

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

STATE OF FLORIDA,

Case No. 2023-CF-000562-CFAXWS

vs.

WILLIAM ARSAND CLIFTON,

Defendant.

PROCEEDINGS: Jury Trial - Day 1
Volume II

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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State's Exhibits

None.

Defense's Exhibits

None.

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P R O C E E D I N G S

1
2 THE COURT: Can I interrupt one second? I just
3 want to go over one thing with the jury, and I did
4 say it a little bit, but I want to make sure I
5 reiterate with the jury because this usually comes up
6 in jury selection.

7 The defendant is on trial, but he has an
8 absolute right to remain silent. If the defendant
9 chooses not to testify -- and sometimes I hear jurors
10 say both sides, so I just want to -- that -- to me,
11 both sides usually means, oh, you know, the victims
12 testify, then the defendant testifies. Well, this is
13 a criminal case, and the defendant has an absolute
14 right to remain silent.

15 And the Constitution requires the State to prove
16 its accusation, these charges, against the defendant.
17 It is not necessary for the defendant to disprove
18 anything. Nor is the defendant required to prove his
19 innocence. It is up to the State, the State
20 Attorney's Office, the gentlemen over here, to prove
21 that the defendant is guilty by the evidence that
22 they will present during this trial.

23 The defendant could exercise his fundamental
24 right by choosing not to be a witness in this case,
25 and if he does, you, as any juror, must not view this

1 as an admission of guilt or be influenced in any way
2 by his decision. No juror should ever be concerned
3 that a defendant did or did not take the witness
4 stand to give testimony in the case.

5 That is a direct -- I basically read the
6 instruction that I would read to you at the end of
7 the case.

8 What Mr. Sarabia, myself, Defense counsel needs
9 to know -- and I'd ask for hands -- is there anybody
10 in the jury that could not, would not follow that
11 instruction? If the defendant chooses not to be --
12 testify, somehow you're going to hold it against him?
13 If that is true, let me see hands.

14 All right. I do see a hand. Sir, your name?
15 I'm sorry.

16 PROSPECTIVE JUROR SPELLMAN: Spellman.

17 THE COURT: All right. Mr. Spellman, I just
18 read you the instruction, and what you're saying is,
19 if the State puts on all this evidence and you don't
20 find beyond a reasonable doubt that the defendant is
21 guilty, then he chooses not to testify to -- you
22 know, he's just not going to testify, and you go back
23 in the back room, are you going to say, well, I don't
24 think the State's proved the case, but he didn't
25 testify, so that makes him guilty. That's kind of

1 what --

2 PROSPECTIVE JUROR SPELLMAN: No.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR SPELLMAN: I just -- I -- I
5 think there's been four -- four or five people going
6 to tell their story and he's not going to tell his.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR SPELLMAN: That's how I see
9 it.

10 THE COURT: And I understand that you -- and I
11 hear this from jurors all the time. Well, if it was
12 me, I would testify. Which is completely fine, but
13 the question is, would you hold it against him or
14 would you look at what the State did present and the
15 rules and the statute, and say, okay, A, B, and C,
16 the State proved A, B, and C. I got nothing else.
17 No -- got nothing -- nothing else out there.
18 State -- State's -- he's guilty. Or would you give
19 them less of a burden because the defendant didn't
20 testify?

21 PROSPECTIVE JUROR SPELLMAN: I wouldn't hold it
22 against him, but I --

23 THE COURT: Okay. And -- and that's what I'm
24 trying to get to.

25 PROSPECTIVE JUROR SPELLMAN: Yeah.

1 THE COURT: The fact is -- the -- the real
2 question is whether you would be concerned that he
3 didn't testify. And that could go both ways. Would
4 you go back in the back and make up excuses? Well,
5 this could have happened, or he might have been
6 thinking that, or he might have thought this.
7 Although he didn't testify, you're kind of giving him
8 his defenses even though he didn't testify. Would
9 you do that?

10 PROSPECTIVE JUROR SPELLMAN: Maybe. I'm not
11 sure.

12 THE COURT: Okay. So what you're concerned
13 about is that if he doesn't testify, you're not going
14 to hold it against him, but then you might help him
15 out by giving things that weren't testified to.

16 PROSPECTIVE JUROR SPELLMAN: I -- yeah. I don't
17 know what he was thinking or what they were doing.
18 Yeah. That kind of stuff.

19 THE COURT: Okay. And so what that
20 instruction -- thank you for that. I know that's
21 hard and it's a little complicated. But what the
22 instruction means is that the defendant has an
23 absolute Constitutional right not to testify.

24 PROSPECTIVE JUROR SPELLMAN: Yeah. I understand
25 that.

1 THE COURT: And we won't know that until he does
2 or doesn't testify.

3 PROSPECTIVE JUROR SPELLMAN: Yeah.

4 THE COURT: So what the instruction means is, if
5 you're picked as a juror and you go back in the back,
6 you can only rely on what you heard --

7 PROSPECTIVE JUROR SPELLMAN: Yes.

8 THE COURT: -- 100 percent here in the
9 courtroom.

10 PROSPECTIVE JUROR SPELLMAN: Yeah.

11 THE COURT: You can't -- you can't add things
12 you didn't hear. You can't hold it against him
13 because he didn't testify --

14 PROSPECTIVE JUROR SPELLMAN: I understand.

15 THE COURT: -- and say, well, if he didn't
16 testify, he gets what he gets, even though the State
17 didn't prove it. You got to go with whatever you
18 heard, 100 percent, only what you heard, and the
19 instruction. So you're saying you're not sure if
20 you'll be able to follow that. Is that correct?

21 PROSPECTIVE JUROR SPELLMAN: No. I'll be able
22 to follow that.

23 THE COURT: You -- you would follow that?

24 PROSPECTIVE JUROR SPELLMAN: Yes.

25 THE COURT: Okay. And I saw some other hands, a

1 couple hands. The gentleman in the front. Is that
2 Mr. -- give me your name, sir.

3 PROSPECTIVE JUROR AGAJANIAN: Agajanian.

4 THE COURT: Okay. Yes, sir. What -- what is
5 your position on that?

6 PROSPECTIVE JUROR SPELLMAN: If he has the
7 capacity to respond and he doesn't --

8 THE COURT: Correct.

9 PROSPECTIVE JUROR SPELLMAN: -- I would -- I'd
10 see that as a red flag.

11 THE COURT: Okay. So you would hold it against
12 him and not follow that instruction because, just in
13 your mind, you think you should -- you should respond
14 to these types of allegations.

15 PROSPECTIVE JUROR SPELLMAN: I mean, if it's --
16 obviously, it's situational, but if I'm defending
17 myself, I got to -- I got to say that they're lying.
18 That's not true.

19 THE COURT: Okay. And so the question is, could
20 you rely only on what you heard in the courtroom and
21 basically put aside whatever you might personally
22 have done and just listen to the facts that the State
23 provided and cross-examination and argument of his
24 lawyer -- let's -- let's make that clear. His
25 lawyer's going to argue on his behalf. He's just not

1 going to take the witness stand. Could you rely only
2 on that on your decision, or would you in the back of
3 your mind say, well, he didn't testify, so he must be
4 guilty.

5 PROSPECTIVE JUROR SPELLMAN: If -- if she's
6 speaking on behalf of him --

7 THE COURT: Correct.

8 PROSPECTIVE JUROR SPELLMAN: -- that would make
9 a little bit more sense.

10 THE COURT: Okay. Well, of course she's going
11 to cross-examine witnesses and make argument and
12 show -- you know, we got a video in this case. We
13 talked about that. And she's going to show you the
14 video. I mean, of course she's going to make
15 argument. But he may not testify, and you're going
16 to have to go on -- only on what you heard. So could
17 you do that?

18 PROSPECTIVE JUROR SPELLMAN: It would -- it
19 would definitely be situational. I can't say for
20 sure.

21 THE COURT: Okay. So you can't be a hundred
22 percent sure.

23 PROSPECTIVE JUROR SPELLMAN: Exactly.

24 THE COURT: Okay. Great. Thank you for that.
25 Anyone else? I thought I saw one more hand.

1 PROSPECTIVE JUROR HERMAN: Yes.

2 THE COURT: Yes, ma'am. I think that's --

3 PROSPECTIVE JUROR HERMAN: Herman.

4 THE COURT: All right. Yes, ma'am.

5 PROSPECTIVE JUROR HERMAN: I -- you clarified it
6 already. I just wanted to make sure the Defense was
7 going to advocate for him (Indiscernible).

8 THE COURT: Yeah. They're not -- they're not
9 going to play Tetris and do nothing.

10 PROSPECTIVE JUROR HERMAN: Okay. Then I would
11 be fine.

12 THE COURT: Okay. All right.

13 And I saw one other hand over there. Is that
14 Mr. Hudson?

15 PROSPECTIVE JUROR HUDSON: Yes.

16 THE COURT: Yes, sir. Can you stand up for me?

17 PROSPECTIVE JUROR HUDSON: Yes, ma'am.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR HUDSON: Yeah. No. I would
20 just have a hard time, like, having the speculation
21 (Indiscernible) after someone didn't defend himself
22 in any way. Like, yeah, the defendant would defend
23 him, but I don't think that that would be enough.
24 You know what I mean?

25 THE COURT: No, I'm not exactly -- are you

1 saying you're going to hold it against him?

2 PROSPECTIVE JUROR HUDSON: I mean, absolutely.

3 THE COURT: If he does not testify.

4 PROSPECTIVE JUROR HUDSON: Yes.

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

6 All right. Mr. Sarabia, you may proceed.

7 MR. SARABIA: Thank you, Judge.

8 Another hand?

9 UNIDENTIFIED PROSPECTIVE JUROR: Yes. It's
10 unrelated. May I use the restroom?

11 THE COURT: All right. If you need to use the
12 restroom, probably half the other people does too.
13 So if everyone stand up, go out into the hallway, use
14 the restroom if you need it, stretch your legs, and
15 then we'll have you come back as a group.

16 UNIDENTIFIED PROSPECTIVE JUROR: Thank you.

17 THE COURT: So we're going to take a ten-minute
18 recess. Stay in the hallway up here. Stay up here.
19 Okay?

20 (The venire panel exited the courtroom.)

21 (Recess from 2:49 p.m. to 3:03 p.m.)

22 THE COURT: -- record.

23 State, Defense, from now on, every single person
24 that answers needs to stand up. I'm done. I can't
25 hear them. It's driving me crazy. Every question,

1 juror number 36, stand up. Answer. They can sit
2 down. I can't -- I can't have you just repeating and
3 then (Indiscernible). We're just going to have to
4 have them stand up.

5 MS. STEVENS: I appreciate it. I just -- it's
6 also I -- I can't hear them, but I don't want to
7 interrupt and interject and --

8 THE COURT: I understand. So I'm just --

9 MS. STEVENS: Thank you. Good call.

10 THE COURT: We're ready. Bring the jury in.

11 What's the problem?

12 THE BAILIFF: (Indiscernible). I just wanted to
13 mention something that was told to me.

14 THE COURT: Okay.

15 THE BAILIFF: So I'm not sure the juror actually
16 identified, if I need to -- but I'm not sure the
17 juror that told me (Indiscernible) said, if I see
18 something sketchy, can I let you know? I said, of
19 course, please do. The gentleman in the black shirt,
20 the heavier gentleman that said when he hears
21 something in his head he's --

22 THE COURT: Right. Mr. Humphrey?

23 THE BAILIFF: Yeah. He said that he's, like,
24 taking pictures and video of one of the young females
25 without her knowledge.

1 THE COURT: Okay. Can I have the lawyers at the
2 bench briefly?

3 (Begin sidebar.)

4 THE COURT: I've been told that Mr. Humphrey is
5 outside, even though they've been told not -- not to
6 do this down at the jury pool room, is taking videos
7 and pictures of one of the younger jurors in the
8 hallway. Not here. But neither here nor there. Can
9 we just cause challenge him?

10 MR. SARABIA: We can excuse him.

11 MS. STEVENS: There's so many causes.

12 THE COURT: He's --

13 MR. SARABIA: I think he's already caused
14 himself.

15 THE COURT: He is causing so many issues, him by
16 himself.

17 MS. STEVENS: I feel bad for the guy behind him.
18 He's really gross out. He keeps playing with his
19 hair.

20 THE COURT: Yeah. So we're going to go ahead
21 and cause challenge him.

22 MS. STEVENS: I think he caused himself like
23 ten --

24 THE COURT: He can go.

25 (End sidebar.)

1 THE COURT: We can tell Mr. Humphries, juror
2 number 17, that he is caused and free to go before we
3 bring everybody else in. Okay?

4 THE BAILIFF: Yes, Your Honor.

5 THE COURT: Thank you.

6 All right. For the record, Mr. Humphrey, juror
7 number 17, is cause challenged.

8 (Pause.)

9 THE BAILIFF: Jurors entering the hearing of the
10 Court, Your Honor.

11 THE COURT: Thank you.

12 (The venire panel entered the courtroom.)

13 (The Court confers with the clerk.)

14 THE BAILIFF: All prospective jurors present and
15 seated, Judge.

16 THE COURT: All right. Welcome back, ladies and
17 gentlemen. To facilitate my hearing and for me, from
18 now on, all the lawyers, as they ask you a question,
19 you're going to have to stand up to answer them. The
20 people in the third row, fourth row, I can't hear
21 you, and I have to hear you. So I've told the
22 lawyers they're going to have to read your number,
23 seat number, and have you stand up to answer and then
24 sit down. So you all are going to work on your
25 standing and sitting, but we'll try to move along

1 quickly. I think it'll help us move faster. Then
2 Mr. Sarabia and Ms. Stevens won't have to have you
3 repeat what you just said.

4 So, Mr. Sarabia, you may proceed.

5 MR. SARABIA: Thank you, Judge.

6 Ms. Morrison, number 25, how are you doing?

7 THE COURT: If you could --

8 PROSPECTIVE JUROR MORRISON: I'm good. How are
9 you?

10 THE COURT: You got to be louder than that.
11 Come on, outside voice.

12 MR. SARABIA: Okay. Ms. Morrison, you indicated
13 that your -- your aunt was a victim of a brutal
14 crime.

15 PROSPECTIVE JUROR MORRISON: Yes.

16 MR. SARABIA: Was that here locally or was that
17 somewhere else?

18 PROSPECTIVE JUROR MORRISON: North Carolina.

19 MR. SARABIA: North Carolina?

20 PROSPECTIVE JUROR MORRISON: Yes.

21 MR. SARABIA: Okay. Was it recently or was it a
22 long time ago?

23 PROSPECTIVE JUROR MORRISON: It was in 2021.

24 MR. SARABIA: 2021?

25 PROSPECTIVE JUROR MORRISON: Yes.

1 MR. SARABIA: And were you -- did you follow
2 that pretty closely?

3 PROSPECTIVE JUROR MORRISON: Yes.

4 MR. SARABIA: Were you involved at all? Meaning
5 were you a witness? Did you testify?

6 PROSPECTIVE JUROR MORRISON: No, sir.

7 MR. SARABIA: Did you attend any of the
8 proceedings?

9 PROSPECTIVE JUROR MORRISON: Yes.

10 MR. SARABIA: Did you feel like -- and it sounds
11 like somebody was prosecuted for that?

12 PROSPECTIVE JUROR MORRISON: Yes.

13 MR. SARABIA: Did you feel like everybody was
14 treated fairly?

15 PROSPECTIVE JUROR MORRISON: Yes, sir.

16 MR. SARABIA: Anything about that situation that
17 would make it difficult for you to be fair and
18 partial in -- in this trial if you're selected to be
19 a juror?

