

1 IN THE CIRCUIT COURT OF THE
2 FOURTH JUDICIAL CIRCUIT, IN
3 AND FOR DUVAL COUNTY, FLORIDA
4 CASE NO: 16-2015-CF-007825-AXXX-MA
5 DIVISION: CR-E

6 STATE OF FLORIDA

7 -vs-

8 MICHAEL RAY HAIM,

9 Defendant.

10 -----

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12 STATE OF FLORIDA)

13 COUNTY OF DUVAL)

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15 Trial before the Honorable Steven B. Whittington,
16 Judge of the Circuit Court, Division CR-E, as cause in
17 this matter came to be heard on the 8th of April, 2019,
18 before Karen Waugerman, a Notary Public in and for the
19 State of Florida at Large and Registered Professional
20 Reporter.

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1 APPEARANCES:

2

3 ALAN SETH MIZRAHI, MAC DEVON HEAVENER and SAMUEL
4 BRETT FRIEDMAN, Esquires, Office of the State Attorney,
5 appearing on behalf of the State of Florida.

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7 THOMAS GEORGE FALLIS and JANIS MARGARET WARREN,
8 Esquires, Private Attorneys, appearing on behalf of the
9 Defendant.

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P R O C E E D I N G S

(9:02 a.m.)

THE COURT: We're here on the case of State versus Michael Haim for jury selection this morning. I don't think we have a panel yet. We were going to start at 9:00 and see if there's any issues that we need to discuss and resolve before we bring in the panel.

MR. MIZRAHI: Your Honor, the parties met on Friday, like indicated, and the vast majority of the evidence is being stipulated to. There are, I think, approximately four pictures that the defense is objecting to and -- as well as, I think, one piece or two pieces of evidence the defense is objecting to.

THE COURT: Well, let's do it now.

MR. MIZRAHI: I have to hook up -- I think -- I don't have the pictures yet so I need to hook up so the Court can see the pictures.

1 one other thing we're objecting to. The
2 State has indicated they want to introduce
3 the testimony of prior -- of the civil trial.
4 They gave us a redacted version of my
5 client's testimony. We're objecting to where
6 they said they would have someone from their
7 office read it. We're objecting to that,
8 Your Honor, two reasons.

9 First of all, it's tantamount to
10 compelling a defendant to take a -- to take
11 the stand and testify, which we know the
12 State can't do.

13 Second of all, it's a proceeding, number
14 one, that's civil in nature, not criminal in
15 nature. I submit if this were a retrial of
16 the criminal case, yes, it would be
17 admissible. But a civil case, obviously
18 different standard of proof, and if you were
19 to admit that, then the defendant would have
20 to go through the colloquy of do you
21 understand you have a right not to testify,
22 et cetera, et cetera, et cetera. That has
23 not been done in that case.

24 So it is, in effect, compelling his
25 testimony. Of course, in a civil case, the

1 standards and the theories are all different
2 than they are in a criminal case for that
3 reason.

4 Now, I will submit it's absolutely
5 proper for any impeachment if the defendant
6 should take the stand but not as substantive
7 evidence in their case in chief.

8 THE COURT: All right.

9 MR. FALLIS: And I haven't seen any
10 authority from the State that allows them to
11 do that.

12 THE COURT: Do you have any authority
13 that says they cannot, in a situation where
14 there's been a prior testimony in a civil
15 case that's used later in a criminal case?

16 MR. FALLIS: Only for impeachment
17 purposes, Judge. That's the only thing I've
18 seen.

19 THE COURT: All right. Let's deal with
20 one at a time. The photographs first?

21 MR. MIZRAHI: I can't get the thing to
22 work. I'll have to show Your Honor the
23 photographs on my computer. The technology
24 is beyond my reach.

25 So the photographs that the defense is

1 objecting to are going to be four photographs
2 that were taken on January 8th of 1993. This
3 was the first quasi search of the defendant's
4 home in which some photographs were taken on
5 the inside.

6 The first two that the defense is
7 objecting to is going to be State's
8 Exhibit 13 and State's Exhibit 14, I think,
9 and 15. So he's objecting to all three of
10 those. Those are going to be a series of
11 towels, rugs and blankets, some of which were
12 taken out of the washing machine and some of
13 which were just bundled in the closet.

14 And the State would call the Florida
15 Department of Law Enforcement crime scene
16 analyst to say, I took these pictures. Some
17 of these things smelled like bleach, and I
18 took them and collected them. And it is
19 to -- the crime scene testing later did not
20 reveal any blood on those items.

21 The other two pictures that defense was
22 objecting to on that same search on
23 January 8th is going to be State's Exhibit 17
24 and 18. These are pictures of a stain in the
25 bathroom that is red and they did not collect

1 it. There was no swab taken from the stain
2 itself, so there was no further testing on
3 that done. The analyst would indicate that I
4 saw this stain; I took a picture of it to
5 document the stain.

6 The State is introducing this, at least
7 in part, to show the very superficial nature
8 of the search itself. They did not --
9 investigators did not have a search warrant.
10 They were searching via consent with regard
11 to a defendant that has previously invoked.
12 Obviously, they won't say that in front of
13 the jury but that's what they're doing.

14 And so they're very, very careful not to
15 do a very detailed exhaustive search. Part
16 of the State's case in this is that
17 investigators missed the body in this case
18 and did not have any signs, so I want to show
19 the superficial nature of the search. The
20 fact that they took pictures of a reddish
21 stain and did not collect it and preserve it
22 in any way goes to the State's case that the
23 police missed potential evidence of a crime.

24 And so those are the five pictures.

25 MR. FALLIS: Totally irrelevant, Your

1 Honor. For the reasons that he gave, number
2 one, if there were any bloodstains on the rug
3 or towels, whatever, obviously they would be
4 relevant, Judge. Okay? Clothes in the
5 washing machine, Your Honor, with bleach on
6 it, which people normally do their towels,
7 bleach their towels, has no relevancy unless
8 he can show they were, quote, evidence of a
9 crime. He's asking the jury to imply that
10 they could have been. That's not the
11 standard, Judge. It's certainly more
12 prejudicial than probative of anything.

13 Now, that stain, Your Honor, it was
14 never tested. They don't even know if it's
15 blood, so they're trying to imply that maybe
16 it is blood and we just missed it. Judge,
17 once again, it is a red stain with not any
18 indication it is evidence of a crime. It's
19 totally irrelevant unless they can tie to it
20 to a crime. They're asking for speculation
21 on the jurors' part, Judge, is what they're
22 asking to do. They probably won't argue
23 that.

24 So what is the relevance of somebody
25 having to towels or anything in their washing

1 machine if it's not evidence of a crime?
2 That stain is completely irrelevant unless
3 they can tie it to something, and it
4 certainly would be a lot more prejudicial if
5 they want to argue and make the -- have the
6 jury make speculation and probative of
7 anything. It's probative of nothing, Judge.

8 THE COURT: All right. Mr. Mizrahi, let
9 me hear you on the testimony from the civil
10 trial. Any comment on that?

11 MR. MIZRAHI: Your Honor, there's no
12 indication that that was not freely and
13 voluntarily made. There's no indication that
14 it wasn't freely and voluntarily given. He
15 was called to the witness stand by his
16 attorney for the Court's knowledge the
17 defendant on probably dozens and dozens of
18 other occasions with regard to the civil
19 litigation that went on for years and years.
20 He invoked his right to remain silent and did
21 not speak in multiple instances in the
22 litigation.

23 I'm not aware of a single piece of case
24 that says that because he testified in a
25 civil case, it's inadmissible. I've never

1 heard of that. It's a statement of a party
2 opponent. Obviously, the defense can argue,
3 if they choose, that that was not freely and
4 voluntarily made, and the jury can consider
5 that based on the jury instruction. But
6 there is no evidence before the Court that it
7 was not freely and voluntarily made and we
8 believe it's admissible.

9 THE COURT: All right. So that's it,
10 the five photographs and the issue of the
11 prior testimony.

12 MR. FALLIS: I'd like to --

13 THE COURT: Other than that, that's --
14 everything that's been marked and stipulated
15 to is coming in.

16 MR. MIZRAHI: There's one more piece of
17 evidence that the defense is objecting to.

18 THE COURT: All right. What's that?

19 MR. MIZRAHI: That's going to be a
20 series of documents from the Blanding
21 apartment complex -- I think it's called
22 "Blanding Place" -- where the victim was
23 seeking to move to. I do not have a
24 custodian from Blanding Place Apartments. I
25 just don't believe the entity exists anymore.

1 However, some of the documents have the
2 signature of Eveann Haim, the victim's aunt,
3 and was the employer and verifier of her
4 income. So she signed one of those documents
5 and will verify that she was indicating to
6 this apartment complex that Bonnie Haim was,
7 in fact, employed and will be able to make
8 the rent payments.

9 I was going to authenticate those
10 documents through her in saying that she
11 signed it. And the defense's objection I
12 don't really think went to authenticity but
13 went to whether or not the victim's state of
14 mind is relevant.

15 So I'll let Mr. Fallis speak on that.

16 MR. FALLIS: Yes, sir.

17 Your Honor, the victim's state of mind,
18 first of all, it is hearsay to begin with.
19 But the victim's state of mind is never
20 relevant to -- as -- as proof of the
21 defendant's actions, never in any
22 situation -- okay? -- to prove, quote, the
23 defendant's state of mind.

24 And for that proposition, Judge, I have
25 State v. Mosley at 760 So. 2d 1129 and all

1 the cases that are mentioned in there.

2 So it's totally -- totally irrelevant
3 and it cannot be used to indicate the
4 defendant's state of mind. What they want to
5 say is that the defendant, because she was
6 looking for an apartment, maybe gave motive
7 or something like that. It's completely
8 unlawful to do that, Judge. And I don't know
9 how they can get around that.

10 Now, if they can prove that the
11 defendant knew, in fact, that Bonnie Haim had
12 contracted for these apartments, that would
13 be a different issue, but there is not going
14 to be any proof of that. Unless they can
15 prove that, maybe then they will be able to
16 admit it, but they can't admit it, Your
17 Honor, in their -- in their case in chief.

18 THE COURT: All right. Mr. Mizrahi,
19 proffer for me what the witness will say
20 about the photographs, the FDLE. You did
21 sort of already but --

22 MR. MIZRAHI: What the witness would say
23 is, I was there to process a scene. We
24 didn't have a search warrant, so it was a
25 very superficial search of the home. We were

1 primarily there to see if any tennis shoes
2 that we could find would be similar to the
3 shoe print that we found in the vehicle.
4 That was the primary purpose of the search.

5 We also had gotten word that some of the
6 towels or rugs smelled like bleach, so we
7 were also going to look at that.

8 I took a series of about a dozen
9 photographs inside the home. The photographs
10 I took included the balled-up rugs and towels
11 that I referenced that the defense is
12 objecting to. We seized those.

13 I also took a photograph of a stain in
14 the bathroom to document it. I did not
15 collect anything with regard to that stain.
16 I don't know what it is. I don't -- I'm not
17 representing that it's blood or anything
18 else. However, we did take a photograph of
19 it to document it.

20 This is the way the scene looked the day
21 after the victim was discovered missing and
22 probably two days after her murder. And
23 that's it.

24 THE COURT: The towels were all found in
25 the washing machine?

1 MR. MIZRAHI: Some were found -- it was
2 actually rugs and towels found in the washing
3 machine, and then there was another pile of
4 towels found in the master bedroom closet.
5 So they were in two different locations.

6 THE COURT: And in both places, they
7 smelled of bleach.

8 MR. MIZRAHI: Well, there's some
9 discrepancy between the witnesses as to which
10 piled smelled like what. Some witnesses will
11 say the pile in the washing machine smelled
12 like the bleach, and the FDLE analyst will
13 say he believed it was the towels by the
14 master bedroom that smelled like bleach.

15 Regardless, it wasn't documented in his
16 report as to which towels smelled like what.
17 So he was basing it on memory. But he will
18 say, something that I collected smelled like
19 bleach, and we ended up testing some of those
20 towels and there was no blood on it.

21 THE COURT: Your response to the
22 documents, victim's state of mind not --

23 MR. MIZRAHI: I think Mr. Fallis's case
24 law is well pointed except in this particular
25 case, the evidence the State intends to

1 introduce is, in fact, the defendant did know
2 about the victim's plans to leave him. In
3 fact, he said so in his own admissions to
4 various people, that he knew the victim was
5 leaving him. There was nothing he could do
6 to stop her, that she intended on taking his
7 son Aaron and moving out of the house. And
8 that all took place before he killed her.

9 So the further corroboration that she
10 was, in fact, doing those things corroborates
11 the defendant's statements that she was, in
12 fact, leaving him, was concrete evidence of
13 it, and we believe it goes to the motive for
14 the killing.

15 THE COURT: So there is evidence that he
16 knew that she was planning on leaving.

17 MR. MIZRAHI: Correct.

18 THE COURT: All right. Anything else?

19 MR. FALLIS: Your Honor --

20 THE COURT: Pretrial issues?

21 MR. FALLIS: Yeah. He keeps calling
22 this a "superficial search." Your Honor, it
23 was a consensual search. Five or six
24 officers, detectives say they thoroughly
25 searched. I've got their depositions and

1 statements that say that. So he's saying
2 he's offering to show it was superficial.
3 This was not a superficial search. In fact,
4 there's evidence there were K-9s there,
5 helicopters with infrared at that time.

6 So this is hardly the premise that he
7 wants to use it for to show it was
8 superficial.

9 Once again, Judge, the towels in the
10 washing machine have absolutely no value, and
11 certainly whatever -- whatever that red stain
12 was in the bathroom has nothing -- has
13 absolutely no value.

14 THE COURT: Let me see that stain.

15 MR. MIZRAHI: It's going to be 17 and
16 18. I have 17 up. (Tendered to the Court).

17 THE COURT: Mr. Fallis, if you want to
18 come up and see what I'm looking at, you're
19 welcome to.

20 MR. FALLIS: Sure.

21 THE COURT: You can as well as
22 Mr. Mizrahi.

23 MR. MIZRAHI: Thank you, sir.

24 THE COURT: Where is the stain?

25 MR. MIZRAHI: Where that ruler is. You

1 can see it closer on there. It's just some
2 red stain.

3 THE COURT: Okay.

4 All right. I'll take those issues under
5 advisement and give you an answer here before
6 the end of the day so you'll know what's
7 coming in tomorrow.

8 Anything else before we bring up the
9 jury?

10 MR. FALLIS: Your Honor, you had
11 indicated that you wanted copies of
12 depositions for the purpose of impeachment.
13 I'm not sure what impeachment is going to be
14 until the testimony. I will have -- I will
15 bring extra copies with in case there is
16 going to be impeachment and hand it to the
17 Court at that time. But at this point, I'm
18 not sure, you know, what --

19 THE COURT: Sure. Let me tell you what
20 I wanted. If there is an -- obviously in
21 every case, there are some witnesses that are
22 more important than others. They're going to
23 have a more significant place in the trial.
24 If I could have those, if there is
25 impeachment, I won't have to go try to find

1 it. I can pull it right up. If you will
2 give those to me, that would be helpful. And
3 if I -- if you try to impeach somebody and I
4 don't have it, then we'll make the best of
5 it.

6 MR. FALLIS: No. What I will do, Judge,
7 I would have an extra copy with me to give to
8 the Court.

9 THE COURT: Okay. That's fine.

10 MR. FALLIS: If that will satisfy the
11 Court's --

12 THE COURT: Yes, sir. All right.

13 Then do we know, Deputy Farrell --
14 Officer Farrell -- excuse me -- the status of
15 our jury?

16 MR. FALLIS: Your Honor, can we --
17 another discussion before we bring the jurors
18 in. Obviously, I know the Court has seen
19 this. I want to introduce it. Of course,
20 this is the front page of Sunday's
21 Times-Union. I don't know if you've seen it
22 or not.

23 THE COURT: I have.

24 MR. FALLIS: Of course, it was on the
25 electronic media this morning as well. And,

1 of course, there were facts that were stated
2 in those reports that are not going to be
3 introduced into evidence.

4 Having had this --

5 THE COURT: Hold on, Mr. Fallis.

6 I just want to know what the status the
7 is, gentlemen. I don't need them brought up
8 right now. I don't want them brought up yet.
9 I just want to make sure we knew where they
10 were.

11 THE BAILIFF: Yes, sir.

12 THE COURT: All right. Go ahead. I'm
13 sorry.

14 MR. FALLIS: Your Honor, what I -- what
15 I have done with other courts in the past on
16 these high-profile cases -- unfortunately, I
17 have many -- is to have the Court read the
18 statement that the State had offered about
19 the -- small statement about --

20 THE COURT: Let me say what I'm going to
21 do. When I get to the part where I read the
22 pertinent part of the information, at that
23 point, I'm going to read that summary. And
24 I'm going to ask everybody on the jury panel,
25 if you know about this case or heard about it

1 to raise your hand. What I'll do, I'll just
2 go row by row. That way, y'all can mark down
3 those things of those people who have raised
4 their hands.

5 Then I'll go through with them and ask
6 them, is there -- you have any fixed opinions
7 about this that you can't set aside, or are
8 you able to hear this case and judge this
9 case based solely on the evidence presented
10 and the law that I will give you?

11 You both are going to be certainly
12 welcome to follow up on those issues. Even
13 if I were to discuss it with them, I'm not
14 going to tell you you can't do that just
15 because I've done it. We'll identify on the
16 record every person who has seen something
17 about this case, whether it's from the
18 Times-Union story yesterday or anything else.

19 MR. FALLIS: The way it's done in the
20 past, which I thought was better, Judge, a
21 better way, not to criticize what you're
22 doing, is that anybody who has read or seen
23 this, then we would do individual voir dire
24 and have you at that time and both the State
25 and I ask them in more detail. You're going

1 and saying, is anything affected, I don't
2 think is going to be enough, Judge, to
3 satisfy us as to whether or not they have any
4 fixed opinions. I think we have to -- both
5 have to be able to explore that in more
6 detail.

7 And that's how it's been done three or
8 four different times that I've had a
9 high-profile case, and it turned out -- you'd
10 be amazed how many people will say something
11 to the Court. No, it won't affect -- you
12 know, and then once you've got them on
13 individual, you ask them exactly what you
14 read, exactly what you saw. You'll see there
15 is going to be evidence that is not
16 admissible coming out of that.

17 So what you're asking them is the end
18 result before we find out what it is that
19 they've seen.

20 So, Your Honor, I'm going to ask that
21 once they say they have that we do individual
22 voir dire and then send them back if we're
23 satisfied that there is no, quote, fixed
24 opinion. And I think that is the -- that is
25 probably a more thorough and a better way of

1 handling it, Judge. Like I said, that's
2 how --

3 THE COURT: All right. Mr. Mizrahi?

4 MR. MIZRAHI: I don't disagree. I
5 actually think a combination of the two is
6 the best scenario. The way the State was
7 going to do was just like the Court said,
8 still ask the questions about whether they've
9 reached any fixed or definite opinions about
10 it, things like that, make sure the jury
11 understands what they heard in the media is
12 not necessarily true, and it could be all
13 false and make them understand that just
14 'cause they know about something doesn't
15 necessarily mean they can't serve. But we
16 need to make sure that they haven't reached
17 any fixed or definite opinions.

18 And then the ones that do raise their
19 hand, you do that inquiry. We still do the
20 individual voir dire because I do think
21 Mr. Fallis is correct. The only way to know
22 what they know is to ask them individually,
23 and -- but I will still do the series of
24 questions that Your Honor was contemplating.

25 THE COURT: All right. That's what I'll

1 do. I'll ask it just like I said. That way,
2 everybody will know who we need to talk to
3 individually. I'll ask that general
4 question. But when it's your turn to do
5 individual voir dire, I guess, Mr. Mizrahi,
6 you can do it during your time if you'd like
7 since you're going to come up first. We'll
8 bring them in individually.

9 MR. MIZRAHI: Yeah. I think it would be
10 good after 'cause the Court indicated we
11 could do it right after the break, after
12 we've done all the biographical information,
13 have those noted, and we can bring them in
14 before I start.

15 MR. FALLIS: And good reason for that,
16 Your Honor, is that we don't want --

17 THE COURT: You don't need to -- we're
18 all in agreement.

19 MR. FALLIS: Okay. We don't want to
20 taint the whole --

21 THE COURT: I understand. I'm not going
22 to ask them what they know while the other 55
23 are sitting there. I get it. Don't worry.

24 MR. FALLIS: Okay.

25 THE COURT: All right. Let's take a --

1 if there's nothing else, we can take a short
2 recess. I've got some technical things I
3 need to work with up here. We'll find out
4 where our panel is, when they're ready.
5 Hopefully by 10:00, we can get started.
6 Okay?

7 MR. MIZRAHI: Thank you, Your Honor.

8 THE COURT: All right. We're in recess.

9 (Recess from 9:24 a.m. until 10:16 a.m.)

10 (Defendant present.)

11 THE COURT: We're back on the record.

12 Have to bring in the jury panel.

13 I'm looking at an information. Looks
14 like it's signed September 23rd, 2015.
15 That's the information we're going on for the
16 count of second-degree murder.

17 MR. MIZRAHI: For the count of
18 second-degree murder.

19 THE COURT: We've got all the witness
20 lists.

21 Are we ready to bring in the panel?

22 MR. MIZRAHI: Yes, sir.

23 THE COURT: Mr. Fallis?

24 MR. FALLIS: Yes, sir.

25 THE COURT: All right. Bring them in.

1 (Jury panel present.)

2 THE BAILIFF: Ladies and gentlemen of
3 the jury panel, will you rise and raise your
4 right hand to be sworn in by the trial clerk.

5 (Jury panel of 56 was duly empaneled and
6 sworn.)

7 THE COURT: Y'all can be seated.

8 Well, good morning.

9 THE PROSPECTIVE JURORS: Good morning.

10 THE COURT: My name is Steven
11 Whittington. I am one of the circuit judges
12 here in the Fourth Judicial Circuit. That's
13 a circuit that's made up of three counties --
14 Clay County, Nassau County and, of course,
15 right here in Duval County.

16 We're here for jury selection today in a
17 case. This is a criminal case. It's the
18 State of Florida versus Michael Haim.

19 Is the State ready to proceed?

20 MR. MIZRAHI: State is ready, Your
21 Honor.

22 THE COURT: Mr. Fallis, is the defense
23 ready to proceed?

24 MR. FALLIS: Yes, Your Honor.

25 THE COURT: All right. Ladies and

1 gentlemen, the Court realizes that service on
2 a jury may not always come at a convenient
3 time. There may be places that you would
4 rather be, work or at home. Please
5 understand how important it is that you're
6 here. In America, unlike most everywhere
7 else in the world, important legal questions
8 are decided not by some panel of experts or a
9 panel of judges but they're decided by
10 citizens. And we can't do that; we can't
11 have jury system obviously if we don't have
12 folks that are willing to come down and give
13 up their time to serve.

14 And thank you for being here today. I
15 know you were summoned and commanded to be
16 here but nevertheless, thank you for coming.
17 Please understand, I'm going to do the best
18 that I can to make sure that your time is
19 used wisely today and if you're selected to
20 be on this jury throughout the trial that we
21 will use your time as wisely as we can.
22 Okay? I'm going to make every effort to make
23 sure that is done.

24 First, let me introduce some of the
25 folks that you see around.

1 I told you who I am.

2 Let me introduce you to Mr. Thomas
3 McCallister. He is our trial clerk. He
4 helps me do my job by, one, administering the
5 oaths to witnesses who will come in and
6 testify, and obviously, he just administered
7 the oath to you-all. He will also keep track
8 of the evidence that comes in in the case and
9 all those things to help me do my job.

10 We've got bailiffs throughout the
11 courtroom. To my left, Officer Jeff Farah.
12 Closer to y'all, to my left, Officer
13 J. R. Bradshaw. In the back against the
14 wall, Officer Heath Jakeway. And then we've
15 got two civilian bailiffs to my right, Mike
16 Bowman and in the back, Miss Cynthia James.
17 Their job obviously to help keep order in the
18 courtroom. In particular, the civilian
19 bailiffs, to help you-all getting to the
20 various places that you may need to get to.

21 So if during the trial or during today's
22 proceeding while we're selecting the jury, if
23 you've got some questions, and we're not in
24 session please ask them. They can probably
25 help answer that question. If we're, of

1 course, here in the courtroom doing what
2 we're doing, just raise your right hand, and
3 I'll do my best to make sure I can answer
4 your question.

5 Over to my far right in the jury box is
6 the person who has the most important job or
7 maybe the most difficult job in the whole
8 courtroom. That's Miss Karen Waugerman. She
9 is our court reporter and she is taking down
10 every word that I am saying now. And she
11 will take down every word that everybody says
12 in this trial.

13 I used to think it was magic that
14 allowed her to do that. I don't know how you
15 can possibly type that fast. She's assured
16 me it's not magic. It is just the product of
17 a lot of experience and hard work.

18 But we must do our best to help her do
19 her job. So when it does come time for
20 you-all to speak -- and all of you will have
21 to speak at least some today -- make sure you
22 speak up loud and clear so that she can take
23 down what is being said.

24 And when it is your time to speak --
25 there's questionnaire. We'll get to that in

1 just a moment -- I'll have each of you stand
2 up. That helps me hear way up here and will
3 also help her hear, even if you're sitting
4 right in front of her like you are all to the
5 right of her where I'm sitting. But, of
6 course, more so to the folks on the left. So
7 we'll have microphone to give to you so you
8 can do that.

9 Later in the process, the lawyers are
10 going to have some questions. They may ask
11 questions of the whole group or for a whole
12 row. You don't have to stand up when you're
13 doing that. But if they're asking a
14 particular question to a particular juror,
15 I'm going to ask you if you can stand up. It
16 just makes it go a lot easier. Okay? I know
17 a lot of folks don't like speaking in public.
18 I understand that. So not trying to make you
19 feel any more uncomfortable than you might
20 already be. Just grin and bear it. Get
21 through it. It's not too painful. And we'll
22 be able to make a good record, which is what
23 we need to do. All right?

24 Let me tell you about jury selection.
25 That's what we're here to do right now. It's

1 essentially a question-and-answer session.
2 I'm going to ask you some questions. Those
3 are on that questionnaire that you have in
4 front of you. And then, again, at the end of
5 that, the lawyers are going to have some
6 questions for you.

7 Some of these questions may seem
8 personal, but they are not designed to pry
9 into your personal affairs. They are
10 designed instead to discover if you have any
11 knowledge about this case, have any
12 preconceived opinions which you cannot lay
13 aside or if you have had any personal
14 experiences that might make you favor one
15 side versus the other. These questions are
16 designed to assure that both the defendant
17 and the State each receive a fair and
18 impartial jury so we can have a fair and
19 impartial trial and at the end of it, a fair
20 and impartial verdict that is rendered.

21 You should remember that it is not
22 unusual for people to have strong feelings
23 about certain subjects, but it would be a
24 violation of your oath that you just took to
25 not fully answer all the questions that are

1 going to be asked of you.

2 Now, if there is a question that you
3 just don't want to have to answer in front of
4 all your fellow jurors, let me know that, and
5 we can talk to you in private. Okay? So it
6 happens sometimes. It's not a big deal. We
7 can make that accommodation. All right?

8 Now, let me explain to you what your
9 role will be if you're selected to be on the
10 jury in this case. It is, broadly speaking,
11 to answer two questions. One, was a crime
12 committed, the crime that the State has
13 charged in this case? And I'll tell you what
14 that is in just a moment. Was a crime
15 committed and, two, was the defendant the
16 person who committed the crime?

17 Now, those things are -- crimes are
18 defined by statute. The statutes are written
19 by our legislature. Those are the folks that
20 we elect to represent us. They go to
21 Tallahassee every year. As it turns out,
22 that's where they're meeting right now, over
23 the last few weeks. And one of the things
24 that they're doing maybe is looking at
25 criminal law or looking at all the laws in

1 the State. And they defined in this case
2 what the crime is and give it definition and
3 elements.

4 Your job will be, as a juror, to listen
5 to the evidence that is presented in the form
6 of witnesses, exhibits such as photographs,
7 things like that and make certain factual
8 findings and apply that to the law. That's
9 what I'm going to give you at the end of the
10 case. I'm going to talk to you a little bit
11 about that today. But at the end of the
12 case, I'm going to tell you what the law is,
13 not just what the definition of the crime is
14 but also the burden of proof, which is proof
15 beyond a reasonable doubt, in a criminal case
16 and all the things that you need to know as a
17 juror to decide this case.

18 So with that sort of general broad
19 speaking, can each of you answer those two
20 questions? Was the crime committed and was
21 the defendant the person who committed the
22 crime? Does everybody think they can answer
23 those two questions? Answer out loud.

24 THE PROSPECTIVE JURORS: Yes.

25 THE COURT: Okay. I heard all yeses.

1 Was there anybody who said no?

2 I didn't hear any nos. Very good.

3 Now, in order to have a fair and lawful
4 trial, there are rules that all jurors must
5 follow.

6 A basic rule is jurors must decide the
7 case only on the evidence presented in the
8 courtroom. You must not communicate with
9 anyone, including your friends or family
10 members, about the case, the people and
11 places involved or your jury service. And
12 you must not disclose your thoughts about
13 this case or ask for advice on how to decide
14 the case.

15 Now, if you're selected to be on this
16 jury, at the end of the case, once it's all
17 over and said and done with, if you want to
18 share your thoughts about it, you're free to
19 do so. You'll also be free not to ever talk
20 about your role here. But until that time,
21 you can't talk about the case even with your
22 closest family members or friends.

23 And I want to stress that this rule
24 means you must not use electronic devices,
25 such as your cell phone, to communicate about

1 the case. And that starts right now. Even
2 if you're not -- obviously nobody's on the
3 jury yet. You're just on a panel of folks
4 who we will select the jury from. But even
5 now, you can't talk about the case. That
6 includes tweeting, texting, blogging,
7 e-mailing, posting information on a website a
8 chat room or any other means at all. Do not
9 send or accept any messages to or from anyone
10 about this case or your jury service.

11 In addition, your cell phone must be
12 turned off while you're here in the
13 courtroom.

14 You must not do any research or look up
15 any words, names, maps or anything else that
16 may have anything to do with this case. That
17 includes reading the newspaper, watching
18 television or using a computer to get
19 information about this case or the people and
20 places involved. And that, of course,
21 applies whether you're here in the courtroom
22 or at home or anywhere else.

23 All of us are depending upon you to
24 follow these rules so that there will be a
25 fair and lawful resolution to this case.

1 Now, again, this is the case of State of
2 Florida versus Michael Haim. I'm going to
3 now read the pertinent part, not the whole
4 thing, just a part of the information that
5 was filed. The information is the charging
6 document. It's what the State files in any
7 criminal case. It puts the defendant on
8 notice as to what the charge is. It's now
9 going to be used to tell you what the charge
10 is.

11 The information is not evidence. It's
12 not proof of guilt and it's not to be
13 considered by you as such. Its purpose is
14 found in its name, information. It's
15 informing the defendant and now informing
16 you-all as to what the charge is.

17 And the information reads in part --
18 it's one count of murder in the second
19 degree. It says: Michael Ray Haim, on or
20 between January 6th, 1993, and January 7th,
21 1993, in the County of Duval and the State of
22 Florida, did unlawfully and by an act
23 imminently dangerous to another and evincing
24 a depraved mind regardless of human life,
25 although without any premeditated design to

1 effect the death of any particular
2 individual, kill Bonnie Lynn Haim, a human
3 being, by committing an unspecified act or
4 series of acts which resulted in the death of
5 the said Bonnie Lynn Haim, contrary to State
6 statute.

7 The parties have agreed to a summary,
8 and I'm going to read it to you to see if
9 this -- if you-all have heard about this
10 case. There has been some media interest in
11 the case.

12 And the summary reads as follows: The
13 defendant was married to Bonnie Haim, and the
14 couple had a three-year-old son named Aaron.

15 It was reported that Bonnie Haim became
16 a missing person on January 7th, 1993.
17 Bonnie Haim's whereabouts remained unknown to
18 authorities until her mortal remains were
19 discovered on December 14th, 2014.

20 So I'm going to ask if anybody thinks
21 they heard something about this case, read
22 something about this case, watched something
23 about it. And we'll just go row by row. It
24 will be easier to do that. So we're going to
25 start to my right, the first row. Does

1 anybody in the first row think they may have
2 heard about this case? If so, raise your
3 hand. Just first row only.

4 Juror No. 2, Miss Seaman, you think
5 you've heard something about it?

6 PROSPECTIVE JUROR SEAMAN: Yes, sir.

7 THE COURT: Okay. We're going to have
8 some more questions later. I just want to
9 get those who heard something about it.

10 Anybody else in the front row?

11 Seeing no hands.

12 Now the second row. I know I saw a
13 hand -- couple hands. If y'all could stand
14 up so I can see. It's harder for me to see
15 once we get past that first row.

16 Okay. So that's Juror No. 10,
17 Miss Rodgers?

18 PROSPECTIVE JUROR RODGERS: Yes.

19 THE COURT: Juror No. 11, Mr. Waugh,
20 yes, sir.

21 And Juror No. 12, Miss Gil?

22 PROSPECTIVE JUROR O'BRIEN: O'Brien.

23 THE COURT: I'm sorry. O'Brien. Thank
24 you, ma'am.

25 Okay. Now the third row, if you-all

1 could stand up instead of raising your hand,
2 that will be easier to see. Anybody on the
3 third row?

4 All right. Seeing nobody.

5 Fourth row?

6 Nobody on the fourth row.

7 All right. Now we're going to go to the
8 left-hand side of the courtroom, what will be
9 the fifth row, the first row on this side,
10 anybody who thinks they may have heard
11 something about this case.

12 All right. Seeing nobody.

13 Second row on this side of the
14 courtroom, anybody? Y'all stand up then for
15 me, please.

16 Sir, what's your name?

17 PROSPECTIVE JUROR THOMAS: Thomas.

18 THE COURT: Thomas. Okay. Juror
19 No. 38, Mr. Thomas.

20 And then Juror No. 40, Miss Sudduth.
21 Okay.

22 And 41, Miss Jefferson?

23 PROSPECTIVE JUROR JEFFERSON: Yes.

24 THE COURT: Okay. Thank you, ma'am.
25 Y'all can be seated.

1 Then the row behind them, the third row
2 on that side.

3 Seeing nobody.

4 And then the last row. That will be
5 Jurors 50 through 56.

6 Yes, ma'am, your name? The closest one
7 in the green shirt.

8 PROSPECTIVE JUROR GODFREY: Kathleen
9 Godfrey.

10 THE COURT: Godfrey. Okay.

11 And then Miss Johnson?

12 PROSPECTIVE JUROR JOHNSON: Uh-huh.

13 THE COURT: That's Juror No. 52.

14 And then, yes, ma'am, what's your name?

15 PROSPECTIVE JUROR TILLY: Tilly.

16 THE COURT: Miss Tilly. Okay. Juror
17 No. 56.

18 All right. Thank you. Y'all can be
19 seated.

20 Now, those of you who have heard
21 something about this case, that doesn't
22 necessarily mean you cannot decide this case
23 or be on this jury. It just means that if
24 you have some information about the case and
25 you form some opinion about the case that

1 you're unable or unwilling to set aside and
2 you can't be fair and impartial, so you
3 couldn't be on the jury.

4 So we're going to come back to those
5 folks in a little while and have some
6 individual questions for you-all. Until
7 then, please do not share what you think you
8 may know about this case with anybody that's
9 on the jury. Okay? Everybody agree to do
10 that? Everybody who stood up and raised
11 their hands?

12 A PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: That way, we'll keep that
14 knowledge just to you-all and nobody else.
15 All right? Does that make sense?

16 All right. Now I'm going to introduce
17 you to the lawyers that are here today to try
18 this case.

19 Representing the State of Florida is
20 Mr. Alan Mizrahi.

21 MR. MIZRAHI: Good morning.

22 THE COURT: Mr. Mac Heavener.

23 MR. HEAVENER: Good morning.

24 THE COURT: And Mr. Samuel Friedman.

25 MR. FRIEDMAN: Good morning.

1 THE COURT: Is anybody on the jury
2 either related to or know those three
3 gentlemen? Just let me know by raising your
4 hand.

5 All right. Seeing no hands.

6 Now we're going to go -- oh, we do.
7 Sir, if you'd stand up and tell me who you
8 are.

9 PROSPECTIVE JUROR BRUNSON: Chase
10 Brunson.

11 THE COURT: Mr. Brunson, who do you
12 know?

13 PROSPECTIVE JUROR BRUNSON: I know the
14 Heavener family pretty well.

15 THE COURT: You know the Heavener
16 family? Okay. Mr. Heavener's going to be
17 one of the lawyers trying this case. Do you
18 think you know him so well that you -- it
19 would cloud your ability to sit as a fair and
20 impartial juror in this case?

21 PROSPECTIVE JUROR BRUNSON: I don't
22 believe so.

23 THE COURT: What's that?

24 PROSPECTIVE JUROR BRUNSON: No. I don't
25 believe so.

1 THE COURT: Okay. So your personal
2 feelings about him would have no -- no
3 bearing on what verdict you decided, even if
4 that verdict was a not guilty verdict and
5 he's obviously going to be seeking a guilty
6 verdict. You understand that?

7 PROSPECTIVE JUROR BRUNSON: Correct.

8 THE COURT: Okay. Thank you,
9 Mr. Brunson. That's Juror No. 53.

10 Anybody else?

11 Seeing no hands.

12 Now, for the defense, Mr. Tom Fallis.

13 MR. FALLIS: Good morning.

14 THE COURT: And Miss Janice Warren.

15 MS. WARREN: Good morning.

16 THE COURT: And they have a paralegal,
17 Miss Staci Reid.

18 MS. REID: Good morning.

19 THE COURT: Now, let me just talk about
20 those folks. Does anybody think they know
21 those lawyers, that paralegal? Let me know
22 by raising the hand.

23 Seeing none.

24 Mr. Haim is in between them.

25 Mr. Haim, if you'd stand for me.

1 Does anybody think they recognize or
2 know Mr. Haim from somewhere?

3 Okay. Seeing no hands okay.

4 Mr. Haim, you can have a seat.

5 All right. Now, let me go through the
6 witness list in this case. So listen
7 carefully and if you think you may know one
8 of these names, even if you're not sure, err
9 on the side of caution and let me know. Then
10 we can talk about it.

