering what the State has just --
6 just said, that the incident was over, the -- it had
7 de-escalated, they have separated. Mr. --
8 Mr. Clifton is getting into his car. He is in his
9 car. Like I was trying to say, the -- the door is
10 open. We believe he's in the car. I won't know
11 until testimony explains it through some other
12 witnesses. I did not ask that question during the
13 other hearings because I was not here. I wouldn't
14 have been able to so I don't have the answer to that.
15 I have video that shows that the car moved. So is --
16 he's either in the car or out of the car. I won't
17 know until we clarify.

18 But the bigger concern for me -- for the Defense
19 is that it goes to a pattern of escalation on
20 Michael's part. Something that he does to further
21 the incident. There is a confrontation or words -- I
22 wouldn't even say it was a confrontation. He takes a
23 movement of speed bumps to the physical level; that
24 is an escalation. Mr. Clifton responds. The threat
25 is over by Mr. Clifton. He eliminates the -- not

1 eliminate. He stops the threat of what he believed
2 was Michael's threat. Everything has stopped. We've
3 heard the State say that. And then Michael goes and
4 he retrieves a weapon, coming back out, going to that
5 pattern of escalation, and then, knowing that I --

6 THE COURT: Can I stop you one second? I
7 believe the testimony in this video is he's standing
8 in his -- he's standing in his garage.

9 MR. MOELLER: Right outside his garage --

10 THE COURT: On his property.

11 MR. MOELLER: Yes, Judge. Gun down by his side.

12 THE COURT: Okay. Go ahead. I'm sorry. I
13 didn't -- go ahead.

14 MS. STEVENS: Yes, Your Honor. He is on his
15 property. He goes into his -- he -- what happens is
16 you watch how he runs away. He goes into his
17 driveway, goes back to retrieve the child, goes up,
18 gives the child to his wife. At this time, it has
19 been a serious amount of time, in relativity --
20 relatively. Then he comes back to the driveway. He
21 stands there, has some kind of epiphany, goes back
22 into his garage, returns into the doorway of the
23 garage, the large doorway. He chambers a round right
24 in front of himself in order to present that,
25 understanding, absolutely, he has the right to defend

1 his home, but we would be arguing that it goes
2 towards re-escalation after the incident had come to
3 a cooling period.

4 THE COURT: Okay. Any other argument?

5 MS. STEVENS: No, Your Honor.

6 THE COURT: I'll grant the motion in limine.
7 This is over. He has absolutely every right in the
8 State of Florida to have a firearm in his own house.
9 It does not show any escalation of whatever. It's
10 over. This crime is over. Everything about this
11 crime is over. We're done. We are not going to talk
12 about that someone who has a legal and Constitutional
13 right now in the State of Florida to have his firearm
14 in his own property somehow escalates something. His
15 property. His gun.

16 He's the -- the allegation is your client's in
17 his car, the gun's away. The crime as -- as far as
18 the Court, as far as the jury, is over. That crime
19 is over. Anything that happens after that is
20 irrelevant.

21 Unless he walked to your client's car with that
22 gun, it's not coming in before the jury. Because
23 then we're going to get in a whole conversation about
24 the right to have a firearm in your own house. You
25 have a right to have a firearm in your house. He's

1 standing on his own property. He can have a firearm.
2 That doesn't show anything other than he has a
3 Constitutional right to have a firearm.

4 So it's not coming in. We're not going to talk
5 about it in opening. We're not going to discuss it
6 on cross-examination. The video is not coming in.
7 It's inadmissible. It has no relevance to the crime
8 that your client was charged with. It'll be up to
9 the jury for what exactly happened with the speed
10 bumps and the push and all that. That's it.

11 Everything that happens once your client puts
12 his gun away and gets in his car is irrelevant. If
13 15 -- all five of these people went to their own
14 houses and got their own guns and stood on their own
15 property, it's not relevant. It's got nothing to do
16 with anything.

17 So I'm going to grant the motion. Any video of
18 the victim having a firearm on his own property after
19 all of this is done is irrelevant and it will be
20 limined out. Okay?

21 MS. STEVENS: Yes, ma'am. And may -- I will
22 honor the Court's ruling, of course. May I add one
23 element for -- for the record?

24 THE COURT: Sure.

25 MS. STEVENS: I would -- the idea that Michael

1 obviously is absolutely allowed to obtain a weapon in
2 his own property. The issue is also Mr. Clifton was
3 where he was allowed to be, allowed to carry a
4 weapon, and it's being viewed as an escalation as
5 well. It's --

6 THE COURT: There's a -- Counsel, you and I both
7 know, and I ruled it in the Stand Your Ground, and
8 that was appealed and that was upheld. There is a
9 huge difference in the law of the State of Florida
10 whether you are in your own home, your own car, or
11 public property. Mr. Clifton was on public
12 property -- he was in public. He was in public. He
13 wasn't in his car. He wasn't in his house. So the
14 standard, the rules, all of those are completely
15 different.

16 And, again, Mr. Clifton had a gun. If Mr. --
17 say his name again. I'm sorry.

18 MS. STEVENS: I --

19 THE COURT: I'm going to call him Michael.

20 MS. STEVENS: Yeah.

21 THE COURT: -- Krnjaich got his gun, were deadly
22 force to deadly force. One of the problems that your
23 client has in this case, and I've repeatedly said, is
24 that you went non-deadly force to deadly force.
25 That's -- again, that's for the jury to decide. Your

1 client had a gun. He had nothing. He went back to
2 his house. He stayed in his house. He had a
3 firearm. Mr. Clifton is not charged with having a
4 firearm in his car. Okay?

5 So I just want Mr. Clifton to understand. The
6 Court ruled in the Stand Your Ground that he is not
7 able to have a firearm pointed at people in a public
8 place when the only threat that he can allege, the
9 Court found, was non-deadly force and he used deadly
10 force. Firearm is considered deadly force per se.
11 So the -- the jury can find like, oh, it was not a
12 real gun. Oh, it didn't have any bullets in it. Oh,
13 you know, all that kind of stuff. But there's case
14 law that says that firearms are, per se, deadly
15 force.

16 MS. STEVENS: It's --

17 THE COURT: But irregardless, again, I've
18 already ruled on the Stand Your Ground. I've already
19 been appealed on your Stand Your Ground. I've
20 already been upheld on your Stand Your Ground. And
21 so we're just going to let the jury decide. Okay?

22 MS. STEVENS: Yes, Your Honor. I -- I
23 understand. Sorry. A few things were said that have
24 taken me off guard. I was unaware that the Stand
25 Your Ground was appealed.

1 THE COURT: I believe it was. If it wasn't,
2 that's fine. You had an ability to do it and they
3 didn't do it. So that's fine.

4 MS. STEVENS: I'm just making sure I didn't
5 miss -- miss something. I was like, there --

6 THE COURT: I've been --

7 MS. STEVENS: -- have been a lot of things going
8 on with this case.

9 THE COURT: Sorry. Stand Your Ground -- I've
10 had like 15 of them and most of them were appealed,
11 so I apologize. If this one wasn't appealed, it
12 doesn't -- it'll be appealed if he loses as part of
13 the -- any appeal if he's convicted. If he's
14 convicted.

15 MS. STEVENS: Yes, ma'am. And the other thing,
16 and I know that the Court absolutely will correct me,
17 but the -- I have case law here somewhere that says
18 the -- the weapon discharge makes it a deadly weapon,
19 but prior to that is not, per se. And I -- you --
20 you probably have had this recently, but I would love
21 an opportunity to review some of my notes for that.
22 If there's a case I need to put on the record, I
23 would like to be able to do that.

24 THE COURT: We're arguing about things we don't
25 need to be arguing about.

1 MS. STEVENS: Yes, ma'am.

2 THE COURT: Whether I'm right or wrong, I don't
3 care.

4 MS. STEVENS: That's a jury --

5 THE COURT: Mr. Clifton had the use of a
6 firearm, which the Court found he used deadly force
7 against non-deadly force; therefore, he could not
8 Stand Your Ground. So that's been decided. If you
9 want to appeal that if he loses, that's fine, but
10 we're not going to argue about it anymore. I've
11 already ruled. The firearm at the house. We're
12 done. The Stand Your Ground I've ruled. He lost.
13 You could have appealed that. If you didn't appeal
14 it, I guess we're stuck. So here we are.

15 MS. STEVENS: And I absolutely -- I'm -- I'm
16 hearing you. I'm not trying to push back. I'm just
17 making sure that when I'm preparing this -- when I'm
18 going through this trial there's going to be
19 discussion about it being deadly force or non-deadly
20 force, and that's to the jury to decide. They'll get
21 both jury instructions.

22 THE COURT: Absolutely.

23 MS. STEVENS: And that's what we can plan to
24 proceed as. I just want to make sure I'm on the same
25 page as you guys so that I can properly defend my

1 client.

2 THE COURT: Okay. So that was -- so I granted
3 the State the use -- or having a firearm in his own
4 yard after this incident was completed will not be
5 talked about, will not be discussed.

6 Next, we have this Defense's motion to suppress
7 and in limine. And I will note the State says
8 they're ready, but, for future knowledge, Counsel, we
9 don't run motions to suppress the day of trial.
10 We're here, and the State said they're ready. But as
11 a matter of course, this case has been since 2023.
12 If there was a motion to suppress, it should have
13 been filed a long time ago, but here we are. State
14 says they're ready to argue.

15 So you're asking me -- the Defense is asking me
16 that under the Rules 3.190 that I exclude the
17 evidentiary items listed below. Number one, any
18 evidence, testimony, or reference to alleged criminal
19 conduct by Mr. Clifton not charged in the Information
20 in this case. I'm not sure what that means. Defense
21 do you have any specifics?

22 MS. STEVENS: Yes, Your Honor. There are
23 statements made in the community that Mr. Clifton was
24 interacting with people that -- making claims to the
25 HOA that (Indiscernible) on him, that other

1 involvement where he's called 911 several times and
2 911 has come out to the home. There had been a lot
3 of view of him as a -- as a nuisance, but none of it
4 is related to the actual case, and I wanted to make
5 sure that that was not mentioned. And knowing
6 that -- some of this stuff, knowing that the State
7 hadn't done the -- the Williams Rule, I'm -- it's my
8 assumption they're not going to. That's up to them.
9 But I felt it needed to be -- it needed to be
10 documented.

11 THE COURT: Okay. Well I'm -- you're saying
12 that -- you're saying crimes and you're saying that
13 there was 911 calls to his home.

14 MS. STEVENS: I apologize. I should clarify
15 much better. The --

16 THE COURT: Because that was a lot.

17 MS. STEVENS: Yes, ma'am. There -- I forget
18 that I've been living this a little bit, and not
19 explaining it is not helping you. So the -- there
20 are 911 calls out to the community where there have
21 been allegations that Mr. Clifton had interacted with
22 somebody in the street where he may have been --
23 there -- somebody said they might have -- he was
24 going to hit them. There --

25 THE COURT: With a car?

1 MS. STEVENS: With a vehicle, yes.

2 THE COURT: Okay.

3 MS. STEVENS: But there were discussions between
4 law enforcement officers about, I think, that the --
5 they were using the -- he's a nuisance, he calls 911
6 on everything, this guy's crazy. I just don't want
7 any of that brought in because it's not relevant to
8 instant at hand. He is not -- there are no claims
9 that he was there (Indiscernible).

10 THE COURT: I understand. In the -- in the
11 Stand Your Ground motion, I don't know if you've
12 reviewed it, but all of the witnesses, and State will
13 agree with me, had no knowledge of Mr. Clifton before
14 this. So there's really no -- unless he testifies
15 and he says something, you know, I can't see any
16 reason -- and the State tried to keep them from
17 saying anything about it during the Stand Your Ground
18 motion, so I don't think that they have any problem
19 with that.

20 State, any problem with that?

21 MR. SARABIA: No. And, Judge, one, two, three,
22 and four I think all go to that. I am aware of what
23 the Defense is talking about. I think some of it was
24 presented at the RPO. And we don't intend to elicit
25 any testimony or evidence about that. We are --

1 intend to keep this strictly to this incident.

2 And I would note I'm treating numbers five and
3 six as a motion in limine because I don't think it's
4 proper to bring a motion to suppress and a motion in
5 limine in the same thing, but I think we're going to
6 be in agreement on those too.

7 THE COURT: Okay. So you're okay with one, two,
8 and three.

9 MR. SARABIA: Correct.

10 THE COURT: All right. So those are granted.
11 And again, I'll note that I --

12 MR. SARABIA: And number four.

13 THE COURT: And 4?

14 MR. SARABIA: Correct.

15 THE COURT: And four -- one, two, three, and
16 four are granted. And I'll note that in the
17 testimony of all the witnesses, they all said they
18 didn't know Mr. Clifton, and at the time of the
19 incident had no knowledge of anything about him, but
20 after blah, blah, blah, and the State stopped them.

21 So if you'll remind your witnesses that no
22 matter what the question is, they're not to say,
23 well, later on I found out. Okay? So just remind
24 them not to bring up -- we're just talking about what
25 they knew at the time this happened.

1 Five is any statements made by Mr. Clifton after
2 he invoked his right to counsel in response to Deputy
3 Griffin's request for a written statement.

4 State, what's your position on that?

5 MR. SARABIA: And, Judge, I would just -- I'd
6 like to know what specific statements they're talking
7 about. I don't intend to elicit any statements by
8 Mr. Clifton, so I don't think it's going to be an
9 issue. But I want to make sure, because the Defense
10 did not specifically list what -- what they're
11 talking about, that I'm not misunderstanding what
12 they're asking for.

13 MS. STEVENS: I understand. The second
14 conversation when Griffin came back and asked what
15 are you doing on this side of the community? You --
16 where do you live? Why are you up here? And then
17 the responses were not substantial. I just -- he had
18 invoked already, and, for whatever value those
19 statements might be, I believe that they should not.

20 THE COURT: Okay. So --

21 MR. SARABIA: We are not going to elicit those.
22 If anything, they might be -- come up in impeachment,
23 but I don't even see a scenario where that happens if
24 the defendant testifies.

25 THE COURT: Okay. So it'll be granted for now,

1 unless your client testifies. And, as you well know,
2 if he testifies and he says something that's
3 inconsistent with any statement pre-/post-Miranda,
4 unless it was somehow coerced, which we're not saying
5 it was coerced, then he could be impeached with a
6 prior statement, even if it was after Miranda. So
7 they're not going to bring it up. They didn't bring
8 it up in the -- in the original Stand Your Ground
9 motion. So that'll be granted --

10 MS. STEVENS: And, Your Honor --

11 THE COURT: -- but for testimony -- unless your
12 client testifies.

13 MS. STEVENS: And as to six, I just want to --
14 the State didn't say it wasn't going to use it, but I
15 wanted to, again, put it in just -- there are a lot
16 of reasons, Your Honor, that I'm kind of suspenders
17 and belts in this situation to make sure everything
18 gets somehow into the record, and so the Court
19 doesn't believe that I'm trying to be duplicative or
20 stretch things out. There have been some -- I -- I
21 feel that, when in doubt, I need to put on the record
22 at this point.

23 THE COURT: Okay. So this --

24 MR. SARABIA: And we're not intending to use the
25 red notebook. If anything, it would be impeachment.

1 And again, I don't even see a scenario where that's
2 going to come up.

3 THE COURT: Okay. So they're not using it. If,
4 again, your client testifies and it becomes relevant
5 for impeachment of him based on any statements that
6 he made while he's testifying here today or tomorrow,
7 then we'll address it. And, State, you'll walk up to
8 the bench before you run through the door. Right?

9 MR. SARABIA: Absolutely, Your Honor.

10 THE COURT: Okay. I'm sure that we'll talk
11 about it, if your client decides to testify, and,
12 again, he has no obligation to testify, and I will,
13 you know, read the regular, hey, you know,
14 defendant's not testifying. If he decides to
15 testify, and after he testifies the State thinks
16 either one of those becomes relevant or admissible,
17 we'll talk about it before cross happens. Okay?

18 MS. STEVENS: Yes, ma'am.

19 THE COURT: All right. Anything else from
20 either side?

21 MR. SARABIA: I believe that covers everything.

22 MS. STEVENS: Yeah. I think we're there from
23 the Defense, Your Honor.

24 MR. SARABIA: Unless the Court wanted to go over
25 jury instructions now, but I don't think that's

1 timely.

2 MS. STEVENS: I don't think it changes anything
3 in our -- in our trial in general, does it? Do --
4 would you agree?

5 MR. SARABIA: I don't believe so. I agree.

6 MS. STEVENS: I think transferred intent still
7 comes in one way or another, it's just verbiage at
8 that point, and we just -- both deadly and non-deadly
9 force are (Indiscernible).

10 THE COURT: Okay. So have you all had an
11 opportunity to look over to the jury forms?

12 MS. STEVENS: I did. Yes, ma'am.

13 THE COURT: State?

14 MR. SARABIA: Yes.

15 THE COURT: Okay.

16 MR. SARABIA: I think we are ready to go.

17 THE COURT: All right. We'll go ahead call
18 downstairs and ask the jury to be brought up.

19 Whoever's behind you has to move because all my
20 jurors go over here as they are in their thing.

21 And is anybody invoking the rule?

22 MS. STEVENS: I will invoke the rule, Your
23 Honor. None of the individuals I brought with me
24 today will be testifying.

25 THE COURT: Okay. State, if you can -- I -- I

1 know you don't even have your witnesses here yet, but
2 once they are, can you just make sure that they --
3 that they're told that they're not allowed to discuss
4 their testimony with each other or, you know, anyone
5 else. Okay?

6 MR. SARABIA: Yes, Your Honor.

7 THE COURT: I don't know what time to tell you
8 to have your witnesses here, because I don't know how
9 long your jury voir dire is going to be. My guess is
10 I'm going to start, they're going to go to lunch,
11 you're going to start -- three o'clock is my best
12 guess.

13 MR. SARABIA: Okay. I will tell them 2:30.

14 THE COURT: Okay. So go ahead and call
15 downstairs, have the jury come up.

16 I'm going to step off. If anybody needs to use
17 the restroom, there's restrooms in there. Use the
18 restroom. And as soon as jury's ready --

19 (Recess from 10:56 a.m. to 11:02 a.m.)

20 THE COURT: All right. Do you have digital
21 copies?

22 MR. SARABIA: They said they're emailing them to
23 me.

24 THE COURT: There's the problem.

25 MR. SARABIA: I was present for all the

1 depositions and the RPO hearing, so I'm aware of what
2 they said and there was --

3 THE COURT: All of you have to stop right there
4 because you're going to have to spin around. Spin
5 around. You're going to be on this side when we do
6 the jury pick.

7 The rules require, and it's very clear in my
8 rules of court or the AO, that in the Sixth Circuit
9 you cannot impeach any witness with any statement
10 that hasn't previously --

11 Mr. Clifton, you can sit.

12 -- that hasn't previously been given. The --
13 the deposition on Stand Your Ground, the hearing
14 is -- is in there. So that one, all those -- all
15 that testimony is in there. So that one's fine. The
16 RPO, I -- I don't know. I haven't seen it. It
17 hasn't been transcribed.

18 And the depositions, State, is your opinion it's
19 improper impeachment because they haven't filed it or
20 what do you want to do?

21 MR. SARABIA: Again, Judge, I don't think it'll
22 be a problem because we -- I was present at all the
23 depositions and the witnesses were consistent.

24 THE COURT: Okay.

25 MR. SARABIA: I don't anticipate any -- any

1 impeachment on any --

2 THE COURT: Well, you need to file them so I
3 have a copy of them. You need to get -- get them
4 either sent to me digitally through my office so I
5 can pull them up while the -- if you're going to look
6 to impeach somebody, you're going to have to -- if
7 you're sending them to the State, they can look at
8 them digitally, but you're going to have to approach
9 the witness with a copy if that becomes issue.

10 So right now the State's not objecting, so we'll
11 just move on. Just get me a copy. I don't need the
12 Stand Your Ground motion. I have copies of that.
13 That was filed. But I do need copies of the
14 depositions, and I need a copy of any statements made
15 during the RPO hearing.

16 MS. STEVENS: Yes, ma'am.

17 THE COURT: So if your assistant can send those
18 by email to my judicial assistant, pclark@jud6.org, I
19 will pull them -- she'll send them to me and then I
20 can pull them up.

21 (Court at ease.)

22 MR. SARABIA: Judge, I guess it's worth bringing
23 to your attention and Defense's attention. Zachary
24 Strong is on the jury panel; he is our discovery
25 clerk at the State Attorney's Office.

1 THE COURT: Okay.

2 MR. SARABIA: I'm not sure if you would like to
3 address that now, but --

4 MS. STEVENS: I -- I obviously don't want him.
5 You probably don't.

6 MR. SARABIA: We have no problem excusing him.

7 MS. STEVENS: Any -- yeah.

8 MR. SARABIA: He's number nine.

9 MS. STEVENS: I think that's appropriate, Your
10 Honor.

11 MR. SARABIA: You may very well have been the
12 person who copied and sent out discovery in this
13 case.

14 MS. STEVENS: It's possible.

15 THE COURT: They're already on their way up so
16 I'll have to wait till they get here.

17 They are on the way up. Right?

18 THE COURT CLERK: They are, Your Honor.

19 THE COURT: Okay. So we'll strike him for cause
20 as soon as they get up. Okay?

21 State, you have a list of witnesses. Yes?

22 MR. SARABIA: Yes, we do.

23 THE COURT: All right. Because you're going to
24 be reading them. Cuts down on me mispronouncing
25 people's names.

1 (Court at ease.)

2 THE BAILIFF: Ready for the jurors, Your Honor?

3 THE COURT: Both sides ready for the jury?

4 MR. SARABIA: Yes, Judge.

5 MS. STEVENS: Yes, Your Honor.

6 THE COURT: All right. Bring them in.

7 THE BAILIFF: Potential jurors are entering the
8 court.

9 (The venire panel entered the courtroom.)

10 THE BAILIFF: Potential jurors are present and
11 seated.

12 THE COURT: Thank you, Deputy.

13 Good morning, ladies and gentlemen. How are
14 you?

15 MULTIPLE POTENTIAL JURORS: Good morning.

16 THE COURT: I'm circuit court Judge Mary
17 Handsel. We are here to pick a jury. That's going
18 to start today, and the trial is going to go on till
19 tomorrow, at least for the finishing of the trial.
20 We'll be done tomorrow.

21 We are kind of moving into the new century. We
22 do not have a court reporter, which you normally see
23 on those TV shows. Everything we do here today is
24 digitally recorded. So I need to make sure that all
25 of you speak in a loud and clear voice when I ask a

1 question. So I'm going to try again. Good morning,
2 ladies and gentlemen.

3 MULTIPLE POTENTIAL JURORS: Good morning.

4 THE COURT: Much better. Before we begin, I'm
5 going to have you stand up, raise your right hand,
6 and be sworn by my clerk.

7 (The venire panel was sworn.)

8 THE COURT: All right. You may be seated.

9 I'm going to start the questioning this morning,
10 then the State Attorney's Office is going to go, and
11 then the Defense goes last. That's just the way it's
12 set up. It's not -- it's just the way we do it.
13 Okay? And so we are going to try to move on as
14 quickly as possible. I have 50 of you.

15 Before we begin, Zachary Strong, are you there?
16 Mr. Strong, since you work for the State Attorney's
17 Office, they have both agreed to release you at this
18 time. You are clear to go. Okay?