20 PROSPECTIVE JUROR MORRISON: No, sir.

21 MR. SARABIA: Okay. Is anything that I brought
22 up so far, you think, an issue for you?

23 PROSPECTIVE JUROR MORRISON: No, sir.

24 MR. SARABIA: All right. Thank you.

25 Ms. Dazzo, how are you doing?

1 PROSPECTIVE JUROR DAZZO: Good. How are you?

2 MR. SARABIA: I'm doing good. So you've
3 previously been on a criminal jury in Pinellas
4 County?

5 PROSPECTIVE JUROR DAZZO: Yes.

6 MR. SARABIA: A long time ago?

7 PROSPECTIVE JUROR DAZZO: Maybe ten years ago.

8 MR. SARABIA: Ten years ago?

9 PROSPECTIVE JUROR DAZZO: Yeah.

10 MR. SARABIA: Good experience, bad experience,
11 or neutral?

12 PROSPECTIVE JUROR DAZZO: It was good. I was an
13 alternate.

14 MR. SARABIA: Oh.

15 THE COURT: Sorry.

16 PROSPECTIVE JUROR DAZZO: I know. Those are the
17 breaks.

18 MR. SARABIA: So you didn't get to go back and
19 deliberate and --

20 PROSPECTIVE JUROR DAZZO: I did. I -- I stayed
21 with the jury. They let me, but I wasn't part of
22 the --

23 MR. SARABIA: You didn't get to come to the
24 verdict, though.

25 PROSPECTIVE JUROR DAZZO: Correct.

1 MR. SARABIA: Okay. All right. But otherwise
2 okay with the experience?

3 PROSPECTIVE JUROR DAZZO: Yeah. Yes.

4 MR. SARABIA: Nothing about it that would make
5 you anxious to repeat?

6 PROSPECTIVE JUROR DAZZO: No, no.

7 MR. SARABIA: Okay. And anything I brought up
8 so far an issue for you?

9 PROSPECTIVE JUROR DAZZO: No, sir.

10 MR. SARABIA: All right. Thank you very much.
11 Mr. Schreiber?

12 PROSPECTIVE JUROR SCHREIBER: Yes.

13 MR. SARABIA: How are you doing today?

14 PROSPECTIVE JUROR SCHREIBER: I'm good.

15 MR. SARABIA: So I expect that if you're
16 selected to be a juror in this case, you get to sit
17 in the nice comfy chairs, that one of the issues that
18 you'll be asked to consider is what is legally called
19 justifiable use or threatened use of force, which is
20 a fancy legal way of saying self-defense. Right?

21 PROSPECTIVE JUROR SCHREIBER: Right.

22 MR. SARABIA: You've heard of this term before?

23 PROSPECTIVE JUROR SCHREIBER: Yes.

24 MR. SARABIA: And there's justifiable use or
25 threatened use of deadly force, and then there's

1 justifiable use or threatened use of non-deadly
2 force, and they differ depending on circumstances and
3 stuff. But you would agree with me that there's
4 actions that you can take that in certain
5 circumstances may be criminal, while in other
6 circumstances those same actions might not be
7 criminal. Is that fair?

8 PROSPECTIVE JUROR SCHREIBER: That's fair, yeah.

9 MR. SARABIA: Depends on the circumstances that
10 are surrounding you. Right?

11 PROSPECTIVE JUROR SCHREIBER: Correct.

12 MR. SARABIA: For instance, Mr. Moeller is
13 looking at me and I shoot him dead. This could be
14 murder. Right?

15 PROSPECTIVE JUROR SCHREIBER: Right.

16 MR. SARABIA: But if I -- same thing and I shoot
17 Mr. Moeller, but he's actively trying to stab me with
18 a -- with a knife, that might be self-defense.
19 Right?

20 PROSPECTIVE JUROR SCHREIBER: Yes.

21 MR. SARABIA: So same action on my part, but,
22 depending on the overall circumstances, one might be
23 justified under the law while the other is not.

24 PROSPECTIVE JUROR SCHREIBER: Correct.

25 MR. SARABIA: Is everybody okay with that?

1 MULTIPLE POTENTIAL JURORS: Yes.

2 MR. SARABIA: Does that make sense?

3 MULTIPLE POTENTIAL JURORS: Yes.

4 MR. SARABIA: Okay. Thank you, Mr. Schreiber.
5 Mr. Jackson.

6 PROSPECTIVE JUROR JACKSON: Yes, sir.

7 MR. SARABIA: How are you doing today?

8 PROSPECTIVE JUROR JACKSON: I'm doing good.

9 MR. SARABIA: Okay. So along those same lines,
10 the circumstances and all the facts that pertain to
11 the situation can be important in -- and I'm going to
12 use the simple term self-defense, even though that's
13 legally not what we call it. Right?

14 PROSPECTIVE JUROR JACKSON: Yes.

15 MR. SARABIA: Now, there are different parts of
16 the analysis of self-defense, and ultimately the
17 Judge will read you the law that pertains to this
18 case in that regard. And by all means go by what the
19 Judge says and not by what I say, but in order to
20 avoid me standing here reading you pages and pages
21 worth of things, I'm going to boil down some stuff.

22 PROSPECTIVE JUROR JACKSON: Okay.

23 MR. SARABIA: So part of the analysis -- an
24 important part of the analysis is what -- were the
25 circumstances such that the -- that there was a

1 danger that was so -- seemed so real as to justify
2 that a person was actually afraid. Does that make
3 sense?

4 PROSPECTIVE JUROR JACKSON: Sure. Depends on
5 the circumstances, yes.

6 MR. SARABIA: Now, I'll give you a -- I'll give
7 you a couple of examples. If I'm standing here and
8 Mr. Moeller pulls out a plastic water gun, but it
9 looks exactly like -- like a firearm, then I might
10 defend myself even though the danger isn't real, but
11 because the appearance is so --

12 PROSPECTIVE JUROR JACKSON: Oh, absolutely.

13 MR. SARABIA: -- is so real. Right?

14 PROSPECTIVE JUROR JACKSON: Yes.

15 MR. SARABIA: And we've seen this happen.

16 PROSPECTIVE JUROR JACKSON: Yes.

17 MR. SARABIA: All right. Meanwhile, if
18 Mr. Moeller pulls out -- and I'm going to date myself
19 again -- a Super Soaker water gun and points it at
20 me, and I say I was afraid that he was going to kill
21 me --

22 PROSPECTIVE JUROR JACKSON: Absolutely not.

23 MR. SARABIA: Right? The circumstances are
24 important. So even though I may have felt that way,
25 it's not -- it -- the circumstances don't bear that

1 out. Is that fair?

2 PROSPECTIVE JUROR JACKSON: Yes. Exactly.

3 MR. SARABIA: Okay. So that's one part of the
4 analysis. Thank you -- thank you, Mr. Jackson.

5 PROSPECTIVE JUROR JACKSON: You're welcome.

6 MR. SARABIA: Ms. Trawatha, how are you doing?

7 PROSPECTIVE JUROR TRAWATHA: Fine.

8 MR. SARABIA: Okay. I'm a little worried I'm
9 going to have trouble hearing you.

10 PROSPECTIVE JUROR TRAWATHA: (Indiscernible).

11 MR. SARABIA: Okay. I'm a little worried I'm
12 going to have trouble hearing you, so please make --
13 make sure you speak up. So a second part of the
14 analysis -- like that's one part of the analysis.
15 Another part of the analysis is that a reasonably
16 cautious and prudent person, under the same
17 circumstances, would also have believed that the use
18 of force was necessary. Right?

19 PROSPECTIVE JUROR TRAWATHA: (Indiscernible).

20 MR. SARABIA: So -- and I'm telling you, so
21 that's one of them, but, in that situation, now it's
22 not a matter of how did I actually feel, now it's
23 what would a reasonably cautious and prudent person
24 have felt in the same situation. And meaning I could
25 be really afraid that -- to go back to the Super

1 Soaker, I could be really afraid of that Super
2 Soaker. The fear may be real. However, a reasonably
3 cautious and prudent person might not have taken
4 the -- if I shoot Mr. Moeller, they wouldn't have
5 taken that action because they would have recognized
6 it for what it was and been more careful. Does that
7 make sense?

8 PROSPECTIVE JUROR TRAWATHA: Yes.

9 MR. SARABIA: Okay. You think you'll be able to
10 go through that analysis and the rest of the
11 self-defense laws?

12 PROSPECTIVE JUROR TRAWATHA: Yes.

13 MR. SARABIA: Okay. Go ahead. You can have a
14 seat.

15 THE COURT: Thank you.

16 MR. SARABIA: Does everybody else feel like
17 you'll be able to go through those analyses?

18 MULTIPLE POTENTIAL JURORS: Yes.

19 MR. SARABIA: Does anybody feel like they'll
20 have difficulty with that?

21 MULTIPLE POTENTIAL JURORS: No.

22 MR. SARABIA: Mr. Wilson, you're not giving me
23 any indication. You think you'll be okay to do that?

24 PROSPECTIVE JUROR WILSON: Has the Super Soaker
25 got acid in it or something?

1 MR. SARABIA: Well --

2 PROSPECTIVE JUROR WILSON: That's not in the
3 facts, so I can't --

4 MR. SARABIA: Right. It's not in the facts. I
5 guess we could -- we could imagine a scenario where
6 that might apply. Like, maybe I watched him fill it
7 with acid. Right? Now that's part of the
8 circumstances. But outside of that, there's no --
9 there's no real reason for me to assume that.
10 Correct?

11 PROSPECTIVE JUROR WILSON: Correct.

12 MR. SARABIA: But you're -- you're getting a
13 good point. You have to look at the totality of
14 circumstances. Right?

15 PROSPECTIVE JUROR WILSON: Correct.

16 MR. SARABIA: And those are important.

17 PROSPECTIVE JUROR WILSON: Correct.

18 MR. SARABIA: And a lot of people come to the
19 table with self-defense laws, one, having seen TV and
20 a lot of talking heads tell them what the law is in
21 Florida and they believe them, and it's not actually
22 what the law is in Florida. And, two, your own ideas
23 about what self-defense should be, which might not
24 match up with the law. Now, do you think you find
25 yourself in any of those categories or do you feel

1 comfortable that you'll be able to follow the law as
2 the Judge instructs you and apply that law to the
3 case, and not necessarily what either you think the
4 law should be or what you've heard elsewhere that the
5 law is?

6 PROSPECTIVE JUROR WILSON: Hopefully, I'll be
7 able to follow the -- the instructions and the law.

8 MR. SARABIA: Well, you use that word hopefully.
9 Let's pretend -- let's pretend we're not in this
10 courtroom anymore. You're taking a nice fun trip to
11 Europe. You come -- go to the airport, walk up to
12 the plane, and I'm standing there as the pilot, and
13 you say, you going to be able to land this thing
14 okay? I say hopefully.

15 PROSPECTIVE JUROR WILSON: Yeah.

16 MR. SARABIA: Are you going to be a little
17 nervous getting on that plane?

18 PROSPECTIVE JUROR WILSON: Well, I'm a sarcastic
19 person, so I (Indiscernible).

20 MR. SARABIA: Well -- and you understand what
21 I'm getting at though. Right?

22 PROSPECTIVE JUROR WILSON: Yes.

23 MR. SARABIA: Do you feel like you'll be able to
24 do that or do you think it could be a problem for
25 you?

1 PROSPECTIVE JUROR WILSON: I can deal with some
2 facts.

3 MR. SARABIA: Listen to the facts and apply the
4 law that the Judge gives you?

5 PROSPECTIVE JUROR WILSON: Yes.

6 MR. SARABIA: Okay. Does everybody else feel
7 like they can do that?

8 MULTIPLE POTENTIAL JURORS: Yes.

9 MR. SARABIA: Ms. McLucas, I can't see you at
10 all back there. How are you doing?

11 PROSPECTIVE JUROR MCLUCAS: Good. How are you?

12 MR. SARABIA: I'm doing okay. Do you feel like
13 you would be able to analyze the -- the facts of the
14 case and potentially apply Florida self-defense laws
15 to them?

16 PROSPECTIVE JUROR MCLUCAS: Absolutely.

17 MR. SARABIA: Do you think you'd have any
18 trouble doing that?

19 PROSPECTIVE JUROR MCLUCAS: No.

20 MR. SARABIA: Okay. And do you think you would
21 have any trouble going through the different language
22 such as what a reasonably cautious and prudent person
23 would do?

24 PROSPECTIVE JUROR MCLUCAS: No.

25 MR. SARABIA: Okay. Is there anything that I

1 brought up so far you think would be an issue for
2 you?

3 PROSPECTIVE JUROR MCLUCAS: No.

4 MR. SARABIA: Okay. Thank you.

5 Wait, I'm sorry, Ms. McLucas, I hate to make you
6 stand up again, but you've previously been on a jury
7 here in Pasco County?

8 PROSPECTIVE JUROR MCLUCAS: I was called in for
9 jury service, but I wasn't selected.

10 MR. SARABIA: So you've done what you're doing
11 right now, but you've never gotten up here?

12 PROSPECTIVE JUROR MCLUCAS: Correct.

13 MR. SARABIA: Okay.

14 PROSPECTIVE JUROR MCLUCAS: (Indiscernible).
15 It's been a while.

16 MR. SARABIA: It's been a while?

17 PROSPECTIVE JUROR MCLUCAS: Yeah.

18 MR. SARABIA: Criminal case or do you remember?

19 PROSPECTIVE JUROR MCLUCAS: I was never
20 selected. I don't think I got up here. I think I
21 was downstairs and they sent me home.

22 MR. SARABIA: Okay. So you -- you've never
23 heard of me before, you've never heard Mr. Moeller
24 before, or Ms. Stevens?

25 PROSPECTIVE JUROR MCLUCAS: No. Not here

1 (Indiscernible).

2 MR. SARABIA: You didn't get to enjoy this
3 amazing process you're (Indiscernible) right now?

4 PROSPECTIVE JUROR MCLUCAS: (Indiscernible).

5 MR. SARABIA: All right. Thank you,
6 Ms. McLucas.

7 PROSPECTIVE JUROR MCLUCAS: Uh-huh.

8 MR. SARABIA: All right. Mr. -- Ms. Gude?

9 PROSPECTIVE JUROR GUDE: Yes.

10 MR. SARABIA: Is that how you say that?

11 PROSPECTIVE JUROR GUDE: Gude.

12 MR. SARABIA: Gude?

13 PROSPECTIVE JUROR GUDE: Uh-huh.

14 MR. SARABIA: Okay. Is there anything that I
15 brought up so far that you think would be an issue
16 for you?

17 PROSPECTIVE JUROR GUDE: No.

18 MR. SARABIA: All right. Do you think that you
19 would be able to evaluate the facts and the testimony
20 that you hear from the witness stand?

21 PROSPECTIVE JUROR GUDE: Yes.

22 MR. SARABIA: And do you think you would be able
23 to apply the laws and any of the self-defense laws
24 that Judge may instruct you on?

25 PROSPECTIVE JUROR GUDE: Yes.

1 MR. SARABIA: Okay. Do you feel like you'd be
2 able to do that fairly and impartially?

3 PROSPECTIVE JUROR GUDE: Yes.

4 MR. SARABIA: Okay. Thank you, Mrs. Gude.
5 Mr. Opp, how are you doing?

6 PROSPECTIVE JUROR OPP: Good.

7 MR. SARABIA: So, Mr. Opp, sometimes you get
8 witnesses and one witness says one thing and another
9 witness says the opposite thing. I'll give you an
10 example. Mr. Moeller and I are both witnesses in a
11 traffic crash case, and I get up on the stand and I
12 say I saw the light, it was green. Mr. Moeller gets
13 up on the stand and says I saw the light, the light
14 was red. Okay. Right? So there's a conflict there.
15 There's a conflict. We call that a conflict in the
16 evidence. Now, do you feel comfortable, if you're
17 selected to be on the juror -- jury, working through
18 that and trying to determine, well, which witness do
19 I find more credible, which witness aligns better
20 with the rest of the facts that we know, and making a
21 determination of what you think the facts are as
22 opposed to throwing up your hand and saying, well, I
23 guess -- I guess we can never know.

24 PROSPECTIVE JUROR OPP: So for that that
25 situation I would probably devalue the testimonies

1 and look more at evidence and whatever facts are
2 presented (Indiscernible).

3 MR. SARABIA: Okay. And certainly, like, that
4 is a valid consideration, but it's not a situation
5 where you're just going to throw up your hands and
6 give up?

7 PROSPECTIVE JUROR OPP: No.

8 MR. SARABIA: Okay. Thank you.

9 And to the group, does anybody feel that way?
10 That if you hear one person say one thing, one person
11 say another thing, you're just going to throw up your
12 hands and give up?

13 MULTIPLE POTENTIAL JURORS: No.

14 MR. SARABIA: All right. And that's Mr. Stone,
15 you're raising your hand?

16 PROSPECTIVE JUROR STONE: I was just clarifying.
17 Would that --

18 MR. SARABIA: Could you stand up, please?

19 PROSPECTIVE JUROR STONE: Yeah, yeah. Sure.
20 Sorry.

21 THE COURT: Thank you, Mr. Stone.

22 PROSPECTIVE JUROR STONE: Would that -- I guess
23 that would maybe have a tendency for us to look at
24 the person that we talked about. Oh, this person is
25 in law enforcement or this person is a criminal

1 person. That would kind of be where that bias comes
2 into play or doesn't. Correct?