11 All right. That's Eveann Haim, Michael
12 Robson, Bernie Haim, Randy Lee Faulk.

13 And I'll go through the whole list. So
14 remember, if you're going to raise your hand,
15 tell me who you think you may know.

16 Jeanette Abbey, also known as Nina
17 Cameron. Aaron Fraser. Brenda Medders.

18 Just keep that hand up. Remember who
19 you are. I'll come back to you in just a
20 minute. Okay? I'm going to go through the
21 whole list. Don't forget to stand back up.

22 Frank Japour, noon. Excuse me. Frank
23 Japour.

24 Sergeant Hayes, Douglas Randall Justice,
25 Liz Mahoney, Casey Lynn Bruton, Joel Daryl

1 Clarke Jenrette, Cynthia Mitchell, Ted
2 Mitchell, D. Allen Miller, Ernest Duane Hamm,
3 J. W. Watson, Tom Pulley, Wendy Stroh,
4 Heather Walsh-Haney, [REDACTED],
5 [REDACTED], Robbie Hinson, Dave
6 Meacham, John Glenn McCallum.

7 There's some more but I'll stop there.
8 So anybody who knew one of those names or
9 think they may know. I know there was
10 somebody on -- on the second row. Yes,
11 ma'am.

12 PROSPECTIVE JUROR RODGERS: I am related
13 to the Fraser family.

14 THE COURT: Which family?

15 PROSPECTIVE JUROR RODGERS: The Fraser
16 family.

17 THE COURT: The Fraser family? And
18 you're --

19 PROSPECTIVE JUROR RODGERS: I know Aaron
20 Fraser.

21 THE COURT: That's right. That's one of
22 the names. And you're Juror No. 10,
23 Miss Rodgers.

24 PROSPECTIVE JUROR RODGERS: Yes.

25 THE COURT: Okay. Now, your

1 relationship to the Fraziers, is it close?

2 PROSPECTIVE JUROR RODGERS: My brother
3 is -- I'm -- my brother is married to his
4 sister.

5 THE COURT: Okay. Do you think that
6 would cause you to --

7 PROSPECTIVE JUROR RODGERS: I'm aware of
8 a lot.

9 THE COURT: Okay. All right, ma'am.
10 Thank you. Keep that to yourself, though.
11 Okay?

12 PROSPECTIVE JUROR RODGERS: Sure.

13 THE COURT: All right. Anybody else on
14 those lists that I read so far think -- think
15 you may know any of those folks?

16 All right. Seeing no hands.

17 We'll continue on with the list.

18 Octavius Holliday, Richard Selinger, Glenn
19 Galbraith, Officer A. Quintero, David Finley
20 Williams, Shawn Arnold, Curt Jolicoeur, Teddy
21 Ivey, Delmon Howell, Ted Mitchell, and Joey
22 Jenrette. Anybody else who thinks they may
23 know those folks? Let me know by raising
24 your hand.

25 All right. Seeing no more hands.

1 All right. We're going to select the
2 jury today, as I told you. I don't know how
3 long it will take. That always varies. You
4 never really know until you get into it. But
5 once we're done, we'll stop for the day.

6 And the trial will start with opening
7 statements and witnesses tomorrow, and it
8 will last at least through Thursday, maybe
9 into Friday. That's the schedule. So it
10 will be a whole week commitment.

11 Now, this next question may seem silly
12 but it's an important one. And I need to ask
13 it. Based on personal experiences that
14 you've had or family members have had, does
15 anybody think they are biased already in
16 favor of or against the State or in favor of
17 or against the defendant? If you'll let me
18 know by raising your hand.

19 Seeing no hands. Very good.

20 Did I see a hand?

21 Okay. Yes, ma'am. That's Miss Rodgers.
22 Thank you. That's Juror No. 10.

23 Now, if you are selected to be a juror
24 in this case, will each of you promise to
25 render a fair and impartial verdict based

1 solely on the evidence that you hear in this
2 courtroom --

3 THE PROSPECTIVE JURORS: Yes.

4 THE COURT: -- and the law -- that's a
5 good answer. Let me finish -- and the law
6 that I will give you as it pertains to this
7 case? Can everybody agree to do that?

8 THE PROSPECTIVE JURORS: Yes.

9 THE COURT: I heard a lot of yeses. Did
10 I hear any nos?

11 All right. No nos. Very good.

12 And does anybody here have any personal
13 reason that you cannot give your undivided
14 attention to this case if you are selected to
15 be on this jury?

16 Got somebody in the back on my left. If
17 you can stand up, sir, and tell me who you
18 are.

19 PROSPECTIVE JUROR BRIDGES: William
20 Bridges.

21 THE COURT: Mr. Bridges, you are Juror
22 No. 49. Yes, sir.

23 PROSPECTIVE JUROR BRIDGES: My wife is
24 seven and a half months pregnant. We've got
25 a previous premature still birth, and she's

1 considered a very high-risk pregnancy.

2 THE COURT: Yes, sir.

3 PROSPECTIVE JUROR BRIDGES: It's a
4 dangerous situation for her.

5 THE COURT: I understand and. You
6 obviously would like to be there and not
7 here.

8 PROSPECTIVE JUROR BRIDGES: Yes, sir.

9 THE COURT: I understand, Mr. Bridges.
10 We'll make note of that. Okay?

11 Anybody else?

12 Yes. Stand, ma'am. Tell me who you
13 are.

14 PROSPECTIVE JUROR MOSLEY: Cameron
15 Mosley.

16 THE COURT: Miss Mosley, Juror No. 18.
17 Yes, ma'am.

18 PROSPECTIVE JUROR MOSLEY: I have a
19 doctor's appointment Wednesday.

20 THE COURT: Doctor's appointment on
21 Wednesday. I don't want to get into your
22 personal business. So don't feel like you
23 need to share. But is that an appointment
24 that is essential, or could you reschedule
25 that, if necessary?

1 PROSPECTIVE JUROR MOSLEY: (Shakes
2 head.)

3 THE COURT: You're nodding so --

4 PROSPECTIVE JUROR MOSLEY: I had papers
5 here that I brought.

6 THE COURT: Okay. We can talk about
7 that. But am I reading you right that that's
8 not something you can reschedule?

9 PROSPECTIVE JUROR MOSLEY: No, sir.

10 THE COURT: You need to have it this
11 week.

12 PROSPECTIVE JUROR MOSLEY: Yes, sir.

13 THE COURT: Okay. Thank you, ma'am.
14 Anybody else?

15 Yes, sir, on the -- to my left hand.
16 Tell me who you are, sir?

17 PROSPECTIVE JUROR EAVES: Steve Eaves.
18 Typically, I work overnight so just --

19 THE COURT: What's your name? Oh, I
20 gotcha. Juror No. 54, Mr. Eaves, yes, sir.

21 PROSPECTIVE JUROR EAVES: Just -- I just
22 work overnight so usually I'm not awake
23 during the daytime so --

24 THE COURT: Right. What -- what do you
25 do for a living?

1 PROSPECTIVE JUROR EAVES: CNC,
2 machinist.

3 THE COURT: I can't hear you.

4 PROSPECTIVE JUROR EAVES: CNC,
5 machinist.

6 THE COURT: Okay. What's your work
7 schedule?

8 PROSPECTIVE JUROR EAVES: 6:00 p.m. to
9 6:00 a.m.

10 THE COURT: And is that Monday through
11 Friday?

12 PROSPECTIVE JUROR EAVES: It's --
13 rotate.

14 THE COURT: What is it this week?

15 PROSPECTIVE JUROR EAVES: This week,
16 it's Wednesday, Thursday. So I worked last
17 night --

18 THE COURT: Right.

19 PROSPECTIVE JUROR EAVES: -- and came in
20 but, you know, it fluctuates.

21 THE COURT: So -- but this week, you
22 would have to work Wednesday night and
23 Thursday night.

24 PROSPECTIVE JUROR EAVES: Yes, sir.

25 THE COURT: You would?

1 PROSPECTIVE JUROR EAVES: Yes.

2 THE COURT: Okay. Is there any way that
3 that schedule can be changed if you're on
4 this jury?

5 PROSPECTIVE JUROR EAVES: I mean, I
6 could talk to my manager.

7 THE COURT: Okay. So it's a possibility
8 but right now, that's when you're working.

9 PROSPECTIVE JUROR EAVES: Right.

10 THE COURT: I don't want to assume
11 anything. But you may be overly tired if
12 you're --

13 PROSPECTIVE JUROR EAVES: Oh, yeah.

14 THE COURT: -- getting off work at 6:00?

15 PROSPECTIVE JUROR EAVES: I'll be okay.

16 THE COURT: Well, that's a lie. When I
17 was a younger man, I used to stay up all
18 night too but can't do that anymore.

19 Okay. So -- but thank you for letting
20 me know. All right, sir.

21 Okay. Yes, ma'am. Stand up. Tell me
22 who you are.

23 PROSPECTIVE JUROR WALKER: My name is
24 Katina Walker. I don't have stable child
25 care.

1 THE COURT: Miss Walker, Juror No. 31,
2 you've got child care issues?

3 PROSPECTIVE JUROR WALKER: Uh-huh.

4 THE COURT: What -- is your child in
5 school or preschool?

6 PROSPECTIVE JUROR WALKER: No. My
7 sister watch him sometimes. I had to
8 recently stop working because I was the one
9 watching him.

10 THE COURT: Okay. So who's watching the
11 child right now?

12 PROSPECTIVE JUROR WALKER: My mom.
13 She's off today.

14 THE COURT: All right. But who would
15 watch her or him, the child, tomorrow?

16 PROSPECTIVE JUROR WALKER: I'd have to
17 find somebody.

18 THE COURT: You think you could?

19 PROSPECTIVE JUROR WALKER: Maybe.

20 THE COURT: Is that something you may be
21 able to look into over a break to see and let
22 me know?

23 PROSPECTIVE JUROR WALKER: I'll be
24 trying so I can to go to work. (Inaudible).

25 THE COURT: I couldn't hear you.

1 PROSPECTIVE JUROR WALKER: I been trying
2 to since I've been working, but I had to stop
3 working because I didn't have child care.

4 THE COURT: Well, you and Mr. Eaves, if
5 you can look into those over the break.
6 We'll take one and see if you can't rearrange
7 your schedule, Mr. Eaves, and, Miss Walker,
8 if you can find child care -- if you can let
9 me know. If you can't, let me know that as
10 well. Okay?

11 'Cause obviously, if you're here and
12 you're on the jury, you've got to have
13 undivided attention. We can't have people
14 that are distracted. That's why we're asking
15 these questions. Okay?

16 Thank you, Miss Walker.

17 Yes, sir.

18 PROSPECTIVE JUROR LONGINO: Frank
19 Longino. My only concern is if it goes over.
20 I'm not going to be a Florida residence as of
21 next week.

22 THE COURT: Next week?

23 PROSPECTIVE JUROR LONGINO: Yes.

24 THE COURT: Well, I've got work I've got
25 to do next week so --

1 PROSPECTIVE JUROR LONGINO: Making sure
2 that it doesn't go over, though.

3 THE COURT: No, no. That's good. I
4 appreciate that. We'll work very diligently.

5 Trials are -- you know, they're fluid.
6 We can't always predict what happens
7 obviously. That's the nature of the
8 business. But you can be assured, I need to
9 get -- we're going to get this tried -- this
10 case tried this week. That's my plan.

11 In the far back, on the right-hand side.

12 PROSPECTIVE JUROR DIMAIO: Yes, sir.
13 Compensation-wise, the amount that, I guess,
14 is allotted every day at trial, I guess,
15 awards, is nowhere near compensation-wise
16 close to what I get paid by my job.

17 THE COURT: Well, I hope not.

18 PROSPECTIVE JUROR DIMAIO: For sure.

19 THE COURT: Are you Mr. Kloeppel?
20 What's your last name?

21 PROSPECTIVE JUROR DIMAIO: Dimaio.

22 THE COURT: What's that?

23 PROSPECTIVE JUROR DIMAIO: Dimaio.

24 THE COURT: Dimaio, Juror No. 22. I'm
25 sorry. I had you on the wrong --

1 PROSPECTIVE JUROR DIMAIO: Yes, sir.

2 THE COURT: So what do you do for a
3 living, Mr. Dimaio?

4 PROSPECTIVE JUROR DIMAIO: I do roofing
5 and general construction but I also weld at
6 night.

7 THE COURT: Okay. So do you work for
8 yourself?

9 PROSPECTIVE JUROR DIMAIO: At nighttime.
10 But during the day, I work for my company.

11 THE COURT: Okay. Well, they have to
12 let you be here. That's --

13 PROSPECTIVE JUROR DIMAIO: But they
14 don't compensate for this portion of time.
15 They're not one of those type of employers.

16 THE COURT: Well, so you've got work
17 issues, and you want to be able to make
18 money.

19 PROSPECTIVE JUROR DIMAIO: Well, it's
20 not that. It's the mere fact of putting me
21 in a predicament to where I will not be able
22 to pay my rent, possibly my insurance, my
23 truck bill. I mean, the list goes on.

24 THE COURT: I know. And folks -- that's
25 a hardship for a lot of folks. But sometimes

1 we've got to make --

2 PROSPECTIVE JUROR DIMAIO: But this --

3 THE COURT: Hold on. I know. But I
4 just want to make sure everybody understands
5 that everybody -- most everybody here
6 probably has a job, right?

7 PROSPECTIVE JUROR DIMAIO: Yes.

8 THE COURT: Not everybody, I guess, but
9 most people have a job. That's not always
10 going to be a reason to get out of jury
11 service. I'm not saying it won't work,
12 Mr. Dimaio, in your case. I hear what you're
13 saying. I'm making a note of it. I know
14 that the lawyers are as well.

15 But just so everybody understands that
16 service on jury is not just a privilege and
17 it is a privilege. I hope you can appreciate
18 that. But it's also a duty that we have as
19 citizens, so it's not always the easiest
20 thing to do. But it's necessary.

21 But, Mr. Dimaio, thank you. I can
22 assure you we've made note of it. Okay?

23 All right. Yes, sir, on -- now back on
24 the left-hand side.

25 PROSPECTIVE JUROR KLOEPPEL: My name's

1 Marvin Kloeppel. In the event that I'm
2 selected to serve on the jury, I need to make
3 arrangements with clients with whom I have
4 appointments scheduled to rearrange the
5 appointments I have scheduled and the
6 Internal Revenue Service. I have an
7 appointment scheduled with the government as
8 well.

9 THE COURT: Okay. Mr. Kloeppel, Juror
10 No. 36. But you could do those things if
11 you're on the jury, right?

12 PROSPECTIVE JUROR KLOEPPEL: Yes. I
13 just need to let my assistant know to start
14 rescheduling.

15 THE COURT: I understand. Thank you,
16 sir. We could -- we'll what we'll do,
17 hopefully we'll finish up early enough in the
18 day, there will be some time left for you to
19 make arrangements so that when you come back
20 tomorrow, all those things are done, and you
21 can be locked in and focused.

22 All right. I don't think I see any more
23 hands.

24 So let me move on. Here's another
25 hopefully easy question but let me ask. Can

1 each of you agree to follow the law that I
2 instruct you on, even if once you hear some
3 of it, you may have disagreements about it?
4 I don't know if that will be the case but you
5 never know. But whether you do or you don't,
6 you have to agree -- and you're going to take
7 an oath -- that you will follow the law. Can
8 everybody agree to do that?

9 THE PROSPECTIVE JURORS: Yes.

10 THE COURT: Very good. All right.

11 Now, let's get to the juror
12 questionnaire. Remember, when it's your
13 turn -- and we're going to start with Juror
14 No. 1, Miss Gendive -- if you'd stand up.

15 Do we have a microphone for her?

16 Go through that questionnaire and if you
17 could at least reference -- you don't have to
18 read the question, but reference the question
19 as you're going down so that the record is
20 clear as to what your answer is. Don't just
21 go yes, no, yes, no.

22 PROSPECTIVE JUROR GENDIVE BECK: Yes,
23 sir.

24 THE COURT: So we're, again, making a
25 good record for review.

1 All right. Go ahead, ma'am.

2 PROSPECTIVE JUROR GENDIVE BECK: My name
3 is Isabel Gendive Beck.

4 I was born January 27th, 1999.

5 I live in the Arlington area of
6 Jacksonville, Florida.

7 I am employed by Walmart. My job is
8 cashier.

9 I am single.

10 I have no kids.

11 I have not been a victim of any crime.

12 I have not been a witness in any case.

13 I've never been previously arrested.

14 I have never served on a jury before.

15 THE COURT: All right. Very good.

16 That's exactly what I was looking for. Thank
17 you, Miss Gendive. If you could hand the
18 microphone to Juror No. 2, Miss Seaman.

19 Good morning, ma'am.

20 PROSPECTIVE JUROR SEAMAN: My name is
21 Erin Seaman.

22 I was born April 20th, 1995.

23 I live on the west side of Jacksonville.

24 I normally work retail but I'm between
25 jobs currently so I'm not employed.

1 I am single.

2 I do not have any children.

3 I have not been a victim of a crime.

4 And I have not had to testify or I've
5 not been a witness.

6 I've not previously been arrested.

7 And I've not served as a juror before.

8 THE COURT: Thank you, ma'am.

9 Mr. Britt, good morning, sir.

10 PROSPECTIVE JUROR BRITT: Good morning.

11 My name is Harold Britt.

12 12-15-66.

13 Live in Neptune Beach. Also used to
14 live in Chicago for a while.

15 Employed by Baker Design. Senior
16 superintendent.

17 I am married. She works for a music
18 distribution company.

19 I have five children -- 33, 32, 26, 24
20 and 15.

21 I have not been a victim of a crime.

22 I've never been a witness.

23 I've not been arrested.

24 I've not been a witness.

25 Not been a juror.

1 THE COURT: What kind of work do you do
2 for Baker Design?

3 PROSPECTIVE JUROR BRITT: I run the
4 field design office. I run the field for
5 right now. I'm building an ABBQ restaurant
6 and Coop 303 down by the beach.

7 THE COURT: All right. Thank you, sir.
8 All right. Juror No. 4, Mr. Markley.

9 PROSPECTIVE JUROR MARKLEY: Good
10 morning. My name is Eric Markley.

11 Date of birth, September 30, 1957.

12 I live in the Fort Caroline area of
13 Jacksonville. Previously lived in Arlington,
14 south side and the west beaches.

15 My company is East Coast Transportation.
16 I'm the controller for the company, as
17 accountant.

18 I am not married.

19 I have no children.

20 I've twice been the victim of a crime.
21 My former home was burglarized two times.

22 I've never been a witness in a case.

23 I've never been previously arrested for
24 any of the above.

25 And I have not served as a juror.

1 THE COURT: All right. Thank you, sir.

2 Juror No. 5, Miss Beaton.

3 PROSPECTIVE JUROR BEATON: My name is
4 Pamela Beaton.

5 I was born April 4, 1964.

6 I live in Jacksonville Beach. Previous
7 to that, I lived in Tennessee.

8 I'm employed by CVS, which is
9 (inaudible) house services and we sell
10 liaison.

11 I am married. My husband -- to my
12 husband who works for VISTAKON. He's an
13 engineer.

14 I have two children, ages 18 and 19. 18
15 goes to Fletcher High School. My
16 19-year-old's at UNF.

17 I have not been a victim of crime.

18 I have not been a witness in a case.

19 I have been previously arrested.

20 I have not served as a juror.

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

23 Juror No. 6.

24 PROSPECTIVE JUROR LUCARELLI: My name is
25 Elizabeth Ann Lucarelli.

1 My birthday is July 17, 1980.

2 I also have lived in Maine, Maryland and
3 a bunch different areas here in Florida
4 because I was a military brat.

5 I am employed by Allied Universal
6 Security Services. I do access control
7 security and respond to medical emergencies.

8 I am married. My spouse is employed by
9 Publix Supermarkets. And he is a seafood
10 specialist.

11 I don't have any children.

12 I have not been a victim of a crime.

13 I have never been a witness in a case.

14 I have been arrested, when I was
15 21 years old.

16 I have not served on a jury before.

17 I guess that's it.

18 THE COURT: Yes, ma'am. Not too
19 difficult.

20 Mr. Junkins.

21 PROSPECTIVE JUROR JUNKINS: Name's Chris
22 Junkins.

23 Born March 31st, 1985.

24 Live in Mandarin.

25 I'm in the United States Marine Corps.

1 I do transportation mobility.

2 I'm divorced.

3 I have three boys -- 13, 11 and 10.

4 They go to Duval Charter at Mandarin, Liberty
5 and John Clemens.

6 Not a victim of a crime.

7 Never been a witness.

8 Never been arrested.

9 Haven't been a juror. And I've never
10 been a foreman.

11 THE COURT: All right. Thank you, sir.
12 If you could pass microphone back all the way
13 down to the end, we'll start with Juror
14 No. 8, Mr. Jenkins.

15 PROSPECTIVE JUROR JENKINS: My name is
16 Jacob Jenkins.

17 My date of birth is January 18th, 1991.

18 I live in the Avondale area. I
19 previously lived in Birmingham, Alabama, and
20 LaGrange, Georgia.

21 I'm employed by KLS Martin. I do sales.

22 I am single.

23 I have a four-year-old daughter.

24 I have not been a victim of a crime.

25 I have not been a witness in a case.

1 I have not been previously arrested.

2 And I have not served as a juror before.

3 THE COURT: All right. Thank you, sir.

4 Miss, Palmer, Juror No. 9.

5 PROSPECTIVE JUROR PALMER: My name is

6 Delaney Palmer.

7 My date of birth is January 21st, 1992.

8 My home is located on the west side of

9 Jacksonville.

10 I am employed by Steak 'n Shake. I am

11 an operational supervisor.

12 I'm not married.

13 I have two children. Their ages are two

14 and eight years old.

15 I have not been a victim of a crime.

16 I have not had to testify in a trial. I

17 have not been a witness in a case.

18 I have been previously arrested. The

19 case is -- has been resolved.

20 I have not served as a juror before.

21 THE COURT: All right. Thank you,

22 ma'am.

23 Miss Rodgers.

24 PROSPECTIVE JUROR RODGERS: Stephanie

25 Roxanne Rodgers.

1 I was born 11-7-76.

2 I live in Jacksonville Beach. I've also
3 lived in Hilliard and other areas in
4 Jacksonville.

5 I am employed by Gary Rodgers Plumbing.
6 I just run errands.

7 I am married. My husband is -- he works
8 for Gary Rodgers Plumbing. He's the owner
9 and president.

10 I have one child. She's 22. She
11 attends Flagler College. She's going for
12 accounting. She is an intern at
13 KA Accounting.

14 I have not been a victim.

15 I have not been a witness.

16 I have not been arrested.

17 And I've never been on a jury before.

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

20 Juror No. 11, Mr. Waugh, good morning.

21 PROSPECTIVE JUROR WAUGH: Good morning.
22 My name is Greg Waugh.

23 I was born March 1st, 1981.

24 Live in Atlantic Beach. Come from Ohio,
25 Nebraska, North Carolina and Virginia.

1 I'm an IT manager at Fanatics.

2 I'm married. My spouse -- I'm married.

3 My spouse does clerical work at a roofing
4 company.

5 I have no children.

6 I have not been a victim of crime.

7 I've never been a witness.

8 I have been arrested.

9 I have not served as a juror before.

10 THE COURT: All right. Thank you,
11 Mr. Waugh.

12 Good morning.

13 PROSPECTIVE JUROR GIL: Good morning.

14 I'm Mary Gil.

15 My birth date is March 12th, 1975.

16 I live in the Murray Hill area.

17 I'm employed by the Department of
18 Children and Families. I'm a child care
19 regulation inspector.

20 My spouse is self-employed. She is a
21 nanny.

22 I have been a victim of a crime. It was
23 over 20 years ago and they were not
24 prosecuted.

25 I've never been a witness.

1 I've never been arrested.

2 And I've never served on jury duty.

3 THE COURT: Based on the prior -- you
4 were a prior victim and you said it was not
5 prosecuted, do you think --

6 PROSPECTIVE JUROR GIL: They never found
7 the person.

8 THE COURT: Okay. Because of that
9 experience, do you have some strong feelings
10 that you think you would not be able to set
11 aside and judge this case, or is that
12 experience just part of who you are?

13 PROSPECTIVE JUROR GIL: No. It won't
14 affect me.

15 THE COURT: It will not?

16 PROSPECTIVE JUROR GIL: No.

17 THE COURT: Thank you, ma'am.

18 All right. Miss O'Brien, good morning.

19 PROSPECTIVE JUROR O'BRIEN: Hi. My name
20 is Marlyn O'Brien.

21 My date of birth is April 23rd, 1971.

22 My home is located in the west side area
23 of Jacksonville. I have also lived in
24 Pennsylvania, Guam and Philippines.

25 I am not currently employed. I'm a

1 housewife, last three years. But I was a
2 teller before.

3 I am married. My spouse is employed by
4 Nelnet. He is a software engineer so he does
5 coding, software coding.

6 I have two children. Their ages are 8
7 and 16. The oldest attends Bishop Snyder
8 High School, and my youngest attends Morning
9 Star.

10 If carjacking is considered a crime, I
11 have been a victim of, but it was about
12 23 years ago. The perpetrator was not
13 prosecuted. I'm not aware if the perpetrator
14 was apprehended.

15 THE COURT: Well, that's certainly a
16 crime.

17 PROSPECTIVE JUROR O'BRIEN: Oh, good. I
18 mean, not good. I did not have to testify in
19 trial or at a deposition or hearing.

20 I have not been a witness in a case.

21 I have not been previously arrested,
22 given a notice to appear or as a defendant.

23 I have not served as a juror before.

24 THE COURT: I have a follow-up, like I
25 asked the last juror. Because of that

1 experience, you being a victim of a crime, is
2 that something you are concerned that you
3 would not be able to set aside and you'd be
4 thinking about that during this trial or --

5 PROSPECTIVE JUROR O'BRIEN: I am not
6 concerned at all.

7 THE COURT: You could be fair and
8 impartial?

9 PROSPECTIVE JUROR O'BRIEN: Yes.

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

12 Miss O'Toole, Juror No. 14, good
13 morning.

14 PROSPECTIVE JUROR O'TOOLE: Good
15 morning. My name is Tamara O'Toole.

16 My date of birth is July 9, 1983.

17 I'm located at East Arlington, west
18 beaches, whatever they want to classify that.
19 I used to live in Neptune Beach and also in
20 North Carolina.

21 I am employed by Baptist Health Care.
22 I'm a physical therapist.

23 And I am married. My husband is in the
24 Air National Guard. He's an aircraft
25 mechanic.

1 I have one stepson. He is 11. He's
2 currently at Waterleaf Elementary School.

3 I have not been a victim of a crime.

4 I have given a statement before, if you
5 want to call that as a witness of a different
6 crime.

7 I've never been arrested.

8 And I've never served as a juror.

9 THE COURT: All right. Thank you,
10 ma'am. If you'll pass that microphone back
11 down. Should be No. 15, Partington.

12 Good morning, ma'am.

13 PROSPECTIVE JUROR PARTINGTON: Good
14 morning. My name is Alison Partington.

15 My date of birth is 12-22-75.

16 I live in the Bartram Springs area.

17 I do not work.

18 I'm married but going through a divorce
19 right now. He's employed by One Selection
20 Energy Consulting, which he owns, and he's an
21 engineer.

22 I have two children, 18 and 8. The
23 oldest goes to Middelburg High School, and
24 the youngest goes to Bartram Springs. And my
25 oldest works at Wendy's.

1 I have not been convicted of a crime or
2 a victim of a crime.

3 I have not testified in trial. I have
4 not been a witness in a case.

5 I've not been arrested.

6 And I have not served as a juror.

7 THE COURT: Thank you, ma'am.

8 PROSPECTIVE JUROR ROOS: My name is
9 Margaret Roos.

10 I was born October on 2nd, 1958.

11 My home's located in the west side of
12 Jacksonville. I have also lived in Colorado,
13 Georgia, Tennessee, Kentucky and Michigan.

14 I am employed by SanMar Corporation.
15 I'm an order processor.

16 I am divorced. I'm not sure who my
17 former spouse works for but he's a CPA.

18 I have three children. Their ages are
19 30, 28 and 26. My oldest son is electrician.
20 My middle son is a chef. And my daughter is
21 in school.

22 I have not been a victim of a crime.

23 I have not been a witness in a case.

24 I have not been previously arrested.

25 And I have not served as a juror before.

1 THE COURT: Thank you, ma'am.

2 PROSPECTIVE JUROR LOIACONO: Good
3 morning. My name is Michael Loiacono.

4 My birthday is January 25th, 1966.

5 I live in Jax Beach. I'm originally
6 from New Jersey.

7 I am employed by a company named Marker
8 Therapeutics, and I work as their chief
9 accounting officer.

10 I am married. My wife is a Realtor for
11 Berkshire Hathaway.

12 I have two children. I have a
13 19-year-old, son who attends UCF. I have a
14 17-year-old daughter, who's a junior in high
15 school.

16 I have not been a victim of a crime.

17 I have not been a witness to a crime.

18 I have not been previously arrested.

19 And I've not served on a jury before.

20 THE COURT: All right. Thank you, sir.

21 PROSPECTIVE JUROR MOSLEY: Hi. Good
22 morning.

23 THE COURT: Hello again.

24 PROSPECTIVE JUROR MOSLEY: My name is
25 Crema Mosley.

1 My birthday is May 30, 1957.

2 My home is in the west side area of
3 Jacksonville. And I've been there for
4 30 years.

5 I'm was employed by Florida Blue and I'm
6 doing customer service.

7 I am married. My spouse was employed by
8 CSX and he's doing mail handlers -- mail.

9 I have two children. Ages is 30 and 28.
10 The oldest one is employed by FedEx, and the
11 youngest one, she just got a job. She's in;
12 home health.

13 I have not been convicted of a crime.

14 I have not been a witness in a case.

15 I have not been previously arrested.

16 I was a juror about 15 years ago but I
17 was not selected.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR MOSLEY: Thank you.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR MONTGOMERY: Hello.

22 My name is Roderick Montgomery.

23 My date of birth is February 8th, 1961.

24 My home is located -- I want to say
25 Arlington.

1 I am employed by Walmart. I'm a
2 department manager. And, of course, I am
3 retired military of 26 years.

4 I am married. My spouse, she does not
5 work.

6 I have one stepchild. She's 30 years
7 old and she works at Pilot Pen here in
8 Jacksonville.

9 I have not been a victim of a crime.

10 Never been a witness of one.

11 I've not been previously arrested.

12 And I have served on a jury, about seven
13 years ago.

14 THE COURT: Was it a criminal case or a
15 civil case?

16 PROSPECTIVE JUROR MONTGOMERY: It was a
17 criminal case, sir.

18 THE COURT: Were you the foreperson?

19 PROSPECTIVE JUROR MONTGOMERY: No, sir.

20 THE COURT: All right. Thank you, sir.

21 PROSPECTIVE JUROR PLATTS: My name's
22 Jamal Platts.

23 Date of birth, July 12th, 1982.

24 Live on the south side area of
25 Jacksonville.

1 Employed by Florida Blue, claims
2 reconciliation.

3 I'm single.

4 One ten-year-old son.

5 I have been a victim of a crime.

6 I have not been a witness in a case.

7 I have been previously arrested.

8 And I haven't served on a jury before.

9 THE COURT: You have or have not?

10 PROSPECTIVE JUROR PLATTS: I have not.

11 THE COURT: Okay, sir. All right.

12 Thank you.

13 Juror 21, Shoemaker, good morning.

14 PROSPECTIVE JUROR SHOEMAKER: Good
15 morning. My name is Adriana Shoemaker.

16 My date of birth is December 14th, 1995.

17 My home is located on the south side of
18 Jacksonville. I have also lived in Orlando
19 and Ohio.

20 I'm employed by Cancer Specialists of
21 North Florida and I do imaging scheduling.

22 I'm single.

23 I have no children.

24 I have not been a victim of a crime.

25 I have not been a witness in a case.

1 I have not been previously arrested.

2 And I have not served as a juror before.

3 THE COURT: Thank you, ma'am. If you'll
4 pass the microphone down to Mr. Dimaio, Juror
5 No. 22.

6 PROSPECTIVE JUROR DIMAIO: My name is
7 Michael Dimaio.

8 My date of birth is 12-11-1990.

9 My home is located by NAS Jax. I also
10 have lived in Callahan, Nassau County, Yulee,
11 Hilliard.

12 I am employed by Register Roofing &
13 Sheet Metal, Incorporated. The kind of work
14 I do is commercial roofing and welding.

15 I am single.

16 I have no children.

17 I have not been a victim of a crime.

18 I have not been a witness in the case.

19 I have been previously arrested.

20 And I have not served as a juror before.

21 THE COURT: All right. Thank you, sir.

22 PROSPECTIVE JUROR LEATHERBARROW: Good
23 morning. My name is Cindy Leatherbarrow.

24 My birth date is 3-30-1958.

25 I live in Springfield, previously lived

1 in Ohio.

2 I am not currently working. I work in
3 retail.

4 I am married. My husband works at
5 Hernandez Construction, quality control.

6 I have two children. One is 38 and the
7 other, 37. One is a teacher and one's an
8 assistant principal.

9 I have not been a victim of crime.

10 I've not been a witness.

11 I have not been previously arrested.

12 And I have served as a juror.

13 THE COURT: And was it a criminal case
14 or a civil?

15 PROSPECTIVE JUROR LEATHERBARROW: I've
16 served twice. 20 years ago, it was a
17 criminal case. It ended up -- we didn't have
18 to do a verdict. It was a plea case. And
19 then I was on grand jury 12 years ago.

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

21 PROSPECTIVE JUROR CASSANI: My name is
22 Frank Cassani.

23 I was born February 27, '65.

24 I live on the west side.

25 I'm a Tech III at Fanatics.

1 No kids.

2 Not married.

3 Never been arrested.

4 I have been selected for jury duty three
5 times but never been on a jury.

6 THE COURT: So you've been through this
7 process. Understood. All right, sir.

8 Good morning.

9 PROSPECTIVE JUROR ROBINSON: Good
10 morning. My name is Staci Robinson.

11 My date of birth is February 14th, '73.

12 I live in the west side.

13 I'm employed by the Jacksonville
14 Transportation Authority. I'm in human
15 resources.

16 I'm single.

17 No kids.

18 Never been arrested.

19 Never been a victim.

20 Never been a witness.

21 And I served as juror about 20 years
22 ago, and I think it was a criminal case. But
23 I think it might have been the federal 'cause
24 it was two inmates. So I think it was
25 federal. But that was 20 years ago.

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

3 PROSPECTIVE JUROR BROOMFIELD: Good
4 morning. My name is George Broomfield.

5 Birth date, October 6, 1961.

6 I live on the north side of
7 Jacksonville. I have been in the military
8 for eight years. Traveled Oklahoma, Texas,
9 Germany.

10 I'm employed by Enterprise Rental Car,
11 15 years. Not retired. I am a customer
12 service rep for Enterprise.

13 Widower.

14 I have four children. One's in the U.S.
15 Army. One's a nurse here in Jacksonville. A
16 son in Texas, warehouse worker. One in
17 Colorado, schoolteacher.

18 I have been a victim of a crime. Just
19 totaled the vehicle.

20 I've never been a witness in a case.

21 Never been served on court.

22 No jury duty.

23 That's it.

24 THE COURT: All right. Thank you, sir.

25 PROSPECTIVE JUROR LEVENS: Good morning.

1 THE COURT: Good morning.

2 PROSPECTIVE JUROR LEVENS: My name is
3 Kimberly Levens.

4 I was born December the 7th, 1967.

5 I'm on the south side area of
6 Jacksonville.

7 I'm employed by Terrace of Jacksonville.

8 I'm a housekeeper.

9 I'm separated.

10 I have three kids. The oldest is 31.
11 The youngest is 25. The youngest and the
12 oldest work at Blue Cross. My middle child
13 works at VPK as a teacher.

14 I've never been a victim.

15 I've never been a witness in a case.

16 I was previously arrested 31 years ago.

17 And I've never served on a jury before.

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

20 PROSPECTIVE JUROR RIVERA: Good morning.

21 THE COURT: Good morning.

22 PROSPECTIVE JUROR RIVERA: My name is
23 Juliano Rivera.

24 Born October 5th, 1988.

25 Located on the west side.

1 Employed by Dick Gore's RV as a body
2 shop technician.

3 Single.

4 No children.

5 Never been a victim of crime.

6 Never been a witness.

7 Never arrested.

8 And never served on a jury.

9 THE COURT: All right. Thank you, sir.

10 Juror No. 30, Mr. Ford.

11 There you go. Thank you, sir.

12 PROSPECTIVE JUROR FORD: Good morning.

13 THE COURT: Good morning.

14 PROSPECTIVE JUROR FORD: My name is
15 Dillon Ford.

16 My date of birth is June 25th, 1997.

17 My home is located in the west side area
18 of Jacksonville, Duval County. I've also
19 lived on Southside and Beach.

20 I'm employed by Schuler & Lee, P.A. The
21 kind of work I do is file clerk, filing.

22 I am single.

23 I have no children.

24 I have not been victim of a crime.

25 I've not been a witness in a case.

1 I've not been previously arrested.

2 And I have not served as a juror before.

3 THE COURT: Is that a law firm that you
4 work for?

5 PROSPECTIVE JUROR FORD: Yes.

6 THE COURT: What kind of work do they
7 do?

8 PROSPECTIVE JUROR FORD: Civil.

9 THE COURT: Civil?

10 PROSPECTIVE JUROR FORD: Yes, sir.

11 THE COURT: Have they ever done -- have
12 you ever worked in a criminal law firm?

13 PROSPECTIVE JUROR FORD: No. No, Your
14 Honor.

15 THE COURT: All right. Thank you, sir.

16 Mr. Paulson, you're Juror No. 29. Got
17 you slightly out of order.

18 PROSPECTIVE JUROR PAULSON: My name is
19 Mike Paulson.

20 I was born September 9th, 1961.

21 My home is located in the northeast side
22 of Jacksonville. I've lived in many other
23 places in Jacksonville, also a Navy brat.
24 Many places up and down the east coast of the
25 United States, Hawaii.