19 Lucky him. I know. You all are like, I want to
20 be him. But we figured since he worked for one side,
21 that's probably not a good idea.

22 So thank you, Mr. Strong. We didn't figure it
23 out until we picked the jury panel because you are
24 randomly selected. So I appreciate that.

25 We're going to go on. I'm going to ask some

1 questions. I'm going to introduce both sides. We're
2 going to read you the witness list. I'm going to
3 read you the Information. We're going to do a lot of
4 the preliminary matters, and so I need to make sure
5 that you answer out loud, and then we'll probably
6 take lunch before both sides. I know it's 11 --
7 almost 11:30. So I don't want -- I don't want to
8 keep you from lunch, but we'll probably take lunch
9 for a little while, then you'll come back, and then
10 both sides will go. Then we'll start the case later
11 on this afternoon.

12 We'll probably go no later than six o'clock
13 tonight since we're going to have to come back
14 tomorrow. Come back at ten tomorrow morning. And
15 then, however long it takes on the back side
16 tomorrow, I cannot give you that time, because once
17 you go out to deliberate, the amount of time it takes
18 for the jury to make a decision is up to them. So
19 there's no set time on that. So start thinking about
20 what you got going on. I know it's a Friday, so we
21 might have some people that are taking vacations or
22 trips or things like that. We will not go into the
23 weekend, so you don't have to worry about that. But
24 start thinking about that. We need to know if you
25 have to pick up kids from the daycare or after

1 school. If we have to leave a little early, make
2 sure you get there and they don't charge you a
3 million dollars per second when you're late. Been
4 there, had to. I understand. But we need to know
5 those kinds of things.

6 As we ask you questions, many of you have never
7 done this before. This is your first time. So we're
8 going to ask you questions, and you're not going to
9 answer, you're not going to raise your hand, and
10 then, about ten minutes later, you're going to hear
11 somebody three rows back give an answer, and you're
12 like, oh, oh, yeah, me too. I need you to go ahead
13 and raise your hand and we will go back. Okay? It's
14 more important we get the answer for the lawyers to
15 decide whether you're the right person for this job
16 or not than we just pass over, well, I didn't answer
17 it, so never mind. Okay? Can everybody agree to do
18 that for me? Yes?

19 MULTIPLE POTENTIAL JURORS: Yes.

20 THE COURT: Whether it's a question I ask and
21 we're on the Defense and you think of it, just raise
22 your hand, we'll get your answer, and that could come
23 in important for the lawyers to decide who it is that
24 they need to do this case.

25 Before we begin, I'm going to have both sides

1 introduce themselves and we'll read the witness list
2 in case, just as Mr. Strong knew some people, we need
3 to know if you know anybody. All right?

4 State, if you want to rise and introduce
5 yourself.

6 MR. SARABIA: Thank you, Judge.

7 My name is Bryan Sarabia. This is Robert
8 Moeller. We work for Bruce Bartlett, the elected
9 State Attorney.

10 And you want me to read the witnesses now?

11 THE COURT: No. We'll do that later.

12 Does anybody know Mr. Sarabia, Mr. Moeller, or
13 anyone that works at the State Attorney's office,
14 Mr. Bartlett, any staff, lawyers, anything like that?
15 If you do, please raise your hand. All right. I see
16 no hands right now.

17 Gentlemen, thank you. You may be seated. We'll
18 get to the witness list in a minute.

19 Ms. Stevens, if you want to rise, introduce
20 yourself and your client.

21 MS. STEVENS: Good morning. My name is Rachel
22 Stevens. This is my client Clifford Williams -- or
23 William Clifford [sic]. I -- it's been a long
24 morning. William Clifford [sic], and I represent
25 him.

1 THE COURT: All right. Thank you. Does anyone
2 know Ms. -- Ms. Stevens or Mr. Clifton? If you do,
3 please raise your hand. All right. I see no hands
4 raised.

5 State, if you want to go ahead and read the list
6 of witnesses, and if they are law enforcement, can
7 you give me what agency they're attached to?

8 MR. SARABIA: Certainly, Judge.

9 William Adams. Sara Connolly. Deputy Joshua
10 Griffin with the Pasco County Sheriff's Office.
11 Amanda Krnjaich. Michael Krnjaich. Nicholas
12 Russell. Daniel Zweifel.

13 THE COURT: All right. Does anybody recognize
14 those names? Even if you're not a hundred percent,
15 please raise your hand. All right. I see no hands
16 raised. And again, as I indicated earlier, if you
17 think of something later when we start talking about
18 this, let me know.

19 I will tell you I am going to read to you the
20 charges in this case -- and I apologize. Hold on one
21 second.

22 Defense, is there any other witnesses that were
23 not raised -- read by the State?

24 MS. STEVENS: Yes, Your Honor.

25 THE COURT: Okay. I apologize. Go ahead.

1 MS. STEVENS: It's all right. I would also add
2 Deputy (Indiscernible) to the list.

3 THE COURT: All right. Anyone know that deputy?
4 All right. We do not have any hands.

5 I'm going to read to you the actual charges
6 against the defendant in this case in a few minutes,
7 but I will tell you that the allegations -- I don't
8 usually go into the facts when we're picking the
9 jury, but I think it's important in this type of case
10 that we talk about where this happened. Okay? So
11 this event, everything you're going to hear about in
12 this trial, occurred -- I believe it's Starkey -- in
13 the Starkey Ranch subdivision.

14 Sate, am I correct about that?

15 MR. SARABIA: Correct, Judge.

16 THE COURT: Okay. I see one hand on Starkey
17 Ranch. Ma'am, if you can stand up, tell me your
18 name.

19 PROSPECTIVE JUROR PHILLIPS: Vasiliki Phillips.

20 THE COURT: Ms. Phillips. Yes? This is juror
21 number 33. Ms. Phillips, you live in Starkey Ranch
22 now?

23 PROSPECTIVE JUROR PHILLIPS: Yes.

24 THE COURT: Did you live there in 2023?

25 PROSPECTIVE JUROR PHILLIPS: Yes. I'm familiar

1 with him.

2 THE COURT: You're familiar with this incident?

3 PROSPECTIVE JUROR PHILLIPS: Mm-hmm.

4 THE COURT: Okay. Can I have the lawyers at the
5 bench briefly?

6 Ma'am, you can sit down. You're good.

7 (Begin sidebar.)

8 THE COURT: I -- I assume we can release her at
9 this point. We don't want her to say something that
10 might --

11 MS. STEVENS: (Indiscernible).

12 THE COURT: -- (Indiscernible). When she
13 said -- I understand -- I knew him and all about
14 this, I think we're just good to go and --

15 MR. SARABIA: Yeah.

16 THE COURT: We're -- we're --

17 MS. STEVENS: Can you ask her if she's talked to
18 anybody --

19 THE COURT: I'll bring her up here.

20 MR. SARABIA: Bring her up --

21 THE COURT: Ms. Phillips, can you approach the
22 bench, please? Can you come on up? If you have a
23 purse or whatever, you might as well bring it because
24 you're -- you're going to get excused. I just need
25 to ask you a question before we do it.

1 She probably didn't know (Indiscernible) this
2 case was here today, but they could have talked about
3 it.

4 If you can just stand right here because this
5 microphone's going to pick you up. It's okay.
6 Ms. Phillips, did you talk to anybody in the jury
7 pool room this morning about anything about this
8 case?

9 PROSPECTIVE JUROR PHILLIPS: No. Oh, no.

10 THE COURT: Okay. And although you don't know
11 the people that we listed, you do know about the
12 incident?

13 PROSPECTIVE JUROR PHILLIPS: He's harassed my
14 children. I've called the police on him before.

15 THE COURT: Okay. So you personally have had
16 interactions with him?

17 PROSPECTIVE JUROR PHILLIPS: Yeah.

18 THE COURT: Okay. I'm (Indiscernible). But you
19 didn't say anything about him --

20 PROSPECTIVE JUROR PHILLIPS: No.

21 THE COURT: -- or anything about that? Okay.
22 We're going to go ahead and release you.

23 PROSPECTIVE JUROR PHILLIPS: Okay.

24 THE COURT: You're excused. If you want to go
25 downstairs, drop off your badge. If you have any

1 contact with anybody on the jury, like you guys have
2 been friends --

3 PROSPECTIVE JUROR PHILLIPS: No.

4 THE COURT: -- just don't talk about it for the
5 next two days. Okay?

6 PROSPECTIVE JUROR PHILLIP: Of course.

7 THE COURT: Okay? All right. You're excused.

8 MR. SARABIA: And you're Ms. Phillips?

9 THE COURT: Yeah. It's juror number --
10 Ms. Phillips. She's juror number 33.

11 Thank you.

12 (End sidebar.)

13 THE COURT: All right, ladies and gentlemen.
14 Ms. Phillips is going to go ahead and be excused by
15 agreement of the parties.

16 And I saw her hand. I just want to make sure,
17 and we'll probably talk about it in a few minutes
18 again by both sides. Has -- has anybody used to
19 live, if they're no longer there in the Starkey Ranch
20 subdivision? Any hands? All right. I see no hands.
21 Great.

22 The defendant in this chart -- in this case,
23 Mr. Clifton, is charged with a four-count
24 Information. And before I read it, I just want to go
25 over what that means. In some states -- New York

1 comes to mind if any of you all are from there -- all
2 crimes are charged by indictment by a grand jury. In
3 Florida, that's not the way we do it. In Florida,
4 we -- the State has the ability to charge someone
5 with a crime that's less than a capital murder case
6 by just filing an Information, which is merely a
7 piece of paper which outlines the crimes charged,
8 date, time, place, that kind of thing, and file it
9 against a defendant. It has no evidentiary value
10 whatsoever. It means nothing. It is not proof of
11 any guilt whatsoever. It just puts the defendant and
12 his lawyer and his people on notice of what it is
13 that the State has to prove in this case.

14 The State has the burden of proving to a jury
15 beyond and to the exclusion -- excuse me -- of every
16 reasonable doubt that Mr. Clifton is guilty of the
17 crimes that they have charged him. He is not
18 responsible for proving anything. He doesn't have to
19 prove he's innocent. That's not the way it works
20 here in America. He doesn't have to put on any
21 evidence. He doesn't have to ask any questions. He
22 doesn't have to do anything. And we like to say that
23 he and his lawyer can sit there, and we used to say
24 read the newspaper, but nobody reads the newspaper
25 anymore. They could scroll through Instagram -- I

1 guess that's the more modern way to say it -- and not
2 do anything. The State has to prove everything. The
3 State has to prove to the jury beyond a reasonable
4 doubt that he's guilty. Obviously, they're not going
5 to do that. They'll probably cross-examine some
6 witnesses, attack any evidence, that kind of stuff.
7 But they're on no obligation.

8 So the crimes that are charged in this case, I'm
9 going to read to you, but I want to just make it
10 perfectly clear that currently Mr. Clifton sits here
11 as an innocent man. All right? He's not guilty of
12 anything until the State proves that he's guilty of
13 these crimes charged. But because we need to know if
14 you or anybody in your family has had something
15 similar, and you might have been a victim or a
16 defendant or know about these kinds of crimes, and
17 that would cause you not to be a fair juror in this
18 case, I read the Information ahead of time so we can
19 clear those people out. As you can see, we have
20 40 -- 48 of you left now, so we only need seven of
21 you, so it makes it a little easier for us.

22 I like to say that you might have gotten up this
23 morning, you were all excited about coming to court.
24 You know, you finally got that jury summons. I know
25 that's probably like two of you, but that's okay.

1 And -- and, you know, you were getting ready and you
2 had to be here at 7:30 and you go outside and your
3 car was stolen and you have no way to get here. And
4 you got to get your, you know, wife to take you to
5 court. You find out from the police while you're
6 downstairs your car was totaled by some theft. And I
7 tell you, hey, it's a grand theft auto case today.
8 Today might not be the day for you in a grand theft
9 auto case. Fair to say? Yes?

10 MULTIPLE POTENTIAL JURORS: Yes.

11 THE COURT: So that's why we read the
12 Information. Again, it's not any proof of guilt.
13 It's up to the State to prove these cases by evidence
14 and witness testimony.

15 But Mr. Clifton currently is charged by
16 Information that in the County of Pasco, in the State
17 of Florida, on February 9th of 2023, that he did
18 intentionally and unlawfully threaten to do violence
19 to William Adams, while then having the apparent
20 ability to carry out said threat, and did create a
21 well-founded fear in William Adams that such violence
22 was imminent, and in the commission of said assault,
23 he did use a deadly weapon, to-wit: firearm, the
24 said William Clifton, at the time of the assault, not
25 having the intent to kill William Adams, contrary to

1 Chapter 784.021(1) (a).

2 We refer to this as an aggravated assault with a
3 firearm.

4 Count 2 alleges, on the same date and time, that
5 the defendant did intentionally and unlawfully
6 threaten to do violence to Daniel Zweifel, it's
7 Z-W-E-I-F-E-L, while then having the apparent ability
8 to carry out said threat and did create a
9 well-founded fear in Daniel Zweifel that such
10 violence was imminent, and in the commission of such
11 assault did use a deadly weapon, to-wit: firearm,
12 the said William Clifton at the time of said assault,
13 not having the intent to kill Daniel Zweifel.

14 Same thing, aggravated assault with a firearm.

15 Count 3, same date and time, the defendant did
16 intentionally and unlawfully threaten to do violence
17 to Sara Connolly, C-O-N-N-O-L-L-Y, while then having
18 the apparent ability to carry out said threat, and
19 did create a well-founded fear in Sara Connolly that
20 such violence was imminent, and in the commission of
21 said assault did use a deadly weapon, to-wit:
22 firearm, the said William Clifton, at the time of
23 said assault, not having the intent to kill Sara
24 Connolly.

25 Again, aggravated assault with a firearm.

1 And, Count 4, same date, same time, the
2 defendant did intentionally and unlawfully threaten
3 to do violence to Michael Krnjaich, it's
4 K-R-N-J-A-I-C-H, while then having the apparent
5 ability to carry out said threat, and did create a
6 well-founded fear in Michael Krnjaich that such
7 violence was imminent, and in commission of said
8 assault did use a deadly weapon, to-wit: firearm,
9 the said William Clifton at the time of said assault,
10 not having the intent to kill Michael Krnjaich,
11 contrary to chapter 784.021(1) (a).

12 Again, aggravated assault with a firearm.

13 So that is the charges that you will be
14 reviewing as a juror if you're chosen in this case.

15 And so row by row I'm going to ask if, just
16 based on what I've read, is there anything in your
17 background personally, your family that would have
18 you believe that you would have a hard time being a
19 fair and impartial juror to either side. Not just to
20 the Defense, but to the State too.

21 Anyone in row one? Any hands? I see no hands.

22 Anybody in row two? Any hands? No hands.

23 Row three, any hands? I see a hand. If you can
24 stand up and tell me your name.

25 PROSPECTIVE JUROR BECK: Brandi Beck.

1 THE COURT: All right. Ms. Beck, do you -- I'll
2 go over this. I -- I apologize. If anyone needs to
3 talk to me and the lawyers privately, away from all
4 of your 48 new best friends, just tell me that you
5 need to approach the bench and we'll do it on the
6 record but away from everyone else where everyone
7 else can hear it.

8 So, Ms. Beck, are you okay to talk about it
9 right here?

10 PROSPECTIVE JUROR BECK: Sure.

11 THE COURT: Okay. What's going on?

12 PROSPECTIVE JUROR BECK: Recently, I had an
13 altercation with a family member that resulted in a
14 use of threat, both verbally and with a firearm.

15 THE COURT: Did they actually -- did they
16 threaten to go get a firearm, or did they actually
17 get the firearm and was holding, using, pointing,
18 doing something like that?

19 PROSPECTIVE JUROR BECK: Threatened to get it.

20 THE COURT: So the firearm wasn't with them, but
21 they said I'm going to go get my gun, my firearm,
22 whatever --

23 PROSPECTIVE JUROR BECK: Correct.

24 THE COURT: -- and hurt you or whatever.

25 PROSPECTIVE JUROR BECK: Correct.

1 THE COURT: All right. And so based on that and
2 what I just read, do you think that you would have a
3 hard time being a fair and impartial to the
4 defendant?

5 PROSPECTIVE JUROR BECK: I would.

6 THE COURT: Okay. All right. Thank you,
7 Ms. Beck. Thank you. You may have a seat.

8 Anyone else in that row?

9 I'm on the fourth row, the row behind Mr. Beck.
10 Hold on.

11 Yes, sir. Your name?

12 PROSPECTIVE JUROR SPELLMAN: Michael Spellman.

13 THE COURT: Mr. Spellman. Yes, sir.

14 PROSPECTIVE JUROR SPELLMAN: Yeah. I had a
15 friend robbed with a firearm.

16 THE COURT: All right. I can say this isn't a
17 robbery.

18 PROSPECTIVE JUROR SPELLMAN: Yeah.

19 THE COURT: This is just a threat. So with your
20 friend being robbed with a firearm, is -- when did
21 that happen?

22 PROSPECTIVE JUROR SPELLMAN: A few years ago.

23 THE COURT: A few years ago. Were you with
24 them?

25 PROSPECTIVE JUROR SPELLMAN: No.

1 THE COURT: Did they just talk about it?

2 PROSPECTIVE JUROR SPELLMAN: No. Yeah. We've
3 talked a couple times about it, yes.

4 THE COURT: Okay. Is that -- is there -- can
5 you put that aside and just listen to these facts and
6 make a determination on whether the State can prove
7 this case beyond a reasonable doubt?

8 PROSPECTIVE JUROR SPELLMAN: Yeah.
9 (Indiscernible).

10 THE COURT: I'm sorry. Did you -- did you say
11 yes?

12 PROSPECTIVE JUROR SPELLMAN: Yes, yes. Yeah.

13 THE COURT: Okay. Sorry. You're -- you were
14 looking down, and I didn't know it was yes or I
15 guess.

16 PROSPECTIVE JUROR SPELLMAN: Yes.

17 THE COURT: So thank you.

18 All right. I think I had someone behind you in
19 the next row? Yes, ma'am. Your name?

20 PROSPECTIVE JUROR MORALES-EAR: Ann Marie
21 Morales-Ear.

22 THE COURT: Okay. Can I just call you
23 Ms. Morales? Would that be okay? Fair?

24 PROSPECTIVE JUROR MORALES-EAR: That's fine.

25 THE COURT: All right. Yes, Ms. Morales. What

1 do you got?

2 PROSPECTIVE JUROR MORALES-EAR: I am a clinical
3 hypnotherapist, and I -- my clients are on both ends
4 of usually this kind of situation.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR MORALES-EAR: And I just
7 don't -- I don't know if I can be an impartial juror
8 or I just -- I don't know.

9 THE COURT: Okay. Well, that's fair. You've
10 never done this before. Right?

11 PROSPECTIVE JUROR MORALES-EAR: I've never done
12 this before. I feel very, like, uncomfortable.

13 THE COURT: That's okay. You're not the first
14 person. I'm sure you're speaking for half of the
15 panel here. So, Ms. Morales, let me ask you a
16 question. So you're a therapist, and in therapy you
17 deal with people who are victims of crime? Is that
18 what it is?

19 PROSPECTIVE JUROR MORALES-EAR: Yes.

20 THE COURT: Okay. So they come to you because
21 they have anxiety or something, because they were
22 victims of a crime.

23 PROSPECTIVE JUROR MORALES-EAR: Correct.

24 THE COURT: And -- and you hear their stories.

25 PROSPECTIVE JUROR MORALES-EAR: Correct.

1 THE COURT: And so do you think that empathy
2 that you get from counseling these people may cause
3 you to look more towards the State and the victims
4 who are going to testify in this case, or are you
5 just like, you know, I just don't know if I can be
6 fair. I'm trying to get a feel.

7 PROSPECTIVE JUROR MORALES-EAR: It's actually
8 both sides.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR MORALES-EAR: I counsel both
11 sides.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR MORALES-EAR: Because whoever
14 comes to me, comes to me, and I do not judge them.
15 So it is difficult for me to render judgment. I
16 prefer to be nonjudgemental. Do you understand what
17 I'm saying?

18 THE COURT: Well, my question to you is the
19 State has the burden here. So you're not being
20 judgy, as I like to say. That's my job. No, I'm
21 just kidding. You just have to look at the facts and
22 say here -- and I'm going to give you some rules. I
23 give you what I call jury instructions. They're
24 rules. The State has to prove A, B, and C, and
25 that's -- and if they prove that beyond a reasonable

1 doubt, the defendant is guilty. If they don't prove
2 that, if they only prove A and B and not C or none of
3 it, he's not guilty. What he's sentenced to, you
4 know, the outcome of, if he's found guilty, what
5 happens after that, that's up to me. So all you have
6 to do is look at the facts and say, yes, the State
7 has proven their case; no, the State hasn't proven
8 their case.

9 Now, I like to say there's a lot of people who
10 are emotional type people -- that's not good or
11 bad -- and there's analytical people. That's me.
12 They're like, oh, you know, A, B, and C, I can do
13 that, check, check, check. Or A, B, no C, not
14 guilty. So are you more the -- are you afraid that
15 your emotional personality would not allow you to be
16 fair and impartial to both sides?

17 PROSPECTIVE JUROR MORALES-EAR: No.

18 THE COURT: Okay. Could you follow my
19 instructions and make a decision based on the facts
20 and the facts alone?

21 PROSPECTIVE JUROR MORALES-EAR: Yes.

22 THE COURT: Okay. And I -- I understand what
23 you're saying, that you see both sides, so that might
24 make you a good juror for them -- for these people,
25 because they might say, hey, you're going to see both

1 sides, and then you're going to hold the State to
2 the -- the feet to the fire, and you're going to say,
3 you got to prove it. But if the State proves it, you
4 can find Mr. Clifton guilty. Yes?

5 PROSPECTIVE JUROR MORALES-EAR: Yes.

6 THE COURT: And if they don't, you can find him
7 not guilty.

8 PROSPECTIVE JUROR MORALES-EAR: Yes.

9 THE COURT: Okay. Great. Thank you.

10 I think there was someone else who was raising
11 their hand in that next row. If you could stand up
12 and tell me your name.

13 PROSPECTIVE JUROR HART: Tiffany Hart.

14 THE COURT: Ms. Hart, juror number 23. Yes. Do
15 you want to come up here or you -- okay. Come on up.
16 I saw you kind of halfway out the door there. Come
17 on up.

18 (Begin sidebar.)

19 THE COURT: Ms. Hart, can you come right here?
20 Because we're all on this microphone. It's only
21 picking up on what we call sidebar. So it's not --
22 nobody can hear you but us --

23 PROSPECTIVE JUROR HART: Okay.

24 THE COURT: -- and it's just the microphone's
25 picking up.

1 PROSPECTIVE JUROR HART: I have an uncle that
2 was accused for attempted murder back in Chicago.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR HART: And I have a recent
5 case with two cousins that were murdered in Texas.
6 So I don't feel I can do this.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR HART: I really can't.