3 MR. SARABIA: Well, so you brought up a lot of
4 things, but, bottom line, what I'm getting at, I'm
5 giving you a really simple example, a really
6 obviously conflict in facts, just to basically ask
7 the question, are you going to give up at that point
8 or are you going to at least work through that? And
9 maybe you still can't determine the answer. But
10 there are some people who say, well, if one person
11 says one thing and one person says another thing,
12 I -- I guess I can't know anything.

13 PROSPECTIVE JUROR STONE: Correct.

14 MR. SARABIA: You don't feel like that? Because
15 what you're describing is you're -- it sounds like
16 you're going to work through it. You're --

17 PROSPECTIVE JUROR STONE: Yeah. That would
18 be -- that would be the -- the want to. But I -- if
19 it's something that can't be substantiated either way
20 and it's he say versus she say, then it would be
21 harder to be impartial if -- without looking at,
22 okay, where this person (Indiscernible).

23 MR. SARABIA: Well --

24 THE COURT: Let me interrupt for a second. I
25 will tell you that you are -- there's -- there's a

1 set of ten rules that you are to consider on your
2 opinion on how the witness testified, what they said,
3 whether they have been convicted of a crime. There's
4 a whole bunch of stuff that you're to look at whether
5 you feel that a witness is credible or not credible.

6 PROSPECTIVE JUROR STONE: Right.

7 MR. SARABIA: So it could be that you get the
8 two he said/she said, but you say, you know what, I
9 don't find this one credible, and I find this one
10 credible. So --

11 PROSPECTIVE JUROR STONE: And that's okay.

12 THE COURT: That's okay.

13 PROSPECTIVE JUROR STONE: Yeah.

14 THE COURT: As long as you use the rules that I
15 set out.

16 PROSPECTIVE JUROR STONE: That was my -- that
17 was my clarification.

18 THE COURT: Yes.

19 PROSPECTIVE JUROR STONE: Yeah.

20 THE COURT: Yeah. There's sets of rules that
21 you can determine how you feel about a witness, not
22 just what they said. Okay.

23 MR. SARABIA: Yeah. And, Mr. -- Mr. Stone,
24 just -- I was going to try and get you before you sat
25 down.

1 PROSPECTIVE JUROR STONE: Oh, sorry.

2 MR. SARABIA: But just to go over that, there's
3 all kinds of -- the Judge is going to give you some
4 things to consider, but there's -- there's other
5 things. We don't -- we don't ask you to check your
6 common sense in at the door.

7 PROSPECTIVE JUROR STONE: Right.

8 MR. SARABIA: One witness may be saying
9 something that is completely off the wall, and you're
10 like, that doesn't fit with all the other things that
11 we know. Right? So that would help -- help you.
12 You may watch the way witnesses testify and say,
13 like, I just don't believe what that person is saying
14 for -- based on the way that they carried themselves,
15 the way they were answering questions. Or you may
16 say, this one has bias in the situation. This one is
17 neutral. All those things are things you can
18 consider. Right? And it sounds to me like that is a
19 process you would be willing to work through.

20 PROSPECTIVE JUROR STONE: Yes.

21 MR. SARABIA: Okay. Thank you, Mr. Stone.

22 Now, that was a long explanation. Does
23 everybody feel like they can do that? That that is
24 something that they can do?

25 MULTIPLE POTENTIAL JURORS: Yes.

1 MR. SARABIA: Because that's one of the things
2 that you jurors are here to do, is if there's any
3 conflicts in the facts, to come together, listen to
4 the testimony, and be the finder of facts -- going
5 back to that first question -- and determine what the
6 facts of case are. Is that fair?

7 MULTIPLE POTENTIAL JURORS: Yes.

8 MR. SARABIA: Does anybody feel like either
9 because they have anxiety issues or they're concerned
10 or -- emotionally concerned about it or some other
11 reason, they just don't feel like they'd be able to
12 do that?

13 UNIDENTIFIED PROSPECTIVE JUROR: No.

14 MR. SARABIA: And I'm seeing no hands. Great.
15 So I believe I spoke to Mr. Opp already
16 Ms. Hamblen-Smalley?

17 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes, sir.

18 MR. SARABIA: How are you doing?

19 PROSPECTIVE JUROR HAMBLEN-SMALLEY: I'm good.
20 How are you?

21 MR. SARABIA: Doing all right. How -- is
22 anything that I brought up so far you think be --
23 been an issue for you?

24 PROSPECTIVE JUROR HAMBLEN-SMALLEY: No, sir.

25 MR. SARABIA: Do you think you would be a good

1 juror for this case?

2 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes, sir.

3 MR. SARABIA: Do you think that you could apply
4 the self-defense laws and make a -- a reasonable
5 decision based on the law and based on the evidence?

6 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes, sir.

7 MR. SARABIA: Do you think you could apply that
8 reasonably cautious and prudent person standard?

9 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes, sir.

10 MR. SARABIA: Okay. Thank you.

11 Mr. -- or Ms. Johnson. Oh, you're way back
12 there.

13 THE COURT: Thank you for standing up,
14 Ms. Johnson.

15 MR. SARABIA: Ms. Johnson, I see you put on your
16 questionnaire that you've been a victim of your --
17 and you used the terms home robbed. Is that
18 something -- were you present for that?

19 PROSPECTIVE JUROR HAMBLEN-SMALLEY: No.

20 MR. SARABIA: So somebody broke into your house
21 when you weren't there?

22 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes.

23 MR. SARABIA: And I don't mean to embarrass
24 anybody. In case anybody's interested, in general we
25 call that a burglary in the state of Florida. But

1 was that a long time ago or was that recently?

2 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Over
3 20 years ago.

4 MR. SARABIA: Over 20 years ago? Was it here in
5 Pasco?

6 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes.

7 MR. SARABIA: Pasco County Sheriff's Office
8 investigate?

9 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes.

10 MR. SARABIA: Was somebody caught and
11 prosecuted?

12 PROSPECTIVE JUROR HAMBLEN-SMALLEY: A minor, so
13 they had to do restitution.

14 MR. SARABIA: Okay. Anything about that
15 situation or about your interaction with the various
16 parties that would make it difficult for you to be
17 fair and impartial if you were a juror on this case?

18 PROSPECTIVE JUROR HAMBLEN-SMALLEY: No.

19 MR. SARABIA: Okay. You think you be a good
20 juror for this case?

21 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Yes.

22 MR. SARABIA: All right. Anything that I've
23 brought up so far you think would be an issue for
24 you?

25 PROSPECTIVE JUROR HAMBLEN-SMALLEY: No.

1 MR. SARABIA: All right. Thank you.

2 Ms. Stoner, so you've been on a jury before too?
3 In Tampa? A civil case?

4 PROSPECTIVE JUROR STONER: Yes. Actually twice
5 in Tampa.

6 MR. SARABIA: Twice? Both times civil?

7 PROSPECTIVE JUROR STONER: Yes.

8 MR. SARABIA: Oh, that's --

9 PROSPECTIVE JUROR STONER: That's a while ago
10 (Indiscernible).

11 MR. SARABIA: That sounds brutal. I mean, you
12 think criminal law is boring, trying sitting on a
13 civil jury. Right? So in terms of that, were you --
14 did you actually get to go back and deliberate both
15 times?

16 PROSPECTIVE JUROR STONER: The first -- one time
17 I did.

18 MR. SARABIA: One time. Good experience, bad
19 experience, or neutral?

20 PROSPECTIVE JUROR STONER: Neutral.

21 MR. SARABIA: Okay. Anything about it that
22 would make you anxious to repeat jury service?

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

25 MR. SARABIA: All right. Do you feel like you

1 would be a good juror for this case if you were
2 called upon to -- to sit?

3 PROSPECTIVE JUROR STONER: Yes.

4 MR. SARABIA: Okay. You think you can apply the
5 laws and listen to the testimony?

6 PROSPECTIVE JUROR STONER: Yes.

7 MR. SARABIA: All right. Thank you, Ms. Stoner.
8 Ms. Dusch. Dusch? Dusch?

9 PROSPECTIVE JUROR DUSCH: Dusch.

10 MR. SARABIA: Dusch?

11 PROSPECTIVE JUROR DUSCH: Mm-hmm.

12 MR. SARABIA: All right. Anything that I've
13 brought up so far you think would be an issue for
14 you?

15 PROSPECTIVE JUROR DUSCH: No.

16 MR. SARABIA: You think you would be a good
17 juror for this case?

18 PROSPECTIVE JUROR DUSCH: Yes.

19 MR. SARABIA: Okay. You think you would be able
20 to apply the self-defense laws that the Judge gives
21 you?

22 PROSPECTIVE JUROR DUSCH: Yes.

23 MR. SARABIA: You think you'd be able to fairly
24 and impartially do that?

25 PROSPECTIVE JUROR DUSCH: Yes.

1 MR. SARABIA: Okay. All right, Ms. Dusch.
2 Thank you very much.

3 Mr. Coleman? I think you realize I'm going in
4 order. Right?

5 PROSPECTIVE JUROR COLEMAN: Yeah.

6 MR. SARABIA: You were starting to stand up
7 before I even got -- got your name out. Anything
8 that I brought up so far that you think would be an
9 issue for you?

10 PROSPECTIVE JUROR COLEMAN: No.

11 MR. SARABIA: You think you would be able to be
12 fair and impartial to both sides in this case?

13 PROSPECTIVE JUROR COLEMAN: Yes.

14 MR. SARABIA: Okay. Now, you think you would be
15 able to apply the self-defense laws if asked to do
16 so?

17 PROSPECTIVE JUROR COLEMAN: Yes.

18 MR. SARABIA: Any problems doing that?

19 PROSPECTIVE JUROR COLEMAN: No.

20 MR. SARABIA: Okay. So, Mr. Coleman, I'm going
21 to pick on you a little more, actually. Good topic.
22 If I come over to Mr. Moeller and I just slap him
23 across the face and walk back over here, does that
24 give him the right to come and slap me in the face?
25 Trick question. Right?

1 PROSPECTIVE JUROR COLEMAN: No.

2 MR. SARABIA: So let -- let me help you out a
3 little bit. So the self-defense laws are not you can
4 retaliate.

5 PROSPECTIVE JUROR COLEMAN: Right.

6 MR. SARABIA: Right? Everybody agree with that?

7 MULTIPLE POTENTIAL JURORS: Yes.

8 MR. SARABIA: Understand what I'm saying there?
9 Self-defense laws do not give you the right to
10 retaliate. They give you the right to defend
11 yourself to prevent potential future harm or
12 additional harm or whatever the circumstances may
13 dictate. Is that fair?

14 MULTIPLE POTENTIAL JURORS: Yes.

15 MR. SARABIA: Okay. Now, if I slap Mr. Moeller
16 across the face, there might be a lot of us that
17 might say, like, well, we should give Mr. Moeller a
18 free shot. Right?

19 MULTIPLE POTENTIAL JURORS: No.

20 MR. SARABIA: Some of you say no, but
21 (Indiscernible). Show of hands. Who would say,
22 yeah, maybe I might feel that way. All right?

23 Oh, geez, Mr. -- Mr. Coleman, they're leaving
24 you hanging out to dry.

25 PROSPECTIVE JUROR COLEMAN: I stand by myself.

1 MR. SARABIA: Okay. Well, so in that regard,
2 there's a certain amount of, like, equitable behavior
3 that we think of; however, if the law does not allow
4 for that, then will you still be able to apply the
5 law and come to a just verdict, even if it's not
6 something that you would necessarily find fault with
7 or disagree with out of principle?

8 PROSPECTIVE JUROR COLEMAN: Right. Yeah.

9 MR. SARABIA: You think you'd be able to do
10 that?

11 PROSPECTIVE JUROR COLEMAN: Yes, sir.

12 MR. SARABIA: Okay. (Indiscernible). Does
13 everybody feel like you can do that?

14 MULTIPLE POTENTIAL JURORS: Yes.

15 MR. SARABIA: Does anybody feel like they have a
16 problem with that?

17 MULTIPLE POTENTIAL JURORS: No.

18 MR. SARABIA: All right. Mr. Wilson?

19 PROSPECTIVE JUROR WILSON: Yes?

20 MR. SARABIA: You think you'd have a problem
21 with that?

22 PROSPECTIVE JUROR WILSON: No.

23 MR. SARABIA: Okay.

24 Mr. Clark?

25 PROSPECTIVE JUROR CLARK: Yes, sir.

1 MR. SARABIA: You think you'd be able to do
2 that?

3 PROSPECTIVE JUROR CLARK: Yeah.

4 MR. SARABIA: All right. So -- and you
5 understand the difference between retaliation and
6 self-defense. Right?

7 PROSPECTIVE JUROR CLARK: Oh, yeah. Yeah.

8 MR. SARABIA: Okay.

9 PROSPECTIVE JUROR CLARK: I mean, I might want
10 to come up and slap you, but you know.

11 MR. SARABIA: Right.

12 PROSPECTIVE JUROR CLARK: (Indiscernible)
13 restrain myself.

14 MR. SARABIA: I'm going to bring this up because
15 it doesn't -- doesn't change these facts at all.
16 It's not this kind of case. But we see this a lot in
17 domestic violence cases, right, where you get this
18 tiny little girl, and maybe she slaps the guy, and
19 then the guy just, like, goes on and crushes her.
20 And so -- well, she hit me first. You agree that's
21 not always the defense. Right? You agree?

22 PROSPECTIVE JUROR CLARK: Yea.

23 MR. SARABIA: Does everybody understand that?

24 MULTIPLE POTENTIAL JURORS: Yes.

25 MR. SARABIA: Okay. So when looking at

1 self-defense, it is that. It is self-defense, not
2 retaliation. And you're okay with that?

3 PROSPECTIVE JUROR CLARK: Yeah. Sure.

4 MR. SARABIA: Okay. Thank you, Mr. Clark.

5 PROSPECTIVE JUROR CLARK: It's pride.

6 MR. SARABIA: I'm sorry?

7 PROSPECTIVE JUROR CLARK: It's -- it's more of a
8 pride thing, you know?

9 MR. SARABIA: Right. And you would agree, pride
10 doesn't come into the analysis of whether it's legal
11 or not.

12 PROSPECTIVE JUROR CLARK: Oh, yeah. Yeah.

13 MR. SARABIA: Okay.

14 Where was I? Mr. Ehrlich.

15 PROSPECTIVE JUROR EHRLICH: Yeah.

16 MR. SARABIA: You doing okay? You've been able
17 to hear me so far?

18 PROSPECTIVE JUROR EHRLICH: Yep.

19 MR. SARABIA: So same kind of questions to you.
20 You understand the difference between retaliation and
21 self-defense?

22 PROSPECTIVE JUROR EHRLICH: Yes.

23 MR. SARABIA: And self-defense is -- there are
24 different things in the law, but one thing you will
25 see, it's necessary -- and again I'm paraphrasing,

1 but necessary to prevent either imminent danger or
2 some future harm. Right?

3 PROSPECTIVE JUROR EHRLICH: Right.

4 MR. SARABIA: And you agree you can apply the
5 law as the Judge instructs you?

6 PROSPECTIVE JUROR EHRLICH: Yes.

7 MR. SARABIA: Okay. So I see you also indicated
8 that you were a victim of your house being robbed in
9 the past?

10 PROSPECTIVE JUROR EHRLICH: Yes.

11 MR. SARABIA: Okay. Again, was that a situation
12 where you weren't home and people broke in?

13 PROSPECTIVE JUROR EHRLICH: Yes.

14 MR. SARABIA: How long ago was that?

15 PROSPECTIVE JUROR EHRLICH: Fifteen, 20 years
16 ago.

17 MR. SARABIA: Here in Pasco?

18 PROSPECTIVE JUROR EHRLICH: No. Colorado.

19 MR. SARABIA: All right. Was somebody caught
20 and prosecuted for that?

21 PROSPECTIVE JUROR EHRLICH: Yes.

22 MR. SARABIA: Did you feel like everybody was
23 treated fairly in the situation?

24 PROSPECTIVE JUROR EHRLICH: I was. I have no
25 idea what happened after the fact.

1 MR. SARABIA: Okay. Fair enough. But nothing
2 about that situation would make it difficult for you
3 to be fair and impartial if you were on this jury.
4 Correct?

5 PROSPECTIVE JUROR EHRLICH: No.

6 MR. SARABIA: All right. Thank you,
7 Mr. Ehrlich.

8 Ms. Wakeland? I'm sorry. My rows are all
9 messed up here. I thought you were in -- I did not
10 realize you were in the last row there. Oh, that
11 makes sense because Ms. -- Ms. Salvagno is over
12 there.