1 I am employed by Lowe's. I design
2 kitchens.

3 I am divorced.

4 I have no children.

5 I have not been a victim of a serious
6 crime.

7 I have been arrested.

8 And let's see. I have not been a juror
9 before.

10 THE COURT: Well, Mr. Paulson, since you
11 emphasized that, that you're prior -- having
12 been a victim and that you were arrested, is
13 that going to have any influence on you in
14 deciding this case, or can you set those
15 experiences aside?

16 PROSPECTIVE JUROR PAULSON: Absolutely
17 can set them aside.

18 THE COURT: Very good.

19 All right. Miss Walker, hello again.

20 PROSPECTIVE JUROR WALKER: My name is
21 Katina Walker.

22 My birthday is May 30th, 1999.

23 I live in downtown area -- downtown area
24 of Jacksonville.

25 I was recently employed by McDonald's as

1 a shift manager.

2 I have one child. He's one.

3 I have not been a victim of a crime.

4 I have not been a witness.

5 I've never been arrested.

6 And I have not served as a juror.

7 THE COURT: Thank you, ma'am.

8 Mr. Harris.

9 PROSPECTIVE JUROR HARRIS: My name's Ken
10 Harris.

11 My date of birth is 7-30-1956.

12 I live in the Fort Caroline area. I've
13 also lived in Texas and North Carolina.

14 I'm married.

15 And I am unemployed at this particular
16 time. My wife is also unemployed.

17 We have no children.

18 I have been a victim of a crime. The
19 perpetrator was prosecuted and I did testify
20 in court against him.

21 I have not been arrested.

22 And I have served as a juror before.

23 THE COURT: What kind of case?

24 PROSPECTIVE JUROR HARRIS: It was civil.

25 THE COURT: Civil? Okay.

1 Now, what kind of work have you done in
2 the past?

3 PROSPECTIVE JUROR HARRIS: Mortgage
4 broker and underwriter.

5 THE COURT: Okay. And you have been a
6 victim in the past and obviously were
7 actively involved in that case. Are you
8 concerned that you would not be able to put
9 that experience aside while sitting on this
10 case or are you --

11 PROSPECTIVE JUROR HARRIS: No, Your
12 Honor. It won't be a problem.

13 THE COURT: You could set that aside and
14 give your full attention to this case and
15 base your verdict solely on the evidence that
16 you hear and the law that I'll give you.

17 PROSPECTIVE JUROR HARRIS: Yes, Your
18 Honor.

19 THE COURT: Very good.

20 All right. Mr. Lueders, Juror No. 33,
21 good morning.

22 PROSPECTIVE JUROR LUEDERS: Yes. My
23 name is Tracey Lueders.

24 My date of birth is 8-9-91.

25 My home is located in the Arlington

1 area. I've also lived on Riverside.

2 I'm a store leader at GameStop.

3 I'm married. My wife works for Custard
4 Insurance Adjusters. She's an administrative
5 assistant.

6 No kids.

7 Never been a victim of a crime.

8 No witness to a case.

9 Not been previously arrested.

10 And I've never been a juror before.

11 THE COURT: All right. Thank you.

12 No. 34.

13 PROSPECTIVE JUROR LONGINO: Morning. My
14 name is Frank Longino.

15 Date of birth is June 21st, 1991.

16 I live on the south side of
17 Jacksonville. I've also lived in the Atlanta
18 area and Orlando and currently spend half my
19 time living in the Detroit area.

20 I'm employed by Kalitta Charters. I'm a
21 pilot.

22 I am single.

23 Have no children.

24 I have not been a victim of a crime.

25 I have been a witness in a case. It was

1 a civil case and I did testify in a hearing.

2 I have not been previously arrested.

3 And I have not served as a juror before.

4 THE COURT: All right thank you, sir.

5 Mr. Flom, Juror No. 35, good morning.

6 PROSPECTIVE JUROR FLOM: My name is

7 Nathan Flom.

8 My date of birth is 3-8 of '88.

9 My home is located in the Lakewood area.

10 I've also lived in Chicago.

11 I'm employed by Naday (inaudible) &

12 Williams, LLC, as an insurance agent.

13 I'm single.

14 I have zero children.

15 I have not been the victim of a crime.

16 I have not testified.

17 I have never been a witness to a case.

18 Never been arrested.

19 And never served as a juror.

20 THE COURT: All right. Thank you, sir.

21 If you'll pass the microphone back down to

22 the aisle for Juror No. 36, Mr. Kloeppel.

23 PROSPECTIVE JUROR KLOEPPEL: My name is

24 Marvin Kloeppel.

25 I was born on June 10th, 1974.

1 I live in Jacksonville Beach. I've also
2 lived downtown and in Norfolk, Virginia.

3 I am a shareholder at the law firm of
4 Fisher, Tousey, Leas & Ball. I'm a
5 transactional tax attorney.

6 I am currently single, also divorced.
7 My former spouse is a -- last I heard, she's
8 a schoolteacher.

9 I don't have children.

10 I have not been the victim of a crime.

11 The only type of witness I've been is an
12 expert witness in tax matters.

13 I was previously arrested for aiding the
14 victim of a crime. The judge found me not
15 guilty of the charges. The case is resolved.
16 The law enforcement officer apologized, as
17 did the judge. That sort of did make me lose
18 confidence in law enforcement because they
19 chose to not go after the transgressor of the
20 crime and focus on the victim.

21 I've not served as a juror before.

22 So that's it.

23 THE COURT: Have you ever practiced any
24 criminal work?

25 PROSPECTIVE JUROR KLOEPPEL: This is the

1 longest period of time I've ever been in the
2 courthouse.

3 THE COURT: Okay. Believe it or not,
4 some lawyers don't know where the courthouse
5 is.

6 PROSPECTIVE JUROR KLOEPPEL: Most of the
7 people in my law firm don't know.

8 THE COURT: Yes, sir. I understand.
9 All right. Yes, ma'am. Good morning.

10 PROSPECTIVE JUROR CORVISON: My name is
11 Marci Corvison.

12 My date of birth is November 28, 1985.

13 My home is located in the north side of
14 Jacksonville. And I've also done south side,
15 Orange Park.

16 I am not employed. And the work I did
17 do was in the medical field.

18 I'm married. My spouse, he owns his own
19 company. He works in the AV industry.

20 I have zero children.

21 I have been a victim of a burglary.

22 I have been a witness in a case. It
23 involves my friend's divorce. It has
24 domestic dispute in it.

25 I have been -- have not been previously

1 arrested.

2 And I have served as a juror before. My
3 jury service was, I think, four or five years
4 ago. The case was criminal. I was not the
5 foreperson and the jury did reach a verdict.

6 THE COURT: All right. Based on your --
7 you were a victim of a burglary and you said
8 you've been a witness in a case, any of those
9 experiences, are you concerned, would
10 influence how you view this case, or can you
11 assure us that you can set it aside and be
12 fair and impartial?

13 PROSPECTIVE JUROR CORVISON: Yes, sir, I
14 can set it aside.

15 THE COURT: You can? Thank you, ma'am.

16 All right. Juror No. 38, Mr. Thomas.

17 PROSPECTIVE JUROR THOMAS: My name is
18 Thomas Thomas.

19 I was born November 14th, 1971.

20 I live in Murray Hill. I previously
21 grew up in the north side of Jacksonville.

22 I'm employed by the University of
23 Florida Jacksonville Physicians, medical.

24 I'm single.

25 No kids.

1 Have not been the victim of a crime.

2 I have not been a witness.

3 I have not previously been arrested.

4 And I have not been a juror.

5 THE COURT: What kind of work do you do
6 for them?

7 PROSPECTIVE JUROR THOMAS: I do medical
8 billing.

9 THE COURT: Billing. Okay. Thank you,
10 sir.

11 Good morning.

12 PROSPECTIVE JUROR SCHUBIGER: My name is
13 Charlie Schubiger.

14 I was born September 23rd, 1959.

15 I live in the south side area of
16 Jacksonville. I've also lived in New Jersey.

17 I'm retired. I was a chemist.

18 I am married. My wife had her own small
19 business for a little while and also worked
20 for Barnes & Noble.

21 I have two children, 29 and 26.

22 I have not been a victim of a crime.

23 I have not been a witness.

24 I have not been previously arrested.

25 I have served as a juror before. It was

1 probably almost 30 years ago. It was a civil
2 case. I was not the foreperson. And we did
3 reach a verdict. And I also served on a
4 grand jury about 25 years ago.

5 THE COURT: Here?

6 PROSPECTIVE JUROR SCHUBIGER: No, in New
7 Jersey.

8 THE COURT: In New Jersey?

9 Now, you said you were a chemist. Did
10 you ever do any sort of forensic work in
11 chemistry?

12 PROSPECTIVE JUROR SCHUBIGER: I was in
13 analytical R&D for pharmaceuticals so no.

14 THE COURT: Understood. All right.
15 Thank you, sir.

16 Juror No. 40, Miss Sudduth.

17 PROSPECTIVE JUROR SUDDUTH: My name is
18 Toni Sudduth.

19 I was born October 29, 1952.

20 I live in East Arlington. I'm
21 originally from Atlanta.

22 I'm employed by Triad Finance Services.
23 I'm a foreclosure manager.

24 I am single.

25 I have one child. She's 45.

1 I have not been a victim.

2 I have not been a witness.

3 I have been previously arrested.

4 I have not served on a jury.

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

7 Miss Jefferson, Juror No. 41.

8 PROSPECTIVE JUROR JEFFERSON: My name is
9 Tabitha Jefferson.

10 I was born November 20th, 1978.

11 I live on the north side of
12 Jacksonville. I also lived in the Arlington
13 area.

14 I'm employed by Orange Park Surgery
15 Center. I'm a surgical technologist.

16 I'm married. My husband works for
17 Titan. He's a truck driver.

18 We have two children. I have a
19 12-year-old and an eight-year-old. My
20 12-year-old goes to James Weldon Johnson.
21 And my eight-year-old goes to Dinsmore
22 Elementary.

23 I have never been a victim of a crime.

24 I have never witnessed a case.

25 I've never been arrested.

1 I have served on a jury, probably about
2 18 years ago. It was a criminal charge. And
3 I was not the foreperson. And we did reach a
4 verdict.

5 THE COURT: Okay. Thank you, ma'am.
6 No. 42, Mr. Waters.

7 PROSPECTIVE JUROR WATERS: My name's
8 Raymond Waters.

9 Was born February 4th, 1978.

10 Live on the west side. Lived on the
11 west side for 20 years ago. Also lived --
12 grew up in Columbia County, Lake City.

13 I'm employed by All American Land
14 Surveying. I'm a land surveyor.

15 I don't have -- never been married.

16 Don't have no kids.

17 I have been the victim of a crime, home
18 burglary. Probably been five, six years ago.

19 Never been a witness.

20 I have been arrested, probably 20 years
21 ago for marijuana.

22 And I've never served as a juror or
23 anything like that.

24 THE COURT: Those experiences, the
25 arrest and the burglary victim, concerned

1 that that may influence how you view this
2 case or can you set that aside?

3 PROSPECTIVE JUROR WATERS: I can set
4 that aside.

5 THE COURT: All right. Thank you. And
6 if you would pass it back down to Juror
7 No. 43, James.

8 Good morning.

9 PROSPECTIVE JUROR JONES: Good morning.
10 My name is Myn Yon Jones.

11 THE COURT: Jones. I'm sorry. I said
12 James. It's Jones. I can't read my writing.

13 PROSPECTIVE JUROR JONES: My date of
14 birth is 3-10-98.

15 My home is located in the north side
16 area of Jacksonville.

17 I am employed by North Shore Max. I am
18 a sales associate.

19 I'm single.

20 Don't have any children.

21 I have not been a victim of a crime and
22 not been a witness.

23 I have not been previously arrested.

24 And I have served as a juror before. I
25 believe it was, like, two or three years ago.

1 It was a criminal case and I was not the
2 foreperson. And it was a mistrial.

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

5 Mr. Betancourt.

6 PROSPECTIVE JUROR BETANCOURT APONTE:
7 Good morning, Judge. My English not good but
8 I'll try my best.

9 THE COURT: Yes, sir. Well, thank you.

10 PROSPECTIVE JUROR BETANCOURT APONTE: My
11 name's Abraham Betancourt Aponte.

12 My date of birth is May 27, '76.

13 My home is located in north side. Also
14 lived in Puerto Rico.

15 I work for Tropic Supply. I'm a
16 warehouse driver.

17 I'm married. My wife works for Tree
18 Sieger Legal Service.

19 I got three children -- 25, 23, 19.

20 I have not been the victim of crime.

21 Have not been a witness.

22 Have not been arrest.

23 And have not served as juror before.

24 THE COURT: All right. I understood
25 everything you said. So your -- your English

1 is much better than my Spanish, I assure you.

2 Are you concerned that you won't be able
3 to follow what's being said here in court?

4 PROSPECTIVE JUROR BETANCOURT APONTE: I
5 can try.

6 THE COURT: Well, that's -- I need you
7 to obviously try. But the lawyers are going
8 to want to know that you can succeed. Do
9 you -- are you sure that you can succeed in
10 understanding the things that we're talking
11 about?

12 PROSPECTIVE JUROR BETANCOURT APONTE:
13 Sometime, yes. Sometime, no. It's kind of
14 hard.

15 THE COURT: All right. Stand up for me
16 so I can make sure I can hear.

17 Have you understood everything that's
18 been said thus far?

19 PROSPECTIVE JUROR BETANCOURT APONTE: So
20 far, yes.

21 THE COURT: Okay. If in the future, you
22 can't or are not sure, could you let me know
23 by raising your hand? And we'll address it.
24 Okay?

25 PROSPECTIVE JUROR BETANCOURT APONTE:

1 Okay. I'll try.

2 THE COURT: What's that?

3 PROSPECTIVE JUROR BETANCOURT APONTE:

4 I'll try.

5 THE COURT: Yes, sir. I know. I
6 appreciate that.

7 PROSPECTIVE JUROR BETANCOURT APONTE:

8 But I don't know.

9 THE COURT: All right.

10 Mr. McSwain.

11 PROSPECTIVE JUROR MCSWAIN: Good
12 morning.

13 THE COURT: Good morning.

14 PROSPECTIVE JUROR MCSWAIN: Jerry
15 McSwain.

16 I was born November 7th, '68.

17 I live in Baldwin.

18 I'm employed by Publix. I drive a
19 truck.

20 My wife works for Baptist. She's an
21 administrative assistant.

22 I have two kids. My daughter works for
23 Baptist. I don't know what she does. Son
24 works for McDonald's. He does that.

25 I've never been victim of a crime.

1 Never been a witness.

2 Never been arrested.

3 I served on a couple juries, probably
4 couple years ago. Was not the foreperson.
5 It was civil and we reached a verdict.

6 THE COURT: Both were civil?

7 PROSPECTIVE JUROR MCSWAIN: Yes.

8 THE COURT: Okay.

9 Good morning.

10 PROSPECTIVE JUROR SAWYER: Good morning.

11 My name is Anna Sawyer.

12 My date of birth is August 8th, 1996.

13 My home is located in the west side of
14 Jacksonville. I've also lived in Upstate New
15 York as well as Raleigh, North Carolina.

16 I'm employed by Sephora inside of
17 JCPenney. I am the talent experience
18 supervisor.

19 I am single.

20 I have no children.

21 I have not been a victim.

22 I have not been a witness.

23 I have not been arrested.

24 And I have not served as a juror.

25 THE COURT: Thank you, ma'am.

1 Juror No. 47.

2 PROSPECTIVE JUROR WHATLEY: Hello. I'm
3 Donivan Whatley.

4 I was born June 30th, 1997.

5 I have a home located north side.

6 I am employed with DoorDash and
7 babysitting for my sister.

8 I am single.

9 I have no kids.

10 I have been a victim of domestic
11 violence and child abuse.

12 I have not been a witness in a case.

13 I have not been arrested.

14 And I have not been a juror.

15 THE COURT: What does you work entail
16 at -- you said DoorDash?

17 PROSPECTIVE JUROR WHATLEY: DoorDash is
18 similar to Grubhub food delivery.

19 THE COURT: Okay. I understand.

20 And your prior -- you were a victim in a
21 couple of things. Are you concerned that
22 those experiences may make it difficult to
23 sit on this jury, or are you able to set that
24 aside?

25 PROSPECTIVE JUROR WHATLEY: No, sir. I

1 don't think it would be difficult for me to
2 put it aside.

3 THE COURT: Okay. Thank you, sir.

4 Good morning.

5 PROSPECTIVE JUROR SIMS: My name is
6 Letitia Sims.

7 My date of birth is 10-23-1957.

8 My home is located on the south side.
9 I've also lived in Tennessee and Louisiana.

10 I don't work. The kind of work I did, I
11 was a child care director.

12 I'm married. My husband is employed by
13 the City Rescue Mission. He is CFO.

14 I have one child. He's 38. He is in
15 finance at Zillow in Seattle.

16 I have not been the victim of a crime.

17 I have not been a witness in a case.

18 I've not been arrested.

19 And I have not served as a juror.

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

22 Juror No. 49, Mr. Bridges.

23 PROSPECTIVE JUROR BRIDGES: My name is
24 William Bridges.

25 My date of birth is January 14th, 1983.

1 I live in the Glynlea area of
2 Jacksonville.

3 I'm self-employed, business owner. I'm
4 a home improvement contractor.

5 My wife is also self-employed. She's a
6 licensed mental health counselor.

7 I do not have any children.

8 I have been the victim of a crime. It
9 was 16 years ago. The perpetrator was not
10 prosecuted and I did not testify.

11 I have not been a witness in a case.

12 I have not been previously arrested.

13 Have not served as a juror before.

14 THE COURT: You were victim in the past.
15 I'll ask the same question I've been asking
16 everybody else. Can you set that experience
17 aside, or are you concerned that that would
18 influence how you view this case?

19 PROSPECTIVE JUROR BRIDGES: It is a
20 concern for me, Your Honor, because the
21 victim was -- or the matter was between me
22 and my former spouse.

23 THE COURT: Well, I don't need to
24 know -- I don't want to get into the details.

25 PROSPECTIVE JUROR BRIDGES: Yes, sir.

1 THE COURT: So I just need to know --
2 you're saying that it might be a concern.

3 PROSPECTIVE JUROR BRIDGES: Yeah. I
4 would like to say I could set it aside but
5 not -- like I said, not knowing the details
6 of the case, it's a possibility.

7 THE COURT: All right. Very well.
8 Thank you, Mr. Bridges. Pass it down back to
9 Juror No. 50, Henderson.

10 We're on the last row, folks. Who's up
11 for a break after this? We'll take our lunch
12 break when we're done.

13 PROSPECTIVE JUROR HENDERSON: Good
14 morning. My name is Jimmy Henderson.

15 My date of birth is August 30th, 1966.

16 My home is located on the north side of
17 Jacksonville. I also lived -- only lived
18 here.

19 I'm employed by R+L Carriers. I'm a
20 line haul driver.

21 I am married. My spouse is employed by
22 Walmart. She's a pharmacist.

23 And -- and I have three children. Their
24 ages are 21, 20 and 19. My children attend
25 Florida A&M University, all three.

1 And I have not been a victim.

2 And I have not testified in a trial.

3 And I have not been a witness.

4 I have not been previously arrested.

5 I have not served on a jury.

6 THE COURT: Thank you, sir.

7 You're up next, Miss Godfrey.

8 PROSPECTIVE JUROR GODFREY: My name is
9 Kathleen Godfrey.

10 My date of birth is August 4th, 1987.

11 My home is located in East Arlington. I
12 have lived in other parts of Jacksonville.

13 I'm employed by myself. The type of
14 work I do is dog training.

15 I'm not married.

16 I do not have children. I have not been
17 the victim of a crime.

18 I have been a witness in a case. It was
19 civil. I did testify at a hearing.

20 I have not been arrested.

21 And I have not been a juror.

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

24 PROSPECTIVE JUROR JOHNSON: My name is
25 Darnetta Johnson.

1 My birthday is July 31st, 1989.

2 I live in Arlington.

3 I'm employed by Chappell Schools. I'm a
4 preschool teacher and a cook.

5 I'm single.

6 I have two children, ages seven and
7 five. One goes to Woodland Acres Elementary.
8 The other one goes to Chappell School.

9 I have not been a victim of a crime.

10 I have not been a witness.

11 I have been arrested.

12 And I have not served as a juror.

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

15 Juror No. 53.

16 PROSPECTIVE JUROR BRUNSON: Good
17 morning. My name is Benjamin Brunson.

18 My date of birth is March 11th, 1985.

19 I live on the west side of Jacksonville.
20 I've also lived in Charlotte, North Carolina.

21 I am employed by Arbor Contract Carpet
22 as sales manager.

23 I am married. My wife is employed by
24 Total Military Management and she works in
25 customer support.

1 I have two children, eight and five. My
2 eight-year-old son goes to Fishweir
3 Elementary, and my five-year-old daughter
4 goes to Ortega United Methodist Playschool or
5 Preschool.

6 I have not been a victim of a crime.

7 I have not been a witness in a case.

8 And I have not -- never been arrested.

9 I have served as a juror before a couple
10 of times. It's been a couple years ago now.
11 I believe one case was civil. One was
12 criminal. I was the foreperson on one of
13 those cases. And the jury did reach a
14 verdict both times.

15 Thank you.

16 THE COURT: Do you remember if you were
17 the foreperson on the criminal or the civil?

18 PROSPECTIVE JUROR BRUNSON: I want to
19 say it was the civil.

20 THE COURT: Okay. Thank you, sir.

21 PROSPECTIVE JUROR EAVES: My name is
22 Stephen Eaves.

23 My date of birth is January 21st, 1987.

24 My home is located in the Arlington area
25 of Jacksonville. I've also lived in

1 Maryland.

2 I'm employed by Johnson & Johnson Vision
3 Care. The understood of work I do is CNC
4 machinery.

5 I'm single.

6 No kids.

7 And I have not been the victim of a
8 crime.

9 Have not been a witness.

10 Have not been previously arrested.

11 And I have not served as a juror before.

12 PROSPECTIVE JUROR REDDITT: My name is
13 Shirley Redditt.

14 I was born February 12th, 1964.

15 I live in Murray Hill.

16 I'm employed. I'm self-employed. My
17 husband and I work together for a low-voltage
18 company.

19 I have one child. She's 30 and works
20 for ADT as a time clock specialist.

21 I've not been a victim.

22 I've not testified at a trial.

23 I have not been a witness.

24 I have not been previously arrested.

25 And I have not served as a juror.

1 THE COURT: What kind of work did you
2 say you do? I didn't quite catch it.

3 PROSPECTIVE JUROR REDDITT: Low-voltage
4 system contractor, fire alarm, security,
5 CCTV.

6 THE COURT: I understand. Thank you,
7 ma'am.

8 All right. And Juror No. 56.

9 PROSPECTIVE JUROR TILLY: My name is
10 Corene Tilly.

11 My date of birth is October 23rd, 1957.

12 My home is located in the south side
13 area. I've also lived in Tennessee.

14 I am employed by Mayo Clinic. I am an
15 IT senior support analyst.

16 My spouse is retired but before that, he
17 worked at the U.S. Post Office.

18 I have no children.

19 I have never been a victim of a crime.

20 I have been a witness in a case. It was
21 civil.

22 I've never been arrested.

23 I have never served on a jury.

24 That's it.

25 THE COURT: All right. Thank you.

1 All right. That does complete the
2 questionnaires. As I promised, we're going
3 to take a lunch break.

4 I mentioned there's been some media
5 interest in the case. Please, do not take
6 this lunch break to go look up anything. We
7 can do that these days, right? In the old
8 days, you had to have a television set to see
9 anything. Now we've got it all on our
10 phones.

11 So you're under oath and I'm ordering
12 you not to do it. It's serious. Plus, I'll
13 share a little secret with you. Between you
14 and me, the media doesn't always get it
15 right. So it doesn't serve you any purpose
16 to go look up anything. Okay?

17 Those of you that have had some -- yes,
18 ma'am.

19 PROSPECTIVE JUROR LUCARELLI: I've been
20 the victim in a few small crimes.

21 THE COURT: Stand up for me, ma'am.

22 PROSPECTIVE JUROR LUCARELLI: I just
23 didn't think it was that big 'cause no one
24 was convicted of anything.

25 THE COURT: That's Juror No. 6,

1 Miss Lucarelli?

2 PROSPECTIVE JUROR LUCARELLI: Yes.

3 Smash and grab from my vehicle. A little bit
4 of forgery.

5 THE COURT: Well, do you think those
6 experiences will have any impact on you if
7 you were to sit on this jury?

8 PROSPECTIVE JUROR LUCARELLI: No.

9 THE COURT: You can set it completely
10 aside.

11 PROSPECTIVE JUROR LUCARELLI: Yes.

12 THE COURT: That's all I need to know.

13 PROSPECTIVE JUROR LUCARELLI: And one
14 other thing is I've been a witness but it was
15 through my job. And I'm a contracted
16 security officer. So I -- someone came in
17 with a badge on and stole some stuff, and I
18 was the -- one of the eyewitnesses for the
19 company. But it's all -- my name's probably
20 not anywhere.

21 THE COURT: Very well. Thank you,
22 ma'am.

23 So nobody look up anything. If you've
24 already looked up -- you already know
25 something -- there's several of you that

1 raised your hand -- don't look up anything
2 else. We're going to talk to you
3 individually when you get back from the lunch
4 break.

5 Do enjoy your lunch. Don't talk about
6 the case with anybody, even your closest
7 family, friends. If you're not on the jury
8 you can talk about it all you want once
9 you're done.

10 So I'll see you back here. We've got a
11 big group and there's other juries being
12 picked in the building. So I'm going to give
13 you a little extra time for lunch. Be back
14 at 1:15. That will give you plenty of time
15 to get somewhere and eat and come back.
16 1:15, see you then.

17 (Jury panel excused.)

18 THE COURT: All right. Let the record
19 reflect that the jury panel has left the
20 courtroom. I have family members in the
21 gallery but also counsel and Mr. Haim
22 present.

23 Be back at 1:15. We'll start with that
24 list of folks who have had some knowledge of
25 the case. We'll start with whoever the first

1 person is. I think it's Juror No. 2. We'll
2 just call those in individually.

3 Anything else before we break?

4 MR. MIZRAHI: I'll try to be back a
5 little bit early in case they're back a
6 little early. Maybe we can start with the
7 individuals a little bit before 1:15.

8 THE COURT: That will be fine. If you
9 guys want to come back at 1:00, we'll check
10 in.

11 MR. FALLIS: I'd rather be back at 1:15,
12 Judge. I want to be able to compare notes
13 and some time to do that.

14 THE COURT: All right. 1:15.

15 MR. FALLIS: Okay.

16 THE COURT: Court's in recess.

17 (Lunch recess was taken from 11:48 a.m. until
18 1:16 p.m.)

19 (Defendant present.)

20 THE COURT: Good afternoon. Let's start
21 back up with jury selection.

22 We have counsel present as well as
23 Mr. Haim.

24 We're going to start our individual voir
25 dire. First juror I have is Juror No. 2,

1 Miss Seaman, if you will please bring her in.

2 MR. FALLIS: You're going to have her
3 over here?

4 THE COURT: Yes, sir. I can -- probably
5 to my right so she's not right in front of
6 the podium, so I can see her.

7 MR. FALLIS: Your Honor, we have an
8 instruction. Will you tell the jurors that
9 anybody that they should see, either myself
10 or the State, during breaks and lunch hour --

11 THE COURT: I'll do that.

12 MR. FALLIS: -- if we totally ignore
13 them, it's not because we're the mean people
14 that we really are.

15 THE COURT: I understand. I will do
16 that.

17 MR. FALLIS: Thank you.

18 (Prospective Juror Seaman present.)

19 THE COURT: Miss Seaman, if you could
20 come up right there to the aisle, to the
21 gate.

22 That's good.

23 Good afternoon.

24 PROSPECTIVE JUROR SEAMAN: Good
25 afternoon.

1 THE COURT: Welcome back from lunch.

2 PROSPECTIVE JUROR SEAMAN: Thank you.

3 THE COURT: As we said this morning, we
4 were going to talk to all of those folks who
5 had had some exposure to this case. We have
6 to do that obviously in private because
7 you're going to tell us what you know, and we
8 don't want everybody else to know it.

9 Okay. So what have you heard about this
10 case?

11 PROSPECTIVE JUROR SEAMAN: I just heard
12 a minute of it on the news last night. They
13 mentioned his name and that it was his wife
14 and that's where they found her in the
15 meantime. And then they said they were
16 picking jurors for it this morning. So I,
17 like, left. I didn't hear anything more than
18 that. Not sure what -- the summary you gave
19 this morning.

20 THE COURT: Okay. So you left because
21 you realized you could be on that jury.

22 PROSPECTIVE JUROR SEAMAN: Yes.

23 THE COURT: Right. Because you already
24 had your summons. Okay.

25 Anything that you heard you think you

1 would be biased by? You would be able -- or
2 let me ask it a better way. Can you set
3 aside what you heard and only base your
4 verdict on what you hear in this courtroom
5 and the law that I will instruct you on?

6 PROSPECTIVE JUROR SEAMAN: Yes, sir.

7 THE COURT: All right. Mr. Mizrahi, do
8 you have any questions?

9 MR. MIZRAHI: Yeah, just briefly.

10 I want to make sure you understand what
11 you heard in the media could be 100 percent
12 wrong.

13 PROSPECTIVE JUROR SEAMAN: Right.

14 MR. MIZRAHI: And so as the judge
15 indicated, both sides want to make sure that
16 you will decide this case based on what you
17 hear in the courtroom and the law as the
18 judge instructs.

19 PROSPECTIVE JUROR SEAMAN: Yes, sir.

20 MR. MIZRAHI: Can you guarantee that to
21 both sides?

22 PROSPECTIVE JUROR SEAMAN: Yes, sir.

23 MR. MIZRAHI: Okay. Thank you very
24 much.

25 THE COURT: Mr. Fallis?

1 MR. FALLIS: Thank you.

2 Ma'am, I'm not sure exactly what you
3 heard. You summarized it. Were there any
4 details at all as to what you just told us?

5 PROSPECTIVE JUROR SEAMAN: No. There
6 weren't any details. They said that her
7 remains were in the house but that was
8 (inaudible).

9 (Brief interruption by the reporter.)

10 PROSPECTIVE JUROR SEAMAN: They
11 mentioned, like, where they found the remains
12 at. That was the only detail that they were
13 saying on the news that I heard.

14 MR. FALLIS: Thank you.

15 THE COURT: All right. Thank you.

16 Again, if you would just make sure you
17 keep that to yourself. And we'll -- we're
18 going to do each of these folks in maybe a
19 few more minutes, and then we'll bring
20 everybody back in. Okay? Thank you, ma'am.
21 You're excused.

22 (Prospective Juror seaman excused.)

23 THE COURT: Juror No. 10, Miss Rodgers.

24 MR. MIZRAHI: Your Honor, may we remain
25 seated?

1 THE COURT: Yeah.

2 And while we're on that, if she stays
3 through the rest of the voir dire, I would
4 stay away from asking her any questions.

5 MR. FALLIS: I would like to excuse her
6 at this juncture.

7 THE COURT: Well, what says the State?
8 I don't typically do that but I do make
9 exceptions.

10 MR. MIZRAHI: The only reason I don't
11 like doing it for jurors is seeing other
12 people getting excused creates issues. And
13 so I'm not going to ask any additional
14 questions, and I will agree to a cause
15 challenge.

16 THE COURT: Yeah. I don't usually like
17 to do it, and if I was in fear that she was
18 going to say a whole lot, then I would feel
19 differently about it. She seems to be fairly
20 to herself so I think she'll be fine.

21 MR. FALLIS: Well, I was going to
22 suggest that during any break, she might be
23 talking to somebody on the jury. That's what
24 I'm afraid of.

25 THE COURT: Well, let me table that for

1 a moment. We can skip questioning her now,
2 but I'll bring it back up in just a minute,
3 Mr. Fallis.

4 Okay. Next would be the person next to
5 her, Miss Waugh, Juror No. 11. If you could
6 bring her in. Excuse me. Mr. Waugh.

7 MR. FALLIS: I wonder if she's related
8 to the news person Waugh, if we can ask her
9 that as well, and the State Attorney --
10 Assistant State Attorney.

11 MR. MIZRAHI: Yes.

12 (Prospective Juror Waugh present.)

13 THE COURT: Come on up, Mr. Waugh. Good
14 afternoon.

15 PROSPECTIVE JUROR WAUGH: Good
16 afternoon.

17 THE COURT: All right. As I indicated
18 earlier this morning, we were going to talk
19 to the folks that had some exposure to this
20 case. Can you tell me what it is that you've
21 heard or at least that you heard about this
22 case?

23 PROSPECTIVE JUROR WAUGH: Honestly, I
24 don't know that I could say there's much more
25 than I heard from you this morning. I just

1 happened to have the news on to check the
2 weather to figure out long-sleeve or
3 short-sleeve, and so I caught about four
4 versions of the same two sentences that I
5 don't think changed in any significant way
6 from yours, other than speculation about
7 where the site was and who found her.

8 THE COURT: Okay. So it doesn't sound
9 like you've heard a lot. But can you assure
10 us that what you did hear you're not going to
11 allow to influence your verdict or base your
12 verdict solely on what you hear in evidence
13 in this courtroom as well as the law that
14 I'll instruct you on?

15 PROSPECTIVE JUROR WAUGH: Yes, sir.

16 THE COURT: All right. Mr. Mizrahi, any
17 questions for the State?

18 MR. MIZRAHI: No, Your Honor.

19 THE COURT: Mr. Fallis?

20 MR. FALLIS: Thank you.

21 Sir, you said you heard about what the
22 Court said. Do you have any details about
23 what you heard?

24 PROSPECTIVE JUROR WAUGH: So I want to
25 say they found out -- 30 seconds, like, they

1 say what year the event occurred. They say
2 what year the body was found. They said what
3 state the gentleman was living in now. And
4 then there's differing -- there's different,
5 even on the same channel, statements about
6 was it under a slab or was it six inches down
7 or a little confusing. Made it sound like
8 maybe they shouldn't be reporting on the
9 death. And then there was also speculation
10 about whether it was a relative that found it
11 or not. It that wasn't clear but did make
12 the news, which I didn't intend to see this
13 morning, but I didn't know what case I was
14 coming for either.

15 MR. FALLIS: Now, that's a little more
16 detail than what the Court had said
17 originally. That's why I'm asking you. And
18 I'm not trying to badger you. You understand
19 that, right?

20 Did it talk about any other pretrial
21 situation, things that happened before trial
22 in the court?

23 PROSPECTIVE JUROR WAUGH: No. The only
24 thing I saw on the news was it did not cover
25 trial beforehand.

1 MR. FALLIS: Your name is Waugh,
2 W-A-U-G-H? Are you related to anyone in
3 State Attorney's Office with that name?

4 PROSPECTIVE JUROR WAUGH: I am not
5 related to anyone in the State Attorney's
6 Office that I know of.

7 MR. FALLIS: 'Cause I know's there's
8 some people with that name in the State
9 Attorney's Office.

10 PROSPECTIVE JUROR WAUGH: My father has
11 eight brothers, three sisters and a very
12 active grandmother. So I have a lot of
13 relatives I don't really know, but they are
14 mostly from the midwest. I have an uncle in
15 Michigan but none in Florida that I know of.

16 MR. FALLIS: There's someone who works
17 in the media by the name of Waugh as well.

18 PROSPECTIVE JUROR WAUGH: I also -- I'm
19 no relation, although I am glad that people
20 in Jacksonville know how to pronounce my
21 name.

22 MR. FALLIS: Thank you.

23 THE COURT: All right. Thank you,
24 Mr. Waugh, you're excused.

25 (Prospective Juror Waugh excused.)

1 THE COURT: Next person I have is Juror
2 No. 13, Miss O'Brien. If you can bring in
3 Miss O'Brien.

4 (Prospective Juror O'Brien present.)

5 THE COURT: Good afternoon, ma'am.

6 PROSPECTIVE JUROR O'BRIEN: Good
7 afternoon.

8 THE COURT: As I said this morning,
9 we're going to talk to those folks
10 individually that may have had some exposure
11 to the media about this case. So if you
12 could tell me what, if anything, that you
13 think you've heard about this case.

14 PROSPECTIVE JUROR O'BRIEN: Well, I have
15 an app for News4Jax, and that's where I came
16 across the story.

17 THE COURT: Okay. Was that this morning
18 or last night or some time in the past?

19 PROSPECTIVE JUROR O'BRIEN: A while back
20 in the past. I believe it was a couple days
21 ago, the most recent article.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR O'BRIEN: But, yeah,
24 that's what I remember.

25 THE COURT: And the article was on

1 News4Jax?

2 PROSPECTIVE JUROR O'BRIEN: News4Jax,
3 yes. I read the article.

4 THE COURT: Now, what do you remember,
5 anything -- you remember any of the facts or
6 any of the story that was in that article?

7 PROSPECTIVE JUROR O'BRIEN: Okay. What
8 I remember was that I know there was a son.
9 The mother is murdered -- or I'm sorry. The
10 mother is found. Her remains were found in
11 the backyard, and I'm not sure if the husband
12 went to jail or whatnot, but that's pretty
13 much the extent of my understanding --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR O'BRIEN: -- of the
16 situation.

17 THE COURT: Can you assure us that what
18 you have read in the past, you could set that
19 completely aside with the understanding that
20 what's in the media isn't always factually
21 correct? But even so, you must base your
22 verdict, if you're on this jury, based solely
23 on what you hear in this courtroom. Can you
24 do that?

25 PROSPECTIVE JUROR O'BRIEN: I certainly

1 can do that. I understand that. It's not
2 all the evidence, you know, the media gets a
3 hold of.