9 THE COURT: Just the use of the firearm and
10 talking about firearms and that --

11 PROSPECTIVE JUROR HART: Correct. I'm -- I'm --

12 THE COURT: -- that people were --

13 PROSPECTIVE JUROR HART: Mm-hmm. Mm-mm.

14 THE COURT: I can see you're very -- like,
15 you're getting -- you're getting very upset. So I'm
16 not -- you're not crying or anything, but I can see
17 you visibly --

18 PROSPECTIVE JUROR HART: Yeah.

19 THE COURT: Is it because how you feel about
20 your uncle? Was he convicted in -- in Chicago?

21 PROSPECTIVE JUROR HART: Yes. And then he was
22 let go because he was caught up in the whole thing of
23 the -- I think it was called the Ronald Burge
24 situation back in Chicago.

25 THE COURT: Okay. Okay. I don't know.

1 PROSPECTIVE JUROR HART: Yeah. It's --

2 THE COURT: Chicago's like, every day, it's a
3 new thing.

4 PROSPECTIVE JUROR HART: Mm-hmm. And he was
5 wrongly -- wrongly accused, so they let him go.

6 THE COURT: Okay. But your other people over in
7 Texas, obviously, they're --

8 PROSPECTIVE JUROR HART: Yeah. That's recent.

9 THE COURT: That's recent.

10 PROSPECTIVE JUROR HART: Yeah.

11 THE COURT: And they were murdered with a
12 firearm?

13 PROSPECTIVE JUROR HART: Yes.

14 THE COURT: And so you kind of feel like, I
15 don't trust the system. Is -- is that fair to say?

16 PROSPECTIVE JUROR HART: Yeah.

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

18 MR. SARABIA: No questions.

19 THE COURT: Defense, any questions?

20 MS. STEVENS: No questions, Your Honor.

21 THE COURT: All right, ma'am. We're not going
22 to ask you any more questions. They might ask
23 questions to the group. I might ask questions to the
24 group. You don't have to answer anything. We got
25 you. Okay?

1 PROSPECTIVE JUROR HART: Okay.

2 THE COURT: But I'm -- I'm just not going to let
3 you go quite yet.

4 PROSPECTIVE JUROR HART: Okay.

5 THE COURT: Okay? But you can have a seat.
6 Thank you.

7 PROSPECTIVE JUROR HART: Mm-hmm.

8 THE COURT: Thank you for your honesty, ma'am.

9 UNIDENTIFIED SPEAKER: Stay -- stay with
10 (Indiscernible).

11 THE COURT: We'll get it -- we'll get it when we
12 take a break.

13 (End sidebar.)

14 THE COURT: All right. Anyone else in
15 Ms. Hart's row? Okay. I see a hand.

16 Is that Ms. Herman?

17 PROSPECTIVE JUROR HERMAN: Yes.

18 THE COURT: Am I pronouncing it right?

19 PROSPECTIVE JUROR HERMAN: Yes.

20 THE COURT: Okay. Yes, ma'am. What do you got?

21 PROSPECTIVE JUROR HERMAN: So I thought of this
22 as other people were talking, and I actually interned
23 for an agency, I'm a social worker, and I was a
24 victim advocate, and sort of to victims of crime.

25 THE COURT: Okay. Where -- where did you

1 intern? In which circuit?

2 PROSPECTIVE JUROR HERMAN: Here.

3 THE COURT: In the Sixth?

4 PROSPECTIVE JUROR HERMAN: Yep.

5 THE COURT: Was it in Pasco or Pinellas?

6 PROSPECTIVE JUROR HERMAN: Pasco.

7 THE COURT: Okay. So you did an internship --

8 PROSPECTIVE JUROR HERMAN: Correct.

9 THE COURT: -- as a victim advocate --

10 PROSPECTIVE JUROR HERMAN: Correct.

11 THE COURT: -- for the State Attorney's Office
12 or for the sheriff's office?

13 PROSPECTIVE JUROR HERMAN: No. It was an area
14 agency (Indiscernible) for victims of crime.

15 THE COURT: Okay. And so which agencies did you
16 work for?

17 MS. STEVENS: Just the area agency
18 (Indiscernible).

19 THE COURT: Okay.

20 PROSPECTIVE JUROR HERMAN: Yeah.

21 THE COURT: Did you ever come to court?

22 PROSPECTIVE JUROR HERMAN: I did.

23 THE COURT: Did you come to the criminal court
24 or were you working with more like the DVIs?

25 PROSPECTIVE JUROR HERMAN: I think both, to be

1 honest.

2 THE COURT: Okay. And how long ago was that?

3 PROSPECTIVE JUROR HERMAN: That was in 2019.

4 THE COURT: Okay. So anything about that in
5 that time that you did that, that you think would
6 make you not be able to be fair and impartial to both
7 sides?

8 PROSPECTIVE JUROR HERMAN: No. It's my job to
9 be fair and impartial.

10 THE COURT: Okay. And as -- as a victim
11 advocate, a lot of times you work with victims of
12 crimes who are also defendants of crimes sometimes --

13 PROSPECTIVE JUROR HERMAN: Correct.

14 THE COURT: -- because they get caught up --

15 PROSPECTIVE JUROR HERMAN: Yes.

16 THE COURT: -- working with people or being with
17 people who aren't the -- you know, the most nice
18 people. So they end up being both defendants and
19 victims. Yes?

20 PROSPECTIVE JUROR HERMAN: Yes.

21 THE COURT: All right. So you've seen both
22 sides.

23 PROSPECTIVE JUROR HERMAN: Yes.

24 THE COURT: You've kind of seen how court works.
25 Have you ever sat through a jury trial?

1 PROSPECTIVE JUROR HERMAN: No.

2 THE COURT: Okay. So this will be your first
3 time doing the whole thing?

4 PROSPECTIVE JUROR HERMAN: Yes, yes.

5 THE COURT: Okay. Great. Thank you so much.

6 All right. Anyone else in that row? I'm on the
7 fifth row. Anyone in the fifth row? Any hands? All
8 right.

9 Sixth row?

10 Seventh row? All right. I see a hand.

11 Sir, if you can stand up. Are you Mr. Krause?

12 PROSPECTIVE JUROR KRAUSE: Yes, ma'am.

13 THE COURT: Is it -- it's K-R-A-U-S-E?

14 PROSPECTIVE JUROR KRAUSE: Yes, ma'am.

15 THE COURT: Juror number 42.

16 Yes, sir.

17 PROSPECTIVE JUROR KRAUSE: If I can --

18 THE COURT: You want to come up? Come on up.

19 (Begin sidebar.)

20 THE COURT: Mr. Krause, if you can come up right
21 in front of the bench, that way my -- this microphone
22 picks you up to record, but it doesn't -- it doesn't
23 transcribe. Don't say anything out there. Yes, sir.

24 PROSPECTIVE JUROR KRAUSE: So during my teenage
25 years, I lived with an alcoholic, abusive stepfather,

1 was threatened with a firearm many a times. Both
2 myself, my brother, my mom. Had a bullet go through
3 a wall not too far from my head one of those times.
4 So --

5 THE COURT: So this might be a little too close
6 for call for you?

7 PROSPECTIVE JUROR KRAUSE: Yeah. So I got
8 irrationally angry when you started reading the
9 charges.

10 THE COURT: So because the allegations are that
11 he threatened someone with a firearm, do you just
12 automatically believe that the State would be at a
13 kind of -- you wouldn't hold them to the most high
14 burden or -- and follow the rules because you'd be
15 like, oh, I -- I was that person. I know how they
16 feel.

17 PROSPECTIVE JUROR KRAUSE: Right.

18 THE COURT: You're kind of putting yourself in
19 there -- you may put yourself in the seat of the
20 victim --

21 PROSPECTIVE JUROR KRAUSE: The victim's shoes.
22 Yeah.

23 THE COURT: Right. Because of that happening to
24 you.

25 PROSPECTIVE JUROR KRAUSE: Yeah.

1 THE COURT: Okay. State, any questions?

2 MR. SARABIA: No.

3 THE COURT: Defense?

4 MS. STEVENS: No, Your Honor.

5 THE COURT: All right, sir. We're not -- we may
6 ask some more questions, but you don't have to answer
7 anything right now. Okay? Even if it's about
8 firearms, being threatened with firearms, we're not
9 asking you that. Okay?

10 PROSPECTIVE JUROR KRAUSE: Okay.

11 THE COURT: We got your -- we got your answers.
12 Okay?

13 PROSPECTIVE JUROR KRAUSE: Okay.

14 THE COURT: All right. Go ahead and have a
15 seat. Thank you.

16 PROSPECTIVE JUROR KRAUSE: Thank you, ma'am.

17 MR. SARABIA: That was 42. Correct?

18 THE COURT: That was 42. Correct.

19 THE COURT CLERK: (Indiscernible) cause
20 challenge now or --

21 THE COURT: No. (Indiscernible).

22 (End sidebar.)

23 THE COURT: All right. Anyone else in
24 Mr. Krause's row?

25 How about the back row? All the way across. I

1 see a hand.

2 Yes, sir. Your name?

3 PROSPECTIVE JUROR ARCILLA: John Arcilla.

4 THE COURT: Is it Arcilla?

5 PROSPECTIVE JUROR ARCILLA: Arcilla.

6 THE COURT: Okay. What do you got? This is
7 your number 45.

8 PROSPECTIVE JUROR ARCILLA: Can I come up?

9 THE COURT: Sure. Come on up.

10 (Begin sidebar.)

11 THE COURT: Mr. Arcilla, if you can be right
12 here, this microphone will pick you up for
13 transcription but nobody can hear you.

14 PROSPECTIVE JUROR ARCILLA: Certainly.

15 THE COURT: Take a step closer. You're fine.

16 PROSPECTIVE JUROR ARCILLA: Sure. So I own
17 firearms and have the (Indiscernible).

18 THE COURT: Okay.

19 PROSPECTIVE JUROR ARCILLA: Want to make sure I
20 don't -- if that --

21 THE COURT: We are going to ask -- I was going
22 to ask. So it's fine to do it up here. So you
23 own -- currently own firearms.

24 PROSPECTIVE JUROR ARCILLA: Correct. I've had
25 training as well in terms of proper usage.

1 THE COURT: Okay. Did you take the firearms
2 class where you learned about Stand Your Ground and
3 pulling your gun and that kind of stuff or you
4 just --

5 PROSPECTIVE JUROR ARCILLA: Correct. So that
6 was in Texas.

7 THE COURT: Okay. In Texas.

8 PROSPECTIVE JUROR ARCILLA: I'm currently a new
9 resident for Pasco County, about ten months now, I
10 think, or 11 months.

11 THE COURT: Okay. And so my question to you is,
12 you know that there's times where someone can pull a
13 firearm legally and --

14 PROSPECTIVE JUROR ARCILLA: Absolutely, because
15 that's part of, at least in Texas, to have those type
16 of -- it's a minimum training on when to use, what's
17 considered as a -- an assault versus a brandishing
18 and all those things. So --

19 THE COURT: Okay. My question to you is, the
20 law in the State of Texas may be different than what
21 the law is in Florida. Okay?

22 PROSPECTIVE JUROR ARCILLA: Understood,
23 understood.

24 THE COURT: So can you put aside what you know
25 about Texas law and follow Florida law if I give that

1 law to you. Can you do that?

2 PROSPECTIVE JUROR ARCILLA: I can
3 (Indiscernible).

4 THE COURT: And would you feel like you could be
5 fair and impartial to both sides if they -- their
6 defense is -- and I'm just making this up --

7 PROSPECTIVE JUROR ARCILLA: Understood.

8 THE COURT: -- hey -- yes, he pulled a gun, but
9 he had a legal right to pull a gun, and
10 (Indiscernible) no, he didn't have a legal right to
11 pull the gun, and therefore it's a crime, as opposed
12 to lawfully being able to use the gun. Do you think
13 you could listen to both sides, listen to the law,
14 and follow the law?

15 PROSPECTIVE JUROR ARCILLA: I think so.

16 THE COURT: Okay. State, any questions?

17 MR. SARABIA: No. No questions.

18 THE COURT: Defense?

19 MS. STEVENS: Do you -- do you know
20 (Indiscernible).

21 THE COURT: You're going to have to talk louder.
22 We've got to pick it up.

23 MS. STEVENS: Sorry. Do you believe that your
24 knowledge of weapons, your ownership, and your
25 training would make you any more favorable to the

1 State or the defendant, or would they be equal?

2 PROSPECTIVE JUROR ARCILLA: I think it would be
3 equal. I mean, I took those training for reasons to
4 (Indiscernible).

5 MS. STEVENS: Do you think you'd be the best
6 juror for this trial, in your mind?

7 PROSPECTIVE JUROR ARCILLA: I guess my -- in my
8 mind is like I'd hear -- want to hear the facts
9 before I could make anything else (Indiscernible).

10 MS. STEVENS: Thank you.

11 THE COURT: That would make you a good juror.
12 All right, sir. I am going to ask if anybody owns a
13 firearm in here in a minute. You don't have to raise
14 your hand. We've got that you own one. Okey?

15 PROSPECTIVE JUROR ARCILLA: Okay. Sorry.
16 (Indiscernible).

17 THE COURT: No. That's -- I appreciate that.
18 All right. Thank you.

19 (End sidebar.)

20 THE COURT: All right. I see a hand. Is that
21 Mr. Villanueva? You want to come up?

22 PROSPECTIVE JUROR VILLANUEVA: Yes.

23 THE COURT: All right. Come on up, sir.

24 (Begin sidebar.)

25 PROSPECTIVE JUROR VILLANUEVA: Good afternoon.

1 THE COURT: Good afternoon. Give me a second.
2 I have to wait till both counsels come up. Come on.
3 We're going to have you go right here and be picked
4 up by this microphone. Yes, sir.

5 PROSPECTIVE JUROR VILLANUEVA: It happened like
6 40 years ago --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR VILLANUEVA: -- in Peru. I am
9 from Peru. I was walking in the street in the
10 nighttime, leaving my car in a car garage, and
11 walking to the house of my grandmother, and two
12 men -- young men came to me and put a gun here.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR VILLANUEVA: They hit me, but
15 they didn't do nothing. Just take some money and
16 (Indiscernible).

17 THE COURT: Okay.

18 PROSPECTIVE JUROR VILLANUEVA: And I go to the
19 police and report, but they never find who was there.

20 THE COURT: So that happened to you so long ago
21 and --

22 PROSPECTIVE JUROR VILLANUEVA: Forty --

23 THE COURT: Forty years ago.

24 PROSPECTIVE JUROR VILLANUEVA: When I was 20. I
25 am 62 now. Yeah. Forty years.

1 THE COURT: I can imagine, though, it -- it left
2 a lasting impression. Something you think about.
3 Like, I said firearms. That's something that comes
4 to your mind right away. Yes?

5 PROSPECTIVE JUROR VILLANUEVA: Yes.

6 THE COURT: Do you think you could put that
7 aside --

8 PROSPECTIVE JUROR VILLANUEVA: Yeah.

9 THE COURT: -- and listen to the facts in this
10 case?

11 PROSPECTIVE JUROR VILLANUEVA: Yes.

12 THE COURT: Because this doesn't -- this isn't a
13 robbery. Just like I told the other gentleman.

14 PROSPECTIVE JUROR VILLANUEVA: Okay.

15 THE COURT: So it's more of a fact for you to
16 listen to what the law is, the facts in the case, and
17 make a decision. Do you believe that you can do
18 that --

19 PROSPECTIVE JUROR VILLANUEVA: Yes.

20 THE COURT: -- and be fair to both sides?

21 PROSPECTIVE JUROR VILLANUEVA: Yes.

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

24 MR. SARABIA: No questions.

25 PROSPECTIVE JUROR VILLANUEVA: The only --

1 THE COURT: Defense?

2 Go ahead.

3 PROSPECTIVE JUROR VILLANUEVA: Excuse me. The
4 only thing, my English is not a hundred percent
5 perfect. I understand but --

6 THE COURT: We were going to get to that. I was
7 going to ask you that next.

8 PROSPECTIVE JUROR VILLANUEVA: Okay.

9 THE COURT: So far, have you been able to
10 understand everything I said?

11 PROSPECTIVE JUROR VILLANUEVA: Okay.

12 THE COURT: Yes?

13 PROSPECTIVE JUROR VILLANUEVA: Yes, I understand
14 everything (Indiscernible).

15 THE COURT: Okay. How long you been speaking
16 English?

17 PROSPECTIVE JUROR VILLANUEVA: Since I come to
18 the United States. Twenty-five years.

19 THE COURT: Okay. And so have I said anything
20 that you didn't understand?

21 PROSPECTIVE JUROR VILLANUEVA: No. Usually, you
22 know, some of the words of -- legal words --

23 THE COURT: Okay. I think you fall with
24 everybody else.

25 PROSPECTIVE JUROR VILLANUEVA: Yeah.

1 THE COURT: Legal words cause everybody
2 problems.

3 PROSPECTIVE JUROR VILLANUEVA: But I understand
4 most -- most of them you say. So I understand.

5 THE COURT: Okay. And if you didn't understand
6 what someone said from the witness stand --

7 PROSPECTIVE JUROR VILLANUEVA: Okay.

8 THE COURT: -- could you raise your hand and ask
9 them to repeat themselves or explain?

10 PROSPECTIVE JUROR VILLANUEVA: Okay.

11 THE COURT: Would you do that for me? Yes?

12 PROSPECTIVE JUROR VILLANUEVA: Yes.

13 THE COURT: Okay. All right. Because sometimes
14 we talk too fast or someone and slurs their words and
15 you may miss it. But I can guarantee, if you miss
16 it, probably another juror did too, and so it
17 wouldn't be anything about your English.

18 PROSPECTIVE JUROR VILLANUEVA: Okay.

19 THE COURT: Okay? But you're just brave enough
20 to raise your hand. Okay?

21 PROSPECTIVE JUROR VILLANUEVA: Okay.

22 THE COURT: All right. Any questions about
23 that?

24 PROSPECTIVE JUROR VILLANUEVA: No.

25 MS. STEVENS: Is there anything about your

1 experience that would make you more favorable to the
2 State Attorney's Office in -- in their case?

3 PROSPECTIVE JUROR VILLANUEVA: More favorable?
4 Like what? Excuse me.

5 MS. STEVENS: Would you be more likely to
6 find --

7 PROSPECTIVE JUROR VILLANUEVA: Guilty or
8 something like this?

9 MS. STEVENS: Yes.

10 PROSPECTIVE JUROR VILLANUEVA: No. I think -- I
11 don't think so. I -- I will be neutral.

12 MS. STEVENS: Neutral?

13 PROSPECTIVE JUROR VILLANUEVA: I will be
14 impartial.

15 MS. STEVENS: Thank you.

16 PROSPECTIVE JUROR VILLANUEVA: I have to hear
17 what exactly is the case and --

18 MS. STEVENS: Sounds good to me. Thank you.

19 THE COURT: Okay. Thank you, sir.

20 (End sidebar.)

21 THE COURT: While the -- Mr. Villanueva goes
22 back, anyone --

23 You're good, sir. You can have a seat.

24 Anyone else? Anyone I haven't spoken to?

25 Again, if you think of something later, raise your

1 hand. Any question I ask or either side asks, if you
2 want to approach the bench, you can do so.

3 Does anybody know each other on the panel? Look
4 around. Coach Little League together? Go to church
5 together? Work together? Married to each other?
6 Brother and sister. Had all of those, by the way,
7 probably in the last six months. Okay. I see
8 nobody. If you -- if on our break you realize, you
9 know, someone three rows back is really your
10 neighbor, just let us know later. Okay?

11 We talked about timing. We're going to start
12 today, we're going to finish tomorrow. So I'm going
13 to talk about timing right now. Anyone in the first
14 row, based on what I talked about, the timing, today
15 six o'clock, a little before six, tomorrow to
16 whenever, is unavailable because of something they
17 have going on in their personal life? Prepaid
18 tickets to Disney, except it costs a million dollars
19 there now. Anything good?

20 Anybody in the first row? Nobody?

21 Anybody in the second row? No hands.

22 Anybody in the third row? I see a hand. I'll
23 start over here in the corner.

24 I think that's Ms. Morales. Yes?

25 PROSPECTIVE JUROR MORALES: Hi. I have a client

1 at 3 p.m. tomorrow.

2 THE COURT: I'm sorry. You're have to speak a
3 little --

4 PROSPECTIVE JUROR MORALES: I have a client at
5 3 p.m. tomorrow.

6 THE COURT: Okay. And is there any way you can
7 move that client to a different day? Yes?

8 PROSPECTIVE JUROR MORALES: Yes.

9 THE COURT: Okay. You'll know enough -- in a
10 time to be able to do that, but right now we'll take
11 that in consideration.

12 I saw another hand. If you could stand up and
13 tell me your name.

14 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Marco
15 Vasconcellos Cabral.

16 THE COURT: Okay. Mr. Cabral. Yes.

17 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yeah.
18 My wife had a neck procedure yesterday. She's at
19 home alone, and I would like to be home to help her
20 (Indiscernible).

21 THE COURT: Okay. And so you're kind of being
22 the nurse person because of the --

23 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yeah.
24 We -- it's just --

25 THE COURT: -- because --

1 PROSPECTIVE JUROR VASCONCELLOS CABRAL: It's
2 just me and her at home, so --

3 THE COURT: And --

4 PROSPECTIVE JUROR VASCONCELLOS CABRAL: -- walk
5 the dog and do the things that --

6 THE COURT: My question to you is, let's say
7 both sides thought you were the greatest juror and
8 they wanted you to stay and be the juror. Okay?
9 Would you be so distracted by what's going on with
10 your wife at home that you would be unable to
11 concentrate and pay attention to this trial?

12 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes and
13 no. I can do it, but, you know, I don't have my
14 phone on in case something happening at home.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR VASCONCELLOS CABRAL: And
17 the --

18 THE COURT: If I gave you a phone number where
19 your wife could contact us immediately if there was a
20 problem, would that help?

21 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Sure.

22 THE COURT: Okay. All right. Thank you, sir.
23 Anyone else in that row?

24 I see someone in the next row. I think that's
25 Ms. Herman. Are you raising your hand?

1 PROSPECTIVE JUROR HERMAN: Yes. I have doctor's
2 appointment, but I planned on changing it if I was
3 going to be (Indiscernible).

4 THE COURT: Okay. So you have a doctor's
5 appointment, but you can change it if you have to.

6 PROSPECTIVE JUROR HERMAN: Yes.

7 THE COURT: Okay. Thank you.

8 Anyone else in that row of Ms. Herman's? That's
9 the fourth row.

10 How about the fifth row? Any -- anybody?

11 Sixth row. I see a hand. If you can stand up.
12 I think that's Ms. Stoner, but I'm not a hundred
13 percent sure.

14 Ma'am, your name?

15 PROSPECTIVE JUROR TIBBS: Tibbs. Sabrina Tibbs.

16 THE COURT: Oh, Ms. Tibbs. I was one back.
17 Sorry. Ms. Tibbs -- this is juror number 32 -- what
18 do you got?

19 PROSPECTIVE JUROR TIBBS: It's just the school.
20 I have custody of my grandbaby.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR TIBBS: He's only in second
23 grade, and to get here at ten, I can't drop him off
24 till ten.