13 So, Ms. Wakeland, you were previously on a
14 criminal jury in a different county?

15 PROSPECTIVE JUROR WAKELAND: Yes.

16 MR. SARABIA: But here in Florida. Right?

17 PROSPECTIVE JUROR WAKELAND: Yes.

18 MR. SARABIA: How long ago?

19 PROSPECTIVE JUROR WAKELAND: Over 20 years ago.

20 MR. SARABIA: All right. Good experience, bad
21 experience, or neutral?

22 PROSPECTIVE JUROR WAKELAND: Good.

23 MR. SARABIA: So no problems repeating it if
24 called on to do so?

25 PROSPECTIVE JUROR WAKELAND: No.

1 MR. SARABIA: Anything I've brought up so far
2 that you think would be an issue for you?

3 PROSPECTIVE JUROR WAKELAND: No.

4 MR. SARABIA: Okay. Thank you, Ms. Wakeland.
5 Mr. Arcilla?

6 PROSPECTIVE JUROR ARCILLA: Yes, sir.

7 MR. SARABIA: How are you doing?

8 PROSPECTIVE JUROR ARCILLA: Good.

9 MR. SARABIA: Any issues that I've brought up
10 with any of the other jurors that you think would be
11 a problem for you?

12 PROSPECTIVE JUROR ARCILLA: No, sir.

13 MR. SARABIA: Do you think you'd be a good juror
14 for this case?

15 PROSPECTIVE JUROR ARCILLA: Yes, sir.

16 MR. SARABIA: All right. Thank you.

17 Mr. O'Grady.

18 PROSPECTIVE JUROR O'GRADY: Yes, sir.

19 MR. SARABIA: Anything I've brought up you think
20 would be an issue for you?

21 PROSPECTIVE JUROR O'GRADY: No.

22 MR. SARABIA: You good with the difference
23 between self-defense as defined by the law and
24 retaliation or, you know, getting even?

25 PROSPECTIVE JUROR O'GRADY: Yes.

1 MR. SARABIA: Okay. And I think you indicated
2 you know somebody who had previously been a victim of
3 domestic violence.

4 PROSPECTIVE JUROR O'GRADY: My wife.

5 MR. SARABIA: Any -- were you closely involved
6 in any of that?

7 PROSPECTIVE JUROR O'GRADY: No. It was her
8 previous relationship.

9 MR. SARABIA: Okay. I'm sure you've heard a lot
10 about it.

11 PROSPECTIVE JUROR O'GRADY: Mm-hmm.

12 MR. SARABIA: Was that here locally or do you
13 know?

14 PROSPECTIVE JUROR O'GRADY: Hillsborough.

15 MR. SARABIA: Okay. Anything about that
16 situation that you think would make it difficult to
17 be a juror in this case?

18 PROSPECTIVE JUROR O'GRADY: No.

19 MR. SARABIA: All right. Thank you,
20 Mr. O'Grady.

21 Mr. Ferree? Did I say that right?

22 PROSPECTIVE JUROR FERREE: Mm-hmm.

23 MR. SARABIA: Ferree. How are you doing today?

24 PROSPECTIVE JUROR FERREE: (Indiscernible).

25 MR. SARABIA: Mr. Ferree, what do you do for a

1 living?

2 PROSPECTIVE JUROR FERREE: I am unemployed.

3 MR. SARABIA: Okay. Are you in a particular
4 career and just don't have a job at this point?

5 PROSPECTIVE JUROR FERREE: Not really.

6 MR. SARABIA: Okay.

7 PROSPECTIVE JUROR FERREE: I'm autistic, so I
8 have a lot of trouble figuring things out and
9 starting things, so I just haven't gotten into
10 starting any of that yet.

11 MR. SARABIA: Okay. And thank you for sharing
12 that. Do you think you would still be able to sit
13 and be a juror on this case?

14 PROSPECTIVE JUROR FERREE: I'm not sure.

15 MR. SARABIA: All right.

16 PROSPECTIVE JUROR FERREE: I have a hard time
17 just sitting and staying focused, so I might lose
18 track of things and miss out on hearing things.

19 MR. SARABIA: Okay. Do you think you would --
20 so you think you would have trouble paying attention
21 to the testimony and the evidence?

22 PROSPECTIVE JUROR FERREE: Yes, sir.

23 MR. SARABIA: All right. Do you think you would
24 have any trouble listening to the law and applying
25 the law?

1 PROSPECTIVE JUROR FERREE: Most likely not.

2 MR. SARABIA: Okay.

3 PROSPECTIVE JUROR FERREE: If I have all the
4 evidence in mind, then no.

5 MR. SARABIA: Okay. So you think -- ultimately,
6 you don't think you're a very good juror for this
7 case?

8 PROSPECTIVE JUROR FERREE: Most likely not.

9 MR. SARABIA: All right. Anything else about
10 any of the other issues I've brought up that you
11 would like myself or the Defense attorney to know or
12 the Judge?

13 PROSPECTIVE JUROR FERREE: No.

14 MR. SARABIA: All right. Thank you, Mr. Ferree.
15 Mr. Villanueva.

16 PROSPECTIVE JUROR VILLANUEVA: Yes, sir.

17 MR. SARABIA: I got to speak to you briefly up
18 here, but all the things that I've brought up since
19 then, is there anything you think would be an issue
20 for you?

21 PROSPECTIVE JUROR VILLANUEVA: No.

22 MR. SARABIA: You think you would be a good
23 juror for this case?

24 PROSPECTIVE JUROR VILLANUEVA: Yes.

25 MR. SARABIA: You think you'd be able to apply

1 the laws?

2 PROSPECTIVE JUROR VILLANUEVA: Yes.

3 MR. SARABIA: You think you'd be able to
4 determine, given whatever circumstances are
5 presented, what a reasonably cautious and prudent
6 person under the same circumstances would do?

7 PROSPECTIVE JUROR VILLANUEVA: Yes.

8 MR. SARABIA: Okay. Thank you, Mr. Villanueva.
9 All right. Ms. Salvagno.

10 PROSPECTIVE JUROR SALVAGNO: Yes, sir.

11 MR. SARABIA: Anything that I've brought up that
12 you think would be an issue for you? You didn't
13 raise your hand over there, so --

14 PROSPECTIVE JUROR SALVAGNO: No, I did not.

15 MR. SARABIA: You think you'd be a good juror
16 for this case --

17 PROSPECTIVE JUROR SALVAGNO: Yeah.

18 MR. SARABIA: -- if called upon to do so?

19 PROSPECTIVE JUROR SALVAGNO: Mm-hmm.

20 MR. SARABIA: Okay. Thank you.

21 All right. So for the rest of you, I'm not
22 going to have an opportunity to speak to you again.
23 You may hear from me. I may be talking at you during
24 the course of trial, as may Mr. Moeller, but we will
25 not be able to have a conversation like this again.

1 In fact, if you see me walk out in the hallway and we
2 happen to pass each other, I'm going to put my head
3 down, I'm going to look the other way, and you're
4 going to think that there's something wrong with me,
5 because, quite candidly, the Judge would be upset
6 with me if I have any interaction. Right? We want
7 to make sure that a fair trial is had and nobody does
8 anything improper, and so we will avoid you.

9 So to that end, this is kind of the last chance
10 I will have. Is there anything that I brought up
11 that -- or anything that you're thinking, well, he
12 hasn't brought this up, but he should have, that I
13 should know about? All right.

14 Anything about --

15 THE COURT: Just for the record, I see no hands.

16 MR. SARABIA: Yeah. No hands.

17 Anything about justifiable use of force or
18 self-defense that you think would be difficult for
19 you or that you think that either I should know about
20 or Defense or the Judge should know about? Okay.

21 And, I guess, last thing -- and in terms of --
22 is anybody out there friendly or know in their
23 personal life any defense attorneys, any prosecutors,
24 or any lawyers who work within the criminal justice
25 system? Okay.

1 There's one hand. That's Ms. Loman?

2 PROSPECTIVE JUROR LOMAN: Yes.

3 MR. SARABIA: And who would that be?

4 PROSPECTIVE JUROR LOMAN: My husband's a retired
5 Detroit police officer, worked in the courts. I
6 worked for Frank Murphy Hall of Justice as a judicial
7 secretary in a contractual position, so I'm quite
8 familiar with some of the court proceedings.

9 MR. SARABIA: Okay. Was that --

10 PROSPECTIVE JUROR LOMAN: (Indiscernible)
11 attorneys.

12 MR. SARABIA: Was that a position that you held
13 here locally?

14 PROSPECTIVE JUROR LOMAN: No, it was in Detroit.

15 MR. SARABIA: Okay. So in terms of local
16 attorneys --

17 PROSPECTIVE JUROR LOMAN: Many years ago.
18 Nobody local.

19 MR. SARABIA: Okay. Now, anything about that,
20 especially being in another state, make you feel like
21 it would be difficult to listen to the laws of the
22 State of Florida and apply those laws?

23 PROSPECTIVE JUROR LOMAN: No.

24 MR. SARABIA: Okay. You think you'd be a good
25 juror for this case?

1 PROSPECTIVE JUROR LOMAN: Sure.

2 MR. SARABIA: All right. Thank you, Ms. Loman.
3 Anybody else out there? That's Ms. Salvagno.

4 PROSPECTIVE JUROR SALVAGNO: Yes. I know
5 attorney Sam Williams.

6 MR. SARABIA: Okay. Are you guys close or just
7 know him --

8 PROSPECTIVE JUROR SALVAGNO: We're friends.

9 MR. SARABIA: Okay.

10 PROSPECTIVE JUROR SALVAGNO: I went to school
11 with him.

12 MR. SARABIA: All right. Do you ever talk about
13 work with him?

14 PROSPECTIVE JUROR SALVAGNO: No.

15 MR. SARABIA: Anything about that relationship
16 that would color your opinion one way or the other
17 coming into a trial like this?

18 PROSPECTIVE JUROR SALVAGNO: No.

19 MR. SARABIA: All right. Thank you.

20 All right. I see another hand. That's
21 Ms. Wakeland.

22 PROSPECTIVE JUROR WAKELAND: I know
23 (Indiscernible) that I do have two family members
24 that are in law enforcement here in Florida, and I've
25 listened to things that they have said, and I do

1 believe them, what they say when they go to cases and
2 so on, but I would not put that in any reference to
3 this case.

4 MR. SARABIA: Okay. Yeah. Sounds -- sounds
5 good. So -- and I asked the question a couple of
6 times and you didn't raise your hand, so I -- your
7 answer back when I was asking about law enforcement
8 officers is you would weigh their testimony the same
9 as you would any other witness?

10 PROSPECTIVE JUROR WAKELAND: Yes.

11 MR. SARABIA: Okay. All right. Thank you.

12 All right. If nobody has anything else you
13 think that I should know, then I don't have any more
14 questions, Judge.

15 THE COURT: Thank you.

16 Ms. Stevens, you ready to finish up?

17 MS. STEVENS: Yes, Your Honor.

18 THE COURT: All right. Ladies and gentlemen,
19 please give Defense the same courtesy. And we'll
20 still have you stand. It's much easier for me to
21 hear you when you stand up, so I appreciate it, but
22 it's for me and digital. So they were saying they
23 were having a hard time hearing you. The microphones
24 are in the ceiling. So I think when people stand up,
25 that's why they can hear them more. Everybody looks

1 up. Can't see them.

2 All right. You ready?

3 MS. STEVENS: Yes. Thank you, Judge.

4 THE COURT: All right.

5 MS. STEVENS: I will also thank you in advance
6 for standing up. I have two small kids and a very
7 (Indiscernible) house, so I can't hear anything
8 anymore. So I do appreciate that as well.

9 So like I said earlier, my name is Rachel
10 Stevens; I am the criminal defense attorney for
11 Mr. William Clifton.

12 I want to have an opportunity to talk with you
13 so that we can pick the six, or seven with the
14 alternate, best individuals for this particular
15 trial. So if we're speaking with you today, like
16 everybody else has said, and you have something that
17 you're like, oh, I don't know if I should say that,
18 that might not be right, say it. This is a safe
19 zone. We want to hear about the things that are
20 important to you, and we want to hear about what it
21 is that makes you who you are. So the thing that you
22 believe might make you a bad juror for this trial, we
23 might believe makes you a great juror for this trial.
24 And the opposite is true as well. So there really is
25 no wrong answers here. It's only information. And

1 then we get to decide which lucky seven of you get to
2 hang out with us as we move forward.

3 So one -- one of the things that has -- will
4 remain constant in this entire case is that
5 Mr. Clifton is -- he has done his part. He has said
6 that he is not guilty. He has declared his
7 innocence, and it will remain that way. And as the
8 Judge said, he has no obligation to do anything other
9 than be present here today.

10 The reason that is, is because the State
11 Attorney is tasked -- as the government
12 representative, is tasked with being responsible for
13 presenting a case where they have to provide proof of
14 a crime, that a crime was committed, and who
15 committed that crime. And the responsibility that
16 they have is that they must prove that beyond a
17 reasonable doubt. And it will be to you lucky seven
18 who will get to make sure that that burden is -- is
19 upheld. That that reasonable doubt is met.

20 So I want to -- I do things a little
21 differently, but I kind of want to present you with a
22 scenario and then kind of work off of that scenario
23 as we move forward. I think that will allow us to
24 kind of move forward and keep things moving a little
25 bit. And I know it's going to be a long day, so

1 let's see where we can go.

2 So I am going to lay the scenery. It's in
3 relation to reasonable doubt. In -- in our justice
4 system, the evidence must prove beyond a reasonable
5 doubt that a crime is committed and who committed
6 that crime prior to being able to find a person
7 who -- finds someone -- find somebody guilty.

8 So as to reasonable doubt, I want to put it in a
9 picture format. I want you to imagine a high
10 mountain. This mountain is Mount Reasonable Doubt.
11 And I and everybody on this side are -- we are on one
12 side of this mountain, and on the other side of the
13 mountain, that we cannot see, is Mr. Clifton, who
14 sits, and he is silent, and he has -- he exists in
15 the state of innocence, and he will maintain there
16 until or unless the State Attorney can overcome the
17 mountain of reasonable doubt. They will climb, make
18 it to the top. And the way they do that is through
19 evidence that they will provide to you in order to
20 allow you to evaluate that evidence and decide
21 whether or not that evidence is enough for him to
22 overcome that mountain. So he has to get up the
23 mountain, and he has to get over the mountain.

24 Well, the problem is that everybody on this side
25 can't see the other side of the mountain. So as the

1 jury, we're going to select you and you'll be allowed
2 to see everything. You get a bird's-eye view of the
3 mountain, and then all the individuals involved. And
4 you are the ones that get to report back at the end
5 of the day, at the end of the evidence, whether or
6 not that burden was met. Did we get to the top of
7 the mountain? Did the government get to the bottom
8 of the mountain? Did they meet all of the burdens
9 that are put upon them? Did the evidence meet the
10 standards provided? And that is going to be
11 something that's going to be provided to you. As the
12 Judge has already told you, you will get very clear
13 rules for deliberation, and you will also get the
14 law. So you'll have everything you need to evaluate
15 what's in front of you.

16 So --

17 THE COURT: Before you begin, we've used the
18 word reasonable doubt a couple of times on both
19 Defense and State. I just want to read you the
20 instruction of what reasonable doubt is that you
21 would use if you're chosen as a juror.

22 Whenever the words reasonable doubt are used, or
23 beyond a reasonable doubt, you must consider the
24 following: Proof beyond a reasonable doubt does not
25 mean proof beyond all doubt. A reasonable doubt is

1 not a mere possible doubt, speculative, imaginary, or
2 forced doubt. Such a doubt must not influence you to
3 return a verdict of not guilty if you have an abiding
4 conviction of guilt. On the other hand, if, after
5 carefully considering, comparing, and weighing all
6 the evidence you hear in the trial, there is not an
7 abiding conviction of guilt, or, if having a
8 conviction, it is one which is not stable but one
9 which wavers and vacillates, then the charge is not
10 proved beyond every reasonable doubt and you must
11 find the defendant not guilty because the doubt is
12 reasonable.

13 It is to the evidence introduced in the trial,
14 and to it alone, that you are to look for that proof.
15 A reasonable doubt as to the guilt of the defendant
16 may arise from the evidence, a conflict in the
17 evidence, or lack of evidence.

18 If you have a reasonable doubt, you should find
19 the defendant not guilty. If you have no reasonable
20 doubt, you should find the defendant guilty.