4 THE COURT: Right.

5 PROSPECTIVE JUROR O'BRIEN: Certainly, I
6 can go in here with an open mind.

7 THE COURT: Very good. All right.
8 Thank you.

9 Mr. Mizrahi, for the State, any
10 questions?

11 MR. MIZRAHI: No questions, Your Honor.

12 THE COURT: Mr. Fallis?

13 MR. FALLIS: Thank you.

14 Ma'am, do you subscribe to the
15 Times-Union?

16 PROSPECTIVE JUROR O'BRIEN: No, I do
17 not.

18 MR. FALLIS: Do you read the
19 Times-Union?

20 PROSPECTIVE JUROR O'BRIEN: I have not,
21 no.

22 MR. FALLIS: Any chance you might have
23 read this past Sunday's Times-Union?

24 PROSPECTIVE JUROR O'BRIEN: No.

25 MR. FALLIS: Do you recall any details

1 other than the body was found? And I believe
2 you mentioned that the son had -- was
3 involved in it.

4 PROSPECTIVE JUROR O'BRIEN: Not really.

5 MR. FALLIS: That's everything you
6 remember?

7 PROSPECTIVE JUROR O'BRIEN: Yes.

8 MR. FALLIS: It's not like you're being
9 guessed about it. I just want to make sure.

10 PROSPECTIVE JUROR O'BRIEN: I know. I'm
11 not the smartest tool in the book.

12 THE COURT: All right. Thank you,
13 Miss O'Brien. We'll call you back in in just
14 a few minutes. Okay?

15 (Prospective Juror O'Brien excused.)

16 THE COURT: I think that's it for that
17 side of the courtroom.

18 The next person I see with some media
19 exposure is Juror No. 38, Mr. Thomas. Did I
20 miss anybody? That's correct?

21 MR. MIZRAHI: Yes, sir.

22 THE COURT: Mr. Thomas, Juror No. 38.

23 (Prospective Juror Thomas present.)

24 THE COURT: Good afternoon, Mr. Thomas.

25 PROSPECTIVE JUROR THOMAS: How are you?

1 THE COURT: As I indicated at the
2 morning session, we're going to ask those
3 folks who have had some exposure or think
4 they've had some exposure in this case to the
5 media to tell us what they know about it. So
6 can you share with us what you've heard about
7 this case or read about this case?

8 PROSPECTIVE JUROR THOMAS: Well, to be
9 honest with you, this morning, watching the
10 news, I heard about the case. And, of
11 course, I've lived here all my life. And it
12 made me start thinking, well, wait a minute,
13 I remember, 'cause I graduated in '89, and I
14 lived on the north side. And I heard about a
15 case back then about a missing person and I
16 know it was a female. And I remember
17 something about it possibly being dumped on
18 the north side or a car, one or the two. And
19 that made me think, oh, okay, well, of
20 course. Me coming here today, I'm thinking
21 is that what I'm going to get into today?

22 And, of course, I had to drop some stuff
23 off at work with my girls today before I came
24 here. And one of them made the comment about
25 the son buying house and finding a body

1 underneath the concrete. So that's really
2 all I know. But it made me stop and think
3 when I saw it on the news this morning.
4 Well, wait a minute, what do I really know?
5 Because I remember it growing up here.

6 THE COURT: Right, right. So what -- do
7 you remember the news station that you were
8 watching this morning?

9 PROSPECTIVE JUROR THOMAS: I always
10 watch Channel 11, Channel 12.

11 THE COURT: Okay. So whatever they were
12 reporting, that's what you heard.

13 PROSPECTIVE JUROR THOMAS: Right. And
14 like I said, that made me stop and think
15 about, well, wait a minute, was that one of
16 the ones way back when that I remember about
17 the car, whichever it was back then?

18 THE COURT: Okay. Can you assure us
19 that you could set aside those things that
20 you think you may remember from way back when
21 and what you read and heard on the news and
22 base your verdict solely on what you hear in
23 this courtroom?

24 PROSPECTIVE JUROR THOMAS: To be honest
25 with you, I probably cannot.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR THOMAS: I'll be
3 honest with you.

4 THE COURT: Sure. Listen, there's no
5 wrong answer. There's only a truthful answer
6 and a not truthful answer. So please --

7 PROSPECTIVE JUROR THOMAS: And I -- to
8 be honest with you, I had that issue in
9 October because I had federal jury duty in
10 October, which I wasn't -- I didn't get this
11 far. But it was a tobacco case, and I had
12 the same issue there.

13 THE COURT: Okay. So what -- you think
14 you would be unable to set aside what you
15 think you know, and it would have some impact
16 on how you decide this case?

17 PROSPECTIVE JUROR THOMAS: Probably.

18 THE COURT: Okay. Fair enough.

19 Mr. Mizrahi, do you have any questions?

20 MR. MIZRAHI: Yes, sir. Mr. Thomas,
21 that obviously gives us a little bit of
22 pause. And, again, like the judge said,
23 there's no right or wrong answer. But I just
24 need to explore a little bit more.

25 You understand that it is up to the

1 State of Florida, this side of the room, to
2 prove the defendant guilty.

3 PROSPECTIVE JUROR THOMAS: Yes.

4 MR. MIZRAHI: And he doesn't have to
5 prove anything.

6 PROSPECTIVE JUROR THOMAS: Right.

7 MR. MIZRAHI: Does that make sense?

8 PROSPECTIVE JUROR THOMAS: Yeah.

9 MR. MIZRAHI: And we have to prove that
10 he's guilty beyond and to the exclusion of a
11 reasonable doubt. Okay? And, again, he
12 doesn't have to prove anything.

13 So I know you heard some things in the
14 media, and it's perfectly normal to think in
15 your mind, oh, if that person is guilty of
16 that crime, he should be punished. That's
17 why murder's illegal. So sometimes jurors
18 have a tendency to confuse I want murders to
19 be punished with not being able to be a fair
20 and impartial juror.

21 So with that little explanation, do you
22 think that what you've heard about the case
23 has made it so you cannot make the State
24 prove its case beyond and to the exclusion of
25 a reasonable doubt?

1 PROSPECTIVE JUROR THOMAS: I will say no
2 because it's been very brief, what I've
3 heard.

4 MR. MIZRAHI: And that's why I kind of
5 asked some more questions. Sounds to me like
6 you don't know a whole heck of a lot about
7 the case.

8 PROSPECTIVE JUROR THOMAS: True.

9 MR. MIZRAHI: Have you reached any fixed
10 or definite opinions about whether Mr. Haim
11 is guilty or not based on what you've heard?

12 PROSPECTIVE JUROR THOMAS: I couldn't
13 tell you based on what I heard.

14 MR. MIZRAHI: And that's perfectly
15 correct because first of all, the media could
16 be wrong.

17 PROSPECTIVE JUROR THOMAS: True.

18 MR. MIZRAHI: And certainly, Mr. Haim
19 hasn't had the opportunity to confront any of
20 those things. Does that make sense?

21 PROSPECTIVE JUROR THOMAS: Yes.

22 MR. MIZRAHI: Our Constitution actually
23 gives him a right to confront all the
24 witnesses against him.

25 So with all those caveats, it's

1 important because I don't want you to say you
2 can be fair just 'cause I'm asking you
3 questions.

4 PROSPECTIVE JUROR THOMAS: Right.

5 MR. MIZRAHI: It's important that
6 Mr. Haim and his counsel team knows that you
7 can be a fair and impartial juror. So do you
8 think you can be after our discussion?

9 PROSPECTIVE JUROR THOMAS: I don't want
10 to say yes because to me, I'm always going to
11 have it in the back of my mind.

12 MR. MIZRAHI: Have what in the back of
13 your mind?

14 PROSPECTIVE JUROR THOMAS: I guess I
15 question myself because it's like I'm
16 always -- I'm the type of person, what if,
17 after the fact. To me, that's just how I am.
18 I'm a procrastinator and I don't think I can
19 make a decision, a correct decision.

20 MR. MIZRAHI: Okay. That's all the
21 questions I have.

22 THE COURT: All right. Mr. Fallis, any
23 questions?

24 MR. FALLIS: Yes.

25 You instinctively told the Court that

1 you didn't think you could be fair and put
2 this stuff out of your mind, correct?

3 PROSPECTIVE JUROR THOMAS: Correct.

4 MR. FALLIS: And that is your position
5 right now as you speak, is it not?

6 PROSPECTIVE JUROR THOMAS: The way I
7 feel, yes, sir.

8 MR. FALLIS: Thank you.

9 THE COURT: All right. Thank you, sir.
10 Appreciate that. We'll call you back in in
11 just a few minutes.

12 (Prospective Juror Thomas excused.)

13 THE COURT: Juror No. 40, Miss Sudduth
14 is next.

15 (Prospective Juror Sudduth present.)

16 THE COURT: Good afternoon, ma'am. How
17 are you?

18 PROSPECTIVE JUROR SUDDUTH: Good.

19 THE COURT: Good.

20 As I said this morning, I'm going to
21 calling everybody back in who's had some
22 exposure or at least they think they've had
23 some exposure to the media about this case.
24 What have you heard or read about this case?

25 PROSPECTIVE JUROR SUDDUTH: Pretty much

1 everything.

2 THE COURT: Okay. Where -- just maybe
3 narrow it down by what sources have you
4 looked at -- news, newspaper, Internet?

5 PROSPECTIVE JUROR SUDDUTH: Newspaper,
6 TV. And I remember from 1993.

7 THE COURT: Okay. You have a
8 recollection from living here, hearing about
9 the case?

10 PROSPECTIVE JUROR SUDDUTH: Right.

11 THE COURT: Okay. So it sounds like
12 you've been exposed to a lot. Is that fair?

13 PROSPECTIVE JUROR SUDDUTH: Yes, sir.

14 THE COURT: In the process of doing it,
15 have you formed some fixed opinions about the
16 merits of the case?

17 PROSPECTIVE JUROR SUDDUTH: Yes, sir, I
18 have.

19 THE COURT: Do you think you could set
20 those things aside and be fair and impartial,
21 or would one side or the other have an uphill
22 battle to get you to change your mind based
23 on the opinion that you already have?

24 PROSPECTIVE JUROR SUDDUTH: I think it
25 would be battle for me, personally.

1 THE COURT: Okay. So you do not think
2 you could be fair and impartial in this case.

3 PROSPECTIVE JUROR SUDDUTH: No, sir, I
4 don't.

5 THE COURT: All right. Mr. Mizrahi?

6 MR. MIZRAHI: No questions.

7 THE COURT: Mr. Fallis?

8 MR. FALLIS: No questions.

9 THE COURT: All right. Thank you,
10 Miss Sudduth. You're excused. Thank you,
11 ma'am.

12 (Prospective Juror Sudduth excused.)

13 THE COURT: Mr. [sic] Jefferson, Juror
14 No. 41.

15 (Prospective Juror Jefferson present.)

16 THE COURT: Good afternoon, ma'am.

17 PROSPECTIVE JUROR JEFFERSON: Hey.

18 THE COURT: How are you?

19 PROSPECTIVE JUROR JEFFERSON: Doing
20 okay. How about you?

21 THE COURT: I'm doing well.

22 As I said this morning, we're going to
23 bring back the folks that had raised their
24 hand this morning who have had some
25 understanding or exposure to this case.

1 PROSPECTIVE JUROR JEFFERSON: Yes.

2 THE COURT: And you were one of those
3 people. So can you tell me what you've seen
4 or heard about this case?

5 PROSPECTIVE JUROR JEFFERSON: I just
6 briefly heard on the news that the case was,
7 you know, coming up and not a whole bunch of
8 details. I just briefly saw it on the news.
9 I don't know anything too much about it.

10 THE COURT: Okay. Was that recently
11 that you saw it on the news?

12 PROSPECTIVE JUROR JEFFERSON: Yes, sir.

13 THE COURT: Okay. You remember any
14 details about what you heard or saw?

15 PROSPECTIVE JUROR JEFFERSON: Just that
16 they found the skull. I guess the son went
17 back to the -- his birth parents' home, was
18 living in the home and that it was under
19 investigation, that it was the victim's body
20 that went missing or whatever. That's the
21 mother.

22 THE COURT: All right. Have you,
23 because of that, formed some opinions that
24 are fixed that you -- you're concerned that
25 you won't be able to set aside in judging

1 this case, or can you set aside whatever
2 you've read or heard?

3 PROSPECTIVE JUROR JEFFERSON: Oh, yes.
4 I don't know too much about the case. I just
5 wanted to be honest that I had heard about
6 the case.

7 THE COURT: Right. No. I'm glad -- you
8 need to be so thank you.

9 But -- so you're to base your verdict
10 solely on what you hear in this courtroom.

11 PROSPECTIVE JUROR JEFFERSON: Yes, sir.

12 THE COURT: Okay. Mr. Mizrahi, any
13 questions?

14 MR. MIZRAHI: No questions, Your Honor.

15 THE COURT: Mr. Fallis?

16 MR. FALLIS: Thank you.

17 Ma'am, you said, I know very little
18 about the case. Really want to know
19 everything you do know, even if it's little.

20 You said you know something about a
21 skull being found, is that correct?

22 PROSPECTIVE JUROR JEFFERSON: Yes, sir.

23 MR. FALLIS: And it's under
24 investigation.

25 PROSPECTIVE JUROR JEFFERSON: Yes, sir.

1 MR. FALLIS: Now, did you see this in
2 the media, on TV or read the newspaper?

3 PROSPECTIVE JUROR JEFFERSON: On the TV.

4 MR. FALLIS: Did you happen to read the
5 Times-Union article of this past Sunday?

6 PROSPECTIVE JUROR JEFFERSON: No, sir.

7 MR. FALLIS: What other -- think real
8 clearly. What other details other than where
9 a skull was found do you remember?

10 PROSPECTIVE JUROR JEFFERSON: Like I
11 said, just hearing it on the news, that they
12 had found the skull and that the birth --
13 that the child was in the birth home of the
14 parents or what have you, and it was under
15 investigation, just briefly last night when
16 it aired on the news.

17 MR. FALLIS: Did you spend special
18 attention because of the fact you knew you
19 were going to be a juror somewhere today?

20 PROSPECTIVE JUROR JEFFERSON: Oh, no. I
21 really didn't put it together.

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

24 PROSPECTIVE JUROR JEFFERSON: Yes, sir.

25 THE COURT: All right. Thank you,

1 ma'am. You can wait outside. We'll call you
2 back in in just a few minutes. Okay?

3 PROSPECTIVE JUROR JEFFERSON: Yes, sir.

4 (Prospective Juror Jefferson excused.)

5 THE COURT: Next would be Juror No. 51,
6 Miss Godfrey.

7 (Prospective Juror Godfrey present.)

8 THE COURT: Good afternoon.

9 PROSPECTIVE JUROR GODFREY: Hi.

10 THE COURT: And welcome back.

11 As I said this morning, we're going to
12 talk to the folks that have had some exposure
13 perhaps to this case in the media so you can
14 tell us what you know. So what have you seen
15 or read about this case?

16 PROSPECTIVE JUROR GODFREY: I've heard
17 about it. I want to say I heard something on
18 NPR as well as seeing something on a local
19 news station.

20 THE COURT: Okay. And when did you have
21 this exposure?

22 PROSPECTIVE JUROR GODFREY: I couldn't
23 say. But when I heard the name, I was like,
24 oh, I remember this. And then when you went
25 over a little of the details, it rang some

1 bells.

2 THE COURT: Okay. So the media that
3 you've had exposure to wasn't, like, last
4 night or recent; it was sometime in the past?

5 PROSPECTIVE JUROR GODFREY: Yes.

6 THE COURT: Okay. Do you remember any
7 details about what you heard?

8 PROSPECTIVE JUROR GODFREY: Just that
9 the wife went missing some time ago, early
10 90s and the body was finally found. And
11 we're here today because of it.

12 THE COURT: Right. Anything else?

13 PROSPECTIVE JUROR GODFREY: No.

14 THE COURT: Okay. Now, because of that
15 exposure, have you had -- formed any fixed
16 opinions about this case that you won't be
17 able to set aside?

18 PROSPECTIVE JUROR GODFREY: I wouldn't
19 say so.

20 THE COURT: Okay. There's a little bit
21 of equivocation in that response. Can you
22 assure us that you can set aside whatever
23 you've heard and make a decision on this case
24 based solely on the evidence that you hear in
25 court?

1 PROSPECTIVE JUROR GODFREY: Yes.

2 THE COURT: Okay. Mr. Mizrahi, any
3 questions?

4 MR. MIZRAHI: I just want to -- I guess
5 let's make sure 'cause, again, there was a
6 little bit of equivocation. Do you agree
7 that no one should be found guilty based on a
8 couple of lines that occur in the news?

9 PROSPECTIVE JUROR GODFREY: Oh,
10 absolutely.

11 MR. MIZRAHI: You will hold the State
12 Florida to its burden of proving this charge
13 beyond and to the exclusion of every
14 reasonable doubt?

15 PROSPECTIVE JUROR GODFREY: Yes.

16 MR. MIZRAHI: Thank you. That's all the
17 questions I have.

18 THE COURT: All right. Mr. Fallis?

19 MR. FALLIS: Thank you.

20 Ma'am, you said you heard it both on the
21 electronic media and TV, is that correct?

22 PROSPECTIVE JUROR GODFREY: Uh-huh.

23 MR. FALLIS: How about print media?
24 Have you seen any print media?

25 PROSPECTIVE JUROR GODFREY: I don't

1 believe print but I also heard it on the
2 radio, a little news clip.

3 MR. FALLIS: What station and when?

4 PROSPECTIVE JUROR GODFREY: NPR.

5 MR. FALLIS: I'm sorry?

6 PROSPECTIVE JUROR GODFREY: NPR.

7 MR. FALLIS: NPR.

8 PROSPECTIVE JUROR GODFREY: Yes.

9 MR. FALLIS: All right. Now, what you
10 heard, how long ago did you say it was?

11 PROSPECTIVE JUROR GODFREY: I could not
12 tell you.

13 MR. FALLIS: You can't even tell us how
14 long --

15 PROSPECTIVE JUROR GODFREY: I'm not sure
16 how long ago it was but within the past
17 probably year.

18 MR. FALLIS: Within a year. So it could
19 be even a year ago that you heard this?

20 PROSPECTIVE JUROR GODFREY: Yes.

21 MR. FALLIS: I guess it wasn't embedded
22 if your mind. Just the fact that you heard
23 about is all you can remember right now?

24 PROSPECTIVE JUROR GODFREY: Yes.

25 MR. FALLIS: Not one single detail other

1 than --

2 PROSPECTIVE JUROR GODFREY: Other than
3 the wife going missing. They don't find the
4 body until X amount of years later.

5 MR. FALLIS: Thank you.

6 THE COURT: All right. Thank you,
7 ma'am. You can wait outside. We'll call
8 you-all back in in just a few minutes. Okay?

9 (Prospective Juror Godfrey excused.)

10 THE COURT: All right. Mr. Johnson,
11 Juror No. 52 is next.

12 (Prospective Juror Johnson present.)

13 THE COURT: Good afternoon, ma'am.

14 PROSPECTIVE JUROR JOHNSON: Good
15 afternoon.

16 THE COURT: Welcome back. As I said
17 this morning, we're going to talk to the
18 folks individually that had indicated they
19 may have seen something or read something
20 about this case in the media. So can you
21 tell me what you've seen or heard?

22 PROSPECTIVE JUROR JOHNSON: I just seen
23 the headlines on News4Jax that they were
24 selecting a jury today.

25 THE COURT: Okay. So that would have

1 been something very recent you saw.

2 PROSPECTIVE JUROR JOHNSON: Uh-huh.

3 THE COURT: All right. Did you read
4 anything about it or just saw the headline?

5 PROSPECTIVE JUROR JOHNSON: I saw the
6 headlines.

7 THE COURT: So you didn't read the
8 article?

9 PROSPECTIVE JUROR JOHNSON: No, sir.

10 THE COURT: Okay. Is that the only
11 exposure you've had about this case?

12 PROSPECTIVE JUROR JOHNSON: Yes, sir.

13 THE COURT: So then have you formed any
14 fixed opinions about the merits of this case?

15 PROSPECTIVE JUROR JOHNSON: No. I
16 didn't read the paragraph so I don't really
17 know. I just seen the headlines.

18 THE COURT: Okay. All right. Thank
19 you, ma'am.

20 Mr. Mizrahi, any questions?

21 MR. MIZRAHI: No, sir, I have no
22 questions.

23 THE COURT: Mr. Fallis?

24 MR. FALLIS: Ma'am, you said the
25 headlines. Are you talking about the article

1 that appeared in the Times-Union?

2 PROSPECTIVE JUROR JOHNSON: Well, I seen
3 it on news4jax.com.

4 MR. FALLIS: jax.com.

5 PROSPECTIVE JUROR JOHNSON: Yes.

6 MR. FALLIS: How about in the print
7 media, the Times-Union?

8 PROSPECTIVE JUROR JOHNSON: No. I don't
9 read the newspaper. I don't buy the
10 newspaper so --

11 MR. FALLIS: Okay. All right. Good
12 decision.

13 All you know is what, you recognize the
14 name? Can you tell me what --

15 PROSPECTIVE JUROR JOHNSON: I seen -- I
16 seen it on the headline.

17 MR. FALLIS: Tell me what you saw.

18 PROSPECTIVE JUROR JOHNSON: I seen that
19 it said jurors selected for his name and that
20 was it.

21 MR. FALLIS: Okay. And the fact that
22 you had jury duty today, was that a -- did
23 you pay any special attention to it?

24 PROSPECTIVE JUROR JOHNSON: No. I
25 didn't even put two on two together.

1 MR. FALLIS: You didn't? Okay. Thank
2 you.

3 PROSPECTIVE JUROR JOHNSON: Uh-huh.

4 THE COURT: All right. Thank you,
5 ma'am. We'll call you back in in just a
6 minute.

7 (Prospective Juror Johnson excused.)

8 THE COURT: Lastly would be Juror
9 No. 56, Tilly, Miss Tilly.

10 (Prospective Juror Tilly present.)

11 THE COURT: Good afternoon.

12 PROSPECTIVE JUROR TILLY: Hello.

13 THE COURT: Welcome back.

14 PROSPECTIVE JUROR TILLY: Thank you.

15 THE COURT: As I said this morning at
16 the morning session, we wanted to talk to
17 those people on the jury panel that may have
18 had some exposure to this case in the media
19 so we could find out what you know
20 individually. Can you tell us what you have
21 seen or read or heard about this case?

22 PROSPECTIVE JUROR TILLY: It was only on
23 the news when it first happened. I -- I
24 couldn't tell you much about it.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR TILLY: Just that I
2 had heard it or seen it just because the news
3 was on. You know, I only stood because you
4 said, had anybody seen about -- or heard
5 about it. And that was it.

6 THE COURT: Right.

7 PROSPECTIVE JUROR TILLY: I couldn't
8 really tell you much about it, honestly.

9 THE COURT: Sure. That's okay.

10 When -- approximately how long ago was
11 it that you saw something on the news?

12 PROSPECTIVE JUROR TILLY: Oh, I -- I
13 couldn't tell you.

14 THE COURT: So not in the last couple of
15 days. Would it have been longer?

16 PROSPECTIVE JUROR TILLY: Oh, no, no.
17 It hasn't been recently at all.

18 THE COURT: Okay. And do you remember
19 any details about what you saw?

20 PROSPECTIVE JUROR TILLY: No.

21 THE COURT: Was it on, like, the
22 Internet or on television or in the
23 newspaper?

24 PROSPECTIVE JUROR TILLY: It would have
25 been on television. My husband has

1 television on 24/7. I don't really watch
2 television so it would have been just
3 something I heard. And if it caught my ear,
4 I would have stopped but nothing that I would
5 have remembered unless it would have turned
6 into, like, a 48-hour thing or something like
7 that that he was watching. I wouldn't know
8 and I don't remember anything like that.

9 THE COURT: All right. So then have you
10 been able -- or have you formed any fixed
11 opinions about this case based on what you've
12 heard?

13 PROSPECTIVE JUROR TILLY: No, sir.

14 THE COURT: You can assure us that you
15 could and will decide this case based solely
16 on what you hear in this courtroom?

17 PROSPECTIVE JUROR TILLY: Yes, sir.

18 THE COURT: All right. Mr. Mizrahi?

19 MR. MIZRAHI: I have no questions, Your
20 Honor.

21 THE COURT: Mr. Fallis?

22 MR. FALLIS: Yes, sir.

23 Ma'am, two things. You said you can't
24 recall when you heard about it. Are we
25 talking about days or are we talking about

1 years?

2 PROSPECTIVE JUROR TILLY: Or at least a
3 year or two. It's been a while.

4 MR. FALLIS: We're not talking about
5 20 years ago.

6 PROSPECTIVE JUROR TILLY: Oh, no, no.

7 MR. FALLIS: We're talking about maybe a
8 year ago, you heard about this?

9 PROSPECTIVE JUROR TILLY: Yes.

10 MR. FALLIS: And you say you don't
11 remember much. But you were asked this
12 morning if you heard anything, and you -- as
13 you should have, you raised your hand. And
14 you didn't hesitate about that.

15 PROSPECTIVE JUROR TILLY: Just that I --
16 it's just that the question to me was have
17 you heard anything about the case. When they
18 said the names, yes, I have heard those names
19 and remember a case about it. But that's it.

20 MR. FALLIS: Do you remember anything
21 that happened 23 -- over 20 years ago in this
22 case? Do you remember hearing or reading
23 anything about it then?

24 PROSPECTIVE JUROR TILLY: No.

25 MR. FALLIS: Another thing that you just

1 mentioned about the television being on
2 24/7 --

3 PROSPECTIVE JUROR TILLY: My husband has
4 it on.

5 MR. FALLIS: I can understand that.

6 I believe the Court's going to tell you
7 that if you are to be chosen for this jury,
8 you can't have any exposure to that news and
9 the television.

10 PROSPECTIVE JUROR TILLY: Oh, I know
11 that. And he's going to know that too. He's
12 very well aware that -- of this process.
13 He -- he was reading all about it, saying
14 that I was unable -- I would be unable to
15 talk to him, listen to anything, share
16 anything with him. He -- he is aware of that
17 and knows that I wouldn't be able to watch
18 it.

19 MR. FALLIS: Was he talking about this
20 particular case?

21 PROSPECTIVE JUROR TILLY: No, no. He
22 just understood the process and -- of being a
23 juror and knowing that I wouldn't be able to
24 listen to anything.

25 MR. FALLIS: And he's going to respect

1 that.

2 PROSPECTIVE JUROR TILLY: Yes, he is.
3 He's very respectful of that.

4 MR. FALLIS: Thank you.

5 THE COURT: All right. Thank you,
6 ma'am. We'll call you-all back in in just a
7 minute. So if you'll wait outside.

8 PROSPECTIVE JUROR TILLY: Okay. Thank
9 you.

10 (Prospective Juror Tilly excused.)

11 THE COURT: All right. I'm going to
12 call Miss Rodgers in, and I'm inclined to
13 excuse her now. That's what both sides have
14 agreed to do is question her when we let her
15 know. But I don't want to take the chance if
16 she's related. So let's bring in
17 Miss Rodgers, Juror No. 10.

18 And I'll trust that will not start a
19 trend.

20 (Prospective Juror Rodgers present.)

21 THE COURT: Good morning, Miss Rodgers,
22 or good afternoon.

23 This morning, it came up that you were
24 familiar with this case because I think you
25 have a familial connection to the Fraser

1 family?

2 PROSPECTIVE JUROR RODGERS: My brother
3 is married to Aaron's sister.

4 THE COURT: Okay. Well, you said that
5 you do not think you could be fair and
6 impartial in this case.

7 PROSPECTIVE JUROR RODGERS: I don't
8 think I could be.

9 THE COURT: Yes. I think that's
10 probably fair. That's only understandable.
11 Okay?

12 Mr. Mizrahi, for the State, Mr. Fallis,
13 for the defense, any objection to excusing
14 Miss Rodgers for cause?

15 MR. MIZRAHI: No, Your Honor.

16 MR. FALLIS: No, sir.

17 THE COURT: All right. We're going to
18 go ahead and excuse you for cause right now.
19 So you don't have to come back in here. I am
20 going to have you go down to the jury
21 assembly room on the first floor where you
22 started today to see if there's any other
23 jurors -- or juries that you could serve on.
24 There may be. There may not be. But you
25 won't be here. Okay?

1 PROSPECTIVE JUROR RODGERS: Thank you
2 very much.

3 THE COURT: You're very welcome. Have a
4 good rest of your day, ma'am.

5 PROSPECTIVE JUROR RODGERS: Thank you.

6 (Prospective Juror Rodgers excused.)

7 THE COURT: All right. Anything else
8 before we bring in the entire panel?

9 MR. MIZRAHI: Not from the State, Your
10 Honor.

11 MR. FALLIS: Your Honor, if we could
12 agree at this point from these individuals
13 that we did if there were any for cause that
14 we can agree on, we won't have to belabor it
15 and waste time with jurors that we don't need
16 to be wasting time on.

17 THE COURT: Fair. Fair point.

18 Mr. Mizrahi, let's start on that first
19 row, Miss Seaman. I didn't hear anything
20 but --

21 MR. MIZRAHI: No, Your Honor. It seems
22 to me the only two that gave an indication is
23 38 and 40.

24 THE COURT: 38 and 40?

25 All right. Mr. Fallis?

1 MR. FALLIS: We agree with that.

2 THE COURT: Then we're not going to
3 excuse them, but we're going to strike
4 Mr. Thomas, Juror No. 38, for cause and Juror
5 No. 40, Miss Sudduth, for cause.

6 Mr. Fallis, anybody for the defense that
7 you wanted added to that list?

8 MR. FALLIS: Your Honor, I'm looking
9 right now. For cause issues, correct?

10 THE COURT: For cause issues as to this
11 media interest only.

12 MR. FALLIS: Not just for media interest
13 but there are other for causes.

14 THE COURT: Sure. We'll deal with that.
15 And, Mr. Mizrahi, what do you want?

16 MR. MIZRAHI: Yes, maybe further
17 inquiry. There may be further inquiries we'd
18 like to make. So the two media inquiries,
19 Sudduth and Thomas, I would agree for cause.

20 THE COURT: All right. So before we
21 bring in the panel, I know we've got some
22 members of the media here right now. I have
23 hard and fast rule in the courtroom that no
24 cell phones are to be used or even on. I
25 will make an exception to that rule 'cause I

1 know you-all are using that for work but
2 please do that discreetly. Okay? So keep it
3 down below the booth so it doesn't become a
4 distraction.

5 With that, I'm happy to have you here
6 and work, but if it becomes a distraction.
7 It's going to be an issue. Everybody
8 understand?

9 "UNIDENTIFIED SPEAKER: Yes.

10 THE COURT: Very good.

11 All right. Then with that, let's bring
12 in the panel.

13 And, Mr. Fallis, you're going to do the
14 voir dire for the defense?

15 MR. FALLIS: Yes, sir.

16 (Jury panel present.)

17 THE COURT: Welcome back, ladies and
18 gentlemen. I hope you had a good lunch and
19 are ready to start the afternoon process of
20 the jury selection. We're going to hear from
21 the lawyers, and we'll hear from the State
22 first.

23 Mr. Mizrahi, you may inquire, sir.

24 MR. MIZRAHI: May it please the Court?

25 THE COURT: Yes, sir.

1 MR. MIZRAHI: Counsel.

2 Good afternoon, ladies and gentlemen.

3 THE PROSPECTIVE JURORS: Good afternoon.

4 MR. MIZRAHI: As you have heard, my name
5 is Alan Mizrahi. I'm a prosecutor and
6 Assistant State Attorney. Along with Matt
7 Heavener, our chief Assistant State Attorney,
8 and Sam Friedman, one of our younger
9 prosecutors, we will be the trial team
10 presenting to you State of Florida versus
11 Michael Haim. We have been appointed to this
12 case by your elected State Attorney, Melissa
13 Nelson. Our job is to present the case to
14 you for your determination about whether or
15 not the State has proven its charge beyond
16 and to the exclusion of every reasonable
17 doubt.

18 The nature of our conversation here
19 today is very different from the rest of the
20 trial. This is the only opportunity that we,
21 the lawyers, have to ask you questions to get
22 your thoughts about criminal justice issues.

23 So I want to go over a few of the rules,
24 go through some background, clear up
25 questions that stem from answers you've

1 already given, and then we'll ask you some of
2 your thoughts about the law and things like
3 that.

4 As the Court indicated previously, there
5 are no right or wrong answers. There is only
6 the truth. So please do that. Don't think
7 that we will be prefer one answer over the
8 other.

9 Also, when in doubt, if you're not sure
10 if something applies to you, it does.
11 Because we try to go as quickly as we can,
12 but if a question even touches on a potential
13 subject and you're like, I wonder if this
14 applies, it applies. Just raise your hand
15 and say, I'm not sure if this applies, but I
16 would like to share this with you. That will
17 make this entire process go a lot faster.

18 As the Judge indicated, we have a court
19 reporter here. This is a court of record so
20 everything has to be verbalized. I can say
21 that I have already seen a couple of jurors
22 do the standard "uh-huh," which is completely
23 normal. Trust me, I understand that uh-huh
24 means yes. Unfortunately, it gives the court
25 reporter a very difficult time of typing down

1 uh-huh versus huh-uh. So if you can,
2 remember to do that. And if you say "uh-huh"
3 or "huh-uh," I will try to say, is that a
4 "yes"; is that a "no"?

5 Also, there's a couple of times that
6 there was some talking over each other.
7 That's going to happen just 'cause that's the
8 nature of the way we converse. But try your
9 best not to talk over me, and I will try to
10 do the same with you because she can't take
11 down two people at the same time. It's very
12 difficult.

13 Also, if you have something to say,
14 please feel free to comment on anything that
15 we're discussing. But we can't have shouting
16 matches because every person that talks,
17 their name has to be associated with what
18 they say. So we have to do the whole
19 classroom, raise your hand, Juror No. 24,
20 Juror No. 20. You call out your name so we
21 can have a very clean record.

22 I will ask group questions and even
23 though I ask group questions, I expect each
24 one of you will answer out loud affirmatively
25 or negatively. If you have something that's

1 different than the group, please raise your
2 hand and say, I said something different, and
3 express that difference.

4 I'm also going to go row by row, and I'm
5 going to ask y'all some individual questions.
6 So like the judge said, it's important for
7 those, especially in the back -- probably
8 make a rule for everyone to just stand up
9 give your answer, and I do think we still
10 have the microphone, if necessary.

11 So I'm going to go through some of the
12 background stuff that the judge has already
13 brought up just to clarify some of the
14 questions on the biographical information.

15 And I see Mr. Britt, Juror No. 3. I saw
16 you had several adult children. I was
17 wondering what those adult children do for a
18 living.

19 PROSPECTIVE JUROR BRITT: My oldest
20 daughter is a manager at a bar/restaurant in
21 Burlington, Wisconsin. My oldest son, 32, is
22 a garage door installer. My 24-year-old just
23 graduated UNF so she's doing web design. And
24 my 15-year-old goes to Fletcher, plays sports
25 here.

1 MR. MIZRAHI: What sport?

2 PROSPECTIVE JUROR BRITT: Baseball.

3 Game tonight at 6:00.

4 MR. MIZRAHI: That's a lot of pressure
5 but I'm optimistic for you, although the
6 beach is tough to get to. Thank you, sir.

7 PROSPECTIVE JUROR BRITT: Yes, sir.

8 Thank you.

9 MR. MIZRAHI: Miss Seaman, you indicated
10 that you were in retail but you're currently
11 unemployed, is that true?

12 PROSPECTIVE JUROR SEAMAN: Yes.

13 MR. MIZRAHI: Okay. Are you looking for
14 employment in that particular field?

15 PROSPECTIVE JUROR SEAMAN: Not really.

16 MR. MIZRAHI: Okay. What field are you
17 looking for employment in?

18 PROSPECTIVE JUROR SEAMAN: Right now, I
19 have an interview at the library 'cause I
20 just graduated from the University of Tampa
21 with a history degree.

22 MR. MIZRAHI: Okay. What would you do
23 at the library?

24 PROSPECTIVE JUROR SEAMAN: It was, like,
25 a (inaudible) library.

1 MR. MIZRAHI: I ask you that. I hope
2 that goes well for you. But also, you have a
3 large group here. You guys are not allowed
4 to talk about the case, but one thing you
5 could talk about is potentially networking
6 and things like that.

7 PROSPECTIVE JUROR SEAMAN: Thank you.

8 MR. MIZRAHI: It can't hurt. Good luck
9 on the interview. When is that interview?

10 PROSPECTIVE JUROR SEAMAN: On Friday.

11 MR. MIZRAHI: Okay. And what time is
12 that?

13 PROSPECTIVE JUROR SEAMAN: 10:00 a.m.

14 MR. MIZRAHI: Okay. There's a
15 possibility you could miss that based on the
16 nature of this trial. I'm relatively sure
17 that they would give you another interview.
18 If you could check on that and say, I'm
19 planning on coming, but if I am selected, I
20 may have to be here Friday; can we reschedule
21 for Monday or something like that. Could you
22 check on that for us?

23 PROSPECTIVE JUROR SEAMAN: Yes, sir.

24 MR. MIZRAHI: Thank you.

25 THE COURT: All right. Be sure

1 everybody -- I heard you, Miss Seaman, but it
2 was a little -- I was having to listen
3 carefully.

4 So make sure everybody speaks up. We
5 can get the microphone if you want but it's
6 not always necessary. Just, you know,
7 remember you're speaking not just to
8 Mr. Mizrahi but to the folks on the far side.
9 Because it's important that the other jurors
10 hear the answers too because that may have
11 some impact on what they're thinking. So it
12 really is your speaking to everybody in the
13 room. Okay?

14 Go ahead, sir.

15 MR. MIZRAHI: Miss Gil.

16 PROSPECTIVE JUROR GIL: Right here.

17 MR. MIZRAHI: Yes. Thank you.

18 You currently work for the Department of
19 Children and Family Services.

20 PROSPECTIVE JUROR GIL: Yes, sir.

21 THE COURT: Stand up, Miss Gil.

22 MR. MIZRAHI: Miss Gil, you may hear
23 from witnesses that used to work for the
24 Child Protection Team in this particular
25 case. Okay?