25 THE COURT: Okay. Where does he go to school?

1 PROSPECTIVE JUROR TIBBS: Hudson Primary.

2 THE COURT: So how far is that to the
3 courthouse?

4 PROSPECTIVE JUROR TIBBS: About 25 minutes.

5 THE COURT: So you can't drop him off till ten,
6 and then it would be another 25 minutes here.

7 PROSPECTIVE JUROR TIBBS: Right.

8 THE COURT: And what time do you have to pick
9 him up?

10 PROSPECTIVE JUROR TIBBS: I have to be here by
11 4:20 to pick him up.

12 THE COURT: All right. Thank you, ma'am.
13 Anyone else in Ms. Tibbs' row?

14 In the next row behind Ms. Tibbs? All right.
15 Last row? I see a hand. That's Mr. Michael?

16 PROSPECTIVE JUROR MICHAEL: Yes, ma'am.

17 THE COURT: I have George and Michael. You have
18 that two first names kind of thing. Is it Michael as
19 your last name?

20 PROSPECTIVE JUROR MICHAEL: Yes.

21 THE COURT: Okay. Yes, sir.

22 PROSPECTIVE JUROR MICHAEL: I have to pick up my
23 daughter from the daycare (Indiscernible).

24 THE COURT: What time do you have to pick her
25 up?

1 PROSPECTIVE JUROR MICHAEL: Four o'clock.

2 THE COURT: No one that -- no one else can do
3 it?

4 PROSPECTIVE JUROR MICHAEL: No, ma'am.

5 THE COURT: Is that what time they close?

6 PROSPECTIVE JUROR MICHAEL: Yes, ma'am.

7 THE COURT: So you got to pick her up at four
8 today and four tomorrow.

9 PROSPECTIVE JUROR MICHAEL: Yes, ma'am.

10 THE COURT: Okay. Thank you.

11 Anyone else in Mr. Michael's row? I see one
12 hand over here. Is it Mr. Chamberlain?

13 PROSPECTIVE JUROR CHAMBERLAIN: Yes.

14 THE COURT: Yes, sir.

15 PROSPECTIVE JUROR CHAMBERLAIN: I have an MRI
16 scheduled tomorrow. It was scheduled about two and a
17 half months ago. I met my deductible this year, and
18 I don't really want to reschedule for next year.

19 THE COURT: I -- I got you.

20 PROSPECTIVE JUROR CHAMBERLAIN: I can --

21 THE COURT: And it's one --

22 PROSPECTIVE JUROR CHAMBERLAIN: I can call
23 them --

24 THE COURT: Is it one of those ones where if you
25 have --

1 PROSPECTIVE JUROR CHAMBERLAIN: I'm free next
2 week.

3 THE COURT: I'm sorry? You'll do it next week?

4 PROSPECTIVE JUROR CHAMBERLAIN: I said I'm free
5 next week.

6 THE COURT: No, no. But it -- is it one of
7 those ones where when you call, they give you, like,
8 six weeks out?

9 PROSPECTIVE JUROR CHAMBERLAIN: Yeah. Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR CHAMBERLAIN: It's also
12 related to kind of a case from an auto accident last
13 November.

14 THE COURT: Okay. So it's something you really
15 need to get done. You can't reschedule it very
16 easily. Is that fair to say?

17 PROSPECTIVE JUROR CHAMBERLAIN: I -- I got to
18 make that call when we get a break.

19 THE COURT: Okay. All right. Thank you, sir.

20 Anyone else? Any other hands? All right. If
21 you think of something, you get a call during the
22 break, let us know.

23 All of you probably have electronic devices with
24 you. Phones, those kinds of things. If you are
25 chosen as a juror in my case, I do borrow your

1 electronic devices. I have a box. We put them in
2 the box. We put the box in the drawer right here in
3 the courtroom. I don't leave with them or anything
4 like that. At every break I give them back so you
5 can check emails, text messages. I have a phone
6 number that you can give to work or your family if
7 they need an emergency so you can take a break. When
8 you deliberate, you're not allowed to have phones or
9 any electronic devices that aren't given to you by
10 the Court. So I go ahead and take them away right
11 away so you kind of get used to not having your
12 phones. I don't bring a phone up here myself because
13 I -- I want to make a point to the jurors that we can
14 all live without them. Plus, it makes life a whole
15 lot easier for me.

16 But if -- is there anybody so attached to their
17 electronic devices that they'd be unable to sit as a
18 juror? Anybody?

19 Does anybody have any medical devices connected
20 to their phones? Okay. I have one right here. And,
21 sir, your last name?

22 PROSPECTIVE JUROR MOJICA: Mojica.

23 THE COURT: Mr. Mojica, which -- which device?

24 PROSPECTIVE JUROR MOJICA: It's for my diabetes.
25 I got that little thing on the back to monitor, but

1 it's not really a big deal.

2 THE COURT: Can you put your phone in airplane
3 mode and it'll still read the device?

4 PROSPECTIVE JUROR MOJICA: I think so.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR MOJICA: I'm not really
7 worried about it. I just thought I'd let you know
8 about that.

9 THE COURT: Okay. No, I -- that's the one I get
10 most --

11 PROSPECTIVE JUROR MOJICA: Right.

12 THE COURT: -- most often now.

13 PROSPECTIVE JUROR MOJICA: Okay. Yeah.

14 THE COURT: And some people have it connected to
15 hearing aids, and some people have it connected to an
16 EKG that they have running. So that's why -- this is
17 something that's happened in the last five years.

18 It's like everybody's connected to their phone. So I
19 just wanted to check. If -- if you are chosen, we'll
20 check to see. If we can put it into airplane mode,
21 I'll let you keep it. Okay?

22 PROSPECTIVE JUROR MOJICA: Okay.

23 THE COURT: I don't want anything to -- to
24 happen that you wouldn't know that you needed to, you
25 know, do something, especially with diabetes. Okay?

1 PROSPECTIVE JUROR MOJICA: All right.

2 THE COURT: But when you're in the trial, I take
3 them away. I do give you pens and paper and all
4 that. So if you're a note taker -- some people take
5 notes on their phone. I'm old school. You'll have
6 to take it on a piece of paper and a pen. But I give
7 that to you, so that's not a problem.

8 The next question I have, as you can know from
9 reading the Information, there's a firearm attached
10 to this case. Right? You're going to hear about a
11 firearm. You're going to hear a lot about a firearm.
12 So I'm trying to get a feel. I know I've already had
13 some people tell me at the bench they own a firearm
14 or they have a firearm and have firearms training.
15 If you've done that, this is not a question for you;
16 this is for everyone else. Is there anyone in the
17 front row who personally owns a firearm? Okay.
18 Almost a whole row.

19 First is Mr. O'Dell.

20 PROSPECTIVE JUROR O'DELL: Yes.

21 THE COURT: Yes, sir. I'm not asking you to
22 name them, that kind of stuff, but do you own
23 handguns, rifles, combination, that kind of stuff?

24 PROSPECTIVE JUROR O'DELL: Both.

25 THE COURT: Both. And are you trained -- have

1 you done firearms training with them?

2 PROSPECTIVE JUROR O'DELL: Yes.

3 THE COURT: Do you have any military background
4 with those guns -- with those firearms?

5 PROSPECTIVE JUROR O'DELL: No.

6 THE COURT: No. So you've just taken -- and we
7 used to have to have one, but you don't anymore -- a
8 concealed carry permit. Do you have one?

9 PROSPECTIVE JUROR O'DELL: I do, yes.

10 THE COURT: Okay. So you have done all that,
11 and you currently own a firearm in your home.

12 PROSPECTIVE JUROR O'DELL: Correct.

13 THE COURT: Okay. Do you carry it in your
14 vehicle at any time?

15 PROSPECTIVE JUROR O'DELL: On occasion.

16 THE COURT: Okay. That's fine. All right.

17 And, Ms. Loman, you were saying you have a
18 firearm or you have firearms in your home?

19 PROSPECTIVE JUROR LOMAN: Yes.

20 THE COURT: Handguns, rifles?

21 PROSPECTIVE JUROR LOMAN: Both.

22 THE COURT: Do you personally have a concealed
23 carry permit?

24 PROSPECTIVE JUROR LOMAN: Yes, I do.

25 THE COURT: And have you taken the training on

1 that firearm?

2 PROSPECTIVE JUROR LOMAN: Yes.

3 THE COURT: Did you do it in the military or --

4 PROSPECTIVE JUROR LOMAN: No.

5 THE COURT: -- publicly?

6 PROSPECTIVE JUROR LOMAN: Publicly.

7 THE COURT: Okay. And same question. Do you
8 carry it regularly in your vehicle?

9 PROSPECTIVE JUROR LOMAN: Ninety-nine percent of
10 the time.

11 THE COURT: Okay. Great. All right.

12 I think, next person -- who in the front row? I
13 know there was one more. All right.

14 Mr. Wilson. Yes, sir.

15 PROSPECTIVE JUROR WILSON: Yes.

16 THE COURT: Same question. Do you have a
17 handgun, rifles, what kind of firearms?

18 PROSPECTIVE JUROR WILSON: Combination.

19 THE COURT: All of the above. Okay. And have
20 you had -- do you have a concealed carry permit?

21 PROSPECTIVE JUROR WILSON: Yes.

22 THE COURT: I know you don't need one anymore,
23 but you have one. So you've taken the training to
24 get that.

25 PROSPECTIVE JUROR WILSON: Yes.

1 THE COURT: Do you -- did you get your training
2 at all in the military?

3 PROSPECTIVE JUROR WILSON: Yes. Military
4 police.

5 THE COURT: Okay. And so you've had it for --
6 what -- what branch were you in?

7 PROSPECTIVE JUROR WILSON: Air Force.

8 THE COURT: Okay. And do you carry the -- any
9 of the firearms in your vehicle regularly?

10 PROSPECTIVE JUROR WILSON: Yes.

11 THE COURT: Okay. Thank you.

12 Anyone else in the first row? All right.

13 Anyone in the second row? Same questions. I'm
14 going to start over here, I think that's Mr. Clark,
15 juror number eight. Yes, sir?

16 PROSPECTIVE JUROR CLARK: Yes.

17 THE COURT: All right. Same question I asked
18 everyone else.

19 PROSPECTIVE JUROR WILSON: (Indiscernible).

20 THE COURT: Do you have firearms, rifles, or a
21 combination?

22 PROSPECTIVE JUROR WILSON: Yes. Both.

23 THE COURT: All of the above?

24 PROSPECTIVE JUROR WILSON: Correct.

25 THE COURT: And do you have a concealed carry

1 permit?

2 PROSPECTIVE JUROR WILSON: No.

3 THE COURT: Have you ever had any training,
4 whether in a -- you know, just publicly gone to a
5 course --

6 PROSPECTIVE JUROR WILSON: Yes.

7 THE COURT: -- or in the military?

8 PROSPECTIVE JUROR WILSON: Yeah. I was in the
9 military.

10 THE COURT: Which branch?

11 PROSPECTIVE JUROR WILSON: Air Defense
12 Artillery.

13 THE COURT: Okay. And so do you carry regularly
14 any of your firearms in your vehicle?

15 PROSPECTIVE JUROR WILSON: No.

16 THE COURT: No? Okay. Thank you. And that
17 would be even for hunting or whatever? I know some
18 people carry rifles. You can actually hunt in Pasco,
19 which is weird to me, but -- okay.

20 All right. After Mr. Clark, anyone else in that
21 row? All right. I see -- is it Pena? Pena?

22 PROSPECTIVE JUROR CANTERO PENA: Cantero.

23 THE COURT: Okay. Ms. Pena, can you stand up
24 you're a little thing like me. Okay. Yes, ma'am.
25 Do you have a firearm, rifles, shotguns?

1 PROSPECTIVE JUROR CANTERO PENA: It's a handgun.
2 A handgun.

3 THE COURT: Handguns. Do you have a concealed
4 carry permit?

5 PROSPECTIVE JUROR CANTERO PENA: Yes.

6 THE COURT: So you've taken the background for
7 that. Do you have any training in the military?

8 PROSPECTIVE JUROR CANTERO PENA: No.

9 THE COURT: All right. And do you regularly
10 carry your firearm in your vehicle?

11 PROSPECTIVE JUROR CANTERO PENA: Yes.

12 THE COURT: Okay. Great. Thank you. The
13 lawyers might have more questions for you. And
14 again, this is just kind of generally.

15 In the next row, row three, anybody have
16 firearms? Okay. I'm going to start at the end. I
17 think that's Mr. Beck?

18 PROSPECTIVE JUROR BECK: Mrs.

19 THE COURT: Yes. Oh, ma'am. Your name?

20 PROSPECTIVE JUROR BECK: Brandi.

21 THE COURT: Ms. Beck. I'm sorry. I just looked
22 down quick.

23 PROSPECTIVE JUROR BECK: No problem.

24 THE COURT: Ms. Beck, same question. Do you
25 have rifles, handguns, or combination?

1 PROSPECTIVE JUROR BECK: Combination.

2 THE COURT: All right. And do you -- have you
3 currently or have you in the past had a concealed
4 carry permit?

5 PROSPECTIVE JUROR BECK: Yes, ma'am.

6 THE COURT: So you took the training for that?

7 PROSPECTIVE JUROR BECK: Yes.

8 THE COURT: Do you have any training with
9 military background with firearms?

10 PROSPECTIVE JUROR BECK: No.

11 THE COURT: And do you regularly carry your
12 gun -- firearm, whether it's rifle, handgun, in your
13 vehicle?

14 PROSPECTIVE JUROR BECK: Yes.

15 THE COURT: Okay. Thank you.

16 I think Ms. -- Mr. Humphrey, were you raising
17 your hand, sir?

18 PROSPECTIVE JUROR HUMPHREY: Does a BB gun --
19 does a BB gun count?

20 THE COURT: We'll talk about that. Do you own a
21 BB gun?

22 PROSPECTIVE JUROR HUMPHREY: My father does.

23 THE COURT: Okay. Do you ever use it?

24 PROSPECTIVE JUROR HUMPHREY: No.

25 THE COURT: Do you ever carry it in a vehicle

1 with you?

2 PROSPECTIVE JUROR HUMPHREY: No, I don't.

3 THE COURT: Okay. Thank you, Mr. Humphrey.

4 I think, Mr. (Indiscernible), did you raise your
5 hand? Yes, sir. Can you stand up for me? Do you --
6 same question. Handgun, rifles, combination?

7 UNIDENTIFIED PROSPECTIVE JUROR: Handgun.

8 Handgun.

9 THE COURT: Handgun.

10 UNIDENTIFIED PROSPECTIVE JUROR: Yep.

11 THE COURT: Do you have a concealed carry
12 permit?

13 UNIDENTIFIED PROSPECTIVE JUROR: Yes, I do,
14 ma'am.

15 THE COURT: Do you have any -- so you took the
16 training for that? Yes?

17 UNIDENTIFIED PROSPECTIVE JUROR: Yes.

18 THE COURT: Do you have any training in any
19 military or law enforcement with that firearm?

20 UNIDENTIFIED PROSPECTIVE JUROR: Not in the
21 United States. In Brazil, yes, I did the Air Force
22 for one year.

23 THE COURT: So you did, but it's in another
24 country.

25 UNIDENTIFIED PROSPECTIVE JUROR: Yes. Correct.

1 THE COURT: And do you carry a handgun or rifle
2 in your vehicle on a regular basis?

3 UNIDENTIFIED PROSPECTIVE JUROR: All the time.

4 THE COURT: Okay. Great. Thank you, sir.

5 All right. I know I had some more. Any other
6 hands in that row? All right.

7 I'm on the fourth row. In the fourth row I'll
8 start over here. I think it's -- it is Knipmeyer?

9 PROSPECTIVE JUROR KNIPMEYER: Yes.

10 THE COURT: Did I get it right?

11 PROSPECTIVE JUROR KNIPMEYER: You did.

12 THE COURT: Oh, I'm never right.

13 Mr. Knipmeyer is number 19.

14 So same questions. Firearm, rifle, shotgun? Do
15 you have one or a combination of all?

16 PROSPECTIVE JUROR KNIPMEYER: Just a pistol.

17 THE COURT: Just a what?

18 PROSPECTIVE JUROR KNIPMEYER: Pistol.

19 THE COURT: Pistol. All right. Do you have a
20 concealed carry permit?

21 PROSPECTIVE JUROR KNIPMEYER: Yes.

22 THE COURT: Did you do the training for that --

23 PROSPECTIVE JUROR KNIPMEYER: Military.

24 THE COURT: -- here in Pasco in Florida?

25 PROSPECTIVE JUROR KNIPMEYER: Military.

1 THE COURT: Military. What branch?

2 PROSPECTIVE JUROR KNIPMEYER: Air Force.

3 THE COURT: Okay. Got a lot of Air Force guys
4 going today. Boo. No, I'm just kidding. I'm a Navy
5 brat. I was raised at a Navy base. Thank you, sir.

6 All right. Anybody else in that row? All
7 right.

8 Anybody in the next row? Starting -- it's one,
9 two, three, four -- fifth row. Fifth row. See any
10 hands?

11 Yes, sir. If you can stand up. Is it
12 Mr. Schreiber?

13 PROSPECTIVE JUROR SCHREIBER: Schreiber, yes.

14 THE COURT: All right. This is Jason Schreiber,
15 number 27.

16 Yes, sir. Same question.

17 PROSPECTIVE JUROR SCHREIBER: Both.

18 THE COURT: Both. And do you have a concealed
19 carry permit?

20 PROSPECTIVE JUROR SCHREIBER: I do not.

21 THE COURT: Have you ever taken any of the
22 training for that?

23 PROSPECTIVE JUROR SCHREIBER: No.

24 THE COURT: And were you ever in the military?

25 You --

1 PROSPECTIVE JUROR SCHREIBER: No.

2 THE COURT: So you just -- do you carry the
3 firearm regularly in your vehicle?

4 PROSPECTIVE JUROR SCHREIBER: No.

5 THE COURT: Okay. Thank you.

6 Mr. Knipmeyer, I don't think I asked. Do you
7 carry your firearm in your vehicle?

8 PROSPECTIVE JUROR KNIPMEYER: Yes.

9 THE COURT: Okay. Thank you. Sorry about that.
10 I think I missed that one.

11 All right. In Mr. Scheriber's row, anyone else?
12 I see no other hands?

13 Sixth row. Anyone in the sixth row? I see a
14 hand over here.

15 Is it is Ms. McLucas?

16 PROSPECTIVE JUROR MCLUCAS: Yes.

17 THE COURT: Am I pronouncing that right?

18 PROSPECTIVE JUROR MCLUCAS: McLucas.

19 THE COURT: All right. McLucas, same question.
20 Firearm, rifle, shotgun, combination?

21 PROSPECTIVE JUROR MCLUCAS: Handgun.

22 THE COURT: Handgun. Do you have a concealed
23 carry permit?

24 PROSPECTIVE JUROR MCLUCAS: No.

25 THE COURT: Have you ever done the training for

1 that?

2 PROSPECTIVE JUROR MCLUCAS: Yes.

3 THE COURT: Okay. And do you have any training
4 in the military with the use of that weapon?

5 PROSPECTIVE JUROR MCLUCAS: No.

6 THE COURT: Do you carry it with you in your
7 vehicle?

8 PROSPECTIVE JUROR MCLUCAS: No.

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

10 In Ms. McLucas' -- anybody else in that row?

11 All right, I see a hand.

12 Ma'am, is that Ms. Tibbs?

13 PROSPECTIVE JUROR TIBBS: Yes.

14 THE COURT: All right, ma'am. If you could
15 stand up for me. Same question. Firearm, rifle,
16 shotgun, combination?

17 PROSPECTIVE JUROR TIBBS: All of it.

18 THE COURT: All of it. Okay. And do you have a
19 carry concealed, permit?

20 PROSPECTIVE JUROR TIBBS: I do not have a
21 permit. I took the course.

22 THE COURT: Okay. So that's why I asked.
23 Because some people took the course, but then you had
24 to send a bunch of stuff away. It used to be you had
25 to do that. So you've taken the course, but you

1 don't have currently have the permit.

2 PROSPECTIVE JUROR TIBBS: Right. And to this
3 day (Indiscernible) guns.

4 THE COURT: And do you regularly carry the --
5 I'm sorry.

6 PROSPECTIVE JUROR TIBBS: I took a safety course
7 before I started carrying it.

8 THE COURT: Okay. Great. Do you regularly
9 carry it in your vehicle?

10 PROSPECTIVE JUROR TIBBS: Yes.

11 THE COURT: All right. And do you have any
12 training in the military in it?

13 PROSPECTIVE JUROR TIBBS: No.

14 THE COURT: Okay. Great. Thank you, ma'am.
15 Anyone else in that row? All right.

16 The next row? I see some hands. I think -- I'm
17 going to start on the end. Is that Stoner?

18 PROSPECTIVE JUROR STONER: Yes.

19 THE COURT: Jodi Stoner?

20 PROSPECTIVE JUROR STONER: Yes, ma'am.

21 THE COURT: Yes. Juror number 38.

22 Yes, ma'am. Same question. A handgun, rifle,
23 shotgun?

24 PROSPECTIVE JUROR STONER: All of them.

25 THE COURT: All of them? Do you have or have

1 you taken the carry concealed permit for the State of
2 Florida?

3 PROSPECTIVE JUROR STONER: Yes, I have.

4 THE COURT: And do -- have you ever had any
5 military training?

6 PROSPECTIVE JUROR STONER: No.

7 THE COURT: Do you ever carry any of those
8 weapons in your vehicle?

9 PROSPECTIVE JUROR STONER: Yes.

10 THE COURT: Okay. Regularly?

11 PROSPECTIVE JUROR STONER: Yes.

12 THE COURT: Okay. Great. All right. And I
13 know I had another hand. Thank you.

14 Yes, sir. If you can stand up. Is it Ehrlich?

15 PROSPECTIVE JUROR EHRLICH: Ehrlich.

16 THE COURT: All right. Mr. Ehrlich, juror
17 number 41. Same question. Do you have firearm,
18 shotgun, handgun, those kinds of things?

19 PROSPECTIVE JUROR EHRLICH: All of them.

20 THE COURT: Okay. And have you taken the carry
21 concealed permit --

22 PROSPECTIVE JUROR EHRLICH: No.

23 THE COURT: -- class?

24 PROSPECTIVE JUROR EHRLICH: No.

25 THE COURT: Do you have -- do you have any

1 military background?

2 PROSPECTIVE JUROR EHRLICH: No.

3 THE COURT: And do you regularly carry the
4 firearm in your vehicle?

5 PROSPECTIVE JUROR EHRLICH: No.

6 THE COURT: Okay. Great. Thank you, sir.

7 Anyone else in that row? All right.

8 I'm going on the very last row. I see a hand.

9 Is that Mr. O'Grady?

10 PROSPECTIVE JUROR O'GRADY: Yes, ma'am.

11 THE COURT: Okay. Sir, if you can stand up.

12 It's juror number 46.

13 Same question. Firearm, rifle, shotgun?

14 PROSPECTIVE JUROR O'GRADY: All of the above.

15 THE COURT: Okay. I like when they say all of
16 the above. And do you currently or have you done the
17 training for the carry concealed permit?

18 PROSPECTIVE JUROR O'GRADY: I've done the safety
19 course but not the concealed training.

20 THE COURT: Okay. So you've done the safety
21 course.

22 PROSPECTIVE JUROR O'GRADY: Yeah.

23 THE COURT: And do you have any military
24 background with firearms?

25 PROSPECTIVE JUROR O'GRADY: [No audible

1 response.]