21 So that -- that is the actual definition.

22 But, Counsel, you may proceed.

23 MS. STEVENS: Thank you.

24 And, Mr. Wilson, I wanted to talk to you about
25 this idea of reasonable doubt, and it's not the

1 picture that I set for you. Do you -- do you
2 understand the information the Judge has given you
3 today?

4 PROSPECTIVE JUROR WILSON: Yes. Yeah.

5 MS. STEVENS: And do you -- do you agree that
6 that is a really high burden for the State Attorney?

7 PROSPECTIVE JUROR WILSON: Yes.

8 MS. STEVENS: Do you think it's too high or too
9 low? Do you have an opinion on that?

10 PROSPECTIVE JUROR WILSON: It's reasonable.
11 Sounds reasonable.

12 MS. STEVENS: Sounds reasonable? And do you --
13 when you say it sounds reasonable, I believe that to
14 be correct as well, and I would agree with that. Do
15 you think that reasonable has an exact definition, or
16 do you think reasonable depends on the facts and
17 circumstances? Would you believe that there is a set
18 definition of reasonable that applies to every single
19 situation or do you think that the idea of reasonable
20 would have to depend on the facts and circumstances?

21 PROSPECTIVE JUROR WILSON: The facts and
22 circumstances.

23 MS. STEVENS: And where would -- would you also
24 agree with those facts and circumstances if I told
25 you that the jury gets to decide if that facts and

1 circumstances, which would be evidence presented,
2 that is what you get to decide if the burden is met
3 beyond a reasonable doubt. Does that sound like
4 something you can -- you can do if you're sitting on
5 this jury?

6 PROSPECTIVE JUROR WILSON: Facts and
7 circumstances.

8 MS. STEVENS: Do you have any reason to believe
9 that you would not be able to fairly evaluate that --
10 those facts and those circumstances for any reason?

11 PROSPECTIVE JUROR WILSON: No. I'm pretty good
12 with facts.

13 MS. STEVENS: Okay. So -- sorry about that. I
14 lost my place. That's what happens when you get
15 older. If you're not paying attention, you lose your
16 space.

17 Now, Ms. -- I'm going to jump around a little
18 bit because I also have a little bit of ADHD and I
19 get a little bit lost myself. So we're going to jump
20 around (Indiscernible) for me.

21 Mr. -- it's Daniel --

22 PROSPECTIVE JUROR MOJICA: Mojica.

23 MS. STEVENS: Mojica?

24 PROSPECTIVE JUROR MOJICA: Yes.

25 MS. STEVENS: You are juror number ten. Would

1 you mind standing so I can hear you?

2 PROSPECTIVE JUROR MOJICA: Okay.

3 MS. STEVENS: Will you -- if you are picked to
4 sit on this jury, will you -- are you ready to take
5 that position of holding the State Attorney to their
6 burden of proof?

7 PROSPECTIVE JUROR MOJICA: Yes.

8 MS. STEVENS: Do you believe that they should be
9 required to show more proof?

10 PROSPECTIVE JUROR MOJICA: Yes.

11 MS. STEVENS: I'm sorry. I want to make sure I
12 did not mislead you.

13 PROSPECTIVE JUROR MOJICA: Okay.

14 MS. STEVENS: If the Judge tells you that here
15 are your rules --

16 PROSPECTIVE JUROR MOJICA: Right.

17 MS. STEVENS: -- this is the burden you must
18 meet, and she is the one who's going to give you
19 that --

20 PROSPECTIVE JUROR MOJICA: Right.

21 MS. STEVENS: -- will you hold it to those rules
22 and that information, or do you believe that maybe
23 there's something that (Indiscernible) don't know?

24 PROSPECTIVE JUROR MOJICA: I will hold it to
25 their rules.

1 MS. STEVENS: As given. And if -- so we
2 heard -- somebody mentioned that evidence, you get to
3 evaluate it. The evidence itself and conflicts in
4 the evidence and the lack of evidence. The -- that
5 comes down to what -- you and the other individuals
6 in your group. You are given all of that
7 information. Are you prepared to -- if you look and
8 you see a lack of -- a lack of evidence, maybe there
9 is a question (Indiscernible) an answer that you
10 believe the evidence presented does not answer that
11 question, in that circumstance, will you feel that
12 you need something more, or will you be able to make
13 your decision based on that information?

14 PROSPECTIVE JUROR MOJICA: I might be able to
15 make a decision on evidence that was brought to the
16 table between both sides.

17 MS. STEVENS: And you said you might be able to.

18 PROSPECTIVE JUROR MOJICA: No, I can. I will.

19 MS. STEVENS: Okay. You can and you will.

20 PROSPECTIVE JUROR MOJICA: Yeah, I will.

21 MS. STEVENS: What if you are the one that's
22 picked to sit on this jury and you are -- you have
23 that top-down view and you see all of the things
24 going on, and I've already told you that I'm on this
25 side of the mountain and the State Attorney is

1 like -- tells us no, based on my facts and evidence
2 (Indiscernible) not going to be there.

3 THE COURT: Counsel, you got to keep your voice
4 up. I -- I missed that.

5 MS. STEVENS: Sorry.

6 THE COURT: That's okay.

7 MS. STEVENS: The -- oh, yeah, sorry.

8 So you're -- you're in your -- you're in your
9 position on the top of the mountain and you get this
10 top eye view, and you get to see everything going on
11 on all sides. And based on the rules of deliberation
12 that you will be given and the law that you'll be
13 explained, you see that maybe there's something that
14 is missing. The State Attorney has presented all
15 their evidence, but you don't believe the credibility
16 of one of those witnesses, and you believe that
17 that's enough missing information, and you think that
18 that lack of information means that he did not meet
19 his burden beyond a reasonable doubt.

20 If that were you in that circumstance, and
21 everybody else sitting next to you saw the same
22 thing, heard you the same thing, experienced the
23 exact same trial, the exact same vision that you had,
24 and they all thought something different, they
25 disagree with you, and you were the only person out

1 of the deliberation room that felt as strongly as you
2 did.

3 PROSPECTIVE JUROR MOJICA: Right.

4 MS. STEVENS: Would you just -- would you bend
5 to that and just agree with them just to get out of
6 here and go home?

7 PROSPECTIVE JUROR MOJICA: No.

8 MS. STEVENS: Would you stand by your
9 conviction?

10 PROSPECTIVE JUROR MOJICA: Mm-hmm.

11 MS. STEVENS: Would you take the time to
12 reevaluate the evidence?

13 PROSPECTIVE JUROR MOJICA: Yes.

14 MS. STEVENS: And are you comfortable talking
15 with your other jury members to have that discussion
16 and make sure that you covered every possible
17 conversation to try to come to an agreement?

18 PROSPECTIVE JUROR MOJICA: Yes.

19 MS. STEVENS: Okay. Do you have any problems --
20 feel like somebody might be able to push you or bully
21 you?

22 PROSPECTIVE JUROR MOJICA: No.

23 MS. STEVENS: Okay. That sounds like you are
24 very confident, and I believe that.

25 All right. And let's say -- I mean, obviously

1 we're getting later in the day. Let's say somehow
2 we're here late tomorrow. It's Friday. Everybody
3 just wants to go home. You got things to do, and it
4 is -- I hope this doesn't happen -- it is six or
5 seven o'clock at night on a Friday, you're in the
6 jury room, and you are that guy. Everybody's giving
7 you pressure. Still going to hold your -- hold your
8 seat and keep your --

9 PROSPECTIVE JUROR MOJICA: I'm going to hold my
10 seat.

11 MS. STEVENS: Okay.

12 PROSPECTIVE JUROR MOJICA: I won't bend.

13 MS. STEVENS: Okay. And thank you. You may sit
14 down.

15 PROSPECTIVE JUROR MOJICA: All right. Thank
16 you.

17 MS. STEVENS: As we've heard today -- and please
18 say your name one more time, Daniel. Last name.

19 PROSPECTIVE JUROR MOJICA: Mojica.

20 MS. STEVENS: Mojica. We have heard Mr. Mojica,
21 and he is -- he's very confident in his ability to
22 stand up for what -- what he believes the evidence
23 says. Is there anybody that, as you sit here today,
24 you're like, if I were in that position, I'd probably
25 just say whatever needed to be said to go home. And

1 remember, there's no wrong answer. If you believe
2 that you're in a situation like that and you don't
3 think that you would be able to stand up for your --
4 the way you view the evidence, I'd like to know that.
5 Is there anybody, by a raise of hand, that would like
6 to talk about that? And I see no hands raised. We
7 have a very confident group of people here today.

8 And is there -- so we've -- I've explained to
9 you that the Court -- the Judge, is our neutral party
10 in the courtroom. They are the giver of the law to
11 you before you go out into the deliberation room.
12 And she will also handle any legal disagreements that
13 happen throughout the trial. And that's just a very
14 brief way of saying that she's going to do quite a
15 bit. So once you have that -- have it in your hands
16 and you are going to go back to the deliberation
17 room, you will be told that you get -- how you're
18 allowed to evaluate a witness's testimony.

19 You are -- the Judge has told you you're going
20 to see video in -- in this case. There will be
21 videos. And, to be particular, two videos. You will
22 also have witnesses who are going to testify. The
23 witnesses are going to -- and I'm not going to get
24 into all the bits and pieces, but if that is the only
25 evidence that you see and you have further

1 questions --

2 Mr. O'Dell, if you have one piece of evidence
3 and one piece of testimony and they're just not
4 matching up, will you be able to make a decision if
5 you have a conflict in that evidence?

6 PROSPECTIVE JUROR O'DELL: Yes.

7 MS. STEVENS: Will you be looking for more
8 answers that you don't have and then not be able to
9 make a decision at all?

10 PROSPECTIVE JUROR O'DELL: I'll make a decision.

11 MS. STEVENS: Based on what?

12 PROSPECTIVE JUROR O'DELL: Based on what's
13 available.

14 MS. STEVENS: Pardon?

15 PROSPECTIVE JUROR O'DELL: Based on what's
16 available.

17 MS. STEVENS: The evidence that was presented at
18 trial. Okay.

19 Ms. Cantero.

20 PROSPECTIVE JUROR CANTERO PENA: Yes.

21 MS. STEVENS: Did I say that right?

22 PROSPECTIVE JUROR CANTERO PENA: Yes.

23 MS. STEVENS: Oh, look at me. Yay. So you --
24 you own a firearm. Correct?

25 PROSPECTIVE JUROR CANTERO PENA: Yes.

1 MS. STEVENS: And, I'm sorry, do -- do you carry
2 that firearm with you at any point in time? In your
3 car?

4 PROSPECTIVE JUROR CANTERO PENA: In the car.

5 MS. STEVENS: In the car. And is that something
6 you carry all the time?

7 PROSPECTIVE JUROR CANTERO PENA: Yes.

8 MS. STEVENS: Do you have strong beliefs in one
9 direction or another when it comes to firearms?

10 PROSPECTIVE JUROR CANTERO PENA: No. I mean,
11 not really. (Indiscernible) for safety reasons.

12 MS. STEVENS: Do you -- do you believe that
13 there are certain rules or rules that a person that
14 carries a firearm should follow that other people
15 don't have to follow? Is that something that you
16 have an opinion on?

17 PROSPECTIVE JUROR CANTERO PENA: No. I think
18 there should be rules, for sure (Indiscernible)
19 rules.

20 MS. STEVENS: But -- but if there is not one in
21 existence, you're not going to hold somebody to a
22 standard that doesn't exist. Right?

23 PROSPECTIVE JUROR CANTERO PENA: Right.

24 MS. STEVENS: Okay. Thank you.

25 PROSPECTIVE JUROR CANTERO PENA: Sorry

1 (Indiscernible).

2 MS. STEVENS: It's okay. Thank you. You can
3 have a seat.

4 So I'm trying to go through some of the things
5 we've already addressed here so we can move on. I do
6 want to talk about firearms because firearms, as
7 you've heard, are an issue in this case. And in
8 Florida, we have a lot of firearms around here.
9 Those of you who came from states that don't have as
10 many firearms, maybe some people call us a little
11 crazy, but we love them. Right? In Florida, we just
12 have a large population that has very strong opinions
13 about their gun rights. Does anybody in here have a
14 strong opinion in a negative way about firearms?

15 All right. Mr. Novak?

16 PROSPECTIVE JUROR NOVAK: Yes.

17 MS. STEVENS: Hi. How do you -- how do you feel
18 about firearms in -- personally?

19 PROSPECTIVE JUROR NOVAK: I'll probably never
20 own one personally.

21 MS. STEVENS: You never have or you never will?

22 PROSPECTIVE JUROR NOVAK: Never will, no.

23 MS. STEVENS: Okay. And is that a personal
24 preference or is that something you would put on
25 other people as well?

1 PROSPECTIVE JUROR NOVAK: Personal, I'd say.

2 MS. STEVENS: Do you have any opinion about
3 somebody who has firearms based on the way that you
4 feel about them?

5 PROSPECTIVE JUROR NOVAK: I probably
6 (Indiscernible).

7 MS. STEVENS: I'm so sorry. I cannot hear you.
8 Could you speak up?

9 PROSPECTIVE JUROR NOVAK: I'd probably use that
10 a defining characteristic of them, like --

11 MS. STEVENS: Would you like that person better
12 or less if you knew nothing else about them?

13 PROSPECTIVE JUROR NOVAK: I'll just know that.
14 Like either/or --

15 MS. STEVENS: I'm so sorry.

16 PROSPECTIVE JUROR NOVAK: I'll just know they
17 own a firearm, pretty much.

18 MS. STEVENS: Okay. And would you treat them
19 with -- would you assume they have less credibility?

20 PROSPECTIVE JUROR NOVAK: No.

21 MS. STEVENS: Would you assume -- and you'd give
22 them a fair shot --

23 PROSPECTIVE JUROR NOVAK: Yes.

24 MS. STEVENS: -- before you make a final
25 determination of them? Okay. Thank you. Appreciate

1 it.

2 Ms. (Indiscernible)? Oops, I'm in the wrong
3 spot. I'm looking for this young lady back in the
4 back.

5 PROSPECTIVE JUROR SALVAGNO: Me?

6 MS. STEVENS: I'm sorry, sir. I called the
7 wrong person's name. I'm getting mixed up.

8 PROSPECTIVE JUROR SALVAGNO: Salvagno?

9 MS. STEVENS: There you go. Thank you.
10 Ms. Salvagno, you live in a home that has a firearm,
11 but it's not yours. Correct?

12 PROSPECTIVE JUROR SALVAGNO: Correct.

13 MS. STEVENS: And who does that belong to?

14 PROSPECTIVE JUROR SALVAGNO: My husband.

15 MS. STEVENS: How do you feel about it? Because
16 I heard when they asked if you carried it, I think
17 there was a response. Can you tell me what --

18 PROSPECTIVE JUROR SALVAGNO: Two of my
19 grandchildren live in the house, so it's up in the
20 closet. They don't know it's there. It's never
21 brought out when they're around.

22 MS. STEVENS: So in your household it is -- it's
23 in a place of safety?

24 PROSPECTIVE JUROR SALVAGNO: Yeah. My dad was a
25 police officer, and it was the same rules when I was

1 growing up. Nobody got to be near the guns.

2 MS. STEVENS: Okay. So you have rules and you
3 follow them in your home.

4 PROSPECTIVE JUROR SALVAGNO: Yes.

5 MS. STEVENS: And do you think that other people
6 who do things differently, the way that they handle
7 their firearms, is that something that you would
8 judge them negatively if they don't do it the same
9 way you do?

10 PROSPECTIVE JUROR SALVAGNO: No. I just believe
11 in the safety of.

12 MS. STEVENS: And so here, if you see a law
13 about something, if the law says the -- it's okay --
14 we're going to use puppies -- it's okay to let the
15 puppy be in the living room by itself, and the law
16 says you're fine, you're great. But you personally
17 think that no puppy should be outside of his crate
18 ever, ever, ever. Are you going to be okay if you go
19 to a house -- are you going to judge somebody
20 negatively --

21 PROSPECTIVE JUROR SALVAGNO: No.

22 MS. STEVENS: -- based on the fact that you keep
23 your puppies in a crate, they keep their puppies in
24 the living room?

25 PROSPECTIVE JUROR SALVAGNO: I understand. No,

1 I wouldn't -- I wouldn't judge them.

2 MS. STEVENS: Does anybody else think that if
3 somebody who owns a firearm or who has firearms
4 should be held to a different standard -- excuse
5 me -- that you would treat them differently just by
6 knowing they have a firearm? Is there anybody that
7 would treat somebody differently just knowing they
8 have a firearm?