1 PROSPECTIVE JUROR GIL: Okay.

2 MR. MIZRAHI: So I'm prefacing that to
3 make sure that there's nothing about your job
4 that you would bring in to this particular
5 case, and you will judge this case based on
6 the evidence you hear in court and on the law
7 as the judge instructs.

8 PROSPECTIVE JUROR GIL: Yes, sir.

9 MR. MIZRAHI: And can you set aside the
10 nature of your employment and decide this
11 case based on what you hear in court?

12 PROSPECTIVE JUROR GIL: Yes, sir.

13 MR. MIZRAHI: Okay. It's important
14 because we wouldn't want you to go back in
15 the jury room and say, well, you know, I had
16 this case once, or one time in my career,
17 this happened. And then there's nothing that
18 we know about, and we can't ask questions
19 about it or anything like that. So it's
20 important that you set aside you're an
21 employee and decide this case on the
22 evidence.

23 PROSPECTIVE JUROR GIL: Yes, sir.

24 MR. MIZRAHI: Okay. Thank you.

25 Miss Partington, Juror No. 15, you

1 indicated that you are unemployed. Are you
2 seeking employment?

3 PROSPECTIVE JUROR PARTINGTON: Not at
4 this time so --

5 MR. MIZRAHI: So I guess you were a
6 housewife prior to the separation process?

7 PROSPECTIVE JUROR PARTINGTON: Yes.

8 MR. MIZRAHI: Thank you. I just wanted
9 to make -- similar to Miss Seaman, I wanted
10 to see if you were out there networking.

11 PROSPECTIVE JUROR PARTINGTON: What's
12 that?

13 MR. MIZRAHI: I wanted to see if you
14 wanted to be out there networking and meeting
15 people to see if you could find a job.

16 PROSPECTIVE JUROR PARTINGTON: Yes, yes.
17 I'm actually going through real estate school
18 right now.

19 MR. MIZRAHI: Okay. 'Cause I did know
20 someone on panel, I think, had a wife in the
21 real estate business. Can't hurt to ask
22 questions, right?

23 PROSPECTIVE JUROR PARTINGTON: That's
24 right.

25 MR. MIZRAHI: Thank you.

1 Miss Mosley, Juror No. 18, I know the
2 judge asked you this question, but I just
3 want to confirm it for the record.
4 Miss Mosley, is there any way you can change
5 this doctor's appointment?

6 PROSPECTIVE JUROR MOSLEY: No.
7 Health-wise, I just found out that I have
8 some health issues, and my primary doctor
9 referred me to an oncologist.

10 MR. MIZRAHI: Okay. I don't want to pry
11 too much. I just wanted to confirm there was
12 nothing you could do to change it.

13 PROSPECTIVE JUROR MOSLEY: No, sir. I'm
14 sorry.

15 MR. MIZRAHI: No. It's perfectly okay.
16 I just wanted to make sure. I say that not
17 for you, but sometimes everyone's looking to
18 get off. Oh, I have a doctor's appointment.

19 PROSPECTIVE JUROR MOSLEY: No. I'd love
20 to be here.

21 MR. MIZRAHI: I appreciate your
22 cooperation. Thank you.

23 Mr. Montgomery, Juror No. 19. Thank you
24 for your service to our country.

25 You indicated that you were on a

1 criminal jury, but I didn't get whether or
2 not a verdict was rendered.

3 PROSPECTIVE JUROR MONTGOMERY: It was.

4 MR. MIZRAHI: Okay. And were you the
5 foreperson or were you not the foreperson?

6 PROSPECTIVE JUROR MONTGOMERY: Not, sir.

7 MR. MIZRAHI: Okay. Thank you, sir.

8 Mr. Dimaio?

9 PROSPECTIVE JUROR DIMAIO: Yes, sir.

10 MR. MIZRAHI: You indicated that you
11 have some financial issues if you're here and
12 not working, which is totally understandable
13 and normal. Unfortunately, that's not a
14 legal basis to get off of jury service. I'm
15 sure they told you that downstairs.

16 PROSPECTIVE JUROR DIMAIO: Right. The
17 paperwork pretty much made that clear.

18 MR. MIZRAHI: Yes, sir.

19 But I promise that both parties will
20 take that into consideration, but, of course,
21 if everyone that lost money as a result of
22 being here was excused, we would only have
23 retirees and people that weren't employed.
24 So I think you understand how important this
25 jury service is, and I appreciate you being

1 here today.

2 That being said, if you were selected --
3 I promise we will consider your financial
4 situation. But if you were to sit as a
5 juror, would you promise to give your full
6 attention to this particular case, even if it
7 was creating a burden for you?

8 PROSPECTIVE JUROR DIMAIO: Yes.

9 MR. MIZRAHI: I appreciate that, sir. I
10 promise we'll take it into consideration.

11 Juror No. 24, Mr. Cassani. How you
12 doing, sir? There was another -- I think
13 Juror No. 11, Mr. Waugh, y'all both work for
14 the IT at Football Fanatics or Fanatics. Do
15 you two know each other?

16 PROSPECTIVE JUROR CASSANI: No. I don't
17 work for the IT department.

18 MR. MIZRAHI: Where do you work at
19 Fanatics?

20 PROSPECTIVE JUROR CASSANI: Facility,
21 Level III mechanic.

22 MR. MIZRAHI: Mechanic for Fanatics? I
23 think that's it.

24 PROSPECTIVE JUROR CASSANI: (Nods head.)

25 MR. MIZRAHI: Thank you, sir.

1 While I'm on that question, do any
2 jurors on the panel know each other?

3 A PROSPECTIVE JUROR: Yes.

4 MR. MIZRAHI: And raise your hands. A
5 bunch.

6 Okay. Juror No. 5, Miss Beaton, who do
7 you know?

8 PROSPECTIVE JUROR BEATON: Michael
9 Loiacono.

10 MR. MIZRAHI: Michael who?

11 PROSPECTIVE JUROR BEATON: Loiacono.

12 MR. MIZRAHI: Okay. That's Juror
13 No. 17.

14 PROSPECTIVE JUROR BEATON: Yes, sir.

15 MR. MIZRAHI: Okay. Is there any --
16 Miss Beaton, Juror No. 5, is there anything
17 about that relationship that would cause you
18 to be unfair if you were sitting on the same
19 jury with him?

20 PROSPECTIVE JUROR BEATON: No.

21 MR. MIZRAHI: The whole point of this
22 question is if you have a boss and a
23 subordinate or a husband and a wife or
24 something like that, the -- one party may
25 feel influenced by the other party to render

1 whatever that party thinks is the correct
2 verdict. That's the point of this whole
3 question, to make sure there's no
4 relationship -- that we make it so you both
5 couldn't sit as jurors.

6 So, Miss Beaton, is there anything about
7 that relationship would cause you not to be
8 fair?

9 PROSPECTIVE JUROR BEATON: No.

10 MR. MIZRAHI: And then, Mr. Loiacono?

11 PROSPECTIVE JUROR LOIACONO: Yes, sir.

12 MR. MIZRAHI: Anything about your
13 relationship with Miss Beaton that would
14 cause you to be unfair?

15 PROSPECTIVE JUROR LOIACONO: No, sir.

16 MR. MIZRAHI: Thank you.

17 PROSPECTIVE JUROR LOIACONO: And I
18 also -- I know Dillon Ford as well.

19 MR. MIZRAHI: Okay. Mr. Ford and
20 Mr. Loiacono, same question with regard to
21 Mr. Ford and Mr. Loiacono.

22 PROSPECTIVE JUROR LOIACONO: No issues.

23 MR. MIZRAHI: Okay. Mr. Ford, same
24 question about Mr. Loiacono.

25 PROSPECTIVE JUROR FORD: No issues.

1 MR. MIZRAHI: Okay. Anyone else I may
2 have missed?

3 Miss Leatherbarrow, I indicate -- my
4 notes indicated that you were unemployed, but
5 I wasn't sure you were looking for
6 employment.

7 PROSPECTIVE JUROR LEATHERBARROW: No,
8 not really hard.

9 MR. MIZRAHI: Not hard?

10 PROSPECTIVE JUROR LEATHERBARROW: I
11 should be but no.

12 MR. MIZRAHI: Okay. Fair enough.

13 PROSPECTIVE JUROR LEATHERBARROW: I'm
14 beating a path occasionally.

15 MR. MIZRAHI: What field would you be --

16 PROSPECTIVE JUROR LEATHERBARROW: I was
17 retail management.

18 MR. MIZRAHI: And where were you last
19 employed?

20 PROSPECTIVE JUROR LEATHERBARROW: I
21 was -- I actually owned a bookstore at the
22 beach and probably ten years ago, sold it and
23 just didn't want to get back. I just have
24 made a lot of excuses.

25 MR. MIZRAHI: I understand. Thank you.

1 Miss Walker, have you found any child
2 care in the interim since we last spoke?

3 PROSPECTIVE JUROR WALKER: No, sir.

4 MR. MIZRAHI: If, Miss Walker, you were
5 to -- I'll just strike that. Thank you.

6 Mr. Harris?

7 PROSPECTIVE JUROR HARRIS: Yes, sir.

8 MR. MIZRAHI: Indicated -- my notes
9 indicated that either you were unemployed or
10 your wife was. I think maybe both.

11 PROSPECTIVE JUROR HARRIS: Both.

12 MR. MIZRAHI: Are you both looking?

13 PROSPECTIVE JUROR HARRIS: Yes.

14 MR. MIZRAHI: What fields?

15 PROSPECTIVE JUROR HARRIS: Mortgage
16 underwriter.

17 MR. MIZRAHI: And she was a mortgage
18 underwriter as well?

19 PROSPECTIVE JUROR HARRIS: No, sir. She
20 was -- worked for Wounded Warrior.

21 MR. MIZRAHI: She worked for Wounded
22 Warrior, is that correct?

23 PROSPECTIVE JUROR HARRIS: Right.

24 MR. MIZRAHI: Is she working -- looking
25 in that field?

1 PROSPECTIVE JUROR HARRIS: Yes.

2 MR. MIZRAHI: Chairman of organizations
3 and whatnot?

4 PROSPECTIVE JUROR HARRIS: Yes.

5 MR. MIZRAHI: And when were you last
6 employed as a mortgage underwriter?

7 PROSPECTIVE JUROR HARRIS: Back October
8 of last year.

9 MR. MIZRAHI: Okay. I also saw that --
10 thank you. Appreciate it, sir.

11 Mr. Schubiger, Juror No. 39, you had at
12 least one adult, maybe two adult children.
13 What do they do for a living?

14 PROSPECTIVE JUROR SCHUBIGER: My
15 daughter lives in Maryland and she works for
16 a school system. She's an interpreter for
17 the deaf. And my son owns a business here in
18 Jacksonville, Kona Ice.

19 MR. MIZRAHI: And what is that business?

20 PROSPECTIVE JUROR SCHUBIGER: It is a
21 shaved ice business.

22 MR. MIZRAHI: Thank you, sir.

23 Mr. Betancourt.

24 PROSPECTIVE JUROR BETANCOURT APONTE:
25 Yes, sir.

1 MR. MIZRAHI: Have you been able to
2 understand everything up until now?

3 PROSPECTIVE JUROR BETANCOURT APONTE: So
4 far, yeah.

5 MR. MIZRAHI: Okay. Raise your hand if
6 you can't understand. Okay?

7 PROSPECTIVE JUROR BETANCOURT APONTE:
8 Believe me, I will raise my hand.

9 MR. MIZRAHI: Okay. Thank you, sir.

10 Miss Sims, I see that you were married
11 to a chief financial officer. I didn't get
12 what it was for.

13 PROSPECTIVE JUROR SIMS: City Rescue
14 Mission.

15 MR. MIZRAHI: And you are unemployed?
16 Are you looking in your field?

17 PROSPECTIVE JUROR SIMS: No. Actually,
18 I'm their full-time receptionist but I
19 volunteer.

20 MR. MIZRAHI: Okay. Sure. That makes
21 sense. Thank you.

22 Mr. Eaves, Juror No. 54.

23 PROSPECTIVE JUROR EAVES: Yes, sir.

24 MR. MIZRAHI: What about your work
25 issue? Think you work around that?

1 PROSPECTIVE JUROR EAVES: Yeah. I spoke
2 with my manager.

3 MR. MIZRAHI: That's great. Appreciate
4 your service.

5 The next question has to do briefly with
6 what the judge has already kind of asked. I
7 want to broaden a little bit. He indicated
8 whether you were the victim of a crime. And,
9 you know, some of you responded, I was a
10 victim of a burglary or grand theft auto.
11 Unless those had some profound impact on your
12 life, there is no need for you to raise your
13 hand again.

14 My question goes more to the victim of a
15 violent crime or victims of domestic
16 violence. So if you have ever -- obviously,
17 it can be a very violent crime as well. So
18 carjacking would count as violent crime,
19 robbery, attempted murder, murder, domestic
20 violence, those kind of issues, if it's
21 either you personally or a friend or family
22 member that's close to you. If your cousin,
23 something happened to him and you never talk
24 to him, we don't need to know about it. If
25 your mom, something bad happened to her,

1 yeah, we need to know about that. I'm going
2 to defer to you as to what you should bring
3 up to us. Remember, when in doubt, bring it
4 up.

5 We'll go row by row, victims of violent
6 crime, either you or a personal friend or
7 family. Anyone on the first row?

8 PROSPECTIVE JUROR LUCARELLI: My
9 ex-husband --

10 MR. MIZRAHI: That's Juror No. 6.

11 THE COURT: If you could stand up for me
12 too, ma'am. I want to make sure everybody
13 can hear you.

14 PROSPECTIVE JUROR LUCARELLI: My
15 ex-husband was very abusive but it never went
16 to court or anything.

17 MR. MIZRAHI: Okay. Do you think you
18 can set that aside and give both the State
19 and the defense a fair trial?

20 PROSPECTIVE JUROR LUCARELLI: Yes.

21 MR. MIZRAHI: You understand that has
22 nothing to do with this particular case.

23 PROSPECTIVE JUROR LUCARELLI: Yes.

24 MR. MIZRAHI: You will not automatically
25 convict the defendant because of what

1 happened to you.

2 PROSPECTIVE JUROR LUCARELLI: No.

3 MR. MIZRAHI: Thank you, Miss -- how do
4 you say your name?

5 PROSPECTIVE JUROR LUCARELLI: Lucarelli.

6 MR. MIZRAHI: Lucarelli. Thank you,
7 Juror No. 6.

8 Anyone else on that first row?

9 Yes, Miss Beaton.

10 PROSPECTIVE JUROR BEATON: My sister --

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR BEATON: My oldest
13 sister was a -- the victim of spousal abuse.

14 MR. MIZRAHI: Did you ever witness that?

15 PROSPECTIVE JUROR BEATON: I did not.

16 MR. MIZRAHI: Anything about that that
17 would cause you to be unfair in this case?

18 PROSPECTIVE JUROR BEATON: No.

19 MR. MIZRAHI: Thank you, ma'am.

20 Anyone else on that first row?

21 I don't see any hands.

22 Second row, victims of violent crime.

23 Yes, Miss Palmer.

24 PROSPECTIVE JUROR PALMER: I was in a
25 relationship with my daughter's --

1 THE COURT: Miss Palmer, if you could
2 stand up for me, please.

3 MR. MIZRAHI: We're just going to make
4 sure of that.

5 PROSPECTIVE JUROR PALMER: I was in
6 relationship with my first daughter's father,
7 who was sexually and physically violent.

8 MR. MIZRAHI: Can you set that aside and
9 give the State and the defense a fair trial?

10 PROSPECTIVE JUROR PALMER: I personally
11 already think that it's corrupt to begin
12 with.

13 MR. MIZRAHI: What's corrupt?

14 PROSPECTIVE JUROR PALMER: The
15 government.

16 MR. MIZRAHI: The system?

17 PROSPECTIVE JUROR PALMER: Yeah.

18 MR. MIZRAHI: Okay. So it sounds to me
19 like you couldn't give -- hold on. I've got
20 to clarify for the record.

21 So do you believe it's corrupt based on
22 your own personal experience with regard to
23 your father of your first daughter or just in
24 general?

25 PROSPECTIVE JUROR PALMER: Just in a

1 general sense, just a lot of things that I've
2 seen, people that I've known throughout my
3 life.

4 MR. MIZRAHI: Can you set that aside and
5 give the State a fair trial?

6 PROSPECTIVE JUROR PALMER: I personally
7 don't even really want to be involved with
8 this but --

9 MR. MIZRAHI: Okay. So the answer is
10 no, you cannot, is that true?

11 PROSPECTIVE JUROR PALMER: Yes, sir.

12 MR. MIZRAHI: Anyone else in that row?

13 Yes, Mr. Waugh.

14 PROSPECTIVE JUROR WAUGH: 20 years ago,
15 my brother was shot in the face. He's fine
16 now. You can hardly see the scar.

17 MR. MIZRAHI: Anything about that that
18 would cause you to be unfair in this case?

19 PROSPECTIVE JUROR WAUGH: No.

20 MR. MIZRAHI: Thank you, Mr. Waugh.

21 Anyone else on that row?

22 Yes, Miss Gil.

23 PROSPECTIVE JUROR GIL: It was about 20
24 years ago. We were mugged. We weren't hurt
25 but we got robbed.

1 MR. MIZRAHI: Anything about that that
2 would cause you to be unfair in this case?

3 PROSPECTIVE JUROR GIL: No.

4 MR. MIZRAHI: Thank you, ma'am.
5 Miss O'Brien?

6 PROSPECTIVE JUROR O'BRIEN: About
7 23 years ago, I got carjacked in the parking
8 lot of (inaudible).

9 MR. MIZRAHI: And you think -- you
10 already told the judge that you can set that
11 aside and give both the State and the defense
12 a fair trial.

13 PROSPECTIVE JUROR O'BRIEN: Certainly.

14 MR. MIZRAHI: Thank you.

15 Anyone else in that row I may have
16 missed?

17 Okay. Third row on my right, raise your
18 hands real high, victims of violent crime.

19 Okay. Mr. Loiacono?

20 PROSPECTIVE JUROR LOIACONO: Yes, sir.
21 One of my wife's best friends has been in an
22 abusive relationship for about seven or eight
23 years.

24 MR. MIZRAHI: Have you witnessed that
25 abuse?

1 PROSPECTIVE JUROR LOIACONO: Not
2 physically witnessed it but witnessed the
3 aftereffects, yes, sir.

4 MR. MIZRAHI: Can you set that
5 experience aside and give both the State and
6 the defense a fair trial in this case?

7 PROSPECTIVE JUROR LOIACONO: Yes, sir.

8 MR. MIZRAHI: Thank you.

9 Anyone else on that row?

10 Don't see any hands.

11 Fourth row to my right, hands real high.

12 Miss Robinson, go ahead, ma'am.

13 PROSPECTIVE JUROR ROBINSON: My
14 brother's house was broken into twice.

15 MR. MIZRAHI: Okay. Is that especially
16 impactful in your life?

17 PROSPECTIVE JUROR ROBINSON: Just seeing
18 everybody there cleaning it up was
19 traumatizing but no.

20 MR. MIZRAHI: Okay. Anything about that
21 that would cause you to be unfair in this
22 case?

23 PROSPECTIVE JUROR ROBINSON: No.

24 MR. MIZRAHI: Thank you, Miss Robinson.

25 Mr. Cassani, I think I saw your hand.

1 PROSPECTIVE JUROR CASSANI: My older
2 sister, with her ex-husband, was in a pretty
3 violent relationship.

4 MR. MIZRAHI: Did you witness that?

5 PROSPECTIVE JUROR CASSANI: A little
6 bit.

7 MR. MIZRAHI: Can you set that
8 experience aside and give both the State and
9 defense a fair trial?

10 PROSPECTIVE JUROR CASSANI: If things
11 seem similar, I don't know, you know.

12 MR. MIZRAHI: Well, that's a great
13 point. I know we're asking -- I'm going to
14 have to ask you a few more questions so
15 remain standing. Sorry, sir. I know we're
16 asking you how you'd be in the future, what
17 you're going to think about later when you
18 hear this case. And this is not the time to
19 go through the facts.

20 But it's important to recognize that
21 just because you hear about something that
22 may be similar that that doesn't mean that
23 the defendant is automatically guilty or
24 automatically innocent, that the burden of
25 proof still remains with the State of

1 Florida. We have to show by evidence that
2 the defendant committed the crime with which
3 he's charged. We have to prove that beyond a
4 reasonable doubt. If you start thinking
5 about your sister, which is completely normal
6 to think about -- I can't believe you know
7 this happened to her -- it's very important
8 for both sides to know that you will stop
9 thinking about it and go wait, I've still got
10 to make sure the State has proven its case
11 beyond and to the exclusion of a reasonable
12 doubt. You promise that you will hold to us
13 our burden?

14 PROSPECTIVE JUROR CASSANI: I don't
15 know. You know what? I mean, I can't say
16 how I'm going to be feeling, you know.

17 MR. MIZRAHI: And I know that's hard to
18 say, how you're going to be feeling. What
19 I'm going to ask of you is will you promise
20 that you won't consider what happened to your
21 sister in rendering this verdict?

22 PROSPECTIVE JUROR CASSANI: Okay.

23 MR. MIZRAHI: Can you promise that?

24 PROSPECTIVE JUROR CASSANI: Sure.

25 MR. MIZRAHI: Okay. Thank you.

1 Anyone else in that row?

2 Yes, Mr. --

3 PROSPECTIVE JUROR BROOMFIELD: I have a
4 brother that's been incarcerated about
5 27 years now. Back then, it was ten years.
6 He got involved with fight or whatever as a
7 young fellow. And every time he comes up for
8 parole, there's something else, some
9 information and this and that and the other.
10 I'm a little bit conflicted about the
11 judicial system right now.

12 MR. MIZRAHI: Sure.

13 PROSPECTIVE JUROR BROOMFIELD: To be
14 honest, I'll tell you I don't know how I
15 would feel in a different situation. You
16 know what I'm saying?

17 MR. MIZRAHI: That's Juror No. --

18 PROSPECTIVE JUROR BROOMFIELD: Fighting
19 it for years, getting nowhere.

20 MR. MIZRAHI: Mr. Broomfield?

21 PROSPECTIVE JUROR BROOMFIELD: Yes.

22 MR. MIZRAHI: Okay. Mr. Broomfield,
23 actually you jumped ahead to what my next
24 question is going to be, which is about
25 negative police experiences or negative

1 feelings toward the criminal justice system,
2 which is completely normal to have those
3 feelings. I think many of us have had an
4 experience in their life where a friend or
5 family member's had something bad happen in
6 the criminal justice system or even us
7 personally have had an encounter with a
8 police officer that we didn't like. A lot of
9 people have experienced negative things in
10 the criminal justice system.

11 What is critical is that we don't use
12 that negative experience to impact this case
13 'cause this case has nothing to do with your
14 brother. And I'm not asking you to forget
15 what happened to your brother. You should
16 always stand by him and do what you think is
17 morally and legally correct.

18 But what we are asking is that you don't
19 let that influence this particular case. In
20 other words, hold the State to a higher
21 burden or think, well, you know, what
22 happened to my brother, I'm going to let this
23 guy go 'cause of what happened to my brother.
24 'Cause that doesn't make a lot of sense,
25 right?

1 PROSPECTIVE JUROR BROOMFIELD: No.

2 MR. MIZRAHI: All right. Do you promise
3 that you will give the State a fair shot?

4 PROSPECTIVE JUROR BROOMFIELD: I can do
5 that but like I said, I don't know how I'll
6 feel, to be honest with you.

7 MR. MIZRAHI: Okay. So it sounds to me
8 like you're not sure. You really can't
9 promise me you're going to give me a fair
10 shot.

11 PROSPECTIVE JUROR BROOMFIELD: Going
12 through this for years.

13 MR. MIZRAHI: Sure.

14 PROSPECTIVE JUROR BROOMFIELD: Even out
15 of court and everything.

16 MR. MIZRAHI: Some people are so --

17 PROSPECTIVE JUROR BROOMFIELD: Some type
18 of way (inaudible).

19 MR. MIZRAHI: And some people -- I'm
20 sorry to keep talking over you. What I'm
21 hearing you say is you cannot give the State
22 a fair trial, is that true?

23 PROSPECTIVE JUROR BROOMFIELD: I can do
24 that. I'll do the best I could. I'll be
25 honest with you. That's it. Your situation

1 have nothing to do with my brother's, and I
2 think I can keep it separate, you know.

3 MR. MIZRAHI: Okay. So you think you
4 can. Can you promise us that?

5 PROSPECTIVE JUROR BROOMFIELD: Yes.

6 MR. MIZRAHI: Okay. Thank you,
7 Mr. Broomfield.

8 I think I saw another hand on that row.
9 That was Mr. Dimaio.

10 PROSPECTIVE JUROR DIMAIO: Yes, sir.
11 Obviously, I have a similar story when it
12 comes to the judicial system. My brother not
13 only has been in and out and has been through
14 several cases where he's blatantly had
15 non-substantial evidence and still put away,
16 but I've also had terrible police
17 experiences.

18 MR. MIZRAHI: Okay. And I appreciate
19 that. Just like Mr. Broomfield, many of
20 us -- almost every trial jury I pick, I have
21 citizens that have had those experiences.
22 And sometimes they can set it aside;
23 sometimes they can't. Can you set it aside
24 and give the State a fair trial?

25 PROSPECTIVE JUROR DIMAIO: I guess a

1 fair question on my part would be would -- I
2 mean, I don't know if you're able to even
3 answer this. Would there be police
4 witnesses?

5 MR. MIZRAHI: Oh, yeah, there will be.

6 PROSPECTIVE JUROR DIMAIO: Then I don't
7 think I could promise that.

8 MR. MIZRAHI: All right. Thank you,
9 sir.

10 Anyone else on that row? We did jump
11 ahead. We're still on the victim question,
12 not the bad police question. But that's
13 okay. When in doubt, raise your hand.
14 You're doing what I told you to.

15 All right. Last row, anyone else on the
16 right side I may have missed?

17 I don't see any hands.

18 Left side, front row?

19 Okay. I've got Mr. Harris, for sure.

20 PROSPECTIVE JUROR HARRIS: I was working
21 in a grocery store about 30 years ago. We
22 got robbed.

23 MR. MIZRAHI: Is that the case that you
24 were part of the prosecution on?

25 PROSPECTIVE JUROR HARRIS: Correct. And

1 they caught the guy and I was actually in
2 North Carolina at the time. I had to go all
3 the way back to Houston, Texas, for the trial
4 but he did get prosecuted.

5 MR. MIZRAHI: And you already told the
6 judge that you can set that aside and give
7 both sides a fair trial.

8 PROSPECTIVE JUROR HARRIS: Oh, yeah, no
9 problem.

10 MR. MIZRAHI: Thank you, Mr. Harris.

11 Anyone else on that row?

12 Yes, Mr. Lueders.

13 PROSPECTIVE JUROR LUEDERS: My wife,
14 before we were married, she was abused by her
15 ex-boyfriend.

16 MR. MIZRAHI: Okay.

17 PROSPECTIVE JUROR LUEDERS: But it's in
18 the past so we can put it behind us.

19 MR. MIZRAHI: So you can give both sides
20 a fair trial and set that aside?

21 PROSPECTIVE JUROR LUEDERS: Yes, sir.

22 MR. MIZRAHI: Thank you, Mr. Lueders.

23 Anyone else in that row?

24 I don't see any hands.

25 Second row to my left?

1 Hand. That's going to be Miss Corvison.
2 Go ahead.

3 PROSPECTIVE JUROR CORVISON: My friend
4 is currently going through a divorce and he
5 was very abusive. But I can put that aside.

6 MR. MIZRAHI: You can what?

7 PROSPECTIVE JUROR CORVISON: I can put
8 that aside.

9 MR. MIZRAHI: I know it's hard to speak
10 in front of all these people. But you can
11 set that aside and give both sides a fair
12 trial.

13 PROSPECTIVE JUROR CORVISON: Yes, sir.

14 MR. MIZRAHI: Thank you, Miss Corvison.
15 Yes, Mr. Kloeppel.

16 PROSPECTIVE JUROR KLOEPPPEL: My ex-wife
17 tried to hit me with her car among other
18 things, and that's what led to our divorce.

19 MR. MIZRAHI: Okay. Anything about that
20 that would cause you to be unfair in this
21 case?

22 PROSPECTIVE JUROR KLOEPPPEL: Probably
23 not. But I did think it was remarkable that
24 law enforcement and judicial officers with
25 whom I spoke said it was a he said/she said

1 situation, and there's nothing I can do about
2 it.

3 MR. MIZRAHI: Okay. But you will not
4 consider that in rendering your verdict in
5 this case.

6 PROSPECTIVE JUROR KLOEPPPEL: No.

7 MR. MIZRAHI: Anyone else in that row?

8 Okay. Second to last row on my left?

9 Yes, Mr. Betancourt.

10 PROSPECTIVE JUROR BETANCOURT APONTE:
11 17 years ago, three guys shoot and killed my
12 brother.

13 MR. MIZRAHI: Was that in Puerto Rico?

14 PROSPECTIVE JUROR BETANCOURT APONTE:

15 Yeah.

16 MR. MIZRAHI: Were you a witness to
17 that?

18 PROSPECTIVE JUROR BETANCOURT APONTE:
19 No. But my mother (inaudible) and my family
20 (inaudible).

21 MR. MIZRAHI: Can you set that
22 experience aside and not consider it in this
23 trial?

24 PROSPECTIVE JUROR BETANCOURT APONTE: I
25 can't. That's my brother. My brother. I

1 can't --

2 MR. MIZRAHI: Sure. And I'm not asking
3 you to forget him. What I'm asking you is
4 not convict to Mr. Haim because of what
5 happened to your brother.

6 PROSPECTIVE JUROR BETANCOURT APONTE:
7 It's the same thing. I can't. I'm sorry but
8 I can't.

9 MR. MIZRAHI: Okay. Thank you,
10 Mr. Betancourt.

11 Anyone else in that row?

12 Yes, Mr. Whatley?

13 PROSPECTIVE JUROR WHATLEY: Yeah. Me
14 and my mother was beaten by my stepdad.
15 Luckily, I'm out of that situation. My mom
16 isn't, however. But I will put everything
17 aside for the trial.

18 MR. MIZRAHI: Thank you, Mr. Whatley.

19 Anyone else?

20 Yes, Mr. Bridges.

21 PROSPECTIVE JUROR BRIDGES: Involved in
22 an assault.

23 MR. MIZRAHI: And I think you indicated
24 that in the original questions.

25 PROSPECTIVE JUROR BRIDGES: Yeah. As I

1 explained before, it was a marital issue with
2 a former spouse. And I can try my best to
3 put it aside, but I personally feel that my
4 biases could affect my decision-making in
5 this case.

6 MR. MIZRAHI: And we appreciate you
7 bringing that up. And similar questions that
8 I had with Mr. Cassani is that what we're
9 asking you to predict how'd you be in the
10 future when you hear something. It's okay --
11 everyone here, understand, it's okay to be
12 against violence and to have a violence
13 against domestic violence. That's why it's
14 against the law is because a vast majority of
15 people in our society think that that's wrong
16 and have a bias. Just like we think murder
17 is wrong, that's why we make it illegal.

18 So it's okay to dislike that conduct.
19 What has to be clear though is you won't
20 judge the conduct that happened in your life
21 and bring that into your decision-making in
22 this case. Sounds to me like you can or
23 cannot make that promise.

24 PROSPECTIVE JUROR BRIDGES: I cannot.

25 MR. MIZRAHI: Thank you.

1 Anyone else in that row?

2 I don't see any hands.

3 Last row to my left.

4 Thank you. I don't see any more hands.

5 This question goes to links to law
6 enforcement. Just because you have close or
7 family members that are members of law
8 enforcement -- when I say "law enforcement,"
9 I mean FBI, ATF, State Attorney's Office,
10 U.S. Attorney's Office, any of those
11 subdivisions, Jacksonville Sheriff's Office,
12 Neptune Beach Police Department, all of those
13 things, any type of law enforcement.

14 And if you have close friends or family
15 members, we need to know about it and make
16 sure that you will judge the credibility of
17 law enforcement officers like you would any
18 other witness. Of course, you can take into
19 account their training and experience and
20 things like that because of who they are, but
21 you're not supposed to automatically believe
22 a law enforcement officer simply because they
23 are hold that job. And so we want to make
24 sure.

25 So first row, close ties to law

1 enforcement.

2 Yeah. Mr. Britt?

3 PROSPECTIVE JUROR BRITT: It's a pretty
4 long list. I know most of JSO.

5 MR. MIZRAHI: Okay. Is there anything
6 about that relationship that would cause you
7 to be unfair in this case?

8 PROSPECTIVE JUROR BRITT: No.

9 MR. MIZRAHI: Can you sit in judgment of
10 the testimony of law enforcement like you
11 would any other witness?

12 PROSPECTIVE JUROR BRITT: Yes.

13 MR. MIZRAHI: Thank you, Mr. Britt.
14 Miss Beaton?

15 A PROSPECTIVE JUROR: I know --

16 THE COURT: Hold on. We're jumping
17 ahead. Let me go to Miss Beaton first, only
18 because it's numerical.

19 PROSPECTIVE JUROR BEATON: Yeah. My --
20 my best friend, she was my maid of honor in
21 my wedding. Her husband is retired JSO.

22 MR. MIZRAHI: Anything about that
23 relationship that would cause you to be
24 unfair in this case?

25 PROSPECTIVE JUROR BEATON: No.

1 MR. MIZRAHI: You can sit in judgment of
2 law enforcement like you would any other
3 witness.

4 PROSPECTIVE JUROR BEATON: Yes.

5 MR. MIZRAHI: Thank you, Miss Beaton.
6 Miss Lucarelli.

7 PROSPECTIVE JUROR LUCARELLI: I know a
8 lot of law enforcement because of my current
9 profession, as most people go from security
10 to law enforcement. And it wouldn't -- it
11 wouldn't matter in the case as far as it just
12 lets me see the good law enforcement officers
13 that -- that I respect.

14 MR. MIZRAHI: Sure. And you can judge
15 the law -- testimony of a law enforcement
16 officer like you would any other witness.

17 PROSPECTIVE JUROR LUCARELLI: Yes, sir.

18 MR. MIZRAHI: Okay. Very good. Thank
19 you, ma'am.

20 Anyone else?

21 Okay. Mr. Junkins.

22 PROSPECTIVE JUROR JUNKINS: Yes. I just
23 work closely with military police in the Navy
24 so it won't affect anything.

25 MR. MIZRAHI: Thank you, sir.

1 Anyone on the second row, close ties to
2 law enforcement?

3 Third row?

4 Mr. Loiacono?

5 PROSPECTIVE JUROR LOIACONO: Several
6 family, friends and relationships with
7 officers.

8 MR. MIZRAHI: And can you judge their
9 credibility -- the credibility of officers
10 here like you would any other witness?

11 PROSPECTIVE JUROR LOIACONO: Yes.

12 MR. MIZRAHI: Thank you.

13 Anyone else?

14 Yes, Miss --

15 PROSPECTIVE JUROR PARTINGTON:
16 Partington.

17 MR. MIZRAHI: Partington.

18 PROSPECTIVE JUROR PARTINGTON: Yes.
19 Family and friends of my soon-to-be
20 ex-husband was military police.

21 MR. MIZRAHI: Okay. Anything about that
22 relationship that would cause you to be
23 unfair in this case?

24 PROSPECTIVE JUROR PARTINGTON: No.

25 MR. MIZRAHI: Thank you, ma'am.

1 Anyone else in those three rows?

2 Thank you.

3 Fourth row? Last row on the right side?

4 I don't see any hands.

5 First row on the left side?

6 And we'll start with Mr. Longino.

7 PROSPECTIVE JUROR LONGINO: Yes. My
8 aunt and uncle were both -- my aunt and uncle
9 are both retired Chicago police officers.
10 And I've also done some prisoner transport
11 with my company. I don't know if that
12 counts.

13 MR. MIZRAHI: When in doubt, let us know
14 about it. Anything about that relationship
15 that would cause you to be unfair?

16 PROSPECTIVE JUROR LONGINO: No.

17 MR. MIZRAHI: Can you sit in judgment of
18 the testimony of a law enforcement officer
19 like you would any other witness?

20 PROSPECTIVE JUROR LONGINO: Yes.

21 MR. MIZRAHI: Okay. Thank you, sir.

22 Next was Mr. Lueders, I think.

23 PROSPECTIVE JUROR LUEDERS: My aunt is a
24 lawyer. I don't know if she does this. I
25 don't really talk to her about it. But she

1 is and was a lawyer.

2 MR. MIZRAHI: Okay. Here in town?

3 PROSPECTIVE JUROR LUEDERS: Yes.

4 MR. MIZRAHI: What's her name?

5 PROSPECTIVE JUROR LUEDERS: Elaine

6 Lucas.

7 MR. MIZRAHI: Okay. Anything about that
8 relationship that would cause you to be
9 unfair in this case?

10 PROSPECTIVE JUROR LUEDERS: Not at all.

11 MR. MIZRAHI: Thank you, Mr. Lueders.

12 Anyone else on that row?

13 I see Mr. Ford.

14 PROSPECTIVE JUROR FORD: Okay. So my
15 dad is very good friends with an officer that
16 lives in Daytona, and also, my cousin is an
17 officer. But that will not cause me to be
18 unfair or treat any officer differently.

19 MR. MIZRAHI: You've got all my
20 questions. Good job, Mr. Ford. Thank you,
21 sir.

22 Anyone on the second row?

23 I don't see any hands.

24 Third row?

25 Okay. That's going to be Miss Sawyer.

1 PROSPECTIVE JUROR SAWYER: My brother is
2 a former police officer in Virginia.

3 MR. MIZRAHI: Anything about that
4 relationship that would cause you to be
5 unfair in this case?

6 PROSPECTIVE JUROR SAWYER: No.

7 MR. MIZRAHI: You can judge police
8 officers like you would any other witness.

9 PROSPECTIVE JUROR SAWYER: Yes.

10 MR. MIZRAHI: Thank you, ma'am.

11 Anyone else in that row?

12 I don't see any hand.

13 Last row, raise your hands real high.

14 Okay. Mr. Eaves.

15 PROSPECTIVE JUROR EAVES: My father is a
16 retired Prince Georges County officer and
17 currently United States police.