2 THE COURT: Do you carry the firearm with you in
3 your vehicle?

4 PROSPECTIVE JUROR O'GRADY: Yes, ma'am.

5 THE COURT: Pretty regularly?

6 PROSPECTIVE JUROR O'GRADY: All the time.

7 THE COURT: Okay. Great. Thank you.

8 Anyone else all the way across? I see -- is
9 it -- say it for me.

10 PROSPECTIVE JUROR SALVAGNO: Salvagno.

11 THE COURT: Salvagno. I have a hard time with
12 the Italian. Okay. Yes, ma'am. Same --

13 PROSPECTIVE JUROR SALVAGNO: (Indiscernible)
14 married.

15 THE COURT: I know.

16 PROSPECTIVE JUROR SALVAGNO: My husband owns a
17 antique rifle.

18 THE COURT: All right. Have you current -- have
19 you ever used it?

20 PROSPECTIVE JUROR SALVAGNO: No.

21 Can Do you have any concealed carry? Have you
22 taken any of the safety courses?

23 PROSPECTIVE JUROR SALVAGNO: [No audible
24 response.]

25 THE COURT: Do you ever carry it with your

1 husband or what -- in his vehicle?

2 PROSPECTIVE JUROR SALVAGNO: No.

3 THE COURT: Okay. Thank you.

4 Anyone else think of something that I didn't
5 ask? Okay. I see no hands.

6 All right. We -- I had a discussion with one of
7 the jurors about Spanish -- English being a second
8 language, and I've talked to them. But is there
9 anyone else that has English as their second language
10 in the first row?

11 I'll get to you.

12 First row? No.

13 Second row? I see a hand.

14 Yes. Ms. Pena, is English your second language?

15 PROSPECTIVE JUROR CANTERO PENA: Yes.

16 THE COURT: How long have you been speaking
17 English?

18 PROSPECTIVE JUROR CANTERO PENA: For 20 years.

19 THE COURT: Any problems understanding me so
20 far?

21 PROSPECTIVE JUROR CANTERO PENA: No.

22 THE COURT: And is your first language Spanish?

23 PROSPECTIVE JUROR CANTERO PENA: Yes.

24 THE COURT: Okay. If you were chosen as a juror
25 in this case and someone was talking from the witness

1 stand, they were either speaking too fast or used a
2 word you did not understand, would you raise your
3 hand and have me stop them, repeat, explain? Could
4 you do that for me?

5 PROSPECTIVE JUROR CANTERO PENA: Yeah. But I'm
6 (Indiscernible).

7 THE COURT: Okay. All right. Great. Thank
8 you.

9 All right. Anyone out in Ms. Pena's row?

10 Anyone in the third row? All right, I see a
11 hand, sir.

12 That's Mr. -- Mr. Cabella [sic].

13 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Cabral.

14 THE COURT: I think you said you're from --

15 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Brazil.

16 THE COURT: Brazil.

17 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yeah.

18 THE COURT: What language do they speak in
19 Brazil?

20 PROSPECTIVE JUROR VASCONCELLOS CABRAL:
21 Portuguese.

22 THE COURT: Portuguese. Okay. And how long
23 have you been speaking English?

24 PROSPECTIVE JUROR VASCONCELLOS CABRAL:
25 Twenty-seven, 28 years.

1 THE COURT: So -- so far, have you been able to
2 understand everything that I've said?

3 PROSPECTIVE JUROR VASCONCELLOS CABRAL:
4 Absolutely.

5 THE COURT: Same question I had for the other
6 person. If you were there as a juror, picked, and
7 they said a word that you did not understand or they
8 spoke too fast so you just kind of missed it, would
9 you be able to raise your hand and ask me to have
10 them repeat it?

11 PROSPECTIVE JUROR VASCONCELLOS CABRAL:
12 Absolutely.

13 THE COURT: Okay. Great. Thank you, sir.
14 All right. In the next row, any -- anybody
15 else? English second language? I see a hand.

16 Is that Mr. Huerta? Huerta?

17 PROSPECTIVE JUROR HUERTA: Yes.

18 THE COURT: Am I pronouncing that correctly?

19 PROSPECTIVE JUROR HUERTA: Yeah.

20 THE COURT: Okay. Mr. Huerta, what is your
21 first language?

22 PROSPECTIVE JUROR HUERTA: Spanish.

23 THE COURT: Okay. How long have you been
24 speaking English?

25 PROSPECTIVE JUROR HUERTA: Fifty years.

1 THE COURT: Have -- anything I've said you've
2 not understood?

3 PROSPECTIVE JUROR HUERTA: (Indiscernible).

4 THE COURT: I mean, I've used words that maybe
5 people in the, you know, criminal -- not in the
6 criminal justice system may not understand, so I have
7 to explain it later. But so far, you've been able to
8 follow me and understand what I'm talking about.
9 Yes?

10 PROSPECTIVE JUROR HUERTA: Yes.

11 THE COURT: Okay. And if you -- same question I
12 had for everyone else. If you were picked as a juror
13 and they either said a word you didn't know or spoke
14 too fast, would you be able to raise your hand and
15 ask them to slow down? Yes?

16 PROSPECTIVE JUROR HUERTA: Yes.

17 THE COURT: Okay. Thank you, sir.

18 All right. Anybody else in Mr. Huerta's row? I
19 see no hands.

20 Next row behind. I see no hands.

21 One, two, three, four, five -- I'm on the sixth
22 row.

23 Seventh row?

24 Last row. I think, in the back.

25 Mr. Chamberlain, you raised your hand. Yes? I'm

1 going to go -- oh, Mr. Michael. I'm sorry.

2 Mr. Michael. Mr. Chamberlain's over there.

3 Mr. Michael, what is your first language?

4 PROSPECTIVE JUROR MICHAEL: Arabic.

5 THE COURT: Okay. So how long have you been
6 speaking English?

7 PROSPECTIVE JUROR MICHAEL: Twenty-five plus.

8 THE COURT: Same questions as I had for everyone
9 else. Have you been able to understand everything
10 I've said so far?

11 PROSPECTIVE JUROR MICHAEL: Yes, Your Honor.

12 THE COURT: And if you were chosen, we used
13 words you didn't know or went too fast, would you be
14 able to raise your hand and ask us to repeat it?

15 PROSPECTIVE JUROR MICHAEL: Yes, Your Honor.

16 THE COURT: Okay. Thank you.

17 And I think I had one more hand back there. We
18 already talked to you, so I got you. All right.
19 Thank you, sir.

20 All right. Two other things I'm going to talk
21 about. One is, if you are chosen as a juror, and
22 even when we take lunch, which we're going to do in a
23 few minutes, you now know the defendant's name, you
24 know a little bit about the case. It's very
25 imperative that you not go on the Internet and look

1 anything up. No Googling. And I had to add this
2 because we had a big hearing yesterday -- ChatGPT.
3 No ChatGPTing, AI, putting somebody's name in and
4 seeing what your computer comes up with. Okay?

5 So it's very important that you not get any
6 information that is not contained here in the
7 courtroom. So everybody needs to not look up
8 anything, talk to anybody about the case. We've
9 already excused someone from the jury panel because
10 they knew a little bit about the case, and we
11 can't -- that makes you not a fair and impartial
12 juror. Okay?

13 So it's very important, whether you're here in
14 the courthouse, at home, or anywhere else, that you
15 not talk about the case, don't look anything up about
16 the case. If we talk about a location, don't, you
17 know, look on Google Maps about that location.

18 And I always like to point that out because this
19 happened in 2023, and, as anybody who lives in Pasco,
20 any intersection or neighborhood could change, you
21 know, dramatically in six to nine months. So we
22 don't know -- you wouldn't know if what you're
23 looking at on Google Maps is actually the way it
24 looked at the time that it occurred or it happened at
25 a later date. If it's important to the lawyers about

1 what the neighborhood looked like or where this
2 occurred, I can guarantee you they will show you
3 maps, and those maps will go back with you into the
4 jury room. Okay?

5 So can everybody agree not to look up anything,
6 ChatGPT, AI, whatever they made up yesterday that I
7 don't know about, look anything up about the case?
8 Yes?

9 MULTIPLE POTENTIAL JURORS: Yes.

10 THE COURT: All right. Believe it or not, we
11 had that happen. So somebody went outside and
12 ChatGPT'd somebody's name, and it came up with a
13 whole bunch of information. I was like, wow, I
14 didn't even know that was possible. So it's really
15 important that you not do that.

16 The other thing is, we're going to take a break
17 for lunch. The lawyers and I and you all kind of
18 come in and out of the same area, so it's very
19 important that you not talk about the case. The
20 lawyers are not going to look at you, talk to you,
21 have any interaction with you. The defendant's not
22 going to interact with you. He should not talk to
23 you. And because the courthouse actually looks
24 pretty big on the outside, it's not really that big.
25 We're all stuck coming in the same area, and when you

1 guys are waiting to come in, people might be standing
2 out there. So please forgive the lawyers if they act
3 like you're an ex-boyfriend or girlfriend and look
4 away and run away. Okay? Because they're not
5 allowed to have any interaction with you.

6 And if anybody tries to talk to you about this
7 case, please tell them that you're a juror on this
8 case and ask them to stop. If they continue to try
9 to discuss this case -- case with you, leave them at
10 once and immediately report a matter to any of my
11 bailiffs. They all have sheriff across the front.
12 They'll all know that you're on my jury panel. Okay?
13 And so they'll let me know. But please leave those
14 people at once. Maybe they're confused about who you
15 are or what you are. All right?

16 Does anybody have any questions right now for
17 me? All right. I see no questions.

18 We're going to take lunch. I'm going to have
19 you back downstairs in the jury pool room at 1:20.
20 So that gives you an hour for lunch. It actually
21 gives you probably an hour and 20 -- hour and two
22 minutes because my clock -- my clock in the courtroom
23 is kind of fast.

24 You can leave the courthouse. I have no problem
25 with that. You can go home, check on your wife if

1 you can get back in an hour. But I need you back in
2 the jury pool room. A few of you are going to be
3 released when you get back, but I have to have that
4 conversation while you're gone with the lawyers. So
5 I can't really put you in the hallway, release some
6 people, and then send you home. So I need everyone
7 that's still here downstairs in the jury pool room.
8 Everybody repeat jury pool room for me.

9 MULTIPLE POTENTIAL JURORS: Jury pool room.

10 THE COURT: Thank you. You don't know how many
11 of -- we'll find you in the hallway. So jury pool
12 room downstairs at 1:20. And a few of you will be
13 told by the people in the jury pool room that you're
14 excused. But we'll make that decision while you guys
15 are at lunch, so you get a whole hour for lunch.
16 Okay?

17 So right now you're excused. Downstairs in the
18 new jury pool room 1:20. Okay? All right. Thank
19 you.

20 (The venire panel exited the courtroom.)

21 (The Court confers with the clerk.)

22 THE BAILIFF: Potential jurors are out of the
23 courtroom.

24 THE COURT: All right. The jurors are out and
25 the defendant, Defense, and State are still present.

1 THE COURT: I'm going to talk about cause
2 challenges at this point. They'll have to be an
3 agreed-upon cause challenge for me to do it. If
4 either side objects to the cause challenge, the
5 person will remain, and then I'll do the final cause
6 challenges at the end after all the questioning is
7 done. But if we can both agree to a cause -- if both
8 sides can agree to a cause challenge, then I'll go
9 ahead and release that person when they get back from
10 lunch.

11 State, on row one, jurors one through six, it's
12 O'Dell through Wilson, any cause challenges at this
13 time?

14 MR. SARABIA: No, Judge.

15 THE COURT: Defense, any cause challenges on
16 jurors one through six?

17 MS. STEVENS: No, Your Honor.

18 THE COURT: All right. State, we're on jurors
19 seven, which is Novak, through 12, Pena. Any cause
20 challenges for that?

21 MR. SARABIA: No, Judge.

22 THE COURT: We -- for the record, we have caused
23 challenge juror number nine already, so that's for
24 the record.

25 Anyone else for the Defense? Seven through 12.

1 MS. STEVENS: No.

2 THE COURT: All right. State, we're on
3 juror 13, which is Morales, through 18, which is
4 Beck. Any cause challenges?

5 MR. SARABIA: Number 18, Ms. Beck.

6 THE COURT: Any objection?

7 MS. STEVENS: No objection, Your Honor.

8 THE COURT: All right. Ms. Beck -- Brandi Beck,
9 juror number 18, is a cause challenge.

10 Anyone else, State?

11 MR. SARABIA: No, Judge.

12 THE COURT: Defense?

13 MS. STEVENS: I marked Ms. Morales, but I think
14 she recovered herself, so I'll -- I'll hold off on
15 that one.

16 THE COURT: Okay. She said she could be fair.
17 She didn't -- she didn't like it, but she said she'd
18 be fair. So --

19 All right. And then juror -- next row, State,
20 juror 19 through 24, any cause challenges?

21 MR. SARABIA: Number 23, Ms. Hart.

22 THE COURT: Any objection?

23 MS. STEVENS: No.

24 THE COURT: All right. Ms. Hart will be a cause
25 challenge, juror number 23.

1 State, anyone else?

2 MR. SARABIA: I don't have anybody else, Judge.

3 THE COURT: Defense?

4 MS. STEVENS: In row four? No.

5 THE COURT: Okay. We're on jurors 25 -- I like
6 to use numbers because they don't know what rows
7 we're on. So this is jurors 25, Morrison, through
8 30, Hudson. State, any cause challenges on that row?

9 MR. SARABIA: No, Judge.

10 THE COURT: Defense? It's 20 -- it's juror 25
11 through 30.

12 MS. STEVENS: I just want to check on
13 (Indiscernible). No. None.

14 THE COURT: All right. We're on the next row,
15 which is jurors 31, McLucas, through 36, which is
16 Smalley. State?

17 MR. SARABIA: Number 32, Ms. Tibbs, indicated
18 she had to pick up her grandchildren.

19 THE COURT: Any objection to that?

20 MS. STEVENS: No.

21 THE COURT: All right. Ms. Tibbs, juror
22 number 32, is a cause. We've already caused juror
23 number 33 in that row.

24 Defense, anyone else from you, 31 through 36?

25 MS. STEVENS: Not at this time, Your Honor.

1 THE COURT: All right. State, 37 through 42.

2 MR. SARABIA: Number 42, Mr. Krause.

3 THE COURT: Any objection to Mr. Krause?

4 MS. STEVENS: Oh, no.

5 THE COURT: All right. Juror number 42,
6 Mr. Krause, will be a cause challenge.

7 Defense, anyone else, 37 through 42?

8 MS. STEVENS: No.

9 THE COURT: All right. We're on the last row.
10 We're going to go 43, which is George Michael,
11 through 50, which is Ms. Salvagno, who's on the other
12 side.

13 State, anyone else 43 through 50?

14 MR. SARABIA: Number 43, Mr. Michael, had to
15 pick up his daughter at 4 p.m.

16 THE COURT: Any objection to that?

17 MS. STEVENS: No, Your Honor.

18 THE COURT: I kind of like him, but I see what
19 you mean. Cause challenge.

20 Anyone else, State?

21 MR. SARABIA: Number 49, the guy with the MRI
22 tomorrow.

23 THE COURT: Mr. Chamberlain. Any objection?

24 MS. STEVENS: No.

25 THE COURT: All right. Mr. Chamberlain, juror

1 number 49, cause challenge.

2 Defense, anyone else from you, 43 through 50?

3 MS. STEVENS: No.

4 THE COURT: All right. So for the clerk, juror
5 number nine we've already let go, Strong. Then we
6 have juror number 23, Hart; juror number 32, Tibbs;
7 juror number 33, Phillips; juror number 42, Krause;
8 juror number 43, Michael; and juror number 49,
9 Chamberlain. If you can let them know downstairs
10 that those jurors can be released.

11 THE COURT CLERK: Oh, 18 too?

12 THE COURT: Oh, 18. Yes. Beck. I'm sorry.

13 THE COURT CLERK: Okay.

14 THE COURT: So nine, 18, 23, 32, 33, 42, 43, and
15 49. Is that everything you got?

16 THE COURT CLERK: Yes.

17 THE COURT: Both sides agree with those strikes
18 for cause? Yes?

19 MR. SARABIA: Yes, Judge.

20 MS. STEVENS: I -- I just want to verify. I may
21 have put -- put the mark in the wrong spot.
22 Fifteen -- it's nine that we struck, not 15.

23 THE COURT: Correct. It's Zachary Strong, nine,
24 we struck. Daniel Stone, which is 15, is still here.
25 Okay?

1 MS. STEVENS: Yes.

2 THE COURT: I want to make sure you know,
3 because I'm sure you want to talk to your client
4 about these people when we're back. Okay?

5 MS. STEVENS: Yes.

6 THE COURT: So we'll have everyone back at 1:20
7 the courtroom, and then the State will begin with
8 their questioning. Okay?

9 All right. Have a nice lunch.

10 (Recess from 12:26 p.m. to 1:28 p.m.)

11 THE COURT: Are my jurors back?

12 THE COURT CLERK: Yes.

13 THE COURT: All right. State, Defense, are we
14 ready for the jury to come up?

15 MR. SARABIA: Yes, Judge.

16 MS. STEVENS: Yes, Your Honor.

17 THE COURT: All right. Bring them up.

18 MS. STEVENS: Your Honor, if we can add an
19 individual to (Indiscernible) witness list, it's
20 James Connolly.

21 THE COURT: Okay.

22 MS. STEVENS: I'm happy to speak about it on my
23 (Indiscernible).

24 THE COURT: I'll read it.

25 MS. STEVENS: Thank you.

1 THE COURT: Is he law enforcement?

2 MS. STEVENS: He is the wife of one of the -- or
3 husband of one of the victims.

4 THE COURT: So it's Sara Connolly's husband?

5 MS. STEVENS: Yes.

6 THE COURT: Okay. Make sure they release the
7 witness -- the jurors that -- do you have the list
8 that we -- we --

9 (Court at ease.)

10 THE COURT: State, who's doing the questioning?
11 All right. Make sure you're at the podium. I know
12 it's a pain not -- not to be able to move around,
13 but --

14 I'll also note for the record that the Defense
15 did email to my judicial assistant a bunch of
16 documents that we talked about earlier. I just want
17 it on the record. It looks like I have the
18 deposition of Nicholas Russell, the deposition of
19 William Adams, the deposition of Sara Connolly, the
20 deposition of Daniel Zweifel, the RPO transcript,
21 and -- I'm not exactly sure what this is -- the
22 transcript of the proceeding -- Zoom proceeding with
23 James Connolly.

24 State, did you get all of those?

25 MR. SARABIA: I did, Judge.

1 THE COURT: Okay. So we're going to talk about
2 that. I'll have an opportunity to open them up. So
3 I do have copies.

4 (Pause.)

5 THE COURT: Jury ready?

6 THE BAILIFF: Yes, Your Honor.

7 THE COURT: Bring them in.

8 THE BAILIFF: Prospective jurors entering the
9 courtroom.

10 THE COURT: Thank you.

11 (The venire panel entered the courtroom.)

12 THE BAILIFF: All prospective jurors present and
13 seated, Your Honor.

14 THE COURT: Thank you.

15 Welcome back, ladies and gentlemen. Everyone
16 able to get lunch? Yes?

17 MULTIPLE POTENTIAL JURORS: Yes.

18 THE COURT: Or the equivalent thereof.

19 Two things I wanted to go over before I turn it
20 over to the State. Number one, we realized when you
21 were on break that we didn't read one of the names of
22 the possible witnesses in this case, and that
23 person's name is James Connolly. Does that name ring
24 a bell to anyone? If it does, please raise your
25 hand. I know I read Sara Connolly; I believe they're

1 husband and wife. So I just want to make sure. All
2 right. I don't see a hand.

3 The other thing is, I just want to address
4 briefly, is that I read the date of offense in this
5 case. It's 2023. We're not going to explain why
6 it's taken so long for it to get to trial. In this
7 post-Covid age, the -- these cases have taken a long
8 time, and there's myriad different reasons why cases
9 have taken longer in my courtroom, mostly because of
10 the backup from the COVID cases where I had to try
11 other cases first. But we're not really going to,
12 you know, address, like, where's this case been.
13 It's been going on since 2023. The way things go in
14 the criminal justice system.

15 So I just want to briefly ask, is there anybody
16 so concerned that it's taken two years, basically, to
17 get this to trial that they would be unable to just
18 listen to the evidence and make a decision? If you
19 are, please raise your hand. All right. I see no
20 hands raised.

21 Every once in a while, I'll have someone say,
22 well, why did it take so long or what happened, and
23 we just don't explain those things to the jury
24 because they're not part of the jury instructions,
25 they're not part of your decision-making on whether

1 somebody is guilty or not guilty of a crime. So I
2 just wanted to bring that up.

3 State, are you ready to proceed?

4 MR. SARABIA: Yes, Judge.

5 THE COURT: All right. You'll have to stay at
6 the podium. Again, I apologize. We usually walk
7 around a lot more because we have court reporters,
8 but we don't have one today, so everything's digital,
9 so the lawyers will have to stay at the podium.

10 All right. You may proceed.

11 MR. SARABIA: Good afternoon.

12 MULTIPLE POTENTIAL JURORS: Good afternoon.

13 MR. SARABIA: All right. Good job. After lunch
14 and everything.

15 All right. By a show of hands, how many of you
16 walked out to your mailbox, got that jury summons,
17 and then dropped down to your knees and said thank
18 God, my time has finally come to fulfill my civic
19 duty. By a show of hands. I see one -- I see one,
20 two. Is there a third hand back there?

21 UNIDENTIFIED PROSPECTIVE JUROR: (Indiscernible)
22 I can't hear very well.

23 THE COURT: You can't hear me? I don't have
24 that problem very often.

25 UNIDENTIFIED PROSPECTIVE JUROR: I'm a little

1 hard of hearing.

2 THE COURT: Okay. Do you -- we have some
3 hearing headphones, so give me a second and we're
4 going to get you a pair. Okay?

5 UNIDENTIFIED PROSPECTIVE JUROR: Thank you.

6 THE COURT: No problem. They're connected to
7 the microphone. They're Bluetooth. So just give us
8 a sec.

9 MR. SARABIA: So Mr. Humphrey and Ms. --

10 PROSPECTIVE JUROR HAMBLEN-SMALLEY:

11 Hamblen-Smalley.

12 MR. SARABIA: -- Hamblen-Smalley. Thank you.
13 Thank you, for helping. Everybody wants to know, why
14 were you excited? And I'll start with you, Mr. --
15 Mr. Humphrey.

16 PROSPECTIVE JUROR HUMPHREY: Because I'm finally
17 an adult, and this is, like, part of it.

18 MR. SARABIA: Okay.

19 THE COURT: He's adulting.

20 MR. SARABIA: All right. So I gather this is
21 the first time you've been summoned.

22 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Same here.
23 First time. (Indiscernible) just never been
24 (Indiscernible).

25 MR. SARABIA: All right. Fantastic. So nobody

1 else? So all the rest of you, like myself and
2 Mr. Moeller, and probably everybody else in the
3 courtroom, we're going to have to continue through
4 our workday for our civic duty day. Sound good?

5 MULTIPLE POTENTIAL JURORS: Yes.

6 MR. SARABIA: All right. So, Ms. Salvagno?

7 PROSPECTIVE JUROR SALVAGNO: Salvagno.

8 MR. SARABIA: Salvagno. I'm going to try not to
9 forget you're sitting over there.

10 PROSPECTIVE JUROR SALVAGNO: Okay.

11 MR. SARABIA: But if you could help me out, I'm
12 going to ask a variety of questions of the different
13 people over here. I'm going to try not to ask
14 everybody the same 15 questions. But if I ask
15 something and you have a response to that, could you
16 raise your hand for me?