9 MULTIPLE POTENTIAL JURORS: No.

10 MS. STEVENS: I -- I heard some mumblings out
11 there, but if you agree, say yes.

12 THE COURT: Why don't you have them raise their
13 hand?

14 MS. STEVENS: If you believe that you would
15 make -- you would treat somebody differently because
16 they own a firearm, raise your hand.

17 PROSPECTIVE JUROR AGAJANIAN: I think if they
18 had an assault rifle it might be different.

19 PROSPECTIVE JUROR AGAJANIAN: Yeah.

20 MS. STEVENS: Please -- Mr. -- is it Dubay? Am
21 I --

22 THE COURT: One more over.

23 MS. STEVENS: Sorry.

24 PROSPECTIVE JUROR AGAJANIAN: Agajanian.

25 MS. STEVENS: Mr. -- say it again?

1 PROSPECTIVE JUROR AGAJANIAN: Agajanian.

2 MS. STEVENS: Would you mind standing up and
3 saying it louder? I didn't hear what you said.

4 THE COURT: Agajanian. It's juror number four.

5 PROSPECTIVE JUROR AGAJANIAN: Agajanian.

6 MS. STEVENS: Okay. If it -- you said if it was
7 a --

8 PROSPECTIVE JUROR AGAJANIAN: Assault rifle.

9 MS. STEVENS: Okay. So at the -- as you sit
10 here, that is your -- your true opinion about
11 somebody who has an assault rifle?

12 PROSPECTIVE JUROR AGAJANIAN: I just -- I don't
13 think they're necessary.

14 MS. STEVENS: And if -- under whatever
15 circumstance you were given this information, if you
16 were told that having a -- in whatever circumstance
17 it is, that having that assault rifle was not against
18 the law and there was nothing being done
19 inappropriately, would you have that same opinion?

20 PROSPECTIVE JUROR AGAJANIAN: I still view them
21 differently.

22 MS. STEVENS: Okay. And you said an assault
23 rifle. There -- we are not going to have an issue
24 with an assault rifle in this case.

25 THE COURT: It's a -- it's a handgun.

1 MS. STEVENS: It is a handgun. Knowing that a
2 handgun is involved in this case, knowing that it's
3 an assault case, are you have any negative
4 indications on this case prior to hearing any
5 evidence?

6 PROSPECTIVE JUROR AGAJANIAN: No.

7 MS. STEVENS: Have you made a decision of this
8 case prior to hearing any evidence?

9 PROSPECTIVE JUROR AGAJANIAN: I just heard it
10 right now, so no.

11 MS. STEVENS: All right. Any having been given
12 the law to apply facts to because you have no facts.
13 Correct?

14 PROSPECTIVE JUROR AGAJANIAN: Correct.

15 MS. STEVENS: And if you were to sit on this
16 jury, you would wait to hear all of those facts and
17 evidence prior to making a decision?

18 PROSPECTIVE JUROR AGAJANIAN: I have friends who
19 own handguns, so -- and we're still friends.

20 MS. STEVENS: Excellent. Thank you. I
21 appreciate it. Thank you for not holding it against
22 me that I could not pronounce your name. Apologize.

23 Ms. Reed?

24 PROSPECTIVE JUROR REED: Yes.

25 MS. STEVENS: I got your name right, didn't I?

1 Ms. Reed, if you could please stand up. So you're
2 from New York. So --

3 PROSPECTIVE JUROR REED: I'm -- I'm from here.
4 I lived in New York.

5 THE COURT: Right.

6 MS. STEVENS: Oh, okay.

7 PROSPECTIVE JUROR REED: Yeah. I'm not -- I'm
8 not from New York, no.

9 MS. STEVENS: So you know the difference, then.

10 PROSPECTIVE JUROR REED: Yes.

11 MS. STEVENS: New York does not feel the same
12 way about guns as we do, do they?

13 PROSPECTIVE JUROR REED: Correct.

14 MS. STEVENS: All right. Do you personally have
15 a very strong opinion about firearms?

16 PROSPECTIVE JUROR REED: No. I -- my uncle
17 hunts and their best friends, so I -- I've grown up
18 around guns, I've shot guns. Yeah.

19 MS. STEVENS: So the existence of a gun in this
20 case has not led you to make any early decisions?

21 PROSPECTIVE JUROR REED: No.

22 MS. STEVENS: Okay. Are you going to hold
23 against my client anything to do with the fact that
24 there's a gun in this case?

25 PROSPECTIVE JUROR REED: [No audible response.]

1 MS. STEVENS: Pardon?

2 PROSPECTIVE JUROR REED: No.

3 MS. STEVENS: Okay. Good. I have not heard a
4 lot from you this morning or -- gosh. Man, it is not
5 this morning anymore.

6 THE COURT: No, it's not.

7 MS. STEVENS: So may I ask what you do for a
8 living?

9 PROSPECTIVE JUROR REED: I am a youth
10 coordinator (Indiscernible) 16- to 25-year-olds.

11 MS. STEVENS: Okay. And are -- and if I get too
12 personal, I apologize and we can stop. Do you work
13 with a -- a diverse group of people or is it a
14 more --

15 PROSPECTIVE JUROR REED: Yeah.

16 MS. STEVENS: Okay. And in your -- in your
17 work, do you come across any people that are in the
18 criminal justice system?

19 PROSPECTIVE JUROR REED: Yes.

20 MS. STEVENS: Do you work with people who are
21 defendants in the criminal justice or just you have a
22 little bit of both?

23 PROSPECTIVE JUROR REED: It's -- it's both
24 sides.

25 MS. STEVENS: Both sides. Anything about your

1 current career or profession or where you work give
2 you any beliefs or thoughts prior to coming in here
3 that somebody else -- your other jury people might
4 not have? Like, something you've learned or
5 experienced through your employment that gives you a
6 different understanding of the criminal justice
7 system?

8 PROSPECTIVE JUROR REED: [No audible response.]

9 MS. STEVENS: (Indiscernible). And -- I
10 appreciate that. Thank you. You can have a seat.

11 THE COURT: I have a hand in the way back.

12 MS. STEVENS: Yes.

13 THE COURT: It's Mr. O'Grady. Right?

14 PROSPECTIVE JUROR O'GRADY: Yeah.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR O'GRADY: To piggyback on what
17 we do for work, I'm a union steward, so I represent
18 employees at UPS. So --

19 MS. STEVENS: At where?

20 PROSPECTIVE JUROR O'GRADY: At UPS.

21 THE COURT: UPS.

22 PROSPECTIVE JUROR O'GRADY: So it gives me a
23 different understanding kind of on both sides of the
24 playing field because I have to listen to management
25 and the employees. So --

1 MS. STEVENS: Okay. Do you think that makes you
2 more neutral?

3 PROSPECTIVE JUROR O'GRADY: Probably.

4 MS. STEVENS: And probably better suited to
5 listen to both sides?

6 PROSPECTIVE JUROR O'GRADY: Yeah.

7 MS. STEVENS: Excellent. Thank you for that.
8 Mr. Clark. Good morning.

9 PROSPECTIVE JUROR CLARK: Good morning.

10 MS. STEVENS: See? This is because I'm used to
11 picking juries in the morning. I'm sorry.
12 Mr. Clark, you were the victim of a -- your home was
13 damaged. Correct?

14 PROSPECTIVE JUROR CLARK: Correct. Yeah.

15 MS. STEVENS: And we established that you were
16 not involved in that. Right?

17 PROSPECTIVE JUROR CLARK: No, I wasn't. I
18 wasn't there at the time. (Indiscernible).

19 MS. STEVENS: Was anything taken?

20 PROSPECTIVE JUROR CLARK: No. Just -- just
21 damage. Just damaged the structure.

22 MS. STEVENS: Okay.

23 PROSPECTIVE JUROR CLARK: And I went to court
24 and I got everything taken care of.

25 MS. STEVENS: Excellent. May I ask, I think

1 your paperwork says you were retired. Correct?

2 PROSPECTIVE JUROR CLARK: I'm sorry?

3 MS. STEVENS: Your paperwork, I believe, said
4 you were retired. Is that correct? Am I reading it
5 right?

6 PROSPECTIVE JUROR CLARK: No. I'm -- I'm an
7 irrigation contractor. I've got my own business.

8 MS. STEVENS: Your own business? What is that,
9 irrigation contractor? I don't -- I don't know
10 (Indiscernible).

11 PROSPECTIVE JUROR CLARK: We do sprinklers
12 installations, repairs, sprinkler systems.

13 MS. STEVENS: And you own that business?

14 PROSPECTIVE JUROR CLARK: Yes, ma'am.

15 MS. STEVENS: You have employees?

16 PROSPECTIVE JUROR CLARK: Yeah.

17 MS. STEVENS: Are you in charge of making sure
18 those employees do what they're supposed to do and
19 get where they're supposed to get on time?

20 PROSPECTIVE JUROR CLARK: Could you repeat that?

21 MS. STEVENS: Are you in charge of those
22 employees, getting them where they need to go and
23 make sure they get there on time?

24 PROSPECTIVE JUROR CLARK: Oh, yeah. Yeah.
25 Absolutely.

1 MS. STEVENS: Do all of your employees get along
2 with each other?

3 PROSPECTIVE JUROR CLARK: For the most part,
4 yeah.

5 MS. STEVENS: For the most part. Do you ever
6 have to settle disputes?

7 PROSPECTIVE JUROR CLARK: Do I have what?

8 MS. STEVENS: Do you ever have to settle
9 disputes with those employees?

10 PROSPECTIVE JUROR CLARK: Yeah. That's why I
11 got a foreman, though.

12 MS. STEVENS: Oh, okay.

13 PROSPECTIVE JUROR CLARK: He takes care of that
14 problem.

15 MS. STEVENS: You delegated that.

16 PROSPECTIVE JUROR CLARK: We mainly deal with
17 childish problems, like make it -- make it to work on
18 time, things like that. That's my biggest headaches.
19 Once I get them to work, they do good -- they do good
20 work. But I got a foreman that takes care of any --
21 any kind of, you know, disciplinary or whatever --

22 MS. STEVENS: And then reports back to you.

23 PROSPECTIVE JUROR CLARK: Yeah.

24 MS. STEVENS: Excellent. All right. Thank you
25 very much. You can have a seat.

1 PROSPECTIVE JUROR CLARK: You're welcome.

2 MS. STEVENS: Mr. Spellman.

3 PROSPECTIVE JUROR SPELLMAN: Yes.

4 MS. STEVENS: Good morning. Good -- oh, jeez.
5 Mr. Spellman, you -- when it comes to self-defense --
6 we've heard some conversation about self-defense. If
7 you were given the rules of self-defense and you
8 apply those rules and you talk about the
9 reasonableness of using that self-defense, and you
10 will get all the details so you have much more
11 information than that -- when you apply the idea of
12 reasonableness to a defense, was it a reasonable
13 thing to do, can we agree that reasonable in one
14 circumstance is not going to apply in another? The
15 same exact act can be reasonable under one
16 circumstance, but not reasonable under another.

17 PROSPECTIVE JUROR SPELLMAN: Yes.

18 MS. STEVENS: Pardon?

19 PROSPECTIVE JUROR SPELLMAN: Yes.

20 MS. STEVENS: And you're okay with that?

21 PROSPECTIVE JUROR SPELLMAN: What's that?

22 MS. STEVENS: You're okay with that?

23 PROSPECTIVE JUROR SPELLMAN: Yes.

24 MS. STEVENS: Thank you.

25 Is anybody -- we heard earlier today that the --

1 this case has to do with the subdivision of the
2 Starkey Ranch. It's a subdivision in Odessa. Has
3 anybody ever heard of that even though you don't live
4 there?

5 MULTIPLE POTENTIAL JURORS: Yes.

6 MS. STEVENS: It's very -- is there anybody that
7 doesn't is probably a better word. Okay. I have
8 seen about four or five hands. And we can elaborate
9 on that in a minute. Knowing of what it is, is there
10 anybody that has knowledge about the ongoings in that
11 community? Ms. Hamblen-Small?

12 PROSPECTIVE JUROR HAMBLLEN-SMALLEY: Smalley.

13 MS. STEVENS: Oh, yeah. If you'll stand and
14 speak up.

15 That's juror number 36.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR HAMBLLEN-SMALLEY: I just
18 realized when you first started talking about it, I
19 do live in Starkey Ranch, but we moved there in 2024,
20 so --

21 MR. SARABIA: Okay. And I'm going to ask a few
22 questions, and I don't want details. If you could
23 just give me --

24 PROSPECTIVE JUROR HAMBLLEN-SMALLEY:

25 (Indiscernible).

1 MS. STEVENS: Are you familiar with anything
2 that's happened in Starkey Ranch prior to moving in
3 there?

4 PROSPECTIVE JUROR HAMBLEN-SMALLEY: No, because
5 we lived in Orlando.

6 MS. STEVENS: Okay. Do you go back and look at,
7 like, the HOA minutes or talk to your neighbors or
8 get on Facebook --

9 PROSPECTIVE JUROR HAMBLEN-SMALLEY:
10 (Indiscernible).

11 MS. STEVENS: You --

12 PROSPECTIVE JUROR HAMBLEN-SMALLEY: No. We
13 don't -- like, I -- I travel, and, like
14 (Indiscernible) we're never home. So --

15 MS. STEVENS: So basically if this happened in
16 your backyard, you wouldn't even know it was there.

17 PROSPECTIVE JUROR HAMBLEN-SMALLEY: Probably.
18 Yes. (Indiscernible).

19 MS. STEVENS: All right. All right. So as we
20 sit here and you're starting to jog your memory,
21 anything that's going on here today that you think
22 you might know something about us?

23 PROSPECTIVE JUROR HAMBLEN-SMALLEY: No. I have
24 zero clue.

25 MS. STEVENS: Okay. I appreciate that.

1 PROSPECTIVE JUROR HAMBLEN-SMALLEY: You're
2 welcome.

3 MS. STEVENS: Anybody else know -- either all of
4 a sudden remember they live in Starkey Ranch or who
5 knows somebody who lived there that you're close to?
6 Not seeing any hands.

7 Anybody has family that live in Starkey Ranch?
8 No hands.

9 Anybody happen to be walking through there one
10 day and start talking to people and have all this
11 knowledge of Starkey Ranch that you just haven't told
12 us about yet? Excellent. Nobody raising their hand.

13 Mr. Cabral, good afternoon. Can you please
14 stand up?

15 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yeah.

16 MS. STEVENS: I understand -- we've talked about
17 it -- your -- your wife is -- went through -- is
18 in -- has gone through surgery.

19 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yeah.
20 It was a procedure. It wasn't surgery.

21 MS. STEVENS: Okay.

22 PROSPECTIVE JUROR VASCONCELLOS CABRAL: It was a
23 procedure on her neck.

24 MS. STEVENS: And so --

25 PROSPECTIVE JUROR VASCONCELLOS CABRAL: She's

1 rest in bed.

2 MS. STEVENS: Pardon?

3 PROSPECTIVE JUROR VASCONCELLOS CABRAL: She's in
4 bed resting.

5 MS. STEVENS: Okay. And so as we sat here
6 today, it's been a long day, have you been distracted
7 by thinking about her, or have you been able to focus
8 completely on what we're doing?

9 PROSPECTIVE JUROR VASCONCELLOS CABRAL: I'm
10 being able to focus. I went over there on lunchtime.
11 So --

12 MS. STEVENS: Okay. Good. That was nice. If
13 you were here again tomorrow, if you were chosen to
14 sit on the jury, will there be -- will you continue
15 to be able to have this focus on this trial?

16 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yeah.

17 MS. STEVENS: Thank you.

18 I'm just checking on a few last things and
19 probably --

20 Mr. Stone.

21 THE COURT: You stood up a lot today, Mr. Stone.

22 MS. STEVENS: Yes. Well, you've been very
23 forthcoming with asking questions, asking for
24 clarity, and I just to want to make sure that I got
25 everything right. So although you asked for clarity

1 on certain things that have to do with bias and
2 whatnot, were you -- do you feel confident that you
3 understand that, although we don't want you to come
4 in with a bias that would make you believe one thing
5 over another, we will allow you to use certain
6 evidence and rules of evidence to determine the
7 credibility of someone else?

8 PROSPECTIVE JUROR STONE: Yes, I understand.

9 MS. STEVENS: You understand. And are you okay
10 with that?

11 PROSPECTIVE JUROR STONE: Yeah.

12 MS. STEVENS: Okay. Do you think there's
13 anything as you sit here today that you come in, walk
14 through that door, and you feel a certain way that
15 will make a difference in the case that you won't be
16 able to make a fair decision?