18 MR. MIZRAHI: Your father's a retired
19 police officer -- was retired from one kind
20 and now is in a different law enforcement
21 job?

22 PROSPECTIVE JUROR EAVES: Yeah.

23 MR. MIZRAHI: Okay. Can you set that
24 relationship aside and judge the credibility
25 of law enforcement like you would any other

1 witness?

2 PROSPECTIVE JUROR EAVES: Yes.

3 MR. MIZRAHI: Thank you, Mr. Eaves.

4 Anyone else on that row?

5 I did see one more hand. That's

6 Miss Godfrey.

7 PROSPECTIVE JUROR GODFREY: My father is

8 JSO and my ex-stepmother is in juvenile

9 justice.

10 MR. MIZRAHI: What is she doing for

11 juvenile justice?

12 PROSPECTIVE JUROR GODFREY: I believe

13 she oversees the probation officers now.

14 MR. MIZRAHI: And what was your father's

15 name?

16 PROSPECTIVE JUROR GODFREY: Dennis

17 Godfrey.

18 MR. MIZRAHI: Is there anything about

19 that relationship that would cause you to be

20 unfair in this case?

21 PROSPECTIVE JUROR GODFREY: No.

22 MR. MIZRAHI: Can you judge the

23 credibility of law enforcement like you would

24 any other witness?

25 PROSPECTIVE JUROR GODFREY: Yes.

1 MR. MIZRAHI: Thank you.

2 Anyone else on that issue?

3 Okay. Now we're getting to kind of the
4 flip side, which has to do with negative
5 police experience. The judge has already
6 asked you whether you've personally been
7 arrested. Many of you had indicated that.
8 So I still expect for y'all to raise your
9 hands because whether or not -- I used to say
10 just negative police experiences. Then I
11 found that some people actually finding being
12 arrested changed their life. For example, if
13 they got arrested for DUI and caught
14 drinking, it changed their life, and so they
15 had a positive experience.

16 So whether you've been arrested, notice
17 to appear, anything like that, even as a
18 juvenile, please raise your hand. We won't
19 go into a lot of details, but we've got to
20 make sure we can set it aside.

21 And then all generally negative
22 experiences. We heard similar things from --
23 I think it was Mr. Broomfield and Mr. Dimaio.
24 And only you can decide -- for example, if
25 you have a brother that's been incarcerated,

1 even if you think he's been treated fairly, I
2 need to know about that. If you have a son
3 that's been incarcerated, even if you think
4 he's been treated fairly, I need to know
5 that. If you have a cousin that you don't
6 really know that gets arrested a bunch but it
7 doesn't affect your life, then I don't need
8 to know about that.

9 I also need to know whether you have any
10 significant negative feelings towards a law
11 enforcement officer, towards the criminal
12 justice system, towards the State Attorney's
13 Office, all that kind of stuff. Again, when
14 in doubt, raise your hand. I'm going to go
15 row by row. Ever personally been arrested
16 and/or had a negative police experience,
17 first row.

18 PROSPECTIVE JUROR BRITT: Not negative
19 police experience but I've been arrested.

20 MR. MIZRAHI: Yes, sir. Mr. Britt, when
21 was that, how long ago?

22 PROSPECTIVE JUROR BRITT: 30 years ago.

23 MR. MIZRAHI: And where was it?

24 PROSPECTIVE JUROR BRITT: Chicago.

25 MR. MIZRAHI: Do you think you were

1 treated fairly?

2 PROSPECTIVE JUROR BRITT: I was treated
3 appropriately.

4 MR. MIZRAHI: What was the nature of the
5 charge?

6 PROSPECTIVE JUROR BRITT: Aggravated
7 battery.

8 MR. MIZRAHI: Okay. And I assume you
9 were not convicted of that crime.

10 PROSPECTIVE JUROR BRITT: I was.

11 MR. MIZRAHI: Okay. And have you had
12 your rights restored?

13 PROSPECTIVE JUROR BRITT: Yes.

14 MR. MIZRAHI: Can you set that
15 experience aside and give the State a fair
16 trial?

17 PROSPECTIVE JUROR BRITT: Yes.

18 MR. MIZRAHI: Thank you, Mr. Britt.

19 Anyone else in that row?

20 Miss Beaton?

21 PROSPECTIVE JUROR BEATON: Very
22 humbling. So yeah. I was arrested about two
23 years ago.

24 MR. MIZRAHI: Was that here locally?

25 PROSPECTIVE JUROR BEATON: Here locally.

1 Everything was dismissed and everything was
2 expunged.

3 MR. MIZRAHI: Okay. What was the nature
4 of the charge?

5 PROSPECTIVE JUROR BEATON: Assault and
6 battery and --

7 MR. MIZRAHI: Was it a felony or
8 misdemeanor?

9 PROSPECTIVE JUROR BEATON: It was
10 felony.

11 MR. MIZRAHI: But you were not
12 convicted.

13 PROSPECTIVE JUROR BEATON: I was not.

14 MR. MIZRAHI: It was expunged.

15 PROSPECTIVE JUROR BEATON: Correct.

16 MR. MIZRAHI: Do you think you were
17 treated fairly in the process?

18 PROSPECTIVE JUROR BEATON: Yes.

19 MR. MIZRAHI: Is there anything about
20 that experience that would cause you to be
21 unfair in this case?

22 PROSPECTIVE JUROR BEATON: I didn't like
23 the female officer.

24 MR. MIZRAHI: Okay. And that's fine.
25 We all have had encounters sometimes where we

1 thought an officer was either nice or rude.

2 PROSPECTIVE JUROR BEATON: Yes.

3 MR. MIZRAHI: And just like we don't
4 want to judge -- the question before was will
5 you judge a police officer -- 'cause you know
6 them. I think you had law enforcement ties.

7 PROSPECTIVE JUROR BEATON: Correct.

8 MR. MIZRAHI: So the important thing is
9 that we judge the case, not our feelings
10 outside the courtroom.

11 PROSPECTIVE JUROR BEATON: Yes.

12 MR. MIZRAHI: Can you promise to do
13 that?

14 PROSPECTIVE JUROR BEATON: Yes.

15 MR. MIZRAHI: Okay. Thank you.

16 Miss Lucarelli.

17 PROSPECTIVE JUROR LUCARELLI: I was
18 arrested when I was 21 years old.

19 MR. MIZRAHI: Okay.

20 PROSPECTIVE JUROR LUCARELLI: The cops
21 bruised my hands really bad.

22 MR. MIZRAHI: Okay.

23 PROSPECTIVE JUROR LUCARELLI: It was on
24 battery. I was protecting myself. They took
25 me alone and the judge threw it out when he

1 said, where's the other guy?

2 MR. MIZRAHI: Okay. Was that here
3 locally?

4 PROSPECTIVE JUROR LUCARELLI: Yes.

5 MR. MIZRAHI: And how long ago was it,
6 when you were 21?

7 PROSPECTIVE JUROR LUCARELLI: I was 21
8 and I'm 38 now.

9 MR. MIZRAHI: Okay. And it sounds to me
10 like you don't think you were treated fairly
11 by the police, but you were by the criminal
12 justice system.

13 PROSPECTIVE JUROR LUCARELLI: Pretty --
14 pretty fairly.

15 MR. MIZRAHI: Can you set that
16 experience aside and give both the State and
17 defense a fair trial?

18 PROSPECTIVE JUROR LUCARELLI: Yes.

19 MR. MIZRAHI: Thank you.

20 Anyone else on that row?

21 Second row to my right, negative police
22 experiences.

23 I'll start -- just to shake it up,
24 Miss O'Toole.

25 PROSPECTIVE JUROR O'TOOLE: My

1 ex-husband was incarcerated at the end of our
2 marriage.

3 MR. MIZRAHI: What was the nature of
4 that charge?

5 PROSPECTIVE JUROR O'TOOLE: It was a
6 felony charge, hit-and-run.

7 MR. MIZRAHI: Do you think he was
8 treated fairly?

9 PROSPECTIVE JUROR O'TOOLE: In
10 hindsight, no.

11 MR. MIZRAHI: At the time, though --

12 PROSPECTIVE JUROR O'TOOLE: At the time,
13 I was unsure because of personal
14 circumstances.

15 MR. MIZRAHI: Can you set that
16 experience aside and give the State and the
17 defense a fair trial?

18 PROSPECTIVE JUROR O'TOOLE: Yes.

19 MR. MIZRAHI: Thank you, Miss O'Toole.
20 Mr. Waugh.

21 PROSPECTIVE JUROR WAUGH: So I've been
22 arrested three times, convicted twice.

23 MR. MIZRAHI: Okay. Convicted for a
24 felony or misdemeanor?

25 PROSPECTIVE JUROR WAUGH: Both DUIs.

1 MR. MIZRAHI: Those are misdemeanors.

2 Were they here locally?

3 PROSPECTIVE JUROR WAUGH: No.

4 MR. MIZRAHI: Okay. Can you set those
5 experiences aside give both sides a fair
6 trial?

7 PROSPECTIVE JUROR WAUGH: I can.

8 MR. MIZRAHI: Do you think you were
9 treated fairly?

10 PROSPECTIVE JUROR WAUGH: I was treated
11 fairly.

12 I also have -- my brother's been in
13 court a number of times, the one that was
14 shot in the face.

15 MR. MIZRAHI: Okay. He also has been on
16 the other side of the law then?

17 PROSPECTIVE JUROR WAUGH: Yeah. His
18 first four felonies, I think, were justified.
19 The last one maybe not so much.

20 MR. MIZRAHI: Okay. Can you set those
21 experiences aside and give both sides a fair
22 trial?

23 PROSPECTIVE JUROR WAUGH: I believe I
24 can.

25 MR. MIZRAHI: Thank you, sir.

1 Anyone else on that row?

2 Got you, Miss Palmer. We're good.

3 Anyone else on that row?

4 Third row?

5 Miss Partington?

6 PROSPECTIVE JUROR PARTINGTON: I've
7 never been arrested. My nephew was. My twin
8 sister's son, he was arrested twice, but he
9 was treated fairly in both of them. It
10 straightened up his life.

11 MR. MIZRAHI: Okay. So nothing about
12 that that would cause you any problems in
13 this case.

14 PROSPECTIVE JUROR PARTINGTON: Not at
15 all.

16 MR. MIZRAHI: Thank you, ma'am.

17 Anyone else in that third row?

18 Fourth row?

19 Mr. Rivera.

20 PROSPECTIVE JUROR RIVERA: A cousin I
21 was very close to, he was incarcerated for
22 six years. Some friends of his tried to rob
23 a pizza delivery guy and he tried stopping
24 them. But police got there. They just
25 lumped him in with them and you know.

1 MR. MIZRAHI: So you think he was not
2 treated fairly.

3 PROSPECTIVE JUROR RIVERA: No.

4 MR. MIZRAHI: Was that here locally?

5 PROSPECTIVE JUROR RIVERA: No.

6 MR. MIZRAHI: Where was it?

7 PROSPECTIVE JUROR RIVERA: That was in
8 Texas.

9 MR. MIZRAHI: Can you set that
10 experience aside and give the State of
11 Florida a fair trial in this case?

12 PROSPECTIVE JUROR RIVERA: No.

13 MR. MIZRAHI: Okay. 'Cause you're going
14 to judge us by what happened to your cousin?

15 PROSPECTIVE JUROR RIVERA: I don't trust
16 law enforcement.

17 MR. MIZRAHI: Okay. It's kind of why we
18 have a system the way we have it. Law
19 enforcement are not the juries. You are. So
20 having a little bit of skepticism about law
21 enforcement is very healthy. What's not
22 healthy is to ignore everything a law
23 enforcement officer says simply because you
24 don't trust them.

25 PROSPECTIVE JUROR RIVERA: Well, I've

1 had other experiences with law enforcement
2 officers, negative towards me, so I don't
3 trust them.

4 MR. MIZRAHI: Okay. So the question,
5 you cannot give the State a fair trial.

6 PROSPECTIVE JUROR RIVERA: No.

7 MR. MIZRAHI: Thank you, Mr. Rivera.

8 Yes, Miss Levens?

9 PROSPECTIVE JUROR LEVENS: I was
10 arrested 31 years ago.

11 MR. MIZRAHI: Okay. Here in
12 Jacksonville?

13 PROSPECTIVE JUROR LEVENS: Yes.

14 MR. MIZRAHI: Okay. Do you think you
15 were treated fairly?

16 PROSPECTIVE JUROR LEVENS: Yes.

17 MR. MIZRAHI: Anything about that that
18 would cause you to be unfair?

19 PROSPECTIVE JUROR LEVENS: No.

20 MR. MIZRAHI: Thank you, Miss Levens.

21 Anyone else in that row? Raise your
22 hands.

23 I've got you, Mr. Thomas. Thank you.

24 Left side.

25 Mr. Flom?

1 PROSPECTIVE JUROR FLOM: I had a really
2 close friend in Chicago about ten years ago
3 that was killed by a drunk driver, and the
4 gentleman only did six years in prison and
5 then was given parole, even though he had
6 five different DUIs. I just don't really
7 trust court system. But the gentleman was
8 able to get out after five times and kill my
9 friend. I just have strong (inaudible)
10 towards that.

11 MR. MIZRAHI: Okay. And that's
12 completely normal to have that kind of
13 resentment on that particular case. Would
14 you convict Mr. Haim and find him guilty
15 because of that?

16 PROSPECTIVE JUROR FLOM: No. But I just
17 don't trust the judicial system.

18 MR. MIZRAHI: And that's fair. And so
19 what we're trying to get to is that you can
20 set that aside and still decide this case on
21 its merits.

22 PROSPECTIVE JUROR FLOM: I can't say
23 beyond a reasonable doubt that I can.

24 MR. MIZRAHI: Okay. Thank you, sir.
25 Anyone else in that row?

1 Mr. Longino.

2 PROSPECTIVE JUROR LONGINO: My dad was
3 arrested for contempt of court. He was an
4 attorney. He also got arrested -- or not
5 arrested. He got, I guess, some charge on
6 his record for running a road block. He
7 still can't get into Canada anymore, which is
8 where my other brother lives.

9 MR. MIZRAHI: Okay. A little bit more
10 important.

11 What kind of lawyer is your dad?

12 PROSPECTIVE JUROR LONGINO: Business
13 attorney.

14 MR. MIZRAHI: Do you think he was
15 treated fairly?

16 PROSPECTIVE JUROR LONGINO: Honestly, I
17 don't remember the details of it.

18 MR. MIZRAHI: Anything about that that
19 would cause you to be unfair in this case?

20 PROSPECTIVE JUROR LONGINO: No.

21 MR. MIZRAHI: Thank you, sir.

22 Yes, Mr. Lueders.

23 PROSPECTIVE JUROR LUEDERS: My dad has
24 been arrested several times for several
25 different things.

1 MR. MIZRAHI: Do you think he was
2 treated fairly?

3 PROSPECTIVE JUROR LUEDERS: Back when I
4 was kid, no. Now, yes.

5 MR. MIZRAHI: Anything about that that
6 would cause you to be unfair in this case?

7 PROSPECTIVE JUROR LUEDERS: No.

8 MR. MIZRAHI: Thank you, Mr. Lueders.
9 Do you know -- let me ask you -- I'm sorry.
10 Back up. What were the nature of the
11 arrests?

12 PROSPECTIVE JUROR LUEDERS: Oh, man.
13 Okay. Driving without a license, driving
14 under the influence, hit-and-run, he was
15 rearrested in jail for fighting. He's an
16 idiot.

17 MR. MIZRAHI: Fair enough. I'm sure the
18 apple fell far from the tree.

19 PROSPECTIVE JUROR LUEDERS: I'm hoping,
20 yeah.

21 MR. MIZRAHI: Anyone else in that row?

22 Yes, Mr. Paulson.

23 PROSPECTIVE JUROR PAULSON: I was
24 arrested when I was 18 years old for alcohol
25 driving. It was lowered to a Duval. It was

1 in Clay County. And that was 18. I'm more
2 than twice that now.

3 MR. MIZRAHI: Okay. Anything about that
4 that would cause you to be unfair in this
5 case?

6 PROSPECTIVE JUROR PAULSON: No.

7 MR. MIZRAHI: Thank you, sir.

8 Anyone else?

9 Second row?

10 Mr. Kloeppel.

11 PROSPECTIVE JUROR KLOEPPPEL: In 2006, I
12 was trying to help a crime victim get to the
13 hospital, and a local officer, instead of
14 going after the perpetrator of the crime,
15 arrested me for allegedly being drunk in
16 public. The judge dismissed the charges,
17 apologized on behalf of the jurisdiction.
18 The police officer apologized.

19 MR. MIZRAHI: Was that here locally?

20 PROSPECTIVE JUROR KLOEPPPEL: No. It was
21 in podunk Hampton, Virginia.

22 MR. MIZRAHI: Okay.

23 PROSPECTIVE JUROR KLOEPPPEL: The officer
24 also arrested the other person who tried to
25 help the victim, and he arrested the victim

1 of the crime.

2 MR. MIZRAHI: Okay.

3 PROSPECTIVE JUROR KLOEPPPEL: So it was
4 quite the interesting time.

5 MR. MIZRAHI: When was that? You said
6 2007?

7 PROSPECTIVE JUROR KLOEPPPEL: 2006.

8 MR. MIZRAHI: '6.

9 So can you set that aside and give the
10 State a fair trial in this case?

11 PROSPECTIVE JUROR KLOEPPPEL: Yeah. But
12 I've also seen things that the JSO has done
13 where there was a father, a young man --

14 MR. MIZRAHI: Mr. Kloeppel, this is not
15 the arena with which we're going to go
16 through things about --

17 PROSPECTIVE JUROR KLOEPPPEL: I know.
18 But, I mean, I've also seen JSO do things
19 that --

20 THE COURT: Mr. Kloeppel, cut to the
21 chase. The question is can you be fair and
22 impartial? In other words, if you're on the
23 jury, you're going to be asked to decide
24 whether or not the State has proven its
25 charge against Mr. Haim.

1 PROSPECTIVE JUROR KLOEPPEL: Yes.

2 THE COURT: You can't base that decision
3 on anything that happens outside this
4 courtroom. You've got to base it only on
5 what happens in terms of evidence. If you're
6 coming in with these preconceived opinions
7 that you can't set aside --

8 PROSPECTIVE JUROR KLOEPPEL: I think
9 it's important to be skeptical of what the
10 law enforcement officers tell you.

11 THE COURT: All right. So the question
12 is can you be fair and impartial in this
13 case?

14 PROSPECTIVE JUROR KLOEPPEL: Yes.

15 THE COURT: Okay.

16 MR. MIZRAHI: Will you judge the police
17 officers in this case based on your prior
18 experience? It's okay to be skeptical.
19 You're supposed to. That's why we have a
20 jury. You're supposed to listen to them.
21 You're supposed to say, hey, does this match
22 up with the evidence in the case? Does this
23 make sense? Is it logical? Does the witness
24 have the opportunity to see and know the
25 things about which the witness testifies?

1 The judge is going to give you a long list of
2 things to consider when evaluating the
3 testimony of a witness.

4 What I'm hearing from you, though, is
5 there seems to be some type of inherent bias
6 that a law enforcement officer's going to
7 take that stand and perjure himself based on
8 what you've seen before. Do you have that
9 bias?

10 PROSPECTIVE JUROR KLOEPPEL: No, sir. I
11 did not say that a law enforcement officer
12 would perjure themselves.

13 MR. MIZRAHI: So you will listen to the
14 testimony of a law enforcement officer and
15 judge their credibility like you would any
16 other.

17 PROSPECTIVE JUROR KLOEPPEL: That's
18 correct.

19 MR. MIZRAHI: Okay. You will not
20 consider any other instances of misconduct
21 that you may know about in judging their
22 credibility.

23 PROSPECTIVE JUROR KLOEPPEL: No, I will
24 not.

25 MR. MIZRAHI: Okay. Thank you, sir.

1 Anyone else in that row?

2 Mr. Waters? Yes, sir.

3 PROSPECTIVE JUROR WATERS: About
4 20 years ago in Lake City.

5 MR. MIZRAHI: Marijuana.

6 A PROSPECTIVE JUROR: Yeah, yeah. If
7 you break the law and you get caught, they
8 take you to jail. But that was fair.

9 MR. MIZRAHI: You were in the wrong
10 state at the wrong time.

11 PROSPECTIVE JUROR WATERS: Right, right.

12 MR. MIZRAHI: So I'm going to kind of
13 dovetail into -- the judge indicated
14 something about that you have to abide by the
15 law, even if you may disagree. That's kind
16 of a good example in today's culture and
17 world. Some people may believe that
18 marijuana should be legal. I guess Florida
19 is partially on its way. It may become
20 legal.

21 But as an aside, does everyone
22 understand, even if you disagree with
23 potential laws, you have to follow them?
24 Everyone agrees with that?

25 THE PROSPECTIVE JURORS: Yes.

1 MR. MIZRAHI: And, Mr. Waters, anything
2 about that experience will cause you to be
3 unfair in this case?

4 PROSPECTIVE JUROR WATERS: No, sir.

5 MR. MIZRAHI: I didn't think so.

6 Anyone else in that row?

7 I don't see any hands. Oh, we have you.

8 Thank you.

9 Anyone else in that row?

10 Third row to my left?

11 I don't see any hands.

12 Last row?

13 Okay. Miss Godfrey?

14 PROSPECTIVE JUROR GODFREY: My brother
15 is currently incarcerated.

16 MR. MIZRAHI: Okay. And what was the
17 nature of that charge?

18 PROSPECTIVE JUROR GODFREY: Drug
19 trafficking.

20 MR. MIZRAHI: Do you think he was
21 treated fairly?

22 PROSPECTIVE JUROR GODFREY: I suppose
23 so, for what the State says, yeah.

24 MR. MIZRAHI: Okay. Is there anything
25 about that that would cause you to be unfair

1 in this case?

2 PROSPECTIVE JUROR GODFREY: No. But I
3 don't know if I need to add that both my
4 parents were FBI.

5 MR. MIZRAHI: Were FBI.

6 PROSPECTIVE JUROR GODFREY: Were.

7 MR. MIZRAHI: Thank you.

8 Miss Johnson, I think it was. Did I see
9 your hand, ma'am?

10 PROSPECTIVE JUROR JOHNSON: Yes. I was
11 arrested four years ago.

12 MR. MIZRAHI: And what was the nature of
13 that charge?

14 PROSPECTIVE JUROR JOHNSON: Trespassing.

15 MR. MIZRAHI: Do you think you were
16 treated fairly?

17 PROSPECTIVE JUROR JOHNSON: Yes.

18 MR. MIZRAHI: Anything about that that
19 would cause you to be unfair?

20 PROSPECTIVE JUROR JOHNSON: No.

21 MR. MIZRAHI: Thank you.

22 Anyone else I may have missed on this
23 negative police experience?

24 Yes, Mr. Britt.

25 PROSPECTIVE JUROR BRITT: You asked if I

1 had gotten my charges expunged. I didn't.

2 MR. MIZRAHI: If you're a convicted
3 felon --

4 PROSPECTIVE JUROR BRITT: I did my time.
5 I did my parole.

6 MR. MIZRAHI: Have you done anything
7 to -- because it's an out-of-state charge.
8 You know, a convicted felon, you may not be
9 eligible to serve as a juror. So have you
10 done anything to have your rights restored?

11 PROSPECTIVE JUROR BRITT: No, I did not.
12 It's 30 years ago. I just did what I did.

13 MR. MIZRAHI: All right. Thank you for
14 telling us and we'll take that into
15 consideration. But as far as you know,
16 you're still a convicted felon?

17 PROSPECTIVE JUROR BRITT: Yeah. It's
18 probably on my record.

19 MR. MIZRAHI: Okay. Thank you, sir. I
20 appreciate that. That goes to the whole when
21 in doubt, raise your hand.

22 Anything else on those issues?

23 So as you heard from the information,
24 the defendant here is charged with
25 second-degree murder. And there are

1 generally three types of murder. There's
2 some more complicated ones we don't need to
3 go into. But generally, there's first-degree
4 murder, second-degree murder and
5 manslaughter. First-degree murder
6 contemplates premeditated murder. You may
7 have heard that in the information. The
8 judge said in second-degree murder, there is
9 no premeditated intent to effect death. So
10 second-degree murder is a lesser charge of
11 first-degree murder. That means that
12 although there isn't intent, it is a lesser
13 than first degree but a higher intent than
14 manslaughter. The judge will explain to
15 you-all the nature of these crimes later.
16 There's no reason to go into it right now.

17 Does everyone here agree that they will
18 follow the law that the judge instructs on
19 those particular crimes?

20 THE PROSPECTIVE JURORS: Yes.

21 MR. MIZRAHI: The nature of proving
22 intent by the State of Florida is somewhat
23 difficult. Proving what a person's intent is
24 what, state of what?

25 THE PROSPECTIVE JURORS: Mind.

1 MR. MIZRAHI: Mind. How do you get into
2 someone's mind?

3 Mr. Markley, how would you determine
4 what was in a person's mind?

5 PROSPECTIVE JUROR MARKLEY: By making a
6 logical inference from their actions, I would
7 suppose.

8 MR. MIZRAHI: Okay. Thank you,
9 Mr. Markley. That's one of the answers I was
10 looking for. But what they do -- right? --
11 their actions can tell you what they were
12 thinking.

13 Anyone come up with another way?

14 Yeah, Mr. Whatley.

15 PROSPECTIVE JUROR WHATLEY: Body
16 language and how they speak.

17 MR. MIZRAHI: Speak. Good. Body
18 language kind of goes with actions. But what
19 they say, they can tell you what their intent
20 is.

21 So I'm giving to give a little example
22 just so y'all can understand the concept of
23 intent. You can see on the podium, I have a
24 green marker and a pink marker. So if I were
25 to go -- Mr. Jenkins, I'm going to pick up

1 the green marker. Could you tell what my
2 intent was?

3 PROSPECTIVE JUROR JENKINS: Yes, sir.

4 MR. MIZRAHI: How?

5 PROSPECTIVE JUROR JENKINS: You picked
6 up the green marker, your actions.

7 MR. FALLIS: I would object as
8 argumentative.

9 THE COURT: Overruled.

10 MR. MIZRAHI: And, Miss Shoemaker, if I
11 didn't say anything and I just looked at the
12 markers, can you tell what I intended to do?

13 PROSPECTIVE JUROR SHOEMAKER: I can tell
14 what you're looking at.

15 MR. MIZRAHI: Right. And could you tell
16 I intended to pick up the pink marker?

17 PROSPECTIVE JUROR SHOEMAKER: No.

18 MR. MIZRAHI: Why not?

19 PROSPECTIVE JUROR SHOEMAKER: Well, I
20 guess I could 'cause you were looking at it
21 but --

22 MR. MIZRAHI: My actions --

23 PROSPECTIVE JUROR SHOEMAKER: Correct.

24 MR. MIZRAHI: -- could give you a
25 logical inference that I meant to do that.

1 Does that make sense?

2 PROSPECTIVE JUROR SHOEMAKER: Yes.

3 MR. MIZRAHI: It's sometimes hard unless
4 someone announces what they're going to do.
5 Sometimes we have to look at a person's
6 actions to determine what they were thinking.
7 Does that make sense, Miss Shoemaker?

8 PROSPECTIVE JUROR SHOEMAKER: Yes.

9 MR. MIZRAHI: Now, Miss Leatherbarrow,
10 can a person's actions after the fact tell
11 you what they were thinking before the fact?

12 PROSPECTIVE JUROR LEATHERBARROW:
13 Sometimes.

14 MR. MIZRAHI: And why is that? What
15 kind of examples can you think of where the
16 actions after the fact can show you what they
17 were thinking before the fact?

18 PROSPECTIVE JUROR LEATHERBARROW: If --
19 if they, you know, tried to cover up
20 something that was, you know, previously
21 done, like -- you know, that might show you
22 the intent of that action.

23 MR. MIZRAHI: So, for example,
24 covering -- if you've committed a crime,
25 covering up that crime.

1 PROSPECTIVE JUROR LEATHERBARROW: Right.

2 MR. MIZRAHI: Flight away from the
3 crime. Things like that would show what the
4 previous intent was.

5 PROSPECTIVE JUROR LUCARELLI: They could
6 have been scared too.

7 MR. MIZRAHI: Okay. That's going to be
8 Miss Lucarelli.

9 PROSPECTIVE JUROR LUCARELLI: Yeah.
10 They could have been scared as well.

11 MR. MIZRAHI: Well, that's true. I
12 mean, there could be lots of reasons. But
13 would you agree that a person's actions after
14 the fact can show you what their intent was
15 before the fact?

16 MR. FALLIS: Once again, Your Honor,
17 this is actual argument at this point. You
18 have not given any law yet.

19 THE COURT: No speaking objections. I
20 heard you. Overruled.

21 MR. MIZRAHI: Would you agree with that,
22 ma'am, that your actions after the fact can
23 demonstrate what your intent was before the
24 fact?

25 PROSPECTIVE JUROR LUCARELLI: In some

1 cases.

2 MR. MIZRAHI: Sure.

3 Each case is individual. Would everyone
4 agree to that?

5 THE PROSPECTIVE JURORS: Yes.

6 MR. MIZRAHI: Who here reads crime
7 novels or watches crime stories on
8 television, stuff like that?

9 Lots of smiles. We'll go with
10 Mr. Jenkins.

11 PROSPECTIVE JUROR JUNKINS: Yes.

12 MR. MIZRAHI: What do you watch or read?

13 PROSPECTIVE JUROR JUNKINS: I actually
14 watch Bull.

15 MR. MIZRAHI: Bull. That's, like, a
16 lawyer guy? I think he picks juries?

17 PROSPECTIVE JUROR JUNKINS: Yeah. He
18 did.

19 MR. MIZRAHI: You watch that, right?

20 PROSPECTIVE JUROR JUNKINS: Yeah.

21 MR. MIZRAHI: So in watching those crime
22 stories, what's, like, the hook to make a
23 crime story interesting?

24 PROSPECTIVE JUROR JUNKINS: So I guess
25 based off the TV show that I watch, it's

1 normally some sort of, I guess, dramatic turn
2 of events. You see it going one way, and
3 then there's new evidence or something said
4 that shifts opinion.

5 MR. MIZRAHI: Sure. And that's what
6 makes it Hollywood.

7 PROSPECTIVE JUROR JUNKINS: Correct.

8 MR. MIZRAHI: They take you one way and
9 then take you the other way.

10 In these crime stories that you watch,
11 does it deal a lot with motive; what's the
12 underlying motive behind the crime?

13 PROSPECTIVE JUROR JUNKINS: Yes.

14 MR. MIZRAHI: Thank you, sir. You can
15 sit down. I won't make you stand the whole
16 time.

17 Does everyone agree that one of the
18 primary focuses of crime novels and TV crime
19 stories is the motive?

20 PROSPECTIVE JUROR JUNKINS: Yes.

21 MR. MIZRAHI: 'Cause that's what makes
22 it interesting. Oh, he killed her for the
23 life insurance proceeds, or oh, it was a mob
24 hit because the person was going to tell to
25 the FBI about them. That's what makes it all

1 interesting and gets us kind of hooked into
2 the story. Does that make sense?

3 THE PROSPECTIVE JURORS: Yes.

4 MR. MIZRAHI: Interestingly enough, the
5 law doesn't require the State to prove motive
6 at all. And I guess Mr. Kloeppel knows that,
7 right? 'Cause elements of the crime do not
8 require the State to prove why. The judge
9 said it in his preliminary statement. We
10 have to prove, one, that a crime was
11 committed and, two, the defendant was the
12 person that committed that crime. That make
13 sense?

14 THE PROSPECTIVE JURORS: Yes.

15 MR. MIZRAHI: Proving the underlying
16 question of why can sometimes be difficult.

17 MR. FALLIS: Your Honor, object. May we
18 approach, please?

19 THE COURT: You may.

20 (The following sidebar conference was had out
21 of the hearing of the jury panel:)

22 MR. FALLIS: Your Honor, at any point
23 during this proceeding, do you have any
24 intention of reading any jury instruction or
25 giving any instruction on the law? Because

1 if you're not, then what the State is doing
2 now is giving law. You're not here to argue
3 law in voir dire.

4 MR. MIZRAHI: You're not whispering,
5 Tom.

6 THE COURT: Thus far, I don't believe
7 anything Mr. Mizrahi has said is out of
8 bounds in terms of --

9 MR. FALLIS: He's talking about intent,
10 Your Honor.

11 THE COURT: And I will allow him to go
12 on with this, but I will be glad to go back
13 before we go back on the record and tell the
14 jury anything that he says or that you say
15 when it's your turn get up to speak, if you'd
16 like to go into presumption of innocence --

17 MR. FALLIS: That's what I intend to do.

18 THE COURT: Feel free. You should be
19 able to go through those things, which is the
20 law. I'm going to let you do it. But in the
21 end --

22 MR. FALLIS: If you say, don't listen to
23 him, then you're going to negate what I say
24 before I say what the law is.

25 THE COURT: You guys are both welcome to

1 talk about those concepts, and you should
2 talk about those concepts. It's standard to
3 talk about those concepts during the jury
4 selection, but in the end, the law is going
5 to come from me, not from you or Mr. Mizrahi.

6 MR. FALLIS: Of course.

7 THE COURT: So the objection's
8 overruled.

9 (At the conclusion of the sidebar conference,
10 the following further proceedings were had in the
11 presence of the jury panel:)

12 THE COURT: Ladies and gentlemen, I want
13 to emphasize something I think I said earlier
14 a couple of times. The law in this case is
15 going to come from me. I'm going to read it
16 to you at the beginning of the case when we
17 go into opening statements tomorrow and at
18 the end of the case.

19 Now, the lawyers are not going to tell
20 you what the law is. Well, they're not going
21 to instruct you on the law, but during the
22 jury selection process, it's not uncommon for
23 them to reference that. So keep that in
24 mind. Listen carefully to what both lawyers
25 have to say. You should listen carefully to

1 what they have to say. But remember, the law
2 is going to come from me, not from them.
3 Does that make sense? It may be a fine
4 distinction I'm making. You may not quite
5 fully grasp it. But in the end, if you're
6 worried about what the law is, you're going
7 to have it with you in writing at the end of
8 the case to take back with you to the jury
9 room. All right?

10 Mr. Mizrahi, you may continue.

11 MR. MIZRAHI: Thank you, Your Honor.

12 So to summarize, no one here ever will
13 require the State to prove motive because the
14 law doesn't require the State to prove
15 motive. Is that a "yes"?

16 THE PROSPECTIVE JURORS: Yes.

17 MR. MIZRAHI: Okay. That's not to say
18 you shouldn't consider motive, right?
19 Obviously, that can be circumstantial
20 evidence of a person's guilt, is the fact
21 that they possessed the motive to do whatever
22 it is they do. Does everyone understand that
23 concept?

24 THE PROSPECTIVE JURORS: Yes.

25 MR. MIZRAHI: Okay. Miss Gendive-Beck?

1 PROSPECTIVE JUROR GENDIVE BECK:

2 Gendive.

3 MR. MIZRAHI: Miss Gendive-Beck, can you
4 identify something that that's unique to
5 homicide cases with regard of the ability of
6 witnesses to come into court and testify as
7 opposed to, let's say, a robbery case or a
8 grand theft auto case or something like that,
9 something that's unique about homicide cases?

10 PROSPECTIVE JUROR GENDIVE BECK:

11 Evidence.

12 MR. MIZRAHI: Well, there's evidence in
13 every case. But what piece of evidence is
14 sometimes missing from a homicide case, the
15 testimony of who?

16 THE PROSPECTIVE JURORS: The victim.

17 MR. MIZRAHI: Did you hear your fellow
18 jurors?

19 PROSPECTIVE JUROR GENDIVE BECK: Yes,
20 the victim.

21 MR. MIZRAHI: Did you hear what they
22 said?

23 PROSPECTIVE JUROR GENDIVE BECK: The
24 victim.

25 MR. MIZRAHI: The victim. Okay. It

1 wasn't a trick question.

2 You know who said that? It was
3 Mr. Britt or --

4 PROSPECTIVE JUROR BRITT: We both did, I
5 think.

6 MR. MIZRAHI: So does everyone now hear
7 what Miss Gendive-Beck said about --

8 You can sit down.

9 One of the unique things about a
10 homicide case is that we do not have a
11 victim's testimony. Does everyone understand
12 that concept?

13 THE PROSPECTIVE JURORS: Yes.

14 MR. MIZRAHI: And that's true not in
15 every murder case, but in most homicide
16 cases, the victim is unavailable to testify
17 and has been unavailable to testify. That
18 doesn't mean that the State will not present
19 witnesses to this crime. Does everyone
20 understand that it is our job to prove to you
21 via witnesses and via evidence what happened
22 in the case -- what happened in the case,
23 knowing that in most homicide cases, the
24 victim cannot come into court and say what
25 happened? Does everyone understand that

1 concept?

2 THE PROSPECTIVE JURORS: Yes.

3 MR. MIZRAHI: We talked a little bit
4 about domestic violence cases. And I asked
5 many of you about whether you had witnessed
6 them. And many of you said, well, no, maybe
7 some of the verbal abuse but not really what
8 they saw as the domestic violence abuse. Can
9 anyone venture a guess as to why? Let's go
10 with Miss Roos, Juror No. 16. Why wouldn't
11 you be able to see a case of domestic
12 violence?

13 PROSPECTIVE JUROR ROOS: Growing up in
14 my family, we didn't -- that didn't happen.

15 MR. MIZRAHI: Okay. Did you see other
16 people's domestic violence in their families?

17 PROSPECTIVE JUROR ROOS: I did see one
18 case, yes.

19 MR. MIZRAHI: Did you see it often?

20 PROSPECTIVE JUROR ROOS: No.

21 MR. MIZRAHI: And why was that?

22 PROSPECTIVE JUROR ROOS: I didn't spend
23 a lot of time with other families. I spent
24 mostly at my house.

25 MR. MIZRAHI: And that's exactly what my

1 point is is that most domestic violence --
2 not all. But most domestic violence takes
3 place where?