17 PROSPECTIVE JUROR SALVAGNO: Absolutely.

18 MR. SARABIA: And could everybody else on the
19 jury panel do that? That way, instead of asking you
20 the same question, say, no, nothing there, you can
21 just tell me, yeah, no, I have something important to
22 say about that. Can everybody do that with me?

23 MULTIPLE POTENTIAL JURORS: Yes.

24 THE COURT: Try and speed this process along a
25 little bit?

1 Okay. Mr. Dvorszki.

2 PROSPECTIVE JUROR DVORSZKI: Yeah.

3 MR. SARABIA: How you doing?

4 PROSPECTIVE JUROR DVORSZKI: I'm good, thank
5 you. How are you?

6 MR. SARABIA: Doing good. I'm going to start
7 with you today. Every now and then we get people
8 with backgrounds, either sort of religious persuasion
9 or otherwise, that they -- they will tell us I don't
10 feel like I can sit in judgment of a person, and I
11 feel like that -- this is doing that. You think that
12 could be a problem for you?

13 PROSPECTIVE JUROR DVORSZKI: No. I don't see
14 why not. (Indiscernible).

15 MR. SARABIA: Does anybody feel like --

16 THE COURT: He's got to talk. He's got to talk
17 louder.

18 MR. SARABIA: Yeah.

19 PROSPECTIVE JUROR DVORSZKI: No. I don't see a
20 problem with that.

21 MR. SARABIA: You don't see a problem with that?

22 PROSPECTIVE JUROR DVORSZKI: No.

23 THE COURT: All right. Everybody, I may repeat
24 some of the things you're saying or, like, the -- the
25 substance of it, because I have a microphone, and

1 that'll get picked up. Everything that you're saying
2 to me may not get picked up. So in order to create
3 the record, if I'm repeating you, it's not because
4 I'm being obnoxious. Sound good?

5 PROSPECTIVE JUROR DVORSZKI: Yeah.

6 MR. SARABIA: Okay. Does anybody feel like that
7 could be a problem for them?

8 MULTIPLE POTENTIAL JURORS: No.

9 THE COURT: Okay. I'm seeing no hands.
10 Fantastic.

11 All right. Mr. O'Dell.

12 PROSPECTIVE JUROR O'DELL: Yes, sir.

13 MR. SARABIA: If you're selected to be on the
14 jury, you are what we call in the legal profession
15 the finder of fact in the case. Make sense?

16 PROSPECTIVE JUROR O'DELL: (Indiscernible).

17 MR. SARABIA: The finder of fact.

18 PROSPECTIVE JUROR O'DELL: I have a hard time
19 hearing you myself.

20 MR. SARABIA: Really? Okay. Raise your hand if
21 you're having a hard time hearing me. One -- and
22 Mr. -- okay. Were you able to hear the Judge okay?

23 PROSPECTIVE JUROR O'DELL: I'm sorry?

24 MR. SARABIA: Were you able to hear the Judge
25 okay?

1 THE COURT: Did you hear me?

2 PROSPECTIVE JUROR O'DELL: Yes. The Judge I
3 heard fine.

4 MR. SARABIA: Is it the echo?

5 PROSPECTIVE JUROR O'DELL: Yes.

6 UNIDENTIFIED PROSPECTIVE JUROR: There is an
7 echo.

8 UNIDENTIFIED PROSPECTIVE JUROR: Yeah. There is
9 a -- yeah.

10 MR. SARABIA: There is an echo? What if I move
11 it away a little bit? Is that better?

12 UNIDENTIFIED PROSPECTIVE JUROR: That is better.

13 UNIDENTIFIED PROSPECTIVE JUROR: That's --

14 MR. SARABIA: Okay. I believe I'll still get
15 picked up.

16 THE COURT: You will.

17 MR. SARABIA: So, Mr. O'Dell, can you hear me
18 better now?

19 PROSPECTIVE JUROR O'DELL: Yes.

20 MR. SARABIA: Okay. So what I was asking you
21 is, in the legal profession, we refer to the jury as
22 the finders of fact in a case. Does that make sense?

23 PROSPECTIVE JUROR O'DELL: Yes.

24 MR. SARABIA: And you've actually -- you've done
25 jury service before in the past, I believe. Right?

1 Criminal jury in Alabama?

2 PROSPECTIVE JUROR O'DELL: Yes.

3 MR. SARABIA: And doing the math, because it
4 seems like you've been here for a little while, it's
5 probably a while ago that you did that?

6 PROSPECTIVE JUROR O'DELL: Correct.

7 MR. SARABIA: Good experience, bad experience,
8 or neutral?

9 PROSPECTIVE JUROR O'DELL: It was a -- an
10 experience, so neutral. Yeah.

11 THE COURT: Okay. I'm jumping ahead a little
12 bit. You understand that in Alabama, the laws are
13 different from here in Florida. Right?

14 PROSPECTIVE JUROR O'DELL: Yes.

15 MR. SARABIA: And are you okay going by what the
16 laws are as explained to you by the Judge, Florida
17 laws, instead of taking whatever you may have heard
18 in Alabama during a previous jury service?

19 PROSPECTIVE JUROR O'DELL: Yes.

20 MR. SARABIA: Okay. As I was saying, back to
21 finder of fact. So you kind of know this a little
22 bit, but if you're -- if you're selected to be on the
23 jury and sit in the nice chairs over here, you'll
24 listen to all the testimony, you'll see all the
25 evidence presented, and then ultimately you will

1 determine, as the jury, what the facts of the case
2 are. Is that fair?

3 PROSPECTIVE JUROR O'DELL: Yes.

4 MR. SARABIA: Okay. You think you'll be able to
5 do that?

6 PROSPECTIVE JUROR O'DELL: Yes.

7 MR. SARABIA: Any problems doing that?

8 PROSPECTIVE JUROR O'DELL: No.

9 MR. SARABIA: Okay. While I'm talking to you,
10 you mentioned that you had been a victim of a crime
11 in the past?

12 PROSPECTIVE JUROR O'DELL: Yes.

13 MR. SARABIA: Was that here locally in Pasco
14 County?

15 PROSPECTIVE JUROR O'DELL: Yes.

16 MR. SARABIA: Was it recently or a long time
17 ago?

18 PROSPECTIVE JUROR O'DELL: A couple -- a few of
19 them, actually. There was a -- the fraud case was
20 Pinellas County. The -- I had my car stolen out of
21 my driveway and totaled. And my stepson had a
22 assault against me.

23 MR. SARABIA: Okay. And so the last two, were
24 those here in Pasco County?

25 PROSPECTIVE JUROR O'DELL: Yes.

1 MR. SARABIA: Recently, like within the past
2 five years, or you think --

3 PROSPECTIVE JUROR O'DELL: Yes.

4 THE COURT: All right. Anything still pending
5 with any of those?

6 PROSPECTIVE JUROR O'DELL: Yes.

7 MR. SARABIA: Okay. How recent was the most
8 recent situation?

9 PROSPECTIVE JUROR O'DELL: Two years ago.

10 MR. SARABIA: Okay. Have you had any
11 interaction with the State Attorney's Office for any
12 of those things?

13 PROSPECTIVE JUROR O'DELL: Yes.

14 MR. SARABIA: Have you had any interaction with
15 me or Mr. Moeller in particular?

16 PROSPECTIVE JUROR O'DELL: No.

17 MR. SARABIA: Any problem with your interactions
18 with either State Attorney's Office or the law
19 enforcement agencies that investigated that?

20 PROSPECTIVE JUROR O'DELL: It's been erratic.

21 MR. SARABIA: Meaning the contact has been
22 erratic?

23 PROSPECTIVE JUROR O'DELL: The case.

24 MR. SARABIA: Okay. Anything about the way that
25 it's being handled or has been handled thus far makes

1 you feel like it would be difficult for you to be a
2 juror in this case and be fair and partial to both
3 sides?

4 PROSPECTIVE JUROR O'DELL: No.

5 MR. SARABIA: Okay. All right. The other
6 situations -- so I guess there's a situation with
7 your stepson and there's a fraud and a theft. Were
8 all of those situations able to be pursued through
9 prosecution?

10 PROSPECTIVE JUROR O'DELL: The theft of the --
11 the car, no. No one -- no one was arrested for that.

12 MR. SARABIA: Okay. And how long ago was that?

13 PROSPECTIVE JUROR O'DELL: It's been a while.

14 MR. SARABIA: Okay. Very good.

15 So, Ms. Loman.

16 PROSPECTIVE JUROR LOMAN: Yes.

17 THE COURT: To piggyback a little bit on what I
18 was talking to Mr. O'Dell about, we call the jury the
19 finders of fact, and ultimately what you do, you
20 figure out what the facts are, and then you apply the
21 law that the Judge gives you to the facts. Is that
22 fair?

23 PROSPECTIVE JUROR LOMAN: Yes.

24 MR. SARABIA: You think you'll be able to do
25 that?

1 PROSPECTIVE JUROR LOMAN: Yes.

2 MR. SARABIA: Now, I see that you -- you know
3 someone, some stepbrother-in-law, and I believe he
4 was accused of a crime at some point?

5 PROSPECTIVE JUROR LOMAN: Yeah. Forty years
6 ago. It was a long time.

7 MR. SARABIA: Were you very close to that
8 situation at all or keep up with it when it happened?

9 PROSPECTIVE JUROR LOMAN: No.

10 MR. SARABIA: Okay. Was it here locally?

11 PROSPECTIVE JUROR LOMAN: No.

12 MR. SARABIA: Okay. Anything about that that
13 would make it difficult for you to be fair to both
14 sides?

15 PROSPECTIVE JUROR LOMAN: Not at all.

16 MR. SARABIA: Okay.

17 All right. Mr. Dubay.

18 PROSPECTIVE JUROR DUBAY: Yes.

19 MR. SARABIA: How are you doing today?

20 PROSPECTIVE JUROR DUBAY: Good.

21 MR. SARABIA: All right. So how many times have
22 you done jury service before?

23 PROSPECTIVE JUROR DUBAY: I just recently turned
24 18, so this is my first time.

25 MR. SARABIA: I know. I'm kidding with you. So

1 do you feel like you'd be able to fulfill your civic
2 duty here?

3 PROSPECTIVE JUROR DUBAY: Yes.

4 MR. SARABIA: Think you'd have any problems with
5 that?

6 PROSPECTIVE JUROR DUBAY: I do not have any
7 problems with that.

8 MR. SARABIA: All right. So definitely going to
9 pick on you. Now, I strongly doubt that you are
10 familiar with this TV show, given your age, but there
11 was a TV show with a Defense attorney; I think it was
12 Matlock or Magnum PI, something like that, where,
13 towards the end of every episode, the Defense
14 attorney would get up and say, now, ladies and
15 gentlemen, the prosecution has to prove this case
16 beyond a shadow of a doubt. You familiar with that
17 term?

18 PROSPECTIVE JUROR DUBAY: Yeah. I am familiar
19 with that term.

20 MR. SARABIA: Are you familiar with the TV show?

21 PROSPECTIVE JUROR DUBAY: No, not the show, but
22 the term.

23 MR. SARABIA: Anybody familiar with the TV show?

24 MULTIPLE POTENTIAL JURORS: Matlock.

25 MR. SARABIA: See? There's a couple hands.

1 PROSPECTIVE JUROR MOJICA: It was Matlock.

2 MR. SARABIA: Matlock. All right. Mr. Mojica
3 has got my back.

4 All right. So, Mr. Dubay, makes for good TV, if
5 you've seen the show, but you understand that the
6 State's burden in this case is beyond a reasonable
7 doubt?

8 PROSPECTIVE JUROR DUBAY: Yes.

9 MR. SARABIA: Is that fair?

10 PROSPECTIVE JUROR DUBAY: Yes.

11 MR. SARABIA: And do you think you can hold us
12 to the standard of beyond a reasonable doubt?

13 PROSPECTIVE JUROR DUBAY: Yes.

14 MR. SARABIA: Not a higher standard. Not a
15 lower standard.

16 PROSPECTIVE JUROR DUBAY: Not a higher standard.
17 Not a lower standard. Beyond a shadow of a
18 reasonable doubt.

19 MR. SARABIA: Beyond a reasonable doubt.

20 PROSPECTIVE JUROR DUBAY: Yes. Sorry.

21 MR. SARABIA: And, Mr. Agajanian?

22 PROSPECTIVE JUROR AGAJANIAN: Agajanian.

23 MR. SARABIA: I'm sorry?

24 PROSPECTIVE JUROR AGAJANIAN: Agajanian.

25 MR. SARABIA: Agajanian.

1 PROSPECTIVE JUROR AGAJANIAN: Yeah.

2 MR. SARABIA: Okay. And that's fair, right, to
3 hold -- to hold the State to the legal standard
4 beyond a reasonable doubt?

5 PROSPECTIVE JUROR AGAJANIAN: Yes.

6 MR. SARABIA: Now, in terms of beyond a shadow
7 of doubt, it sounds great, but I don't know what that
8 is because the Judge isn't going to define it for
9 you. The Judge is going to define for all of us what
10 beyond a reasonable doubt is. Is that fair?

11 PROSPECTIVE JUROR AGAJANIAN: Yes.

12 MR. SARABIA: And you feel like you can hold the
13 State to that burden, not a higher burden, not a
14 lower burden?

15 PROSPECTIVE JUROR AGAJANIAN: Absolutely.

16 MR. SARABIA: Okay. And, Mr. Agajanian, you
17 indicated that you were a victim of a crime at some
18 point in the past?

19 PROSPECTIVE JUROR AGAJANIAN: Robbery.

20 MR. SARABIA: A home robbery?

21 PROSPECTIVE JUROR AGAJANIAN: Yes.

22 MR. SARABIA: So home robbery -- the legal
23 terminology for robbery might be different than the
24 way you're using it. So was that somebody came in
25 and held -- held you hostage or -- or forcibly took

1 something from you, or did somebody break in your
2 house when you weren't there? Or do you --

3 PROSPECTIVE JUROR AGAJANIAN: They broke in
4 three times, but I caught him the third time.

5 MR. SARABIA: Okay. So sounds -- sounds like
6 what you're describing is legally what we would call
7 burglary. Nobody used any force on you in any way?

8 PROSPECTIVE JUROR AGAJANIAN: No.

9 MR. SARABIA: Okay. Anything -- was that here
10 locally?

11 PROSPECTIVE JUROR AGAJANIAN: No.

12 MR. SARABIA: How long ago was it?

13 PROSPECTIVE JUROR AGAJANIAN: Over ten years.

14 MR. SARABIA: Okay. Anything about that that
15 you think would cause a problem for your being a
16 juror in this case?

17 PROSPECTIVE JUROR AGAJANIAN: No.

18 MR. SARABIA: All right. And was -- was anybody
19 able to be prosecuted for that situation?

20 PROSPECTIVE JUROR AGAJANIAN: They were
21 juveniles.

22 MR. SARABIA: Okay.

23 PROSPECTIVE JUROR AGAJANIAN: So they went to
24 juvenile court.

25 MR. SARABIA: Okay. But they did catch

1 somebody, and there was some sort of process that
2 they went through?

3 PROSPECTIVE JUROR AGAJANIAN: They ended up
4 paying restitution.

5 MR. SARABIA: Okay.

6 Anything about that situation that you feel like
7 makes you upset with either the State or Defense
8 attorneys, or do you feel like you'd be fair and
9 impartial to both sides?

10 PROSPECTIVE JUROR AGAJANIAN: There was nothing
11 odd or unfair about it.

12 MR. SARABIA: Okay. And actually, Mr. Dubay, I
13 forgot to ask you. You said I -- it looked like it
14 was a friend of yours you knew that had gotten
15 arrested for something in the past?

16 PROSPECTIVE JUROR DUBAY: Yes.

17 MR. SARABIA: You're not that old, so how
18 recently was it?

19 PROSPECTIVE JUROR DUBAY: A couple years ago.

20 MR. SARABIA: Okay. Were you -- did you keep up
21 with it very closely or did you just hear about it
22 kind of after that?

23 PROSPECTIVE JUROR DUBAY: I kept up -- kept up
24 with it.

25 MR. SARABIA: Okay.

1 PROSPECTIVE JUROR DUBAY: He was one of my
2 closest friends.

3 MR. SARABIA: Okay. Were you, like, a witness
4 or anything or just aware that --

5 PROSPECTIVE JUROR DUBAY: No. It was all the
6 way down in Hillsborough.

7 MR. SARABIA: Okay. Do you feel like everybody
8 was treated fairly in the situation?

9 PROSPECTIVE JUROR DUBAY: Yes.

10 MR. SARABIA: Was it here in Pasco county or was
11 it somewhere else?

12 PROSPECTIVE JUROR DUBAY: Hillsborough.

13 MR. SARABIA: Hillsborough? Okay. And nothing
14 about that makes you feel like you'd have difficulty
15 being a fair and impartial juror here?

16 PROSPECTIVE JUROR DUBAY: No.

17 MR. SARABIA: Fantastic.

18 Ms. Reed.

19 PROSPECTIVE JUROR REED: Yes.

20 MR. SARABIA: How are you doing?

21 PROSPECTIVE JUROR REED: I'm all right.

22 MR. SARABIA: So you may have heard the Judge
23 reading the charges. The charge is aggravated
24 assault.

25 PROSPECTIVE JUROR REED: Mm-hmm.

1 MR. SARABIA: So have you lived in any other
2 states prior to being in Florida?

3 PROSPECTIVE JUROR REED: Yes.

4 THE COURT: Which one?

5 PROSPECTIVE JUROR REED: New York.

6 MR. SARABIA: New York. Perfect.

7 THE COURT: Two -- told you there'd be one.

8 MR. SARABIA: Out of curiosity, how many people
9 have lived in New York at some time in their lives?
10 Oh, man. That's lower than we usually have. Okay.
11 But a couple of you.

12 So New York's a good one because my
13 understanding is that in New York, the crime of
14 assault is what we call the crime battery here in
15 Florida. Does that make sense?

16 PROSPECTIVE JUROR REED: Yeah.

17 MR. SARABIA: So I've never practiced law in New
18 York, but just based on a little bit of interaction
19 with them. So like, the crime of battery, I go and
20 batter Mr. Moeller over here, battery just means
21 touch or strike against somebody's will, and there's
22 actually contact.

23 PROSPECTIVE JUROR REED: Okay.

24 MR. SARABIA: I believe that in New York that is
25 an assault. They call that an assault.

1 Yeah. Mr. Mojica, you're -- you're my guy. You
2 know all the things I'm talking about.

3 So -- but really, it's just the name of the
4 charge. Right?

5 PROSPECTIVE JUROR REED: Yeah.

6 MR. SARABIA: So the way in Florida we define
7 assault is the threat to commit violence. And I'm --
8 I'm boiling it down a little bit. Ultimately, the
9 Judge will give you the exact law on what it is. But
10 the threat to commit violence that seems imminently
11 about to happen and puts the person in fear that
12 violence is going to take place. So there doesn't
13 actually have to be any contact. Does that make
14 sense?

15 PROSPECTIVE JUROR REED: Yeah.

16 MR. SARABIA: Are you okay with that?

17 PROSPECTIVE JUROR REED: Yeah.

18 MR. SARABIA: Okay. Nothing about, having spent
19 any amount of time in New York, you're going to be
20 carrying the laws of New York (Indiscernible) and be
21 like, well, wait a second --

22 PROSPECTIVE JUROR REED: No.

23 MR. SARABIA: -- this is not what I heard about
24 an assault.

25 PROSPECTIVE JUROR REED: I was -- I've been back

1 in Florida for almost ten years. I was like five.

2 MR. SARABIA: Okay.

3 PROSPECTIVE JUROR REED: So I don't know.

4 MR. SARABIA: And how about you, Mr. Mojica?
5 Any problems with that?

6 PROSPECTIVE JUROR MOJICA: No. I have no
7 problems with that.

8 MR. SARABIA: And, Mr. Mojica, I'll tell you an
9 interesting story. There's -- there's one particular
10 crime that we name murder that most people don't
11 think of when they think of murder, and it trips
12 people up. But it's got two or three elements, and
13 if you hit the elements, they call it murder. And
14 it's not at all what -- what you normally think of
15 when you think of murder. So this is not that,
16 obviously; however, most people think of assault,
17 they're thinking more along the New York lines.

18 Does everybody understand what I'm talking
19 about?

20 MULTIPLE POTENTIAL JURORS: Yes.

21 MR. SARABIA: Am I boring everybody yet?

22 MULTIPLE POTENTIAL JURORS: No.

23 MR. SARABIA: All right. Good. I'm trying. I
24 got -- all right. Fair enough. Be honest with me.

25 So, Mr. Wilson, same kind of question. And

1 really what I'm getting to is ultimately the Judge
2 will instruct you what the law is and what
3 elements -- we call them elements -- that the State
4 needs to prove to show aggravated assault beyond a
5 reasonable doubt. Are you going to be able to hold
6 us to those elements and not anything else that you
7 potentially might think of, like, when you think of
8 assault or aggravated assault or other things? Can
9 you do that?

10 PROSPECTIVE JUROR WILSON: Yes.

11 MR. SARABIA: Okay.

12 Actually, Mr. Reed, let me go back to you for a
13 second. It looks like you had a brother who's been a
14 victim and possibly arrested for a crime before?

15 PROSPECTIVE JUROR REED: Yeah. Probably both.

16 MR. SARABIA: Okay. Was that here or was that
17 in New York or somewhere else?

18 PROSPECTIVE JUROR REED: It's -- it's up in New
19 York, and I believe all of it was drug related.

20 MR. SARABIA: Okay. Did you follow that very
21 closely?

22 PROSPECTIVE JUROR REED: No.

23 MR. SARABIA: Okay. Anything about that
24 situation that makes you feel like you'd have
25 difficulty being fair and impartial in this

1 situation?

2 PROSPECTIVE JUROR REED: No, no.

3 MR. SARABIA: Okay.

4 All right. Mr. Wilson, so I believe you told us
5 you're retired Air Force?

6 PROSPECTIVE JUROR WILSON: Not retired, but I
7 served in the Air Force.

8 MR. SARABIA: Served in the Air Force? Okay.
9 Did you do anything after that? A career?

10 PROSPECTIVE JUROR WILSON: Real estate.

11 MR. SARABIA: Real estate? You still do that
12 day or you --

13 PROSPECTIVE JUROR WILSON: Yes.

14 MR. SARABIA: Okay. Any other careers or has
15 that pretty much been what you've done since the Air
16 Force?

17 PROSPECTIVE JUROR WILSON: That's pretty much
18 what I've done since the Air Force.

19 MR. SARABIA: Okay. I notice you've also been
20 on a jury before here in Florida. A civil jury. Am
21 I right?

22 PROSPECTIVE JUROR WILSON: No.

23 MR. SARABIA: I'm not right. Okay. Have you
24 ever done jury duty before?

25 PROSPECTIVE JUROR WILSON: I had it set for a

1 jury. I've been involved in a court case up in
2 Virginia where, you know -- a car accident.