17 PROSPECTIVE JUROR STONE: No.

18 MS. STEVENS: Pardon?

19 PROSPECTIVE JUROR STONE: No.

20 MS. STEVENS: Excellent. All right. Thank you
21 very much.

22 PROSPECTIVE JUROR STONE: I tend to mumble.
23 Thank you.

24 MS. STEVENS: I'm sorry. What?

25 PROSPECTIVE JUROR STONE: I said I tend to

1 mumble.

2 MS. STEVENS: Oh, okay. Thank you.

3 Mr. O'Dell.

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

5 MS. STEVENS: If you're chosen for this jury and
6 you are the only person who disagrees with the rest
7 of the jury, will you hold onto that belief or will
8 you give in?

9 PROSPECTIVE JUROR O'DELL: I'll hold onto my
10 belief.

11 MS. STEVENS: Speak up?

12 PROSPECTIVE JUROR O'DELL: I will hold onto my
13 belief.

14 MS. STEVENS: I would like to go down the first
15 couple of rows. So unless you all want to jump up
16 and down like a Jack in the Box, I'm going to need
17 you to be very loud, or you can stand up, but we want
18 to hear you. Okay?

19 Ms. Loman, if you are the only one on the jury
20 who believes one thing and everybody believes the
21 other, will you hold to that conviction?

22 PROSPECTIVE JUROR LOMAN: Yes.

23 MS. STEVENS: Based on the evidence that you're
24 provided?

25 PROSPECTIVE JUROR LOMAN: Correct.

1 MS. STEVENS: Thank you.

2 Mr. Dubay, how about you? Will you hold onto
3 that?

4 PROSPECTIVE JUROR DUBAY: Yes.

5 MS. STEVENS: Will you give in because they tell
6 you to?

7 PROSPECTIVE JUROR DUBAY: No.

8 MS. STEVENS: You're a young man. What if
9 someone's older than you and they say this is what
10 you got to do, buddy?

11 PROSPECTIVE JUROR DUBAY: (Indiscernible).
12 Well, I got to believe in my own conviction.

13 MS. STEVENS: Fantastic. I love that. Thank
14 you very much. You have to believe in your own
15 convictions.

16 And Ms. -- Nick. Mr. --

17 PROSPECTIVE JUROR AGAJANIAN: Just call me Nick.
18 It's fine.

19 MS. STEVENS: Can I call you Nick?

20 PROSPECTIVE JUROR AGAJANIAN: Yes.

21 MS. STEVENS: I apologize for that. And how
22 about you? Are you able to -- wait -- you're able to
23 hold onto your convictions.

24 PROSPECTIVE JUROR AGAJANIAN: Yes.

25 MS. STEVENS: Anything that you think would

1 happen if you get back there and people start
2 bullying you? Not that anybody here would do it.

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

4 MS. STEVENS: Okay.

5 Ms. Reed?

6 PROSPECTIVE JUROR REED: Yes.

7 MS. STEVENS: You going to hold strong?

8 PROSPECTIVE JUROR REED: Yes.

9 MS. STEVENS: Mr. Wilson?

10 PROSPECTIVE JUROR WILSON: Yes.

11 MS. STEVENS: Yes.

12 Novak.

13 PROSPECTIVE JUROR NOVAK: Yeah.

14 MS. STEVENS: Speak up?

15 PROSPECTIVE JUROR NOVAK: Yes, ma'am.

16 MS. STEVENS: Thank you.

17 Mr. Clark.

18 PROSPECTIVE JUROR CLARK: Yes.

19 MS. STEVENS: Daniel.

20 PROSPECTIVE JUROR MOJICA: You already know it.

21 MS. STEVENS: I know.

22 And that was juror number 10.

23 Juror number 11. That would be --

24 PROSPECTIVE JUROR DVORSZKI: Dvorszki.

25 MS. STEVENS: Say it loud.

1 PROSPECTIVE JUROR DVORSZKI: Dvorszki.

2 MS. STEVENS: Mr. Dvorszki, we have not talked
3 today.

4 PROSPECTIVE JUROR DVORSZKI: That's correct,
5 yes.

6 MS. STEVENS: We -- I have sat there and watched
7 you. You have a great smile. Will you use that
8 smile to hold on to your conviction if you're -- if
9 you're the only one --

10 PROSPECTIVE JUROR DVORSZKI: Yes. Yes, I will.

11 MS. STEVENS: Thank you.

12 And Ms. Pena.

13 PROSPECTIVE JUROR CANTERO PENA: Yes.

14 MS. STEVENS: Yes?

15 Ms. Morales, how about you?

16 PROSPECTIVE JUROR MORALES-EAR: Yes.

17 MS. STEVENS: Thank you.

18 Spellman.

19 PROSPECTIVE JUROR SPELLMAN: Yes.

20 MS. STEVENS: Stone?

21 PROSPECTIVE JUROR STONE: Yes.

22 MS. STEVENS: Cabral.

23 PROSPECTIVE JUROR VASCONCELLOS CABRAL: Yes.

24 MS. STEVENS: And last one is going to be
25 Knipmeyer.

1 PROSPECTIVE JUROR KNIPMEYER: Knipmeyer.

2 MS. STEVENS: Knipmeyer. How about you?

3 PROSPECTIVE JUROR KNIPMEYER: Yes.

4 MS. STEVENS: All right. So everybody sees
5 where I'm going. Is there anybody here today that
6 thinks that if you get in there and you are pushed or
7 you are put in a corner or you are asked to change
8 your vote, is there anybody here who cannot stand up
9 to their fellow jurymen? Excellent. No hands.
10 Thank you very much.

11 Is there anything that has not been addressed
12 today that you think that, boy, if one of those
13 attorneys had just said this, I would have told them.
14 I was thinking (Indiscernible).

15 And I've seen a hand from Ms. Herman.
16 Ms. Herman, would you like to stand up?

17 PROSPECTIVE JUROR HERMAN: Yes. I just wanted
18 to piggyback off of what this gentleman -- gentleman
19 up front shared about not having assault rifles. I
20 don't feel they're necessary. I used to have strong
21 opinions about guns, and I've changed my mind over
22 the years. And I used to have a fear of them, and I
23 have a different understanding now, so I feel like
24 (Indiscernible). So I just wanted to make that
25 known.

1 MS. STEVENS: Okay. Can I follow -- I want to
2 follow up with a few questions.

3 PROSPECTIVE JUROR HERMAN: Sure.

4 MS. STEVENS: That feeling that you have,
5 knowing that an assault rifle is not at issue in this
6 case, does it make it -- are you any less able to be
7 fair in this case?

8 PROSPECTIVE JUROR HERMAN: No.

9 MS. STEVENS: Will you use the evidence that you
10 provided and base your opinion on that alone -- your
11 verdict?

12 PROSPECTIVE JUROR HERMAN: Yes.

13 MS. STEVENS: Okay.

14 Anybody else have anything to add?

15 Thank you, ma'am.

16 All right. That's all I have. Thank you.

17 THE COURT: I have one hand in the back.

18 MS. STEVENS: I am so sorry. I asked the
19 question and didn't look.

20 If you'll stand up and say it out loud.

21 UNIDENTIFIED PROSPECTIVE JUROR: I'm hearing if
22 we all don't agree. We don't all have to say yes or
23 no. We can stick to our conviction.

24 THE COURT: Well, let me explain real quick.

25 UNIDENTIFIED PROSPECTIVE JUROR:

1 (Indiscernible).

2 THE COURT: In -- in the criminal justice
3 system, to get a verdict, all six people in the jury
4 room have to agree guilty or not guilty. So if you
5 don't agree, we call it a hung jury and we all go
6 home, and we don't -- we'll have to pick another jury
7 some other day. Okay? So what she's asking is, she
8 wants to make sure that if you're back there and five
9 say not guilty and you say guilty, or the other way
10 around, I just go back and forth on what I
11 (Indiscernible), that you'll hold to your convictions
12 and you're not just going to give in because it's six
13 o'clock at night. Would you hold to your
14 convictions?

15 PROSPECTIVE JUROR HERMAN: Yes.

16 THE COURT: And like I said, if you guys can't
17 come to an agreement, all six of you, either one way
18 or another, then you would just tell me we can't --
19 we can't reach a verdict, and then we would excuse
20 that jury, and we'd have to start all over again and
21 pick a new jury and do it all over again. Which is
22 okay; we've done it before. But, you know, Defense
23 attorneys and State attorneys want to make sure that
24 you're the type of person, not that you're not going
25 to listen to the other people and you're not going to

1 go over the evidence, but if you have a strong
2 conviction that someone is either guilty or not
3 guilty and everybody else is the other way, that
4 you'll stand on principle. Would you do that? And
5 you just tell me, write a letter back -- note, and
6 say we can't reach a verdict, and we'll all say okay,
7 and we'll send you home. We promise. I'm not going
8 to keep you here forever. I promise. All right?
9 All right. Thank you.

10 MS. STEVENS: I see a -- Ms. --

11 PROSPECTIVE JUROR HERMAN: Herman.

12 MS. STEVENS: -- Herman.

13 PROSPECTIVE JUROR HERMAN: You keep saying six.
14 Is it six or seven?

15 MS. STEVENS: I -- I didn't want to mislead
16 (Indiscernible).

17 THE COURT: I'm sorry?

18 MS. STEVENS: I say seven just because I thought
19 we were having an alternate so --

20 THE COURT: We will. There's going to be seven
21 jurors picked. One will be the alternate, and that
22 person will not go back in to deliberate. But I
23 always have an extra in case someone gets sick
24 tomorrow, gets -- gets in a car wreck, which I've had
25 happen. Their -- their husband falls down in the

1 middle of the night, rushes to the emergency room. I
2 have to have six to deliberate, so I pick seven.

3 PROSPECTIVE JUROR HERMAN: Okay.

4 THE COURT: And then one of you -- sorry I have
5 to tell you, sorry, but you don't get to deliberate.
6 I was the alternate before I became a judge on a
7 six-day trial, so I kind of know how you feel. You
8 sit, you take notes, you pay attention. If we don't
9 need them, then we release them, and only six make
10 the jury together. Okay?

11 PROSPECTIVE JUROR HERMAN: Okay. Thank you.

12 THE COURT: All right.

13 MS. STEVENS: Does that change anybody's
14 answers?

15 THE COURT: I think we had somebody who was the
16 alternate, so they kind of know how that goes.

17 All right, ladies and gentlemen --

18 Are you all done, Counsel?

19 MS. STEVENS: Yes. Thank you, Your Honor.

20 THE COURT: All right. Ladies and gentlemen,
21 what I'm going to have you do is stand up and step
22 into the hallway. You may use the restroom. Please
23 don't use -- leave the hallway. We're going to make
24 our selections. Those who are picked will stay.
25 Those who aren't picked will get to go home. Okay?

1 (The venire panel exited the courtroom.)

2 (Recess from 4:23 p.m. to 4:30 p.m.)

3 THE BAILIFF: -- 38.

4 THE COURT: Okay.

5 THE BAILIFF: And 22. They told me they are
6 friends and neighbors, that they just realized it.

7 THE COURT: Okay. All right. Are we ready for
8 cause challenges?

9 MS. STEVENS: Yes, Your Honor.

10 MR. SARABIA: Yes, Judge.

11 THE COURT: Okay. On row one, jurors number one
12 through six, we haven't caused anybody yet.

13 State, any cause challenges?

14 MR. SARABIA: Number four said it would be a red
15 flag if the defendant doesn't testify.

16 THE COURT: But he said he would follow my
17 instructions. So it's up to Defense. If you want to
18 cause challenge him, I'm good with that.

19 MS. STEVENS: No objection to cause.

20 THE COURT: Okay. Number four is a cause
21 challenge. Anyone else, State?

22 MR. SARABIA: Not in the first row.

23 THE COURT: Defense? One through six. Cause
24 only.

25 MS. STEVENS: No, Your Honor.

1 THE COURT: Okay. Seven through 12. We've
2 already caused nine. Anyone else in that row, State?

3 MR. SARABIA: No, Judge.

4 THE COURT: Defense?

5 MS. STEVENS: No.

6 THE COURT: All right. Next row is 13 through
7 18. We've already caused 17 and 18. Anyone else,
8 State?

9 MR. SARABIA: No, Judge.

10 THE COURT: Defense?

11 MS. STEVENS: I kept checking in with
12 Mr. Cabral, but I think he can be with us, so I don't
13 think he made it to the cause.

14 THE COURT: Okay. So right now we're good.

15 MS. STEVENS: Yeah.

16 THE COURT: Nineteen through 24. We've already
17 caused challenge 23. Anyone else in that row, State?

18 MR. SARABIA: No, Judge.

19 THE COURT: Defense? Nineteen through 24.

20 MS. STEVENS: No, Your Honor.

21 THE COURT: All right. Next row is 25 through
22 30. State, any cause challenges?

23 MR. SARABIA: Number 30. I think he caused
24 himself multiple ways.

25 THE COURT: Any objection?

1 MS. STEVENS: No objection to cause.

2 THE COURT: That's Mr. Hudson. Thirty is a
3 cause.

4 Anyone else, State?

5 MR. SARABIA: Not in that row.

6 THE COURT: Defense, 25 through 30?

7 MS. STEVENS: No.

8 THE COURT: All right. On row 31 through 36,
9 we've already caused 32 and 33. Any other causes on
10 that row, State?

11 MR. SARABIA: No, Judge.

12 THE COURT: Defense?

13 MS. STEVENS: No.

14 THE COURT: All right. Next row is 37 through
15 42. We've already caused 42. Anyone else, State?

16 MR. SARABIA: No, Judge.

17 THE COURT: Defense?

18 MS. STEVENS: No.

19 THE COURT: All right. And then on the next row
20 is 43, and we're going to go all the way to 50.
21 We've caused 43 and 49 already. State, anyone else
22 43 through 50?

23 MR. SARABIA: Just number 47.

24 THE COURT: All right. Any objection to 47?

25 MS. STEVENS: I may have something written

1 wrong. Is 47 the one who --

2 MR. SARABIA: Autistic.

3 MS. STEVENS: Yeah. I have no objection
4 (Indiscernible).

5 THE COURT: Okay. Forty-seven will be a cause.
6 He himself said he just thought this might be too
7 much for him, but he was very polite about it. So I
8 appreciate that.

9 MS. STEVENS: I wrote the note on the wrong
10 person, but that is exactly what I would like to
11 cause.

12 THE COURT: That's okay. And so other than the
13 one -- 47, we've already caused 43, 47 now, and 49.
14 Any others from the Defense?

15 MS. STEVENS: No, Your Honor.

16 THE COURT: All right. So I do allow
17 backstriking. You each get six strikes, and we'll
18 pick six. And then once we've gotten six, you'll
19 each get one strike for the alternate. But again, I
20 do allow backstriking.

21 And the -- you can tell the jury foreperson that
22 we don't need the other jurors. Okay?

23 THE COURT CLERK: Okay. Thank you.

24 MS. STEVENS: Your Honor, how many? What did
25 you -- did you say six?

1 (Attorneys confer.)

2 MR. SARABIA: Judge, separate question. Can I
3 release the witnesses or do you want --

4 THE COURT: Yeah. You can release the
5 witnesses. We'll do jury -- well, if you guys are
6 okay, we'll swear the jury, do opening statements, or
7 I can wait for everything in the morning. So what do
8 you guys want to do? But you can definitely let the
9 witnesses go.

10 MS. STEVENS: Yeah.

11 MR. SARABIA: I'd rather just do opening and go
12 straight through tomorrow if --

13 THE COURT: Okay.

14 MR. SARABIA: (Indiscernible).

15 MS. STEVENS: No. Not do opening today, do it
16 first thing tomorrow. Yes. I -- I agree. I
17 appreciate that.

18 THE COURT: So am I swearing the jury today?

19 MS. STEVENS: I would request that.

20 MR. SARABIA: That's fine. Judge, what time
21 tomorrow?

22 THE COURT: Ten.

23 MS. STEVENS: Tomorrow at ten?

24 THE COURT: I'm just giving you an opportunity
25 to go ahead and --

1 (Pause.)