4 PROSPECTIVE JUROR ROOS: In the home.

5 MR. MIZRAHI: In the home. It's not out
6 in public or not at convenience stores and
7 stuff like that. It takes place in the home.

8 Thank you, Miss Roos.

9 Let's see. Mr. Montgomery?

10 PROSPECTIVE JUROR MONTGOMERY: Yes, sir.

11 MR. MIZRAHI: Do you watch crimes like
12 CSI, shows like that with forensic evidence?

13 PROSPECTIVE JUROR MONTGOMERY: Yes, sir.

14 MR. MIZRAHI: How is a domestic violence
15 case, a case that takes place in the marital
16 home -- how does forensics play with respect
17 to a domestic violence case in the importance
18 of finding DNA evidence or fingerprints
19 inside a marital home if it's a case of
20 domestic violence?

21 PROSPECTIVE JUROR MONTGOMERY: It plays
22 an important part.

23 MR. MIZRAHI: Why?

24 PROSPECTIVE JUROR MONTGOMERY: Because
25 if you can -- I mean, it helps you match --

1 well, we've all got different DNA. Giving
2 our system the way it is now, it's more
3 intrinsic to specify specifically which --
4 who, say, that DNA belongs to in a crime.

5 MR. MIZRAHI: Sure. And, Mr.
6 Montgomery, you touched on the exact point I
7 wanted to make, which is we, as collective
8 citizens, now have more reliance on things
9 like DNA than we ever did in the past. Would
10 you agree with that?

11 PROSPECTIVE JUROR MONTGOMERY: Yes, sir.

12 MR. MIZRAHI: Would you expect to find a
13 wife's DNA in her own home if she lived
14 there?

15 PROSPECTIVE JUROR MONTGOMERY: Yes, sir.

16 MR. MIZRAHI: Would you expect to find
17 her husband's DNA?

18 PROSPECTIVE JUROR MONTGOMERY: Yes, sir.

19 MR. MIZRAHI: Does the fact that a wife
20 or husband's DNA or fingerprints exist in
21 their marital home really mean a lot if
22 you're investigating a crime that took place
23 there?

24 PROSPECTIVE JUROR MONTGOMERY: No.

25 MR. MIZRAHI: It would be more important

1 if it was a complete stranger, right?

2 PROSPECTIVE JUROR MONTGOMERY: Yes, sir.

3 MR. MIZRAHI: That maybe broke in or did
4 something like that. Does that make sense?

5 PROSPECTIVE JUROR MONTGOMERY: Yes, sir.

6 MR. MIZRAHI: Thank you.

7 Now, the nature of -- the history of
8 domestic violence developing in our country,
9 I do not want to talk about that. But I do
10 want to mention that historically, victims
11 were put on trial with regard to domestic
12 violence. And I assume that everyone here in
13 this courtroom understands that domestic
14 violence is a crime, even if it's between a
15 husband and a wife. Does everyone on the
16 right side agree with that?

17 THE PROSPECTIVE JURORS: Yes.

18 MR. MIZRAHI: Does everyone on the left
19 side?

20 THE PROSPECTIVE JURORS: Yes.

21 MR. MIZRAHI: It was not long ago when
22 people were like, what stays in the home --
23 what happens in the home stays in the home.
24 I just want to make sure that we all
25 understand that.

1 And sometimes, at least historically,
2 there was a lot of victim blaming going on.
3 And while that doesn't exist very much in the
4 domestic violence world anymore, victim
5 blaming is still part of our criminal justice
6 system.

7 So I'll give you a little bit of an
8 example. Let's go with Miss Robinson. There
9 you are, hiding behind the other jurors.

10 Did you drive here today?

11 PROSPECTIVE JUROR ROBINSON: Yes.

12 MR. MIZRAHI: You parked in the garage
13 across the street?

14 PROSPECTIVE JUROR ROBINSON: Yes.

15 MR. MIZRAHI: Let's assume for my
16 hypothetical that you were very excited about
17 your jury service. You woke up super early
18 and you had made the decision that you were
19 going to be the first juror in line so
20 you'd have the first seat and be well on your
21 way to doing your civic duty. In doing so,
22 you left the keys to your car in the ignition
23 with your car running. Okay?

24 After jury service, for our
25 hypothetical, you go back to the parking lot.

1 Your car is gone. Are you the victim of a
2 grand theft auto in that hypothetical?

3 PROSPECTIVE JUROR ROBINSON: First of
4 all, it wouldn't happen because I don't have
5 that type of car.

6 MR. MIZRAHI: Now the car shuts off if
7 the keys aren't there.

8 PROSPECTIVE JUROR ROBINSON: Yeah.

9 MR. MIZRAHI: Or its in the pocket.

10 PROSPECTIVE JUROR ROBINSON: Well, I
11 guess they would say, well, you left your
12 keys in the car but still, you stole my car.

13 MR. MIZRAHI: So your answer is?

14 PROSPECTIVE JUROR ROBINSON: A little
15 bit of yes, a little bit of no.

16 MR. MIZRAHI: Okay. You made it easier
17 for the perpetrator to commit the crime.

18 PROSPECTIVE JUROR ROBINSON: Because you
19 left it in there.

20 MR. MIZRAHI: The law treats you exactly
21 the way a person would be if you had the most
22 sophisticated antitheft system in the world.
23 And someone spent hours figuring out how to
24 break into them. The law doesn't judge the
25 conduct of the victim. It judges the conduct

1 of the offender. Does that make sense?
2 Whoever took your car took your car without
3 your permission, whether you left your keys
4 in there or not. Does that make sense?

5 PROSPECTIVE JUROR ROBINSON: Oh, yeah.

6 MR. MIZRAHI: Does everyone here agree
7 with that concept?

8 THE PROSPECTIVE JURORS: Yes.

9 MR. MIZRAHI: Yes?

10 THE PROSPECTIVE JURORS: Yes.

11 MR. MIZRAHI: The law does not judge
12 victim conduct. It judges defendant's
13 actions. Does that make sense?

14 THE PROSPECTIVE JURORS: Yes.

15 MR. MIZRAHI: Okay. Can everyone here
16 follow that law?

17 THE PROSPECTIVE JURORS: Yes.

18 MR. MIZRAHI: Wouldn't have a problem
19 with it? Speak up.

20 This is what is commonly referred to as
21 a cold case. So cold cases mean that we're
22 going back in time, going back to 1993. And
23 I think that Mr. Montgomery accurately
24 indicated that our sophistication with regard
25 to forensic technology has changed a lot in

1 the last 20 -- now six-plus years of crime
2 scene investigation. CSI did not exist in
3 1993, right? It wasn't -- O. J. hadn't even
4 gone to trial then. DNA was barely even a
5 thought in people's minds. And now it's the
6 foremost -- one of the foremost pieces of
7 evidence we use in certain cases.

8 So it's important to recognize that
9 although this crime is being tried now, a lot
10 of what you hear is going to be taking place
11 in 1993. Does everyone here understand that
12 concept?

13 THE PROSPECTIVE JURORS: Yes.

14 MR. MIZRAHI: The nature of our ability
15 to prove our case is that we have to show you
16 that, one, Bonnie Haim is dead and that the
17 death was caused by the criminal act of the
18 defendant and that death was done with ill
19 will, hatred, spite or evil intent.

20 So what you may have guessed is we're
21 going to have to introduce and publish
22 evidence to show that Bonnie Haim is dead.
23 Part of our ability to do that will be to
24 show you her remains. Many cases, we have to
25 use very gruesome medical examiner photos to

1 be able to prove, one, that a person is dead
2 and, two, how they died, the manner in which
3 they were killed. 'Cause that's important to
4 intent.

5 In this particular case, I can assure
6 you that although you will have to look at
7 skeletal remains, there is nothing overly
8 gruesome about that.

9 So my question is here, knowing that
10 little bit of background, is there anyone
11 here that will be unable to fulfill their
12 civic duty in sitting as a juror in this case
13 simply because they may have to look at some
14 medical examiner and/or forensic
15 anthropologist photos of some remains?
16 Anyone here on the right side? Raise your
17 hand if you can't do it.

18 I don't see any hands.

19 Anyone on the left side, if you can't do
20 it?

21 I don't see any hands.

22 Thank you for being willing to serve and
23 be able to look at things that are not very
24 comfortable.

25 I always find it interesting (inaudible)

1 TV shows, the medical examiner's always
2 eating a sandwich while they have a dead body
3 on the slab. So it's not easy for us. It
4 can be easy for some people.

5 Mr. Montgomery was talking about how
6 important DNA evidence was. He's right.
7 It's been wonderful technology that law
8 enforcement has used over the coming years.

9 But interestingly, the law does not set
10 forth any particular type of evidence that
11 needs to be used in order to prove a case
12 beyond and to the exclusion of a reasonable
13 doubt. And I think that intuitively makes
14 sense because we talked about domestic cases.
15 Forensic evidence may not mean a lot.
16 Finding DNA, finding fingerprints in the home
17 of the people that live there doesn't really
18 mean a lot.

19 So sometimes the State has to use what
20 we call "circumstantial evidence."
21 Circumstantial evidence is not a bad word.
22 Sometimes, in fact, DNA evidence is actually
23 circumstantial evidence, not direct evidence.

24 So we're going to present to you both
25 direct evidence and circumstantial evidence

1 in this case. But remember, nothing specific
2 is required, just enough evidence to convince
3 you beyond a reasonable doubt. Does everyone
4 understand that?

5 THE PROSPECTIVE JURORS: Yes.

6 MR. MIZRAHI: Who here has heard the
7 term "beyond a reasonable doubt"?

8 Okay. Everyone. We've kind of been
9 throwing it around.

10 How about beyond a shadow of a doubt?
11 Who's heard that?

12 Okay. Mr. Kloeppel, is beyond a shadow
13 of a doubt part, as far as you know, of
14 Florida law, or is it beyond a reasonable
15 doubt?

16 PROSPECTIVE JUROR KLOEPPPEL: It's beyond
17 a reasonable doubt.

18 MR. MIZRAHI: Beyond a shadow of a doubt
19 carries with it the understanding it's beyond
20 all doubt. Okay? Beyond any shadow of a
21 doubt. That is makeup. I really have tried
22 to research where that comes from. And it
23 doesn't exist in the law anywhere I can find
24 it because the whole concept of beyond all
25 doubt is going to be impossible for anyone

1 ever to prove in any situation because the
2 time machine has not been invented. We will
3 not be able to transport you back to
4 January 6th, 1993, to see what happened.

5 So you're going to be relying on some
6 form of evidence that creates in it just a
7 possible doubt or speculative doubt or
8 imaginary doubt. Does everyone here promise
9 to hold the State to its burden of beyond a
10 reasonable doubt, logical well-founded doubts
11 and not beyond a shadow of doubt, beyond all
12 doubt, all possible doubt? Everyone on right
13 side agree with that?

14 THE PROSPECTIVE JURORS: Yes.

15 MR. MIZRAHI: Everyone on the left side?

16 THE PROSPECTIVE JURORS: Yes.

17 MR. MIZRAHI: There is no mathematical
18 formula for beyond a reasonable doubt. And
19 it is up to you individually and collectively
20 to decide whether doubts are reasonable.
21 Does everyone understand that concept?

22 THE PROSPECTIVE JURORS: Yes.

23 MR. MIZRAHI: Yes?

24 THE PROSPECTIVE JURORS: Yes.

25 MR. MIZRAHI: I'm winding up. I promise

1 you. But I want to close with something
2 that's a little bit difficult for jurors to
3 understand, and that's the concept of the
4 nature of the charge, the possible penalty
5 and your role as jurors. Because obviously
6 the nature of this charge carries with it a
7 significant penalty. He's charged with
8 murder. This is not stealing a pack of gum
9 from a convenience store.

10 I want to use a little bit of an example
11 to show you how you as jurors cannot consider
12 the possible penalty when deciding whether or
13 not the State has proven its charge. Does
14 that make sense? Because it's important to
15 separate. So let's pretend for a second that
16 this is a petit theft of a stick of bubble
17 gum from a convenience store. So you know as
18 a juror in the back of your mind, worst-case
19 scenario, the person's going to do few days
20 in jail and is probably just get to get
21 probation. So you know that in the back of
22 your mind as opposed to a murder charge.

23 And let's say after watching the trial,
24 you become convinced of two things. One, the
25 State didn't prove it. There's no way that

1 they could prove that person stole the bubble
2 gum, and, two, the defendant is a problem
3 person who is going down a path that will
4 lead to greater crimes. And you are worried
5 about your safety and the safety of everyone
6 else in our community if you acquit him. So
7 you think in your mind, oh, well, he's not
8 going to get punished. It would be good if
9 he were on probation and someone was watching
10 him, maybe giving him drug treatment, making
11 sure he stays out of trouble. I could just
12 convict him because that's the better thing
13 to do.

14 Does everyone agree what a miscarriage
15 of justice that would be?

16 THE PROSPECTIVE JURORS: Yes.

17 MR. MIZRAHI: And the exact same in
18 reverse is true. You cannot consider, well,
19 the State's proven its charge, and I'm
20 convinced beyond a reasonable doubt, but,
21 gosh, I don't want him to see -- I don't want
22 to see him do a lot of time. And you start
23 considering, oh, he's going to do so much
24 time.

25 Only the judge's verdict -- the judge's

1 sentencing upon a guilty verdict will decide
2 what the sentence is. Has nothing to do with
3 y'all. You only decide whether or not the
4 person is guilty. Will everyone promise to
5 uphold that oath that you will take, that you
6 will decide only the facts in the case?
7 Everyone on the right side?

8 THE PROSPECTIVE JURORS: Yes.

9 MR. MIZRAHI: Everyone on the left side.

10 THE PROSPECTIVE JURORS: Yes.

11 MR. MIZRAHI: I could stand up here a
12 lot longer. I won't do it. I'll give
13 Mr. Fallis an opportunity to talk if he
14 wants.

15 If there's anything that I have not
16 asked you now that you would like to bring up
17 that you think would impact your ability to
18 sit as a fair and impartial juror, please let
19 me know now. Otherwise, I will to thank --
20 yes. That's going to be Mr. Markley.

21 PROSPECTIVE JUROR MARKLEY: Maybe this
22 is an arcane point. I'm not sure. But the
23 concept of intent is -- again, maybe I
24 watched too much Perry Mason when I was a
25 little kid. But intent is necessary to be

1 proven, demonstrated, documented and -- which
2 is why we can't look into their minds to
3 establish the intent. We have to infer the
4 intent. But can we think about that a little
5 bit more?

6 MR. MIZRAHI: Well, I don't want to get
7 too far afield because the judge will explain
8 to you what the law is.

9 PROSPECTIVE JUROR MARKLEY: Okay.

10 MR. MIZRAHI: So I don't want to go too
11 far. But the nature of law is that the
12 intent is sometimes proven only through
13 circumstantial evidence.

14 PROSPECTIVE JUROR MARKLEY: True.

15 MR. MIZRAHI: And that should not be a
16 barrier to finding intent if you believe it's
17 been proven.

18 PROSPECTIVE JUROR MARKLEY: Beyond a
19 reasonable doubt.

20 MR. MIZRAHI: Correct, correct. And
21 sometimes it's not capable of direct proof.
22 'Cause sometimes people don't announce their
23 intent before they do it. Sometimes they
24 just do it.

25 PROSPECTIVE JUROR MARKLEY: You have to

1 infer.

2 MR. MIZRAHI: Correct, which legally,
3 you can. That inferring is not a way to
4 avoid proving it. It still has to be a
5 logical inference from the evidence, but you
6 can make logical inferences from the evidence
7 that are not direct proof and still be
8 convinced beyond a reasonable doubt as to
9 that issue.

10 PROSPECTIVE JUROR MARKLEY: Okay.

11 MR. MIZRAHI: I hope that helps --

12 PROSPECTIVE JUROR MARKLEY: It does.

13 MR. MIZRAHI: -- without going too far
14 afield.

15 PROSPECTIVE JUROR MARKLEY: Right.

16 MR. MIZRAHI: Thank you, sir. That was
17 a very intellectual legal discussion.

18 Anything else that I have not asked?

19 I want to thank you for your time. I
20 appreciate it.

21 THE COURT: All right. Folks, we're
22 going to take a break. We've been here
23 almost a couple of hours. I think it's a
24 good time to take a stretch break, bathroom
25 break. So we'll do that before we hear from

1 the defense. Be back in ten minutes so at
2 3:25. Have a good break. Don't go far
3 because we'll be back here starting soon.

4 (Jury panel excused.)

5 THE COURT: Let's go back on the record.
6 Mr. Haim's not here. So we'll be back at
7 3:25. I'm give you my ruling when he's back.
8 So we're in recess.

9 (Short recess.)

10 (Defendant present.)

11 THE COURT: Juror No. 36, the attorney,
12 is having chest pains. We're going to have
13 somebody come check him out.

14 MR. FALLIS: 36, you said?

15 THE COURT: Correct, Mr. Kloeppel.

16 MS. WARREN: Oh, the attorney?

17 THE COURT: Correct.

18 All right. Let me make a ruling on
19 these motions from this morning. The defense
20 has objected to three things, photographs,
21 State's Exhibits 13, 14 and 15, which are
22 towels that smelled of bleach, and 17 and 18,
23 which is a stain on the bathroom floor that
24 may or may not be blood. It was never
25 collected.

1 I do find that the towels under the
2 circumstances are relevant. It's certainly
3 probative of a material fact in dispute as to
4 whether or not Mr. Haim had some involvement
5 in this. Its relevancy is not outweighed by
6 danger of unfair prejudice.

7 As to the stain, the fact that it may or
8 may not be blood is what makes it potentially
9 relevant. Although I do think because we
10 don't know what it is and the natural
11 inference would be to think it may be blood,
12 its relevancy is outweighed by the danger of
13 undue prejudice. So I'm not going to allow
14 17 and 18, the stain photographs or reference
15 to the stain.

16 The State can certainly -- if it wishes
17 to explain to the jury the brevity or the
18 lack of thoroughness of the search, can do
19 that without having reference that
20 photograph. So what relevancy it had can be
21 accomplished without endangering the
22 defendant's right to a fair trial.

23 As to the testimony of the civil case,
24 that's testimony or statements of a party
25 opponent. I see no reason not to keep it in.

1 It's certainly not being compelled of him.
2 He chose to testify and make a statement. So
3 it will come in like any other statement of a
4 party opponent in the State's case in chief.

5 The documents provided at the proffer of
6 Mr. Mizrahi is accurate, which I have no
7 doubt it's accurate -- but provided you can
8 present evidence that Mr. Haim knew that his
9 wife was wanting to leave, I think that does
10 have relevance, and with that understanding,
11 I will find that those documents also,
12 provided they could be authenticated, are
13 admissible. That's my ruling on that.

14 Now, before we bring in the whole panel,
15 I do want to make sure we have addressed
16 Mr. Kloeppel -- that's Juror No. 36 -- before
17 you bring everybody back in because if he's
18 not joining us, we need to know that.

19 THE BAILIFF: Couple other things.

20 (Conferring with the Court.)

21 THE COURT: All right. The bailiff,
22 Officer Farrell, has informed me that some of
23 the jurors to my right on the back row are
24 having trouble hearing because of the
25 clicking noises being made by the reporters.

1 Remember, I said I'd make an exception to my
2 rule about y'all being in here. But you
3 can't be a distraction. And now you're being
4 a distraction.

5 So I don't know what we're going to do,
6 but we can't -- I've got to have these jurors
7 be able to hear. Okay? So that means no
8 typing or writing it on hand. Once the trial
9 starts, you'll be far enough back. I don't
10 think anybody can hear you. But you've got
11 jurors right up against where you are.

12 So when you come back in, I'm going to
13 ask those jurors if they've had enough
14 difficult hearing, if they need to have
15 anything gone back over. Okay?

16 Mr. Mizrahi, anything from the State on
17 that issue.

18 MR. MIZRAHI: Not on that issue.

19 We did -- there was one more -- well,
20 let's address first Mr. Kloeppel. I have no
21 objection to him being dismissed.

22 MR. FALLIS: You have no objection to
23 what?

24 MR. MIZRAHI: Him being dismissed if
25 he's having chest pains.

1 MR. FALLIS: I don't want him dismissed,
2 Judge.

3 THE COURT: Yeah. Well, we need to find
4 out what's going on with him before I can
5 bring everybody back in obviously.

6 MR. MIZRAHI: There was one more ruling
7 I think the parties are waiting for, and
8 that's with regard to the potential penalty
9 phase.

10 THE COURT: I haven't decided that yet.
11 There's two things, though. We can talk
12 for a minute because we're not --

13 MR. FALLIS: My understanding --

14 THE COURT: Let me finish the thought
15 here. So there's two things on that. One,
16 do I have the authority to send that to a
17 jury? And I understand the defense's
18 argument. There's no statutory rule that
19 says I can. The second thing is if I can,
20 are those factors sufficient? One, are they
21 sufficient evidence to prove it to even let
22 it go back to the jury, sort of like a JOA in
23 a sense, which I don't know yet because we
24 haven't heard the evidence. Or whether or
25 not those aggravators are inherent in the

1 nature of the crime, both of which those
2 reasons would prevent those things from being
3 considered by the jury.

4 So as to those issues, I'm not going to
5 decide until we hear the evidence. And I
6 might likely resolve the ruling until that
7 time. So I haven't decided yet.

8 MR. FALLIS: Your Honor, I want to --
9 first of all, I want to -- if I understood
10 correctly, you overruled my objection to that
11 stain (inaudible).

12 (Brief interruption by the reporter.)

13 (Off-record discussion.)

14 MR. FALLIS: Your Honor, I just want to
15 make sure I understand the rulings that you
16 made on the evidence.

17 Number one, you sustained -- I mean, you
18 allowed the State to bring in this
19 speculative evidence of some red stain that
20 may or may not be blood?

21 THE COURT: No, no. Let me say it
22 again. The towels are coming in. They're
23 relevant and they're not outweighed -- that
24 relevancy is not outweighed by any unfair
25 prejudice. The stain is not coming in.

1 MR. FALLIS: Oh, okay.

2 THE COURT: 'Cause I think it might be
3 relevant arguably, but the relevancy is
4 outweighed by the prejudice. So the stain --
5 I almost said bloodstain -- that's part of
6 the problem because we don't know. So that
7 is not coming in.

8 MR. FALLIS: Okay. The towels are
9 coming in.

10 THE COURT: The towels are coming in.

11 MS. WARREN: Michael's testimony.

12 THE COURT: Michael's testimony --
13 Mr. Haim's testimony --

14 MR. FALLIS: Obviously, I'm going to
15 renew that objection. I have a standing
16 objection to that testimony, as the State has
17 not provided any authority except --

18 THE COURT: I know. I heard you this
19 morning. I've made my ruling.

20 MR. FALLIS: You said --

21 THE COURT: Mr. Fallis.

22 MR. FALLIS: I want to understand your
23 ruling, Judge. You're admitting it as what
24 again, a --

25 THE COURT: Mr. Haim has made

1 statements. In this sense, in that
2 situation, he's made a sworn statement. It's
3 coming in as a statement of a party opponent.
4 I believe Paragraph 18, I think, Paragraph 18
5 of the evidence code. Don't quote me on that
6 but y'all know what we're talking about.

7 All right.

8 MR. FALLIS: But it wasn't a criminal
9 trial, Judge. This is a criminal trial.
10 Okay?

11 THE COURT: I understand that.

12 MR. FALLIS: He could have made
13 statements (inaudible).

14 THE COURT: He could have made
15 statements to his next-door neighbor.

16 MR. FALLIS: Correct. (Inaudible)
17 impeachment, they're absolutely entitled to
18 it. But what we have here now is criminal
19 procedure. We've got somebody who the State
20 is compelling testimony of. That's the
21 problem we have here, Your Honor.

22 THE COURT: Mr. Fallis.

23 MR. FALLIS: Yes, sir.

24 THE COURT: Please renew the objection
25 but I made my ruling. So I'm not going to

1 hear any more argument on that.

2 MR. FALLIS: Okay.

3 THE COURT: Where's Mr. Kloeppel?

4 THE BAILIFF: (Conferring with the
5 Court.)

6 THE COURT: All right. Bring in
7 Mr. Waugh.

8 Mr. Waugh has told the bailiff that he
9 has more information about what he's heard
10 from the media, so I want to hear from him
11 right now.

12 (Prospective Juror Waugh present.)

13 THE COURT: Good afternoon again,
14 Mr. Waugh. I understand that you had
15 something that you wanted to share with us
16 about -- just tell me what it is that's on
17 your mind, sir.

18 PROSPECTIVE JUROR WAUGH: So as I was --
19 this gentleman asked me a specific question
20 about prior cases that I thought I answered
21 correctly in saying no. But I did hear
22 something about prior cases on the news this
23 morning.

24 THE COURT: Prior cases about what?

25 PROSPECTIVE JUROR WAUGH: It would

1 appear to me -- it would appear to me -- I
2 was trying not to watch it, but it came on
3 three or four times. It appeared that they
4 said that this gentleman was convicted of
5 wrongful death in a civil suit.

6 THE COURT: Okay. And you heard that on
7 the news this morning?

8 PROSPECTIVE JUROR WAUGH: They did say
9 that on the news this morning.

10 THE COURT: Okay. Now, is that
11 something that you've got some fixed opinion
12 about now that that's true and that you won't
13 be able to set that aside and judge this case
14 on the merits, or are you concerned that you
15 won't be able to set that aside?

16 PROSPECTIVE JUROR WAUGH: If a
17 conviction in a civil case doesn't have a
18 bearing on criminal, then I assume that means
19 we won't even be discussing it here. But I
20 wanted to make sure that I knew for sure.

21 THE COURT: Right. Well, let me go even
22 further than that. I'm not telling you
23 that's even true. You just heard something
24 about it on the news. The point is can you
25 set aside what you've heard and judge this

1 case solely based on what you -- what you
2 hear in this courtroom?

3 PROSPECTIVE JUROR WAUGH: I can.

4 THE COURT: Okay. Mr. Mizrahi?

5 MR. MIZRAHI: I have no questions.

6 THE COURT: Mr. Fallis?

7 MR. FALLIS: Sir, I'm having a hard time
8 understanding exactly what it is you're
9 getting at. Are you saying the fact that you
10 heard something about a civil judgment in
11 this case? Is that what you're saying?

12 PROSPECTIVE JUROR WAUGH: I believe I
13 heard that on the news this morning.

14 MR. FALLIS: What did you hear? What
15 did you hear?

16 PROSPECTIVE JUROR WAUGH: So I heard
17 that -- sorry. Again, I was trying not to
18 pay attention, but each time I walked back in
19 the house, the news was cycling the same
20 story. And so I believe I heard that another
21 family member filed a wrongful death claim
22 against --

23 MR. FALLIS: Did you hear the result of
24 that?

25 PROSPECTIVE JUROR WAUGH: I believe they

1 said he was convicted.

2 MR. FALLIS: I'm sorry?

3 PROSPECTIVE JUROR WAUGH: I believe they
4 said that the other family member won.

5 MR. FALLIS: Okay. Are you saying that
6 you will not take that into consideration and
7 you will not be influenced by that, even
8 though you're not going to hear anything
9 about it in trial?

10 PROSPECTIVE JUROR WAUGH: I believe I'm
11 definitely not supposed to.

12 MR. FALLIS: That's not the question.

13 PROSPECTIVE JUROR WAUGH: I don't think
14 I would. What I really want to clarify is
15 that I should know that's something I
16 shouldn't know and that I should know that I
17 could endanger the rest of the jurors if I
18 said that.

19 MR. FALLIS: Correct. You think you
20 have a fear of doing that.

21 PROSPECTIVE JUROR WAUGH: That's why I
22 wanted to be sure it was something that I
23 shouldn't forget I heard from the news and
24 not in this room.

25 MR. FALLIS: And you have a fear that

1 you might, in fact, pollute the rest of the
2 jury with that with that fact, correct?

3 PROSPECTIVE JUROR WAUGH: If I didn't
4 ask, I'm sure I would. I believe I could --
5 I believe that I won't forget now, but, yeah,
6 I'm afraid it will happen.

7 MR. FALLIS: Well, how about your own
8 opinion? Do you think that it would affect
9 your verdict because you heard it was a civil
10 verdict? Would it influence your verdict,
11 say, whoa, gosh, somebody else found him -- I
12 mean, you know, not knowing what the standard
13 of proof was. It's two different things.
14 You understand that.

15 PROSPECTIVE JUROR WAUGH: I do
16 understand. I don't think it would -- I
17 don't think it would affect me.

18 MR. FALLIS: Okay. Thank you.

19 THE COURT: All right. Thank you,
20 Mr. Waugh. Just wait for us out in the
21 hallway. We'll call you-all back in just a
22 few minutes. I do appreciate you, sir,
23 coming back in. Okay?

24 PROSPECTIVE JUROR WAUGH: Do you want me
25 to --

1 MR. FALLIS: You said you heard it this
2 morning, correct?

3 PROSPECTIVE JUROR WAUGH: The first I
4 heard of this case was this morning.

5 THE COURT: That was my understanding.

6 All right. Thank you, Mr. Waugh.
7 Appreciate that.

8 (Prospective Juror Waugh excused.)

9 THE COURT: All right. Juror No. 36,
10 rescue is being called for him. Is he able
11 to come in?

12 THE BAILIFF: 36?

13 THE COURT: Yes, sir. Is he going to
14 make his way in here?

15 THE BAILIFF: I don't think he is. I
16 think they went to take him to the hospital
17 now.

18 THE COURT: Taking him to the hospital?

19 THE BAILIFF: Officer (inaudible) just
20 told me.

21 THE COURT: All right.

22 MR. FALLIS: Sounds like he's excused
23 himself.

24 THE COURT: I think so.

25 THE BAILIFF: Juror 34 had a private

1 question.

2 THE COURT: Juror No. 34, Mr. Longino,
3 he has a question as well. So can you get
4 him, please?

5 (Prospective Juror Longino present.)

6 THE COURT: Hello, Mr. Longino. Welcome
7 back.

8 PROSPECTIVE JUROR LONGINO: Thanks. So
9 this was something I didn't want to say in
10 front of all the other jurors. But I guess I
11 can't probably offer the State a fair chance
12 at trial based on my previous experience in
13 courts. For about 12 years, I was in and out
14 of divorce court. And my father at the time
15 was -- well, there's no nice word for -- that
16 I would use for describing him. He's
17 mellowed out now. But at the time -- and
18 it's nothing against you personally, but his
19 questions phrased the exact same way, always
20 drilling at my sister, my brother and myself,
21 always, you know, that same kind of
22 directed -- is this -- do you understand
23 that? Well, that type thing.

24 And it automatically just put me on kind
25 of, well, distrust towards most of what's

1 being said. And, again, it's nothing against
2 you personally. It's just that type of
3 demeanor of how you argue the points is --
4 just kind of completely turns me off, if that
5 makes sense. I just wanted to throw that out
6 there before everybody else -- I didn't want
7 to throw that out there in front of everybody
8 else too.

9 THE COURT: So you've got a personal
10 dislike of how Mr. Mizrahi has asked the
11 questions.

12 PROSPECTIVE JUROR LONGINO: Yes.

13 THE COURT: And because of that, you may
14 not be able to sit and judge the State's case
15 fairly.

16 PROSPECTIVE JUROR LONGINO: Yeah. I
17 think so.

18 THE COURT: Okay. Mr. Mizrahi, do you
19 have any questions?

20 MR. MIZRAHI: I do not.

21 THE COURT: Mr. Fallis, anything from
22 you?

23 MR. FALLIS: Nothing, Your Honor.

24 THE COURT: Thank you, Mr. Longino. I
25 appreciate that.

1 (Prospective Juror Longino excused.)

2 THE COURT: All right. We ready to
3 bring in the panel?

4 Bring in the panel.

5 And for the record, Mr. -- Juror No. 36
6 will be excused. He went to the hospital.

7 MR. FALLIS: I'm sorry, Judge. I didn't
8 hear you.

9 THE COURT: Mr. Kloeppel, Juror No. 36,
10 has been excused.

11 (Jury panel present.)

12 THE COURT: All right. Welcome back,
13 folks. Let me tell you, we're getting close
14 to the end. I know it's a long day. You
15 guys have been here since pretty early this
16 morning. It's a necessary part of the
17 process to get a jury selected. It's not
18 always the smoothest, though this has been
19 actually fairly smooth. It just takes a
20 while to get this far, so I appreciate your
21 patience and your continued patience.

22 Now we're going to turn it over to the
23 defense so he can ask you some questions.

24 Mr. Fallis, you may inquire, sir.

25 MR. FALLIS: Thank you, Your Honor.

1 Please the Court?

2 Counsel.

3 Ladies and gentlemen, as the judge said,
4 it has been a long day. I only hope that you
5 would kindly give us the same attention that
6 you have given the prosecutor. I know he was
7 up there for over two hours. I don't
8 anticipate that I will be two hours. So if
9 you appreciate that I do that for you,
10 then -- 'cause I don't want to keep you here
11 any longer than I have to.

12 The State did handle quite a few of the
13 questions that I would have liked to have
14 arranged with you. You-all were frank and I
15 want you to be as frank with me as you were
16 with Mr. Mizrahi.

17 The judge talked about the law, that he
18 will be giving you the law. But he didn't --
19 sometime when you're selected. Okay?

20 But Mr. Mizrahi took the liberty of
21 giving you some law, not all the law in this
22 case and asked you whether you agreed with
23 it. He talked about intent. He talked about
24 things which may not even be relevant to what
25 we're going to be doing here. But he talked

1 about the law.

2 I need to get your attitude so as to
3 what we call in the law "black letter of the
4 law." Mr. Mizrahi threw around and he tried
5 to explain what reasonable doubt was as if we
6 all know it. Okay? Little was said about
7 burden of proof. I'm going to teach you a --
8 if he can teach you a little bit of law, I
9 can. Because what I tell you, take it to the
10 bank 'cause you're going to hear it from the
11 Court. Okay?

12 I'm not -- you know, of course, as you
13 know, the attorneys might say -- I'm telling
14 you right now, what I'm telling you is the
15 law that you're going to hear from the Court.

16 You've heard of the term "burden of
17 doubt." Does anybody here know what -- I
18 mean "burden of proof." Does anybody here
19 know what burden of proof means at this point
20 without being instructed by the Court? Raise
21 your hands if you think you know.

22 I only see four hands. So maybe we need
23 to know what burden of proof is. There are
24 two kinds of proof in criminal trials. One
25 is who's got it. That's -- and there's two

1 standards of proof. There's also two
2 burdens. Who's got the burden? In a
3 criminal case, the burden to prove the case
4 is entirely up to them.

5 Miss Warren and I could sit here, do
6 crossword puzzles, not pay any attention and
7 not put on any case at all. We don't have
8 that burden. Does that bother anybody here
9 that maybe you don't -- that we don't have to
10 put a case on, that you don't have to hear
11 from the defendant or anybody? Does anybody
12 think a jury should be able to hear from two
13 sides? Raise your hands if you think that.

14 That's a majority of people. Okay. So
15 we're going to go row by row.

16 Okay. As I said, the majority of you
17 thought you had to hear from two sides.
18 Well, ladies and gentlemen, that's not what a
19 criminal case is about. You have to hear
20 from one side, only them.

21 So on the first row, in the event
22 (inaudible), I guess it will be Mr. Junkins,
23 correct?

24 PROSPECTIVE JUROR JUNKINS: Yes.

25 MR. FALLIS: Sir, tell me -- you raised

1 your hand when I said, do you think you had
2 to hear from both sides. Would that bother
3 you if you only heard from one side? Do you
4 think that's unfair?

5 PROSPECTIVE JUROR JUNKINS: I do.

6 MR. FALLIS: Okay. So in the event that
7 we do not put on a case or you don't hear --
8 and I'll explain that to you as well -- hear
9 anything from Mr. Haim or from our side, that
10 would bother you.

11 PROSPECTIVE JUROR JUNKINS: It would.

12 MR. FALLIS: Correct?

13 And knowing that, then you probably
14 could not sit on this jury, knowing that you
15 want to hear from both sides, correct?

16 MR. MIZRAHI: Your Honor, I object to
17 that.

18 PROSPECTIVE JUROR JUNKINS: I don't
19 know --

20 THE COURT: Let me do this --

21 PROSPECTIVE JUROR JUNKINS: I'm not sure
22 I understand the question.

23 THE COURT: Mr. Junkins, hold on.

24 Here's what I'm going to do folks:

25 Since both sides talk about the law, it's a

1 good time to talk about this. And let me
2 just read to you what it is.

3 And, Mr. Fallis, you can follow up with
4 questions based on this 'cause I am going to
5 read you from the jury instructions that you
6 will get in this case. Because it's the same
7 jury instruction you would get in any
8 criminal case in the State of Florida,
9 whether it's the bubble gum theft or the
10 murder cases.

11 It's the same language and it's this.
12 And this isn't all that you're going to hear.
13 There's a good bit of law that applies to all
14 criminal cases in general and then some
15 specific laws that occur -- that apply to
16 individual cases.

17 One of those general applies to all
18 cases is this: The defendant has entered a
19 plea of not guilty. This means you must
20 presume or believe that the defendant is
21 innocent. The presumption stays with the
22 defendant as to each material allegation in
23 the information -- and that's the charging
24 document that I read from you a little bit
25 earlier this morning -- through each stage of

1 the trial unless it has been overcome by the
2 evidence to the exclusion of and beyond a
3 reasonable doubt.

4 To overcome the defendant's presumption
5 of innocence, the State has the burden of
6 proving, one, the crime with which the
7 defendant is charged was committed, two, and
8 the defendant is the person who committed the
9 crime. The defendant is not required to
10 present evidence or prove anything.

11 Whenever the words "reasonable doubt"
12 are used, you must consider the following: A
13 reasonable doubt is not a mere possible
14 doubt, speculative, imaginary or forced
15 doubt. Such a doubt must not influence you
16 to return a verdict of not guilty if you have
17 an abiding conviction of guilt.