3 MR. SARABIA: Okay. So you've never gotten to
4 do what you're doing here today?

5 PROSPECTIVE JUROR WILSON: No.

6 MR. SARABIA: All right. First time for
7 everything. Right?

8 PROSPECTIVE JUROR WILSON: Yeah.

9 MR. SARABIA: And actually, how long were you in
10 the Air Force?

11 PROSPECTIVE JUROR WILSON: Four years.

12 MR. SARABIA: Did you ever have any -- were you
13 ever a juror in that capacity?

14 PROSPECTIVE JUROR WILSON: No.

15 MR. SARABIA: Okay. All right. And you
16 indicated that you had been a witness in a case
17 before or had a case going on?

18 PROSPECTIVE JUROR WILSON: Yeah. A case up in
19 Virginia.

20 MR. SARABIA: All right. Is that long in the
21 past?

22 PROSPECTIVE JUROR WILSON: Yeah.

23 MR. SARABIA: Or still going on?

24 PROSPECTIVE JUROR WILSON: No. It's long in the
25 past.

1 MR. SARABIA: Okay. Were you heavily involved
2 in that?

3 PROSPECTIVE JUROR WILSON: Well, it was a car
4 accident somebody was suing me for.

5 MR. SARABIA: Okay. So you were heavily
6 involved in it.

7 PROSPECTIVE JUROR WILSON: Yes.

8 MR. SARABIA: Have to deal with attorneys?

9 PROSPECTIVE JUROR WILSON: Yes.

10 MR. SARABIA: All right. Pleasant experience?
11 Probably not?

12 PROSPECTIVE JUROR WILSON: No.

13 MR. SARABIA: Anything about that experience
14 that would -- that you feel would make it difficult
15 for you to be on a jury in this case?

16 PROSPECTIVE JUROR WILSON: No.

17 MR. SARABIA: Sometimes when people have to go
18 through cases like that or a situation where they
19 deal with lawyers, there are some lawyers that aren't
20 very nice to deal with. Right? And then they don't
21 want to listen to what any lawyer ever has to say.
22 You think that could be a problem for you, or do you
23 think, you know, those lawyers are -- were involved
24 in that. I don't think -- you probably don't know
25 any of the three lawyers that are in front of you

1 here today. Right?

2 PROSPECTIVE JUROR WILSON: Right. I don't know
3 any of them.

4 MR. SARABIA: So any problems listening to what
5 we have to say?

6 PROSPECTIVE JUROR WILSON: No.

7 MR. SARABIA: All right. And I think you
8 indicated -- did you indicate that you know someone
9 who's a law enforcement officer or were you a law
10 enforcement officer?

11 PROSPECTIVE JUROR WILSON: I was in security
12 police in the Air Force.

13 MR. SARABIA: Okay. Did you ever have to
14 testify as a police officer in the Air Force?

15 PROSPECTIVE JUROR WILSON: No.

16 MR. SARABIA: Okay. And I could -- it was
17 difficult to tell if you know somebody who has been
18 arrested for a crime at some point?

19 PROSPECTIVE JUROR WILSON: Yes.

20 MR. SARABIA: Was that a long time ago or was
21 that recently?

22 PROSPECTIVE JUROR WILSON: Long time.

23 MR. SARABIA: All right. Was that here in
24 Florida or was that somewhere else?

25 PROSPECTIVE JUROR WILSON: Here in Florida, over

1 on the east coast.

2 MR. SARABIA: Okay. So east coast. Not Pasco
3 Sheriff's office. Not the State Attorney's Office.
4 Anything about that situation that you feel would
5 make it difficult for you to be fair and unbiased to
6 both sides?

7 PROSPECTIVE JUROR WILSON: No.

8 MR. SARABIA: All right. Do you feel like
9 everybody was treated fairly in that situation?

10 PROSPECTIVE JUROR WILSON: Yes.

11 MR. SARABIA: Okay. Anything I've brought up so
12 far -- I haven't really brought up a whole lot yet --
13 you think would be an issue for you?

14 PROSPECTIVE JUROR WILSON: Nothing yet.

15 MR. SARABIA: Okay. You'll raise your hand,
16 though, if there is something?

17 PROSPECTIVE JUROR WILSON: Correct.

18 MR. SARABIA: Excellent.

19 All right. Ms. -- Mr. Novak.

20 PROSPECTIVE JUROR NOVAK: Hello.

21 MR. SARABIA: How are you doing?

22 PROSPECTIVE JUROR NOVAK: I'm good.

23 MR. SARABIA: And you work in the tech field,
24 huh?

25 PROSPECTIVE JUROR NOVAK: I do.

1 MR. SARABIA: You've been doing that for a
2 while?

3 PROSPECTIVE JUROR NOVAK: Three years.

4 MR. SARABIA: Three years? Okay. So three
5 years, that's like 30 years in other careers. I'm
6 sure you've seen a lot of different things change,
7 huh?

8 PROSPECTIVE JUROR NOVAK: Yeah, yeah. Quite a
9 bit. AI and all that.

10 MR. SARABIA: Yeah, certainly. You ever watch
11 any crime TV shows?

12 PROSPECTIVE JUROR NOVAK: A few.

13 MR. SARABIA: All right. Which one's your
14 favorite?

15 PROSPECTIVE JUROR NOVAK: Criminal Minds is
16 pretty good.

17 MR. SARABIA: Criminal Minds? Okay. That's --
18 is that a Law & Order? Law & Order: Criminal Minds?

19 UNIDENTIFIED PROSPECTIVE JUROR: It's FBI.

20 PROSPECTIVE JUROR NOVAK: FBI.

21 MR. SARABIA: FBI? Okay. All right.

22 Anybody -- yeah. I'm dating myself. Anybody
23 used to watch the original Law & Order? Oh, man,
24 that is not a lot of people. There was a day where
25 everybody raised their hand. Okay.

1 You have seen a Law & Order? Okay.

2 UNIDENTIFIED PROSPECTIVE JUROR:

3 (Indiscernible).

4 MR. SARABIA: How about CSI? That one's getting
5 less -- less popular nowadays, too. Okay. A couple
6 people. All right. So a couple things on that. So
7 one, CSI -- and feel free to raise your hand if
8 you've seen this episode -- there was an episode
9 where there was a murder, because I think there's
10 always a murder on CSI, and ultimately the -- the
11 investigative team determines that there was a photo
12 taken of the victim immediately before he was
13 murdered. And in CSI, they -- this -- this episode's
14 got to be like 15, 20 years old by now, so imagine
15 the technology back then, Mr. Novak. But they used
16 their CSI TV technology, and they zoomed in on the
17 eyeball of the victim, made it bigger, made it
18 bigger, so they could see the reflection which
19 depicted the murderer right before the murder.
20 Anyone see this one? All right.

21 All right. Ms. Salvagno.

22 PROSPECTIVE JUROR SALVAGNO: Yes.

23 MR. SARABIA: All right. See? I don't make
24 this stuff up. This is -- it's out there in the
25 entertainment world.

1 You didn't see that one, Mr. Wilson?

2 PROSPECTIVE JUROR WILSON: Well, I don't know
3 that specific one, but, yes, I've seen that.

4 MR. SARABIA: Okay. So, Mr. Novak, you
5 understand that that technology doesn't necessarily
6 exist. Correct?

7 PROSPECTIVE JUROR NOVAK: That's correct. Yes.

8 MR. SARABIA: All right. And you probably
9 better than -- than a lot of other people, being in
10 the IT field, know that there's some technologies
11 that are out there, there's others that are just not
12 quite out there. And in fact, those types of zooming
13 in and things, a lot of times that will use AI to
14 kind of fill out the picture. Right?

15 PROSPECTIVE JUROR NOVAK: That's correct.

16 MR. SARABIA: Okay. So, Mr. Clark.

17 PROSPECTIVE JUROR CLARK: Yes. Here.

18 MR. SARABIA: Along those lines, there's a lot
19 of things that happen on TV. There's a lot of
20 evidence that they come up with or present or
21 investigative the techniques that they'll -- they'll
22 showcase that don't really exist. Is that fair? You
23 agree?

24 PROSPECTIVE JUROR CLARK: Yes, sir. Yeah.

25 MR. SARABIA: Yes? Now, I don't know what all

1 of you individual people may have seen on TV, and I
2 don't know what you might think to yourself or
3 expect. Like, well, wait, I've seen this on TV. One
4 of my favorites is the fingerprints. Right? Every
5 time you get a TV fingerprint, one, it's always a
6 full print. There's always, like, a good -- a good
7 full fingerprint, and then a computer screen goes up
8 and it's got the print, and then it's got probably a
9 copy and paste graphic that is the exact same print
10 and says match. Right? Anybody seen this? Movies,
11 TV?

12 UNIDENTIFIED PROSPECTIVE JUROR: Yes.

13 MR. SARABIA: And, Mr. Clark, have you seen
14 this?

15 PROSPECTIVE JUROR CLARK: Yeah, I've seen it.

16 MR. SARABIA: All right. You understand that
17 that's not real. That's not the way things work.
18 You agree? You doing all right there?

19 PROSPECTIVE JUROR CLARK: Yeah, yeah.

20 MR. SARABIA: Okay.

21 PROSPECTIVE JUROR CLARK: Doing fine.

22 MR. SARABIA: Okay. And I apologize. If you
23 don't answer loudly --

24 PROSPECTIVE JUROR CLARK: Okay.

25 MR. SARABIA: -- pretty loudly, it's going to be

1 difficult for me to hear you up here.

2 PROSPECTIVE JUROR CLARK: Got you.

3 MR. SARABIA: There's an air conditioner and
4 stuff going on. So ultimately, my question to you
5 is, will you be able to look at and evaluate the
6 evidence and the testimony that the State does
7 present and determine whether or not that proves
8 beyond a reasonable doubt that the defendant is
9 guilty?

10 PROSPECTIVE JUROR CLARK: Yes, I can do that.

11 MR. SARABIA: Okay. And not necessarily be
12 thinking, oh, wait a second, what? On CSI they had
13 this cool machine that did this. Why didn't they use
14 that? You won't be doing that?

15 PROSPECTIVE JUROR CLARK: No, no.

16 MR. SARABIA: Okay.

17 Can everybody agree that you won't do that?

18 MULTIPLE POTENTIAL JURORS: Yes.

19 MR. SARABIA: And you'll look at the evidence
20 and testimony that is presented?

21 MULTIPLE POTENTIAL JURORS: Yes.

22 MR. SARABIA: Okay. Mr. Clark, you indicated
23 you were -- you were a victim of a crime, that your
24 house was damaged at some point?

25 PROSPECTIVE JUROR CLARK: Yeah. Yes. It was up

1 in Michigan. It was about 25 years ago.

2 MR. SARABIA: Okay. So a while ago.

3 PROSPECTIVE JUROR CLARK: Somebody damaged my
4 house. They got -- they got arrested.

5 MR. SARABIA: Okay.

6 PROSPECTIVE JUROR CLARK: Made restitution and
7 all that.

8 MR. SARABIA: Did it -- so followed through with
9 prosecution and everything?

10 PROSPECTIVE JUROR CLARK: Correct.

11 MR. SARABIA: Okay. Any issues with the way
12 that was handled?

13 PROSPECTIVE JUROR CLARK: No. Worked fine.

14 MR. SARABIA: Did you feel like anything was
15 handled appropriately?

16 PROSPECTIVE JUROR CLARK: Exactly.

17 MR. SARABIA: Okay.

18 All right. Mr. Mojica, I'm going to pick on you
19 a little bit more. So Law & Order. Law & Order is
20 another one. Kind of a different animal. Rarely did
21 you see, like, the advanced technology that you see
22 on -- like, CSI, that was a thing. Right? It's like
23 look at this amazing new thing we can conceptualize.

24 PROSPECTIVE JUROR MOJICA: Right.

25 MR. SARABIA: But Law & Order was more

1 procedural. Right.

2 PROSPECTIVE JUROR MOJICA: Okay.

3 MR. SARABIA: You agree?

4 PROSPECTIVE JUROR MOJICA: I agree.

5 MR. SARABIA: Did you see Law & Order?

6 PROSPECTIVE JUROR MOJICA: I know about it. My
7 mom used to watch it, but I was never really big on
8 that.

9 MR. SARABIA: Okay. Maybe you're not the best
10 person to ask this question to, then.

11 PROSPECTIVE JUROR MOJICA: Okay.

12 MR. SARABIA: Who has seen Law & Order? All
13 right. I'll talk to -- that's Ms. Herman?

14 PROSPECTIVE JUROR HERMAN: Yes.

15 MR. SARABIA: I'll talk to you about this, then.

16 PROSPECTIVE JUROR HERMAN: Okay.

17 MR. SARABIA: So Law & Order. The old Jack
18 McCoy. I mean, we could go further back than that,
19 but remember Jack McCoy?

20 PROSPECTIVE JUROR HERMAN: Sort of.

21 MR. SARABIA: All right. The first half of Law
22 & Order, you had the police investigation. Right?
23 And then the second half you had kind of like the
24 prosecution.

25 PROSPECTIVE JUROR HERMAN: Yes.

1 MR. SARABIA: Which means, if you time it out,
2 44 minutes in an episode with some commercials placed
3 in the middle, it's like 22 minutes investigation,
4 22 minutes of prosecution. Right?

5 PROSPECTIVE JUROR HERMAN: Yes.

6 MR. SARABIA: Now, would it surprise you to
7 learn that we're going to probably talk for five or
8 six hours over the course of today and tomorrow about
9 roughly three minutes' worth of time?

10 PROSPECTIVE JUROR HERMAN: No.

11 MR. SARABIA: It would not surprise you. Okay.
12 Now, is it fair that it's not going to be as
13 entertaining as Law & Order is?

14 PROSPECTIVE JUROR HERMAN: Yes.

15 MR. SARABIA: Okay.

16 PROSPECTIVE JUROR HERMAN: You're pretty
17 entertaining. Just saying.

18 MR. SARABIA: Thank you. But I'm not sure
19 that's what I'm going for.

20 And, Mr. Dvorszki?

21 PROSPECTIVE JUROR DVORSZKI: Yeah.

22 MR. SARABIA: So in terms of -- of that,
23 they're -- generally, the trials -- obviously, we're
24 not going to try and waste your time. We're going to
25 try and be very judicious about what we present, why

1 we're presenting it, but it is going to take some
2 time, and it can be more boring at times. Is that
3 fair?

4 PROSPECTIVE JUROR DVORSZKI: Yeah.

5 MR. SARABIA: And in this case particular,
6 you're probably going to hear from multiple witnesses
7 that are largely describing the same thing. Any
8 problems listening to that?

9 PROSPECTIVE JUROR DVORSZKI: No.

10 MR. SARABIA: Yeah. Okay.

11 Ms. Cantero Pena.

12 PROSPECTIVE JUROR CANTERO PENA: Yes.

13 MR. SARABIA: In Law & Order, for instance, I --
14 I used to watch this and I've noticed this. Like,
15 well, wait a second. They would only present each
16 piece of the case one time through one person, even
17 though it's like, well, wait a second, don't that --
18 doesn't that person have to testify? Aren't there
19 more people that were there? But no, but they were
20 very -- they were very tight with how they presented
21 their -- their TV show. Right?

22 PROSPECTIVE JUROR CANTERO PENA: Uh-huh.

23 MR. SARABIA: Because they want to entertain
24 you. They want you to come back and keep watching
25 more. You'll notice they never really did the jury

1 selection part on Law & Order.

2 PROSPECTIVE JUROR CANTERO PENA: Right

3 MR. SARABIA: Because it's boring. Right?
4 Okay. So you think you'll be able to pay attention
5 to everything --

6 PROSPECTIVE JUROR CANTERO PENA: Yes.

7 MR. SARABIA: -- if you're selected to be on the
8 jury?

9 PROSPECTIVE JUROR CANTERO PENA: Yes.

10 MR. SARABIA: Okay.

11 So, Ms. Morales-Ear, you're a little hard for me
12 to see back there. One thing that you do see on TV
13 and in those movies sometimes, an attorney will jump
14 up and say, objection, Judge. You seen that happen
15 before?

16 PROSPECTIVE JUROR MORALES-EAR: Yes.

17 MR. SARABIA: Anyone seen that happen?

18 MULTIPLE POTENTIAL JURORS: Yes.

19 MR. SARABIA: Okay. Well, Ms. Morales-Ear, that
20 actually does happen sometimes. It's not uncommon.
21 And a lot of times you'll be listening to a witness,
22 you'll be listening to the questions, and then -- and
23 you'll be thinking, you know, why don't they just ask
24 this? I want to know what the answer to this
25 question is. And then finally, perhaps the Defense

1 attorney asks that question. You're like, finally, I
2 want to hear what the answer is. And I jump up and I
3 say objection. The Judge says sustained. And then
4 you don't get to hear the answer to that question.
5 Think you'd be okay with that?

6 PROSPECTIVE JUROR MORALES-EAR: Yes.

7 MR. SARABIA: Okay. Does everybody think
8 they'll be okay with that?

9 MULTIPLE POTENTIAL JURORS: Yes.

10 UNIDENTIFIED PROSPECTIVE JUROR: No.

11 MR. SARABIA: Okay. And Mr. -- Mr. Spellman?

12 PROSPECTIVE JUROR SPELLMAN: Yes.

13 MR. SARABIA: And it will probably go both ways.
14 Defense may object, we may object, the Judge may
15 sustain it, the Judge may overrule it, but,
16 ultimately, we're all trying to make sure that, you
17 know, the attorneys as well as the -- the Judge, that
18 there is a fair trial that follows all the rules of
19 evidence. Is that fair?

20 PROSPECTIVE JUROR SPELLMAN: Yeah.

21 MR. SARABIA: Okay. So to that end, I'm just
22 going to bring this up now. I like to bring it up
23 with you all now because otherwise we get a question
24 at some point. One thing that you almost will never
25 be able to see as a juror in any case is the police

1 report. It just -- there's a lot of reasons, but
2 under the rules of evidence, it just doesn't come in.
3 Very, very rare circumstances, which you don't really
4 want to end up in a situation where those come down,
5 but rare circumstances, perhaps, they can get
6 admitted into evidence, but in general, you can't get
7 it. So inevitably, if I don't go over that with you
8 now, the jury will ask at some point, can we see a
9 copy of this report, and the answer is no, you can't.
10 You okay with that?

11 PROSPECTIVE JUROR SPELLMAN: Yeah.

12 MR. SARABIA: All right. So, Mr. -- Mr. Stone.

13 PROSPECTIVE JUROR STONE: Yes, sir.

14 MR. SARABIA: Yeah. And along those same lines,
15 just like I talked about things that exist in TV
16 shows that don't exist really, things that do exist
17 that rules of evidence just don't allow you to see,
18 there may be other things that you think, like, well,
19 what about this? What about the police report? What
20 about this piece of paper? What about that? Just
21 for whatever reason, in the rules of evidence, we
22 can't give it to you. Is that okay?

23 PROSPECTIVE JUROR STONE: Sure thing.

24 MR. SARABIA: All right. And we're not going to
25 be -- like the police report is the one I always

1 bring up, but I'm not going to go over with you a
2 long list things that we can't talk about or we can't
3 admit into evidence or that have no relevance or that
4 don't exist. Right? Because then we'd be here all
5 week. Is that fair?

6 THE COURT: We have to go to law school.

7 PROSPECTIVE JUROR STONE: We make decisions on
8 what you show us.

9 THE COURT: We all went to law school
10 (Indiscernible).

11 MR. SARABIA: Yeah. Everybody okay with that?

12 MULTIPLE POTENTIAL JURORS: Yes.

13 MR. SARABIA: Okay. Mr. Stone, you indicated
14 that you have been a victim of break-ins in the past?

15 PROSPECTIVE JUROR STONE: When we were kids,
16 yeah.

17 MR. SARABIA: I'm sorry?

18 PROSPECTIVE JUROR STONE: When I was a kid,
19 yeah.

20 MR. SARABIA: When you were a kid, you were a
21 victim?

22 PROSPECTIVE JUROR STONE: Mm-hmm.

23 MR. SARABIA: Okay. So a while ago?

24 PROSPECTIVE JUROR STONE: Yeah.

25 MR. SARABIA: Was it here locally?

1 PROSPECTIVE JUROR STONE: Hillsborough County.

2 MR. SARABIA: Hillsborough County? Okay. Do
3 you know, was anybody ever prosecuted for that?

4 PROSPECTIVE JUROR STONE: I don't know. It was
5 too long ago.

6 MR. SARABIA: Okay. Did you have any
7 substantial involvement in the investigation or
8 anything?

9 PROSPECTIVE JUROR STONE: It happened while we
10 were away.

11 MR. SARABIA: Anything about that that would
12 make it difficult for you to be a juror in this case?

13 PROSPECTIVE JUROR STONE: No.

14 MR. SARABIA: Okay. I think you also indicated
15 that you knew somebody who'd been accused of a crime
16 at some point? Anything about that situation that
17 would make it difficult for you to be a juror?

18 PROSPECTIVE JUROR STONE: No.

19 MR. SARABIA: Okay. Mr. Vasconcellos Cabral?

20 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes.

21 MR. SARABIA: Is that close?

22 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yep.

23 MR. SARABIA: All right.

24 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Close
25 enough.

1 MR. SARABIA: Close enough? Okay. And I think
2 you indicated earlier that there's somebody that you
3 need to -- or that you would like to be able to help
4 take care of tomorrow?

5 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes. My
6 wife.

7 MR. SARABIA: Yeah. So --

8 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Not --
9 not tomorrow. Today and tomorrow.

10 MR. SARABIA: Today and tomorrow?

11 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Until
12 she -- she recover.

13 MR. SARABIA: If we burden you with having to be
14 here and sit and listen to witnesses and ultimately
15 deliberate and come to a verdict, are you going to be
16 able to do that?

17 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes.

18 MR. SARABIA: Okay. You're not going to hold it
19 against one side or the other?

20 PROSPECTIVE JUROR VASCONCELLOS CABRAL: No.

21 MR. SARABIA: Okay. Now, I believe you
22 indicated that you have a family member who's in law
23 enforcement?

24 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Well,
25 my --

1 MR. SARABIA: Your father-in-law?

2 PROSPECTIVE JUROR VASCONCELLOS CABRAL: My
3 deceased father-in-law was in (Indiscernible), yes.

4 MR. SARABIA: Was that -- so you also indicated,
5 I think, you come from Brazil?

6 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes,
7 that's correct.

8 MR. SARABIA: Was he in law enforcement in
9 Brazil or --

10 PROSPECTIVE JUROR VASCONCELLOS CABRAL: NYPD.

11 MR. SARABIA: New York Police Department?

12 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes.

13 MR. SARABIA: Okay. Have you ever lived in New
14 York?

15 PROSPECTIVE JUROR VASCONCELLOS CABRAL: No, I
16 never lived in New York.

17 MR. SARABIA: Okay. All right. Fantastic.

18 PROSPECTIVE JUROR VASCONCELLOS CABRAL:
19 (Indiscernible).

20 MR. SARABIA: Did he ever tell you any stories?
21 New York Police --

22 PROSPECTIVE JUROR VASCONCELLOS CABRAL: He moved
23 down -- he moved down here when he got shot off duty
24 in New York. So he retired and moved down here.

25 MR. SARABIA: Okay. Did he tell you a lot of

1 stories from back then?

2 PROSPECTIVE JUROR VASCONCELLOS CABRAL:

3 Absolutely.

4 MR. SARABIA: I'm sorry. I can't hear you.

5 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes.