2 THE COURT: All right. We ready to go?

3 MR. SARABIA: Yes.

4 THE COURT: Okay. All right. State, juror
5 number one.

6 MR. SARABIA: Accept.

7 THE COURT: Defense, juror number one?

8 MS. STEVENS: Strike.

9 THE COURT: Defense, juror number two?

10 MS. STEVENS: We accept.

11 THE COURT: State, juror number two?

12 MR. SARABIA: Accept.

13 THE COURT: State, juror number three?

14 MR. SARABIA: Accept.

15 THE COURT: Defense, juror number three?

16 MS. STEVENS: Your Honor, actually I would like
17 to backstrike Loman, number two.

18 THE COURT: Okay. So you want to strike juror
19 number two?

20 MS. STEVENS: Yes.

21 THE COURT: All right. So State, juror number
22 three?

23 MR. SARABIA: Accept.

24 THE COURT: Defense, juror number three?

25 MS. STEVENS: Accept.

1 THE COURT: Defense, juror number five?

2 MS. STEVENS: Accept.

3 THE COURT: State, juror number five?

4 MR. SARABIA: Accept.

5 THE COURT: State, juror number six?

6 MR. SARABIA: Accept.

7 THE COURT: Defense, juror number six?

8 MS. STEVENS: Accept.

9 THE COURT: Defense, juror number seven, Novak?

10 MS. STEVENS: Strike.

11 THE COURT: State, juror number eight, Clark?

12 MR. SARABIA: Accept.

13 THE COURT: Defense, juror number eight, Clark?

14 MS. STEVENS: Accept.

15 THE COURT: Defense juror number ten, Mojica,

16 M-O-J-I-C-A.

17 MS. STEVENS: Accept.

18 THE COURT: State, juror number ten?

19 MR. SARABIA: Accept.

20 THE COURT: State, juror number 11.

21 MR. SARABIA: Accept.

22 THE COURT: Defense, juror number 11?

23 MS. STEVENS: Just a moment, Judge.

24 (Indiscernible).

25 THE COURT: We're on Mr. Dvorszki,

1 D-V-O-R-S-Z-K-I, juror number 11.

2 MS. STEVENS: Strike.

3 THE COURT: Defense, juror number 12, Cantero
4 Pena?

5 MS. STEVENS: Accept.

6 THE COURT: State, Cantero Pena, juror 12?

7 MR. SARABIA: Accept.

8 THE COURT: All right. Our panel currently is
9 juror number three, William Dubay; juror number five,
10 Reed; juror number six, Wilson; juror number eight,
11 Clark; juror number ten, Mojica; and juror number 12,
12 Cantero Pena. State, backstrike?

13 MR. SARABIA: State would backstrike number six,
14 Mr. Wilson.

15 THE COURT: State, juror number 13?

16 MR. SARABIA: Accept.

17 THE COURT: Defense, juror number 13? That's
18 Ms. Morales-Ear.

19 MS. STEVENS: Strike.

20 THE COURT: That's five.

21 State, juror number 14, Spellman?

22 MR. SARABIA: Accept.

23 THE COURT: Defense, Spellman, 14?

24 MS. STEVENS: Accept.

25 THE COURT: All right. Our panel right now is

1 juror number three, Dubai; juror number five, Reed;
2 juror number eight, Clark; juror number ten, Mojica;
3 juror number 12, Cantero Pena; and juror number 14,
4 Michael Spellman.

5 Defense, backstrike?

6 MS. STEVENS: If I may just have a moment to
7 confer, Your Honor?

8 THE COURT: Okay.

9 (Counsel confers with the defendant.)

10 MS. STEVENS: Your Honor, we would strike -- I
11 believe this is our last -- it is our last strike --
12 three. Juror number three, Dubai.

13 THE COURT: All right. You've used all six.
14 State, juror number 15, Stone?

15 MR. SARABIA: Accept.

16 THE COURT: So our panel right now is juror
17 number --

18 MR. SARABIA: We would backstrike number eight,
19 Mr. Clark.

20 THE COURT: Okay. Juror number 16 is
21 Mr. Vasconcellos Cabral; he's the one with the wife
22 with the neck and the gentleman in the middle.

23 MR. SARABIA: We'll strike him for his
24 convenience.

25 THE COURT: Okay. So the next one up is juror

1 number 19, Knipmeyer -- Knipmeyer. Stuart Knipmeyer.
2 State, 19?

3 MR. SARABIA: We would strike number 19.

4 THE COURT: That's four for you.

5 Number 20, Petrini?

6 MR. SARABIA: Accept.

7 THE COURT: All right. So the panel right now
8 is juror number five, Reed; juror number ten, Mojica;
9 juror number 12, Cantero Pena; juror number 14,
10 Spellman; juror number 15, Stone; and juror number
11 20, Petrini.

12 State, any backstrikes?

13 MR. SARABIA: No. State accepts.

14 THE COURT: Okay. That'll be the panel. You
15 each get one strike on the alternate.

16 Defense, juror number 21 would be the alternate,
17 Tiffany Henriquez.

18 MS. STEVENS: Your Honor, we accept.

19 THE COURT: State, Henriquez as the alternate?

20 MR. SARABIA: We accept.

21 THE COURT: All right. So that -- that'll be
22 our panel.

23 We're going to bring them back. We're not going
24 to swear them, but Defense is out of strikes anyway.
25 We'll bring them back tomorrow morning. I'll swear

1 them, we'll do opening statements, then I'm going to
2 have to take a quick break for a quick Zoom hearing,
3 so I'll give the jury a break at that time to use the
4 restroom, and then we'll begin with openings. So we
5 should be good to go.

6 MS. STEVENS: I'm sorry, Your Honor. I was
7 listening to everything except the time
8 (Indiscernible).

9 THE COURT: Ten.

10 Bring the jury in.

11 THE BAILIFF: One moment.

12 (Pause.)

13 THE BAILIFF: The prospective jurors are
14 entering the hearing of the Court.

15 THE COURT: Thank you.

16 (The venire panel entered the courtroom.)

17 THE BAILIFF: All prospective jurors are present
18 and seated, Your Honor.

19 THE COURT: Thank you.

20 Welcome back, ladies and gentlemen. Sorry about
21 that. We have made our choices. As I call your
22 name, I'm going to have you step up where my
23 bailiff -- you're going to get a little green dot for
24 your -- for your juror badge. First person up is
25 going to come in first row, last chair down there,

1 and we're just fill up that bottom row right there.

2 All right? So if I call your name, step right up.

3 Brittani Reed.

4 Daniel Mojica. I hope I was even close.

5 Evelyn Cantero Pena. I figured I'd grab you
6 before you sat back down for the 15th time.

7 Michael Spellman.

8 Daniel Stone. You didn't think you were getting
9 out of this, did you, Mr. Stone?

10 Jennifer Petrini, P-E-T-R-I-N-I. Petrini.

11 Sorry.

12 And then Tiffany Henriquez.

13 THE COURT: State, is this the panel you've
14 chosen?

15 MR. SARABIA: Yes, Judge.

16 THE COURT: Defense, is this the panel you've
17 chosen?

18 MS. STEVENS: Yes, Your Honor.

19 THE COURT: All right. You're in the comfy
20 chairs, and I didn't bring that up. You guys don't
21 even know how much nicer their chairs are right now.
22 It's the only good thing about sitting over there.

23 For the rest of you, I want to take this
24 opportunity to thank you. As I mentioned a little
25 bit earlier today, much earlier today, we are

1 backlogged from -- even from COVID being on, off,
2 bringing people in, not being able to bring people
3 in. So without you and your time, your taking a
4 whole day, maybe a day and a half with all the things
5 you had to do today, we can't do our job, we can't
6 get justice for the people of the State of Florida
7 for victims, for defendants, so I want to thank you
8 all for being here. But you are released, you're
9 excused, you're done, and you can go. So thank you
10 so much.

11 UNIDENTIFIED PROSPECTIVE JUROR: Thank you.

12 THE COURT: For those in the comfy chairs, just
13 give me a minute. You're not going to be here much
14 longer. I'm just going to give you some directions.
15 We've decided between myself and the Defense that
16 it's been a long day for you, so we're just going to
17 give you some directions and then we're going to send
18 you home, and we're going to have you come back and
19 we'll do the whole thing tomorrow. It's not -- it's
20 not that long of a trial, so we can get it done.
21 Okay? As I like to say, sometimes it takes us twice
22 as long to pick the jury than it does to do the
23 trial.

24 So I'm going to have you downstairs in the jury
25 pool room tomorrow at 10 a.m. As I indicated way

1 early this morning, 10 a.m., jury pool room. And as
2 I said, the courthouse is very small inside, and so
3 if you came up here, we'd probably have witnesses
4 just waiting in the hallway, you might hear something
5 you're not supposed to hear. Okay? So if you can
6 come in at ten into the jury pool room. Once you all
7 get here, we'll bring you up, we'll begin the trial.

8 As you've seen, I've had water, coffee,
9 different things here. I have no problem with you
10 bringing something to drink, bottles of water,
11 coffee, or whatever. If you do bring something,
12 please bring a cap on it. Just a cap. But you're
13 more than welcome to bring it up into the courtroom.

14 Additionally, if any of you -- and I know,
15 Mr. -- Mr. Mojica, you said that you had that item on
16 your phone. If you could check that for me tonight,
17 if you're able. If it does read and we can put your
18 phone on airplane mode, we'll leave it. For the rest
19 of you, when you come in tomorrow, there'll be a box
20 right at the end. It's just a brown box. If you can
21 just drop your phones in there. Put them on off for
22 me or at least vibrate. We like Beyonce, but her
23 ringing in my -- ringing over there, we usually have
24 to say, hey, hey, for you guys to turn it off.
25 Because we don't like to mess with your phones. We

1 like to put them -- you put them in there, you take
2 them out, and we're -- you know, we're not interested
3 in your phones. I just try to take them away from
4 you so people don't keep texting you and they're
5 ringing in your pocket. So when you come in,
6 there'll be a box. If you can drop it in there.

7 If anybody has an Apple Watch connected and
8 they're getting their emails or whatever on their
9 watch, if you can definitely turn yours on airplane
10 mode, if you turn it all the way down or off so
11 you're not getting it on your watch. I don't need
12 your watch. I know how it goes. But -- so we'll do
13 that all in the morning.

14 If you need some crackers or whatever and --
15 throw those in your pocket. We do take breaks as we
16 go. Sometimes we'll go downstairs where you can get
17 a snack. Sometimes we'll go through that door right
18 there, which is the jury pool room. And sometimes if
19 it's a short break, I'll put you in the -- put you in
20 there. So if you all want to throw crackers or a
21 power bar or something in your pocket, you might have
22 time to eat it if we -- if we're not taking a longer
23 break. I will give you an hour for lunch, so don't
24 worry about that. In the jury pool room is bathrooms
25 for male and female, so we'll have times, if you're

1 in there, if it's only a quick break that I need, I
2 might send you in there. That way you get a bathroom
3 break.

4 I try to break every two hours as a minimum, so
5 you can actually go to the restroom, move around,
6 things like that. And -- but if you need a bathroom
7 break before that, raise your hand. As I indicated,
8 it's through a door. So I'll just send you all in
9 there, let you use the bathroom, and come right back.
10 If you're like me, if I just have to use the
11 restroom, I'm not paying attention to anything
12 anybody's saying anyway, so it's best if I just let
13 you use the restroom.

14 I will be -- in the morning, you'll each have an
15 envelope, a big -- big long envelope in front of you.
16 There will be pens and paper in there for you to take
17 notes. You're not required to take notes, but if you
18 want to take notes, I go ahead and give you the paper
19 and pens and everything for you to take notes. Those
20 notes are allowed to go back with you in the jury --
21 jury room when you deliberate. So if you take the
22 notes, you do get to take them in when you
23 deliberate. But when you leave for lunch or
24 whatever, I have you flip your notes over and leave
25 them in the courtroom. But you will get to use them

1 when you deliberate if you are the person that takes
2 notes. If you don't take notes, that's fine. You'll
3 still have it. You can, you know, make little boxes
4 if that makes you pay attention.

5 Like I said, you all know the defendant's name.
6 We've talked about Starkey Ranch. We talked about
7 some things here today. I'm going to remind you, do
8 not look up anything. Do not Google anything. Do
9 not ChatGPT or AI or whatever they made up. Don't go
10 on Facebook and say, hey, I got picked as a jury
11 person, anything like that, because then you're going
12 to get all kinds of people giving you their opinions,
13 and we don't need their opinions right now.

14 Once you're finished with your jury service, you
15 can go on, rate me -- no, I'm just kidding. I don't
16 have a Yelp (Indiscernible). I'm just teasing. But,
17 I mean, you can go on after you finish your jury
18 service -- I should do that. After you finish your
19 jury service, you can go on and talk all you want
20 about how it was to be a juror, but if you can just
21 hold off, you'll be done tomorrow, giving anybody --
22 if -- don't talk about the case with anyone, but
23 please tell -- if anybody needs a work -- does
24 anybody need a letter for work? Do we have letters
25 downstairs?

1 THE COURT CLERK: We do, Your Honor.

2 THE COURT: All right. Are they ready
3 downstairs already? Can you check?

4 THE COURT CLERK: I can check.

5 THE COURT: Okay. We -- we have letters for you
6 to say that, one, you were here today, and we'll have
7 another one that -- we'll have one here today, and
8 also one that says you were picked so you got two
9 days. Okay? So we'll get a letter for you. I'm
10 going to see if they're ready downstairs. We can
11 pick them up right now or we can email them to your
12 boss or whatever that we need to do. But I just want
13 to make sure if they're ready, we can just have you
14 swing by there.

15 We're not getting any information?

16 We'll -- well, just swing by downstairs on your
17 way out. We'll have one waiting for you. And if you
18 need one for tomorrow, I'll have one for you
19 tomorrow.

20 The temperature in my courtroom is not anything
21 I have control over. They tell me what it is, but I
22 can't control it. So a sweater might be good because
23 sometimes it gets really cold in the jury room and
24 then you can take it on and off and it works like
25 that.

1 If you want to bring your lunch, we do have a
2 refrigerator downstairs in the jury pool room where
3 you can put, you know, some -- a lunch in there and
4 eat your lunch. Or, as I said, you're going to get
5 an hour to go out, so you're more than welcome to --
6 to leave the courthouse and have your lunch out and
7 then come back. So either one is possible.

8 Do you all have any questions for me? There's
9 no dumb questions. Any questions? Sometimes I try
10 to cover it all, but sometimes I forget.

11 All right. So right now it's 4:55. You've
12 probably been here all day. I'm going to excuse you.
13 Keep your jury badge. Wear it tomorrow. If you have
14 any questions, you get lost, any questions, see one
15 of my bailiffs. Says sheriff on it. You're wearing
16 a jury badge with a green dot, which means you're
17 mine. So they know where you belong and what and
18 where to do.

19 If you're running a little late, parking at the
20 courthouse sometimes is a problem. Do not park
21 illegally. Do not get a speeding ticket. We won't
22 start without you. Okay? I know how it goes.
23 You're coming across town, so just try to be here no
24 later than ten o'clock. The jury pool room will be
25 open if you get here early, so it's not a problem.

1 Okay?

2 So you all are free to go, and we'll see you in
3 the morning, 10 a.m., jury pool room. Okay?

4 (The jury exited the courtroom.)

5 THE BAILIFF: The jury is out of the hearing of
6 the Court, Your Honor.

7 THE COURT: All right. We will see you all back
8 in the courtroom at 10 a.m. tomorrow morning. If you
9 all -- I know we have some jury instructions already
10 done. If we can get the State to kind of consolidate
11 them so that they're in the same font, that would be
12 very helpful. Ask somebody in your office to --
13 I'm -- you know, you guys have the whole database of
14 the jury instructions, so if they can just throw them
15 together and make them uniform. Some -- they're in
16 different fonts, they're in different -- some are in
17 18, some are in 16. We need them all -- and then I
18 need them on page -- each page. Each jury
19 instruction on a page. I didn't like them all
20 together, but I guess you just send them that way
21 just to be easier. I don't like them all shoved
22 together. Okay? It's easier for me to read. It's
23 easier for them to follow. All right?

24 Any questions from the State?

25 MR. SARABIA: No, Judge.

1 THE COURT: Defense?

2 MS. STEVENS: No, Your Honor.

3 THE COURT: All right. We'll see you all in the
4 morning, 10 a.m. You are -- we are in recess.

5 (The trial recessed at 4:57 p.m. until
6 October 17, 2025.)

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CERTIFICATE OF COURT TRANSCRIBER

STATE OF FLORIDA

COUNTY OF PINELLAS

I, Mary Ann Burke, a digital court transcriber for the Sixth Judicial Circuit, do hereby certify that I was authorized to and did transcribe the foregoing proceedings and that the transcript is a true and correct record of said proceedings.

DATED this 10th day of February, 2026.

Mary Ann Burke

Mary Ann Burke, CET-1292
Digital Court Transcriber
Sixth Judicial Circuit