6 MR. SARABIA: Yes? All right. So anything
7 about that that would make it difficult for you to be
8 fair and impartial here?

9 PROSPECTIVE JUROR VASCONCELLOS CABRAL: No.

10 MR. SARABIA: All right. Fantastic.

11 All right. Mr. Humphrey?

12 PROSPECTIVE JUROR HUMPHREY: Yes.

13 MR. SARABIA: How are you doing?

14 PROSPECTIVE JUROR HUMPHREY: I'm doing good.

15 MR. SARABIA: So kind of general question I'm
16 going to ask you, and then I'm going to kind of ask
17 the group. You ever have any interaction with law
18 enforcement for anything? Traffic citation? They're
19 knocking on doors looking for people who might have
20 seen something. They come in to a -- to a restaurant
21 you work at, and, you know, they're just there
22 eating.

23 PROSPECTIVE JUROR HUMPHREY: (Indiscernible).

24 MR. SARABIA: Show of hands. Who's had
25 interaction with law enforcement? Okay.

1 Let's do it the other way. Anybody -- raise
2 your hand if you've never had interaction with a law
3 enforcement officer in their professional capacity.
4 Okay. A couple of you.

5 And that's Mr. Dvorzski and Ms. Henriquez.

6 PROSPECTIVE JUROR DVORZSKI: Yes.

7 MR. SARABIA: Okay. So, Mr. Humphrey, back to
8 you. We -- lots of people have had interactions with
9 law enforcement officers in some capacity or another.
10 Correct?

11 PROSPECTIVE JUROR HUMPHREY: Correct.

12 MR. SARABIA: So have any of the interactions
13 you've had with law enforcement been of such a --
14 left such a bad taste in your mouth that you feel
15 like it would be difficult for you to listen to the
16 testimony of law enforcement officers if you're
17 selected to be a juror?

18 PROSPECTIVE JUROR HUMPHREY: No, sir.

19 MR. SARABIA: Does anybody feel that way?
20 Anybody feel like they just have a problem with law
21 enforcement officers? They don't like the way that
22 they act, or they think that they'll have difficulty
23 listening to them or believing the things that they
24 say if a law enforcement officer testifies? By a
25 show of hands. So there's one - -one hand. I'm only

1 seeing one. Anybody else?

2 And I'll come back to you, Mr. Humphrey.

3 And that is Mr. Hudson? Okay. So you feel like
4 just because a witness might be employed by law
5 enforcement, you'd have a difficulty -- difficulty
6 weighing their testimony the same as everybody
7 else's?

8 PROSPECTIVE JUROR HUDSON: I mean, overall,
9 like, I haven't had fantastic experiences with them
10 before in the past, so it's a little bit of a bias,
11 in my opinion.

12 MR. SARABIA: Okay. So you feel like you're
13 biased a little bit against law enforcement?

14 THE COURT: Can -- for the record, can you tell
15 me who's speaking?

16 MR. SARABIA: Yeah. That is Mr. Hudson --

17 THE COURT: Okay. Got it. Juror number 30.

18 MR. SARABIA: -- number 30.

19 THE COURT: Got it.

20 MR. SARABIA: So you're -- you've had
21 interactions with law enforcement officers. Has it
22 been here in Pasco County or has it been somewhere
23 else?

24 PROSPECTIVE JUROR HUDSON: Both.

25 MR. SARABIA: Both? Okay. And recently or --

1 well, you're not that old, so probably fairly
2 recently?

3 PROSPECTIVE JUROR HUDSON: It was.

4 MR. SARABIA: Okay. So do you feel like, then,
5 if you're selected to be on the jury, that you might
6 have a hard time being fair and impartial?

7 PROSPECTIVE JUROR HUDSON: Probably.

8 MR. SARABIA: Okay. And keep in mind, there's
9 no right or wrong answer. Nobody's upset with you.

10 PROSPECTIVE JUROR HUDSON: Yeah.

11 MR. SARABIA: But it's -- and that goes for
12 everybody. But it's just -- that's something that is
13 fair that we would want to know. Right?

14 PROSPECTIVE JUROR HUDSON: Understandable.

15 MR. SARABIA: Okay.

16 And, Mr. Humphrey, you were raising your hand
17 again or --

18 PROSPECTIVE JUROR HUMPHREY: I might have
19 trouble being impartial and listening to just the
20 facts because my brain is wired to listen to the
21 answers. Like, I want to just -- all right, go back,
22 answer that question. What did you do?

23 MR. SARABIA: Okay. So I'm --

24 PROSPECTIVE JUROR HUMPHREY: I want to listen
25 for the answers instead of listening to the facts.

1 MR. SARABIA: All right. So you're -- I'm going
2 to repeat what you said just for -- so the record.
3 You're saying you want to listen to the answers, not
4 necessarily the facts. So let me -- let me walk
5 through this video a little bit. Ultimately,
6 witnesses are going to testify and they're going to
7 answer questions.

8 PROSPECTIVE JUROR HUMPHREY: Mm-hmm.

9 MR. SARABIA: And the answers -- the -- the
10 testimony they gave, which is to answer to the
11 questions, those are what are going to make up the
12 facts. Is that fair? Does that make sense?

13 PROSPECTIVE JUROR HUMPHREY: Yeah. Kind of.

14 MR. SARABIA: Right. And any other evidence
15 that may be presented in the trial. Like all that
16 stuff that you're given and that you hear from the
17 witness stand, from the evidence that's entered,
18 that's going to be what you determine the facts from.

19 PROSPECTIVE JUROR HUMPHREY: Yeah. But I was,
20 like, saying if someone asks a question and you make
21 an objection, then I'll (Indiscernible), you know,
22 wait, hold that thought, answer the question.

23 MR. SARABIA: Okay. So even if the Judge
24 determines, for whatever reason, that the question
25 can't be answered, you think you would have a hard

1 time getting past that?

2 PROSPECTIVE JUROR HUMPHREY: Yes, sir.

3 MR. SARABIA: Okay. And that's fair. No right
4 or wrong answer.

5 All right. So back to any issues with law
6 enforcement. Anybody else have any interaction with
7 law enforcement over the course of their lives that
8 leaves such a bad taste in their mouth that they feel
9 like it would be difficult for them to listen to a
10 law enforcement officer's testimony and weigh it the
11 same way as any other person? I'm seeing no other
12 hands.

13 Now, I'm going to flip it around a little bit.
14 And Mr. Knipmeyer?

15 PROSPECTIVE JUROR KNIPMEYER: Yeah.

16 MR. SARABIA: You're -- I can barely see you
17 back there. I can't move far from the microphone
18 here.

19 PROSPECTIVE JUROR KNIPMEYER: Got you.

20 MR. SARABIA: So, Mr. Knipmeyer, I'm going to
21 flip that question around because it goes both ways.
22 Right? Just because somebody is employed as a law
23 enforcement officer doesn't imbue them with I never
24 told a lie or I'm -- I'm always the -- the perfect
25 witness category, does it?

1 PROSPECTIVE JUROR KNIPMEYER: It does not.

2 MR. SARABIA: So if you hear from a law
3 enforcement officer, you're not going to give them
4 more weight, more credibility than the facts
5 otherwise would -- would indicate, would you?

6 PROSPECTIVE JUROR KNIPMEYER: No.

7 MR. SARABIA: Okay.

8 PROSPECTIVE JUROR KNIPMEYER: I wouldn't
9 (Indiscernible) one way (Indiscernible) just if their
10 testimony -- if they didn't make sense.

11 MR. SARABIA: All right. And I'm sorry, I'm --
12 I can't hear you.

13 PROSPECTIVE JUROR KNIPMEYER: I said I would
14 actually be a little more wary of their testimony if
15 it didn't make sense to the situation.

16 MR. SARABIA: Okay. You said, and I'm just
17 repeating the record, you would be a little more wary
18 of their testimony if it didn't make sense to the
19 situation. Right?

20 PROSPECTIVE JUROR KNIPMEYER: Correct.

21 MR. SARABIA: Okay. And fantastic answer,
22 because one of the things the Judge will ultimately
23 instruct you on is you have to -- and I'm
24 summarizing, so go by what the Judge says, don't
25 necessarily go by what I say -- but basically, you

1 got to compare the testimony and the evidence
2 together. Right? Because if -- if you have all the
3 evidence, all the testimony, and there's something
4 that just doesn't make sense in the situation,
5 that's -- that's a consideration when you're
6 determining what the facts are. Right?

7 PROSPECTIVE JUROR KNIPMEYER: That's correct.

8 MR. SARABIA: Or when you're determining the
9 credibility of a witness over another witness. Fair?

10 PROSPECTIVE JUROR KNIPMEYER: Yes.

11 MR. SARABIA: Everybody understand that?

12 MULTIPLE POTENTIAL JURORS: Yes.

13 MR. SARABIA: Okay.

14 THE COURT: If I may interrupt just one second,
15 one of the instructions that I will give you if
16 you're chosen as a juror in this case -- at the end
17 of the case, I will give you a whole bunch of
18 instructions, but one is that the fact that a witness
19 is employed in law enforcement does not mean you, as
20 a juror, should -- I'm sorry -- does not mean that
21 his or her testimony deserves more or less
22 consideration than that of any other witness, i.e.,
23 just like what the juror just said, you're supposed
24 to judge it like you judge anyone else's testimony
25 based on what they saw, what they know, what their

1 background is, what their training, what their
2 experience, all that kind of stuff. Does everybody
3 agree, other than maybe the one person who's already
4 said they had a problem with law enforcement, and
5 that they could follow that instruction? Yes?

6 MULTIPLE POTENTIAL JURORS: Yes.

7 THE COURT: Okay. Go ahead.

8 MS. STEVENS: Your Honor, may we approach?

9 THE COURT: Sure.

10 (Begin sidebar.)

11 MS. STEVENS: Juror number 13 is falling asleep.
12 She (Indiscernible).

13 THE COURT: Ms. Morales?

14 MS. STEVENS: Yeah. I was -- I looked over.

15 THE COURT: Okay. Do you want to talk to her
16 when you get back there?

17 MR. SARABIA: Okay.

18 THE COURT: See what's going on?

19 MR. SARABIA: I may.

20 THE COURT: Okay. Thank you.

21 (End sidebar.)

22 THE COURT: Apologize for the stop there, and
23 apologize to State. You may proceed.

24 MR. SARABIA: Ms. Morales-Ear, you doing okay
25 back there?

1 PROSPECTIVE JUROR MORALES-EAR: I'm just
2 (Indiscernible).

3 MR. SARABIA: I'm sorry.

4 UNIDENTIFIED PROSPECTIVE JUROR: She needs a
5 coffee.

6 PROSPECTIVE JUROR MORALES-EAR: I need a coffee.
7 That's all.

8 MR. SARABIA: Okay. Have you been able to stay
9 awake and pay attention to all the things that have
10 been going on thus far?

11 PROSPECTIVE JUROR MORALES-EAR: I'm a good
12 listener.

13 MR. SARABIA: Okay. So even though from my
14 vantage point it may look like you -- you're falling
15 asleep, that's not what's going on?

16 PROSPECTIVE JUROR MORALES-EAR: No.

17 MR. SARABIA: Okay.

18 PROSPECTIVE JUROR MORALES-EAR: I promise.

19 MR. SARABIA: Okay. I'm going to jump back to
20 Mr. Knipmeyer. That that's why I ask these questions
21 about things being boring. Because I -- I understand
22 that this is not what you want to be doing right now,
23 and that this is not the most compelling --
24 compelling thing you could be doing.

25 So question for all of you at once. So, like

1 the Judge just said, and like the questions I'm
2 getting at, everybody agree that law enforcement
3 officers should be treated as any other witness? You
4 shouldn't -- just like you shouldn't give them less
5 credibility, you shouldn't give them more credibility
6 just because they're in law enforcement. Is that
7 fair?

8 MULTIPLE POTENTIAL JURORS: Yes.

9 MR. SARABIA: Does anybody feel like they would
10 have trouble doing that? That they think that
11 they'll give law enforcement more credibility
12 because -- just because they got hired by a law
13 enforcement agency that you're going to believe
14 everything that they say no holds barred? Nobody
15 feels like they have that problem?

16 MULTIPLE POTENTIAL JURORS: No.

17 MR. SARABIA: Okay. All right. Mr. Knipmeyer.

18 PROSPECTIVE JUROR KNIPMEYER: You indicated on
19 your questionnaire -- it looks like you knew somebody
20 who'd been accused of something, and ultimately it
21 didn't -- it didn't end up going anywhere, it didn't
22 get to a point of conviction. Was that a long time
23 ago or recently?

24 PROSPECTIVE JUROR KNIPMEYER: It was this year.

25 MR. SARABIA: I'm sorry. I can't --

1 PROSPECTIVE JUROR KNIPMEYER: It was this year.

2 MR. SARABIA: This year?

3 PROSPECTIVE JUROR KNIPMEYER: Yeah.

4 MR. SARABIA: Okay. Did it go on for a long
5 period of time or was it pretty quick?

6 PROSPECTIVE JUROR KNIPMEYER: Actually it just
7 resolved, so it took about nine months.

8 MR. SARABIA: Okay. So I'm guessing with that
9 time frame it was here in Pasco County? Probably
10 this courthouse?

11 PROSPECTIVE JUROR KNIPMEYER: No. It was out of
12 state where my family lives in Arkansas.

13 MR. SARABIA: I'm sorry?

14 PROSPECTIVE JUROR KNIPMEYER: Out of state where
15 my family lives in Arkansas.

16 MR. SARABIA: Okay. Out of state in Arkansas.
17 I did not expect that response. Anything about that
18 situation that would make it difficult for you to be
19 fair and impartial here?

20 PROSPECTIVE JUROR KNIPMEYER: No. It was about
21 the DHS system. It had nothing to do with law
22 enforcement or anything like that.

23 MR. SARABIA: Okay. I didn't understand
24 everything you said, but you indicated it had nothing
25 to do with law enforcement. So a different

1 situation.

2 PROSPECTIVE JUROR KNIPMEYER: Right.

3 MR. SARABIA: Okay. Perfect.

4 Ms. Petrini?

5 PROSPECTIVE JUROR PETRINI: Yes.

6 MR. SARABIA: I don't know that I've actually
7 been able to see you almost the entire time that
8 we've been doing this, so hello there.

9 PROSPECTIVE JUROR PETRINI: Hi.

10 MR. SARABIA: As I read your name, I said I
11 don't recall a person there. So, Ms. Petrini, a
12 couple things. So one, you have a family member, a
13 father-in-law, who was a victim of a crime. Was that
14 recently?

15 PROSPECTIVE JUROR PETRINI: About a year ago.

16 MR. SARABIA: About a year ago? Was it here
17 locally or somewhere else?

18 PROSPECTIVE JUROR PETRINI: He's local. It was
19 identity theft. So --

20 MR. SARABIA: Did -- did that get investigated
21 by Pasco County Sheriff's Office?

22 PROSPECTIVE JUROR PETRINI: No.

23 MR. SARABIA: Do you know what law enforcement
24 agency did the investigation, or was it reported?

25 PROSPECTIVE JUROR PETRINI: I don't think it was

1 reported.

2 MR. SARABIA: Okay. Anything about that
3 situation that would make it difficult for you to be
4 a juror in this case?

5 PROSPECTIVE JUROR PETRINI: No.

6 MR. SARABIA: All right.

7 Ms. Henriquez.

8 PROSPECTIVE JUROR HENRIQUEZ: Yes.

9 MR. SARABIA: We spoke briefly already. So
10 (Indiscernible) law enforcement already. Right?

11 PROSPECTIVE JUROR HENRIQUEZ: Yes.

12 MR. SARABIA: Now, it is possible, and I
13 don't -- I don't know if this -- I don't even know if
14 this will come up, but it's possible that you'll hear
15 from somebody over the course of this case that may
16 have prior military experience. If that happens, if
17 you hear from a witness that is -- has prior military
18 experience, does that mean that they are more
19 credible or less credible than any other witness?

20 PROSPECTIVE JUROR HENRIQUEZ: No.

21 MR. SARABIA: Okay. And you would be able to
22 evaluate their testimony the same way you would
23 evaluate anybody else's testimony?

24 PROSPECTIVE JUROR HENRIQUEZ: Yes.

25 MR. SARABIA: All right. Now, I know I have a

1 bunch of people who have prior military. Everybody
2 else agrees? Does anybody feel like if they hear
3 somebody has some service experience in any of the
4 branches of the -- the military, that you would
5 either be more biased towards them or more biased
6 against them? Either way?

7 MULTIPLE POTENTIAL JURORS: No.

8 MR. SARABIA: Nobody feels like that would be
9 problem for them?

10 MULTIPLE POTENTIAL JURORS: No.

11 MR. SARABIA: All right.

12 Mr. Humphrey, were you raising your hand or were
13 you just stretching?

14 PROSPECTIVE JUROR HUMPHREY: Stretching.

15 MR. SARABIA: Stretching? Okay.

16 Ms. Herman, we spoke.

17 PROSPECTIVE JUROR HERMAN: Yes. I thought of a
18 couple things, though.

19 MR. SARABIA: All right. Fantastic. I love
20 things.

21 PROSPECTIVE JUROR HERMAN: Well, my
22 brother-in-law is a retired state police officer in
23 Connecticut. I did forget about that. And then I
24 have a brother, probably 20 years ago, went to prison
25 for a year for drug charges.

1 MR. SARABIA: Okay.

2 PROSPECTIVE JUROR HERMAN: Completely forgot
3 about those things.

4 MR. SARABIA: No problem.

5 THE COURT: Just like what I said --

6 PROSPECTIVE JUROR HERMAN: Yes.

7 THE COURT: -- sometimes you forget.

8 PROSPECTIVE JUROR HERMAN: Right.

9 MR. SARABIA: That's why we -- one of the
10 reasons we go through this long, arduous process. So
11 because you forgot about them, I suspect that it's
12 not really going to play at all into any of the
13 issues that may come up in this trial. Correct?

14 PROSPECTIVE JUROR HERMAN: No. Not at all.

15 MR. SARABIA: All right. So if you hear from
16 the law enforcement officer, you'd still be able to
17 evaluate the testimony like anybody else?

18 PROSPECTIVE JUROR HERMAN: Yes.

19 MR. SARABIA: And you said brother?

20 PROSPECTIVE JUROR HERMAN: Brother, yes.

21 MR. SARABIA: And you said that was a long time
22 ago?

23 PROSPECTIVE JUROR HERMAN: Yes.

24 MR. SARABIA: Was that local at all?

25 PROSPECTIVE JUROR HERMAN: That was in

1 Connecticut.

2 MR. SARABIA: Connecticut also? Okay. Anything
3 about that situation that you feel like it would be
4 difficult for you to be fair and impartial to both
5 sides?

6 PROSPECTIVE JUROR HERMAN: No.

7 MR. SARABIA: Okay. Excellent.

8 Mr. Huerta?

9 PROSPECTIVE JUROR HUERTA: Yes.

10 MR. SARABIA: How are you doing?

11 PROSPECTIVE JUROR HUERTA: Pretty good.

12 MR. SARABIA: All right. Is anything I brought
13 up so far an issue for you?

14 PROSPECTIVE JUROR HUERTA: No.

15 MR. SARABIA: Okay. I kind of -- I kind of
16 implied this with a couple of earlier questions, but
17 one thing that we run into sometimes is jurors will
18 want to know more than what was presented. And
19 granted, it is the State's job, we have to prove to
20 you beyond a reasonable doubt that the defendant
21 committed the crime. We don't necessarily have to
22 prove to you or admit any evidence about things that
23 happen before the crime, things that happen after the
24 crime, or things that don't really have to do with
25 proving those elements. Is that fair?

1 PROSPECTIVE JUROR HUERTA: Not -- not really.
2 Not really.

3 MR. SARABIA: Not really?

4 PROSPECTIVE JUROR HUERTA: No.

5 MR. SARABIA: So what's your -- what's your
6 problem with that? What's -- what's the issue?

7 PROSPECTIVE JUROR HUERTA: It's not a issue.
8 It's just -- I just wanted to hear -- we need to hear
9 both sides. That's what I need (Indiscernible).

10 MR. SARABIA: All right.

11 PROSPECTIVE JUROR HUERTA: (Indiscernible).

12 MR. SARABIA: Fantastic. You brought up a lot
13 of things that we're going to talk about.

14 But number one, you said you want to hear from
15 both sides. So you understand that the State has the
16 burden of proving the case beyond a reasonable doubt.
17 Is that fair?

18 PROSPECTIVE JUROR HUERTA: Yes.

19 MR. SARABIA: Like, that's the legal standard?
20 You understand that the Defense, they don't even have
21 to do anything over there, and you still have to
22 evaluate whether the evidence and testimony that the
23 State presents proves the crime beyond a reasonable
24 doubt. You okay with that? You follow me so far?

25 PROSPECTIVE JUROR HUERTA: Yes.

1 MR. SARABIA: Okay. So regardless of whether
2 the defendant does anything, and they may -- they may
3 do something, they may not. They may present
4 testimony, they may not. It's completely up to them.
5 But if -- if they do, obviously, that's more
6 information and you -- you look at it the same way
7 you would all the other evidence in the case. If
8 they don't, you still have to evaluate the State's
9 evidence and make sure that it proves the case beyond
10 a reasonable doubt.

11 PROSPECTIVE JUROR HUERTA: Yes.

12 MR. SARABIA: Fair? Okay. Now, along those
13 lines, and what I was getting to you originally in my
14 question, not even like the wanting to hear from two
15 sides situation, but just the -- I'm not going to be
16 trying to prove to you things that are not elements
17 of the crime. Is that fair? Like, I'm not going to
18 be trying to prove to you what somebody had for
19 breakfast. I'm not going to be trying to prove to
20 you what somebody had afterwards for dinner. I'm not
21 going to be trying to prove to you what happened the
22 next day or anything of that nature. They might be
23 things that you think, like, I wonder -- I wonder
24 what that guy had for breakfast. I wonder what he
25 had for dinner. And I'm using those examples, and

1 they're a little bit funny, but, you know, you can
2 insert different facts there that -- that would be
3 more applicable to you. But I can't predict all the
4 things that everybody might want to know. But if I'm
5 doing my job, I'm going to be presenting all of the
6 relevant evidence to show the elements of the crime
7 or to -- what I think proves the case beyond a
8 reasonable doubt. Is that fair?

9 PROSPECTIVE JUROR HUERTA: Yeah. Personally,
10 yeah.

11 MR. SARABIA: Okay. Now, long way to get to my
12 original question. Are you going to be okay with
13 that or do you think you're going to be back there --
14 and there's no right or wrong answer to this -- back
15 there thinking, you know, there wasn't enough
16 information about other things, I feel like I should
17 know more about this, or I should know more about
18 that, and therefore, regardless, of what the State's
19 evidence shows, I'm going to have a hard time being
20 fair to both sides.

21 PROSPECTIVE JUROR HUERTA: I'll -- I'll be okay.

22 MR. SARABIA: You'll be okay?

23 PROSPECTIVE JUROR HUERTA: Yeah.

24 MR. SARABIA: Okay.

25 (The proceedings continue in Volume II.)

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DATED this 10th day of February, 2026.

Mary Ann Burke

Mary Ann Burke, CET-1292
Digital Court Transcriber
Sixth Judicial Circuit