18 On the other hand, if after carefully
19 considering, weighing -- comparing and
20 weighing all the evidence, there is not an
21 abiding conviction of guilt or if having a
22 conviction, it is one which is not stable but
23 one which wavers and vacillates, the charge
24 is not proved beyond every reasonable doubt,
25 and you must find the defendant not guilty

1 because the doubt is reasonable.

2 It is to the evidence introduced in this
3 trial and to it alone that you are to look
4 for that proof. A reasonable doubt as to the
5 guilt of the defendant may arise from the
6 evidence, conflict in the evidence or the
7 lack of evidence. If you have a reasonable
8 doubt, you should find the defendant not
9 guilty. If you have no reasonable doubt, you
10 should find the defendant guilty.

11 Now, again, that's the definition of
12 burden of proof and reasonable doubt.
13 There's more law that I will read to you.
14 But on that, does -- did everybody hear that?

15 THE PROSPECTIVE JURORS: Yes.

16 THE COURT: Okay. Good. Can everybody
17 agree to follow that law?

18 THE PROSPECTIVE JURORS: Yes.

19 THE COURT: Is there anybody who upon
20 hearing that says, I can't -- I can't do
21 that; I don't think it's right; I'm going to
22 refuse to follow it?

23 I don't hear anybody. Everybody agrees
24 to follow the law?

25 THE PROSPECTIVE JURORS: Yes.

1 THE COURT: Okay. Mr. Fallis, you may
2 continue.

3 MR. FALLIS: You've heard the law just
4 from the Court as I just told you. Okay? We
5 don't have to do anything. They've got to do
6 it all. They've got the burden.

7 Now, when I asked you originally how
8 you-all feel about that, do you think we had
9 to, most of us -- let the record reflect most
10 of the panel raised their hands.

11 Even though the judge told you what the
12 burden was, tell me how you feel about it.
13 Do you feel, maybe the law is wrong, that we
14 should have to do something, not just because
15 judge said that's the law? How do you feel
16 about the law? You're entitled to have your
17 feelings about it. Do you think it's only
18 fair that we should have to put on a case as
19 well? Raise your hand if you think that is
20 how it should be.

21 Okay. I only see one hand on the first
22 row go up. We'll go row by row. And would
23 that be Miss Boten (phonetic)?

24 PROSPECTIVE JUROR BEATON: Beaton.

25 MR. FALLIS: I'm sorry?

1 PROSPECTIVE JUROR BEATON: Beaton.

2 MR. FALLIS: Okay. Miss Beaton. Okay.

3 So in the event -- and you still feel
4 that's how it should be -- right? -- that we
5 should have to do something, correct?

6 PROSPECTIVE JUROR BEATON: Yes.

7 MR. FALLIS: To convince you.

8 PROSPECTIVE JUROR BEATON: Yes.

9 MR. FALLIS: I see a lady next to you
10 shaking her head as well.

11 PROSPECTIVE JUROR LUCARELLI: Yeah. It
12 needs to be confirmed through the evidence of
13 both sides.

14 MR. FALLIS: One second. One at a time.
15 Okay? And that will be Juror No. 6 --
16 okay? -- Lucarelli. You were shaking your
17 head too, that you that it would be
18 imperative upon us to do something, correct?

19 PROSPECTIVE JUROR LUCARELLI: Yes.

20 MR. FALLIS: And if we didn't do
21 anything, then you feel one of two things.
22 We were hiding something, right? You're
23 shaking your head, Miss Lucarelli. Same
24 thing? You feel that way, that we're hiding
25 something or just wrong.

1 PROSPECTIVE JUROR LUCARELLI: Yes.

2 MR. FALLIS: Correct.

3 PROSPECTIVE JUROR LUCARELLI: It would
4 be wrong.

5 MR. FALLIS: All right. And that's a
6 pretty deep abiding conviction you have,
7 right, now isn't it?

8 PROSPECTIVE JUROR LUCARELLI: (Nods
9 head.)

10 MR. FALLIS: All right. So you would
11 agree, having that conviction, that you don't
12 think you could be fair, meaning -- I don't
13 mean not a fair person. Okay? But you don't
14 think the system is such where you could be
15 fair to the defense because you want them to
16 do something they are not obligated to do,
17 correct?

18 PROSPECTIVE JUROR LUCARELLI: What I'm
19 saying is it needs to be on both sides
20 because that's why there's you and that's why
21 there's them.

22 MR. FALLIS: Okay. And you feel
23 strongly about that.

24 PROSPECTIVE JUROR LUCARELLI: Yes.

25 MR. FALLIS: Okay. Now, do you agree

1 with that, Miss Beaton, with what
2 Miss Lucarelli just said?

3 PROSPECTIVE JUROR BEATON: Not entirely.
4 But I guess I don't know how the system
5 works. I always thought that you had -- that
6 both sides were gave their stories? The jury
7 decides which one they believe.

8 THE COURT: Well, let me interject
9 there, Mr. Fallis, see if I -- because
10 sometimes there's confusion because there's a
11 big legal system. And some of it's criminal
12 and some of it's civil. And there's a
13 different law that applies in a civil case
14 when we're talking about money. When we're
15 talking about money, there's no presumption.
16 There's no proof beyond a reasonable doubt.
17 It's actually a lesser standard.

18 But when we're talking about liberty,
19 when we're talking about one side is the
20 State, there's a different standard.

21 And, again, I -- let me emphasize
22 something here for everybody in this room.
23 All right? Everybody wants to know and they
24 want to know, talking about the parties, your
25 true opinions about this. Okay? There's no

1 wrong answer. It's too important of a thing
2 for you-all to give us the answers you think
3 we want to hear. Or it's getting late in the
4 day and we're just ready to go. Okay? This
5 is too important. I want to know your true
6 position.

7 But what I've told you has been the law
8 in this country since the foundation of the
9 country. It's nothing new. For over
10 200 years, this has been how criminal cases
11 have been handled. That doesn't mean you
12 have to agree with it. It does mean that if
13 you're going to be on the jury deciding the
14 case, you've got to agree to follow it, even
15 if you disagree with it.

16 So now I don't want to say silly
17 example, but somebody brought up the
18 marijuana possession. And marijuana is quasi
19 legal now and soon may be completely lawful.
20 You may have strong feelings that it should
21 be legal, but you're going to be picked on a
22 jury on a marijuana possession case, right?
23 That's not this case obviously. If it were,
24 you'd still have to follow the law, that
25 marijuana possession, absent some

1 certificate, I guess, is unlawful. And you
2 may have strong feelings that it shouldn't
3 be, but you've still got to follow the law.

4 Same here. So the presumption of
5 innocence that Mr. Haim and every criminal
6 defendant is entitled to in this country, let
7 alone the State of Florida, you've got to
8 give it to them. And the burden of proof
9 that's on the state, you've got to hold them
10 to it. If you can't do that, again, tell us.
11 Nobody's going to, you know, say bad things
12 about you. We just need to know. Okay?

13 Now, Mr. -- let's talk about the front
14 row. Well, yes, sir. You raised your hand,
15 Mr. Markley. Yes, sir.

16 PROSPECTIVE JUROR MARKLEY: I guess what
17 maybe some of us are thinking is that we
18 understand the presumption of innocence upon
19 the defendant. We understand the burden of
20 proof upon the prosecution. But we hear you
21 attorneys, us jurors, we're here to establish
22 facts, and there's a term probably gets
23 banded about the vigorous defense in that as
24 we're trying to work with all of you to
25 establish what the facts are, we want to have

1 a vigorous prosecution; we want to have
2 vigorous defense so that all the facts that
3 are relevant get brought before us so that we
4 collectively can make up our minds what the
5 facts. Then the judge instructs us what the
6 law is.

7 That doesn't take away from the burden
8 of proof or the presumption of innocence. To
9 me, it adds to it.

10 THE COURT: It instructs you on how
11 you're to view all that and answer those two
12 questions. Was a crime committed? That's
13 question number one. Two, was the defendant
14 the person who committed it? How am I going
15 to answer those questions? By determining
16 whether or not the State's convinced you by
17 evidence, by proof beyond a reasonable doubt
18 or if they haven't. The law is going to
19 instruct you on how you can view it all and
20 how to answer those two questions.

21 PROSPECTIVE JUROR MARKLEY: Okay.

22 THE COURT: Okay? And I would also say
23 this: It's been my experience, having done
24 this for a while now, once you're selected
25 and once you're in the box over here and

1 hearing it, things start to click a little
2 bit easier than when you're sitting out here.
3 We can't tell you everything that we know
4 about the case. 'Cause you've noticed,
5 they're not telling you about the facts of
6 this case hardly at all. You know why?
7 'Cause I'm not going to let them. That's not
8 the point of jury selection to get into the
9 facts of the case and say, how would you
10 decide it?

11 You've got to know a few things. You've
12 got to know what the law is so we can
13 determine whether or not you can follow it.
14 Then you can be in the jury to decide the
15 case.

16 But, Mr. Markley, do you have a specific
17 question? I mean --

18 PROSPECTIVE JUROR MARKLEY: No. My
19 thoughts are just rather general in that
20 there's -- you know, like the old saying,
21 there's two sides to a story. And, you know,
22 true in the abstract, the defense could make
23 no case whatsoever, and if the prosecution
24 didn't meet their burden of proof, we would
25 be required to acquit. But I think most of

1 us intuitively, for whatever reason, want to
2 hear from both sides.

3 THE COURT: Right. Let me give you
4 another example to see if I can drive the
5 point home. Recently, my wife and I were
6 having a discussion. She monitors this
7 social media post, and she was concerned
8 about some comment that somebody made. She
9 goes, isn't it hearsay, what they're saying?
10 I'm like, well, not really 'cause hearsay, by
11 definition, it's a legal term. It's a rule
12 that applies only in the courtroom. It
13 doesn't apply outside the courtroom.

14 So if you -- in trial, you hear the
15 lawyers stand up and say, objection, hearsay,
16 and I sustain it, whatever the answer is
17 isn't going to come out from the witness
18 because there's an objection that what that
19 witness was going to say would be hearsay.

20 Now, that doesn't apply in our
21 day-to-day lives, right? Like, if my wife
22 asked me a question about what happened at
23 work or what somebody -- some friend of ours
24 told me and I said, well, I can't answer
25 that; it's hearsay, she would not find that

1 to be an acceptable answer, right? What --
2 leave it at home or leave it back at work,
3 Judge. You're home now. There's no such
4 thing as hearsay.

5 So there's rules that apply in how we
6 have to decide a case, right? And that only
7 applies here in the courtroom. So this idea
8 that we want to hear from both sides, that's
9 a natural thing. I get that, right? If you
10 have young kids at the home -- and some of
11 y'all have young children in your home, and
12 if you come home from work and you find that
13 there's been somebody who's colored all over
14 the walls with markers, if you asked your
15 child who's six years old, did you do it, he
16 says he's taking -- he's claiming the right
17 to remain silent, that's not going to work.
18 Right? 'Cause it don't work in the real
19 world. It's special rules that apply here.

20 So all that to say this: Yes, you may
21 wish to hear from both sides. You have to
22 tell us and be truthful that you're not going
23 to take -- bring that into this case. You've
24 got to follow the law, which is that only the
25 State has the burden of proof, and the

1 defendant doesn't have to proven anything.

2 All right?

3 Now, first row, can everybody agree to
4 do that?

5 THE PROSPECTIVE JURORS: Yes.

6 THE COURT: That's from Mr. Junkins to
7 Miss Gendive. Okay? Right?

8 THE PROSPECTIVE JURORS: Yes.

9 THE COURT: Well, Mr. Fallis, I want to
10 give it back to you, sir, so you can continue
11 on with your questioning.

12 MR. FALLIS: Okay. Your Honor, I still
13 need to clarify a couple things. I
14 appreciate the Court instructing the jury on
15 that.

16 THE COURT: Yes, sir. Please do so.

17 MR. FALLIS: Mr. Markley, you said that
18 we all, speaking collectively, would expect a
19 vigorous defense and a vigorous prosecution.
20 Okay?

21 PROSPECTIVE JUROR MARKLEY: Yes, sir.

22 MR. FALLIS: Okay. After hearing what
23 the Court just told you, do you still expect
24 that or want that or need that?

25 PROSPECTIVE JUROR MARKLEY: I don't

1 think that I need it. 'Cause I understand
2 the judge's instructions about what it is
3 we're supposed to do. But we're determining
4 facts.

5 MR. FALLIS: That's going to be the
6 jury's job, sir.

7 PROSPECTIVE JUROR MARKLEY: And, you
8 know, in this particular case, you know, like
9 the judge told us, there's a person who used
10 to be alive and they no longer are. And
11 somebody caused that and we're to determine
12 yes, that person's no longer alive and come
13 to a determination about who was the person
14 who took their life. And there's probably a
15 few other factors that come into play there.

16 It just -- again I understand that, I
17 guess, analytically but there is --

18 MR. FALLIS: As you said, the abstract.
19 Okay? You do understand it but you don't
20 agree is what I'm hearing, sir, and that's
21 all we need to know. The judge said there's
22 no right or wrong answers. This is America.
23 You can disagree with the law -- okay? -- and
24 not go to jail.

25 PROSPECTIVE JUROR MARKLEY: I don't

1 think that I disagree with it.

2 MR. FALLIS: Okay. Then what is it
3 you're trying to say, Judge -- Judge. What
4 are you trying to say, Mr. Markley?

5 PROSPECTIVE JUROR MARKLEY: I can say
6 that we might have a higher level of
7 confidence about the decision that we reach,
8 having had both a vigorous prosecution and a
9 vigorous defense, even though it isn't
10 stipulated in the law that's required.

11 MR. FALLIS: Okay. Well, once again,
12 we're back -- I'm sorry -- ground zero. We
13 are not required. As I told you, the judge
14 has told you, it's not required. That's the
15 burden of proof that I just -- the concept.
16 Okay? And that's what's been in this country
17 for over 200-some odd years.

18 Now, some of you feel that you'd be
19 shortchanged, so to speak, if you don't get
20 that, is that correct?

21 PROSPECTIVE JUROR MARKLEY: I don't
22 think I would feel shortchanged. And I
23 think --

24 PROSPECTIVE JUROR JUNKINS: You're
25 asking me?

1 MR. FALLIS: Yes.

2 PROSPECTIVE JUROR JUNKINS: Yeah. So
3 you asked me if I would want it. Even though
4 I want it, would I require it, and would it
5 affect my judgment any? No.

6 MR. FALLIS: Okay. So you would accept
7 the fact that we just sat here on our hands
8 and we didn't -- and the State didn't prove
9 their case, you would certainly acquit
10 Mr. Haim.

11 PROSPECTIVE JUROR JUNKINS: Yes, 'cause
12 I'm instructed to do so.

13 MR. FALLIS: Terrific. And that's
14 exactly what we're asking to find out.

15 Does anybody disagree what was so nicely
16 said by -- by Mr. Junkins? Does everybody
17 agree with it?

18 THE PROSPECTIVE JURORS: Yes.

19 A PROSPECTIVE JUROR: No.

20 MR. FALLIS: No. I heard a no. Where
21 did I hear a no? Did I hear a no on this
22 side? I don't think I did.

23 I'm hearing things. It's been a long
24 day.

25 All right. So the burden of proof we

1 all agree is on the State. Okay? Now, how
2 strong is that burden? You heard the word
3 "reasonable doubt." The judge told you what
4 it means. Okay? And that's what's called
5 the "standard of proof." The standard of
6 proof are two different things in a civil
7 case, when you're arguing about money and in
8 a criminal case, where you're arguing about
9 life. And we all agree there's a good reason
10 for that. Why -- now, you heard the word
11 "beyond a reasonable doubt." In a civil
12 case, all the -- what I would call the
13 prosecutor, would be the plaintiff --
14 okay? -- just has to prove by what's called
15 "preponderance of the evidence," maybe
16 51 percent that they're right to collect.

17 In a criminal case, they have to prove
18 beyond -- these are scales. They have to
19 prove beyond a reasonable doubt. That's the
20 highest burden actually in the world. We in
21 this country, thank goodness, are fortunate
22 to have it from our forefathers, the people
23 who died for that right and continue to die
24 for that right.

25 So does anybody think there should be a

1 lesser burden to prove a crime? In other
2 words, after you've heard all the evidence
3 and you say, well, you know, I think the
4 defendant is guilty; he probably is --
5 okay -- but you can't convict him on that.
6 You have to be convinced beyond and to the
7 exclusion of all reasonable doubt, like he
8 said, not a shadow of all reasonable doubt.
9 Even if you think he possibly could have done
10 it, that's not enough, ladies and gentlemen.
11 You-all agree with that; it should be that
12 high burden?

13 THE PROSPECTIVE JURORS: Yes.

14 MR. FALLIS: Anybody think it should be
15 less than that? Okay. We all agree how
16 important it is. Now, there's been a lot
17 of -- a lot of news in the last several years
18 about people who have been wrongly accused,
19 who have served 20, 30, 40 years and have
20 been exonerated later, correct? You know
21 about that?

22 THE PROSPECTIVE JURORS: Yes.

23 MR. FALLIS: Can you accept the fact and
24 raise your hand if you think this system is
25 so foolproof that these people here, the

1 State, are so -- whatever y'all want to call
2 them, so good at what they do that they never
3 convicted an innocent person? Does anybody
4 feel that way?

5 You-all can agree that unfortunately,
6 not just innocent people but not guilty
7 people have been -- and there's a difference
8 and we'll get into that as well -- have done
9 time and even, God forbid, been executed.

10 MR. MIZRAHI: Your Honor, I object.
11 It's not proper.

12 THE COURT: I agree. Sustained,
13 Mr. Fallis.

14 MR. FALLIS: What was the objection,
15 Judge? I didn't hear the objection.

16 THE COURT: I sustained it.

17 MR. FALLIS: I didn't hear it.

18 THE COURT: Well, Mr. Mizrahi, repeat
19 your objection, sir.

20 MR. MIZRAHI: I didn't want to do a
21 speaking objection. This is improper --

22 THE COURT: Yeah, I agree.

23 MR. FALLIS: All right.

24 MR. MIZRAHI: -- for jury selection.

25 MR. FALLIS: Okay. So trying to

1 understand the objection, is the objection
2 that there are people that have wrong
3 wrongfully --

4 THE COURT: Come to sidebar.

5 MR. FALLIS: Respectfully, Judge --

6 THE COURT: Come to sidebar. We'll talk
7 about it.

8 (The following sidebar conference was had out
9 of the hearing of the jury panel:)

10 THE COURT: All right. I don't think
11 that's an appropriate line of questioning any
12 more than I do --

13 MR. FALLIS: What is the legal
14 objection, Judge?

15 THE COURT: Let -- I'm trying to explain
16 it. Even though -- in the same way, if
17 Mr. Mizrahi was standing up and saying, you
18 know, look how many murderers that have been
19 convicted that are guilty. It's not relevant
20 to the discussion. So I think it's improper
21 poisoning of this jury pool about the fact
22 that in some other case, in some other
23 jurisdictions, people have been wrongly
24 convicted. That's not the question here.

25 The question is can they follow the law

1 and be fair and impartial? Do they have any
2 preconceived opinions about the case? Do
3 they have any bias either in favor of you or
4 the defendant or in favor or against the
5 State? Those are the things that certainly
6 appropriate.

7 But we're not going to put on an
8 entire -- bring up all this other stuff
9 about --

10 MR. FALLIS: Judge, I'm trying to bring
11 the jurors' attention --

12 THE COURT: You did.

13 MR. FALLIS: -- to the importance of the
14 jury and -- and what can happen if they don't
15 do their job. And there's nothing improper
16 about that.

17 THE COURT: You can do that.

18 MR. FALLIS: And that's what I was
19 doing.

20 THE COURT: Well, you've made that
21 point. So I would just emphasize the second
22 point. That's how important their job is.

23 MR. FALLIS: That's where I was going.

24 THE COURT: I don't want --

25 MR. FALLIS: That's where I was going,

1 Judge.

2 THE COURT: Okay. Anything?

3 MR. MIZRAHI: Well, I wanted to make
4 sure there is not further inquiry, statements
5 that people have been executed on false
6 evidence and things like that.

7 THE COURT: I think that's crossing the
8 line. I do. So don't do it.

9 MR. FALLIS: I can't go back say, that's
10 how important your job is so it doesn't
11 happen?

12 THE COURT: If you want to emphasize how
13 important their job is --

14 MR. FALLIS: That's what I was doing,
15 Judge.

16 THE COURT: I think they understand it.

17 MR. MIZRAHI: I think if I heard
18 Mr. Fallis correctly, he just said he was
19 going to emphasize how important this job --
20 how important the jurors' job is by
21 emphasizing that people have been wrongly
22 convicted.

23 MR. FALLIS: Right. And that shouldn't
24 happen.

25 MR. MIZRAHI: I'm objecting.

1 THE COURT: I agree. Don't do that.
2 One, you already said it so it's out. This
3 job is important, period. It's not just
4 important because sometimes wrongful --

5 MR. FALLIS: Shouldn't be a miscarriage
6 of justice.

7 THE COURT: I've made a ruling.

8 MR. FALLIS: Judge, just I wanted --
9 listen, we're proffering me right now which
10 is fine. I'm telling them that they have --
11 this job is so important that they can't --

12 THE COURT: Make that in your closing
13 argument. I'm not going to hear any more.
14 I've made my ruling.

15 (At the conclusion of the sidebar conference,
16 the following further proceedings were had in the
17 presence of the jury panel:)

18 THE COURT: You may continue,
19 Mr. Fallis.

20 MR. FALLIS: Now, the point I was
21 making, do y'all understand the importance of
22 your function as jurors?

23 THE PROSPECTIVE JURORS: Yes.

24 MR. FALLIS: You-all know that if you
25 don't follow the law, it could possibly be a

1 miscarriage of justice here.

2 THE PROSPECTIVE JURORS: Yes.

3 MR. FALLIS: That's really the point
4 we're trying to make. Okay?

5 Now, I told you what beyond a reasonable
6 doubt was, right? That's where it is on the
7 scale and this is just a preponderance.
8 Okay? And I don't know if I got -- I'll ask
9 again just in case I didn't. Does anybody
10 think that the burden of proof in a criminal
11 case should be less than beyond a reasonable
12 doubt?

13 THE PROSPECTIVE JURORS: No.

14 MR. FALLIS: Okay. Now, some people
15 said they had some either friends or very
16 close relatives in law enforcement. Would
17 you please raise your hands again for me?

18 Wow. Okay. We'll go by the first row.
19 Sir, how close are the people that you have
20 in law enforcement?

21 PROSPECTIVE JUROR JUNKINS: So it's
22 military police, not civilian, and I work
23 with them every day and know what their
24 duties are.

25 MR. FALLIS: You work with who every

1 day?

2 PROSPECTIVE JUROR JUNKINS: Military
3 police.

4 MR. FALLIS: Are you in the military,
5 sir?

6 PROSPECTIVE JUROR JUNKINS: I am.

7 MR. FALLIS: Are you still active?

8 PROSPECTIVE JUROR JUNKINS: I am.

9 MR. FALLIS: Oh, okay. I'm sorry. I
10 didn't get that.

11 The fact that -- and this goes for
12 anybody else who has friends and relatives
13 working in law enforcement. Does that give
14 you any pause, I mean, if you were to render
15 what you consider at the time a fair verdict
16 that -- of not guilty, to go back and have to
17 explain that to anybody? Do you think it's a
18 burden to explain that?

19 PROSPECTIVE JUROR JUNKINS: No. I don't
20 have to explain myself to nobody.

21 MR. FALLIS: Everybody else agree with
22 that?

23 THE PROSPECTIVE JURORS: Yes.

24 MR. FALLIS: Anybody feel uncomfortable
25 about that? Say, by the way, I sat on a jury

1 in a murder case and the person was
2 acquitted. How could you do that? Can you
3 imagine that -- anybody imagine maybe
4 somebody in law enforcement telling you that,
5 any of these people? I don't know who you
6 know. Can you imagine some people coming
7 back and saying, how can you do that?

8 Is that yes? I don't see any hands.

9 THE PROSPECTIVE JURORS: No.

10 MR. FALLIS: You don't think these
11 people that you know would question what you
12 did?

13 THE PROSPECTIVE JURORS: No.

14 MR. FALLIS: Okay. That's fine.

15 Now, you've heard the term of "jailhouse
16 snitches"? How many people -- raise your
17 hand if you've heard that.

18 On the first row, how do you feel about
19 a jailhouse snitch, sir, generally?

20 PROSPECTIVE JUROR JUNKINS: I guess
21 generally speaking, that first initial
22 thought is that they have a lot to gain about
23 what they have to say.

24 MR. FALLIS: Would you agree, sometimes
25 what they have to say is not true because

1 they have a lot to gain?

2 PROSPECTIVE JUROR JUNKINS: As a matter
3 of fact, that is a possibility.

4 MR. FALLIS: Do you think that's a
5 distinct possibility or just a possibility?

6 PROSPECTIVE JUROR JUNKINS: It's a
7 possibility.

8 MR. FALLIS: Okay. Next person. How do
9 you feel about jailhouse snitches? Do you
10 think they should be considered reliable,
11 given any kind of presumption of either being
12 truthful or untruthful?

13 PROSPECTIVE JUROR LUCARELLI: I would
14 guess it would depend on who it was.

15 MR. FALLIS: Next, how about you?

16 You have to stand up. I'm sorry.

17 PROSPECTIVE JUROR BEATON: I would
18 agree. Just depends on who it was and what
19 the evidence was.

20 MR. FALLIS: Would you -- if you were
21 told by the Court that you have to be very
22 skeptical, 'cause you're going to get jury
23 instruction on that, of these people, will
24 you abide by that and be very skeptical about
25 that?

1 PROSPECTIVE JUROR BEATON: Yes.

2 MR. FALLIS: Okay. Sir, how about you?

3 PROSPECTIVE JUROR MARKLEY: I would
4 probably presuppose the information they
5 would give would be questionable reliability
6 and that anyone investigating the situation
7 would want to look at more closely to
8 eliminate the skepticism that we would
9 naturally have.

10 MR. FALLIS: Do you agree with that,
11 sir?

12 PROSPECTIVE JUROR BRITT: I think it
13 would come down exactly to what they were
14 talking about and how much trouble they were
15 trying to get out of. I don't really trust
16 them.

17 MR. FALLIS: Okay. Anybody else have
18 that same instinct, that -- do you-all have
19 that same instinct, as a matter of fact,
20 about jailhouse snitches, or anybody feel any
21 differently, that you shouldn't look at them
22 with a jaundiced of eye, so to speak?

23 I don't see no hands. Are you-all
24 agreeing that that type of testimony is
25 something that you should being very cautious

1 of?

2 Yes, sir.

3 A PROSPECTIVE JUROR: I have no idea
4 what a jailhouse snitch is.

5 MR. FALLIS: Okay. Well, I'll give you
6 (inaudible). You've heard about people who
7 were incarcerated for something at one time,
8 and these people that are incarcerated would
9 come forward and get ahold of the State
10 Attorney and say, hey, this guy just
11 confessed something to me, which could be
12 totally untrue. However, they would be
13 given -- granted so many favors, sometimes,
14 in some cases, they're looking at a life
15 sentence and they --

16 MR. MIZRAHI: Your Honor, I object to
17 this, argumentative.

18 MR. FALLIS: I'm trying to just answer
19 what a jailhouse snitch was.

20 THE COURT: Sure. I'm going to let you
21 follow up, but I think I'll give you some
22 instruction here too. I don't know whether
23 or not I will read this instruction because I
24 don't know what the evidence will be in this
25 case. On the reasonable doubt, I can give

1 that instruction to you 'cause I know exactly
2 that's going to be read 'cause it's read in
3 every single criminal case.

4 MR. FALLIS: Well, there is a jury
5 instruction --

6 THE COURT: I understand. But that may
7 or may not be given. It depends on what the
8 evidence is.

9 But this could be an instruction that
10 could be given to you, and this, again, would
11 be the law that I will instruct you on. And
12 it says this: You must consider the
13 testimony of some witnesses with more caution
14 than others. For example, a witness who
15 hopes to gain more favorable treatment in his
16 or her own case may have a reason to make a
17 false statement in order to strike a good
18 bargain with the State. This is particularly
19 true when there is no other evidence tending
20 to agree with what the witness says about the
21 defendant.

22 So while a witness of that kind may be
23 entirely truthful when testifying, you should
24 consider his testimony with more caution than
25 the testimony of other witnesses. However,

1 if the testimony of such a witness convinces
2 you beyond a reasonable doubt of the
3 defendant's guilt or the other evidence in
4 the case does so, then you should find the
5 defendant guilty.

6 So, again, that's an instruction that
7 could be given. I don't know.

8 But could you follow it, Mr. -- I'm
9 sorry -- Mr. Longino.

10 PROSPECTIVE JUROR LONGINO: Yes.

11 THE COURT: Okay. You could.

12 All right.

13 MR. FALLIS: Thank you, Judge.

14 Do you-all accept that you will follow
15 that instruction if it's given to you, that
16 you need to be very cautious of what I call a
17 "jailhouse snitch" or somebody who has
18 something to gain? Okay? Do we all agree
19 with that?

20 THE PROSPECTIVE JURORS: Yes.

21 MR. FALLIS: Okay. How many people here
22 have heard -- we've heard -- I don't know if
23 we've bonded, but we certainly had enough
24 time to bond here in the last whole day over
25 here. But I understand that there seem to be

1 some people in the jury -- I want to evaluate
2 yourselves -- okay? -- who are really
3 independent thinkers. On the first row, who
4 here believes they are independent thinkers?

5 Okay. Who is not an independent
6 thinker? Who thinks they're somebody who
7 could be easily swayed? And if you think so,
8 need to admit it. Some people might feel
9 that way.

10 Nobody.

11 Second row, are you-all independent
12 thinkers, do you think?

13 THE PROSPECTIVE JURORS: Yes.

14 MR. FALLIS: Okay. Third row?

15 THE PROSPECTIVE JURORS: Yes.

16 MR. FALLIS: You raised your hand,
17 ma'am?

18 THE PROSPECTIVE JURORS: Yes.

19 MR. FALLIS: Okay. Anybody think
20 they're not -- they're easily swayed?

21 Okay. How about on this side, the first
22 row? Do you-all think you're independent
23 thinkers?

24 THE PROSPECTIVE JURORS: Yes.

25 MR. FALLIS: Let me tell you what I mean

1 by that (inaudible).

2 Just second row?

3 THE PROSPECTIVE JURORS: Yes.

4 MR. FALLIS: Third row.

5 Yes, sir.

6 A PROSPECTIVE JUROR: I wouldn't say I'm
7 easily swayed. It does take a lot to change
8 my mind, but you would have to provide the
9 right amount of facts for me to get
10 everything from one side to the other.

11 MR. FALLIS: Okay. Well, what I'm
12 trying to get at -- let me put it a little
13 more plainly -- is that in the event you're
14 back there and you're all trying to decide a
15 verdict -- okay? -- you have a real abiding
16 conviction of either of guilt or of innocence
17 or not guilty -- and I will tell you the
18 difference. I keep interchanging innocence
19 and not guilty, but we'll get into that in a
20 minute.

21 However, if you have a deep, abiding
22 conviction, are you going to change your mind
23 either way just to get along? Is that
24 something you would do, or is that something
25 that y'all would stick to your guns, no

1 matter what?

2 First row, would you stick to your guns
3 if you had what's called an abiding
4 conviction? And the judge will tell you when
5 he gives you the reasonable doubt
6 instruction. Or say, I want to get out of
7 here? It's Friday night. I want to get out
8 of here. I just want to get along. And that
9 could be human nature too. Think about it.
10 (Inaudible) here.

11 First row, do you think that you would
12 stick to your guns to the end?

13 THE PROSPECTIVE JURORS: Yes.

14 A PROSPECTIVE JUROR: As long as the
15 facts were there.

16 MR. FALLIS: Sir?

17 THE PROSPECTIVE JURORS: As long as the
18 facts were there.

19 MR. FALLIS: Well, I'm saying, once
20 you've made that decision, you would, no
21 matter if your fellow jurors said, come on,
22 let's get out of here, you know, or you start
23 to become friendly. And you just want to
24 be -- all right, I don't want to fight
25 anymore. 'Cause jurors have got to be

1 fighters sometimes. I'm just wondering if
2 you'll accept that. Okay?

3 Second row, would y'all feel that you
4 would stick to your guns, or you would just
5 try to -- you know, just to get along, kind
6 of situation?

7 THE PROSPECTIVE JURORS: In the interest
8 of truth and justice, yes, stick to my guns.

9 MR. FALLIS: You've already made that in
10 your own mind. Okay. And you've come to the
11 conclusion, either guilty or not guilty.
12 Okay?

13 A PROSPECTIVE JUROR: Correct.

14 MR. FALLIS: And somebody's going to try
15 to convince you something without giving you,
16 quote, facts because, you know, (inaudible)
17 because you've already done that. Would you
18 stick to the end?

19 A PROSPECTIVE JUROR: Yes.

20 MR. FALLIS: Third row, how about y'all?
21 Would y'all do the same?

22 THE PROSPECTIVE JURORS: Yes.

23 MR. FALLIS: Fourth row, anybody here
24 feels like maybe I would be swayed one way or
25 another, or will you stick to your guns?

1 On this side, anybody feel any
2 differently about what I just said? Are we
3 all going to be the kind of people that will
4 go to the wall with how you feel?

5 Okay.

6 As we said, this is a very important job
7 you-all have. You see it on TV and that sort
8 of thing. And this is real life -- okay? --
9 and that important.

10 Talked about TV programs. I couldn't
11 imagine how many people are watching all
12 these either forensic, legal shows and all
13 that kind of stuff. Pretty popular stuff.
14 Is that true?

15 THE PROSPECTIVE JURORS: Yes.

16 MR. FALLIS: Now, a lot of times, you
17 get -- of course, some of them are supposed
18 to be real life. But trust me as an
19 attorney. And I don't watch them. Trust me,
20 I don't. The last thing I wanted to do when
21 I go home is to watch a legal show or
22 anything else like that. You can take that
23 to the bank. Okay?

24 Sometimes I'm forced to because I am
25 married, and I do have a spouse who sort of

1 likes that sort of thing. Maybe that's why
2 she married me, but that's not a reason for
3 me to have to watch that stuff, is it?

4 But anyway, you do realize a lot of that
5 stuff is pretty much fiction too, mixed in
6 for entertainment purposes. Does anybody
7 think they're going to hear (inaudible) the
8 law? Although sometimes they (inaudible) the
9 law by watching those things, watching those
10 shows.

11 A PROSPECTIVE JUROR: No.

12 MR. FALLIS: Now, how about science
13 background? Anybody here have any science
14 background?

15 What I mean by -- okay. First row, yes,
16 ma'am. What is your science background?

17 PROSPECTIVE JUROR BEATON: Registered
18 nurse.

19 MR. FALLIS: I'm sorry?

20 PROSPECTIVE JUROR BEATON: I'm a
21 registered nurse.

22 MR. FALLIS: You are a registered nurse.
23 Okay. And how long have you been a
24 registered nurse?

25 PROSPECTIVE JUROR BEATON: 29 years.

1 MR. FALLIS: You may very well hear some
2 testimony of a medical examiner, and you
3 might have some knowledge that you could
4 possibly share with the jury. However, you
5 are going to be restricted to whatever the
6 evidence is and not any evidence that you may
7 want to put in there. Do you understand
8 that?

9 PROSPECTIVE JUROR BEATON: Yes.

10 MR. FALLIS: Anybody else have any
11 science or -- yes, ma'am.

12 PROSPECTIVE JUROR O'TOOLE: I'm a
13 licensed physical therapist in the
14 (inaudible) department of the hospital.

15 MR. FALLIS: Okay. So you've had -- I
16 guess you must have had some anatomy.

17 PROSPECTIVE JUROR O'TOOLE: Yes, sir.

18 MR. FALLIS: Where did you go to school?

19 PROSPECTIVE JUROR O'TOOLE: University
20 of Florida.

21 MR. FALLIS: University -- UF?

22 PROSPECTIVE JUROR O'TOOLE: Yes.

23 MR. FALLIS: Okay. Degree in what?

24 PROSPECTIVE JUROR O'TOOLE: It's a
25 doctorate of physical therapy.

1 MR. FALLIS: A doctor. You got a Ph.D.

2 PROSPECTIVE JUROR O'TOOLE: It's a
3 clinical doctor. It's not considered Ph.D.

4 MR. FALLIS: All right. Well,
5 (inaudible) with the anatomy, with bones and
6 that sort of thing, right?

7 PROSPECTIVE JUROR O'TOOLE: Yes, sir.

8 MR. FALLIS: Okay. There's going to be
9 certain testimony about that in this trial.
10 And you may be asked to accept or reject
11 expert opinion. And you know something?
12 You'll be able to do that, every one of you.
13 Okay? You're going to have an instruction.
14 There's going to be some people that are
15 going to be called in this courtroom by the
16 State to give their opinions, so-called
17 experts. Okay?

18 But just as y'all said about police
19 officers, you won't give them any more
20 credibility just because they are police
21 officers. Okay? Same thing goes with
22 experts. You can accept or reject an
23 expert's testimony. You-all understand that?
24 And just because they've been offered, quote,
25 as experts, you are not obligated to take

1 what they say to the bank, as they say. Does
2 anybody think it should be any different,
3 that you should be obligated to accept
4 somebody's -- because they either have a
5 Ph.D. or an M.D. or whatever, just because of
6 that? Anybody think that's absolutely
7 necessary that you do that?

8 THE PROSPECTIVE JURORS: No.

9 MR. FALLIS: Y'all know you have that
10 right not to. That's important. Do you-all
11 agree with that?

12 THE PROSPECTIVE JURORS: Yes.

13 MR. FALLIS: Now, I understand three
14 people here either new each other or new --
15 can I see those -- can I see a raise of hands
16 again, please?

17 Okay. And that would be Mr.?

18 PROSPECTIVE JUROR LOIACONO: Loiacono.

19 MR. FALLIS: Who is it that you know
20 here?

21 PROSPECTIVE JUROR LOIACONO: I know
22 Miss Beaton and Dillon Ford.

23 THE COURT: And how is it that you know
24 them?

25 PROSPECTIVE JUROR LOIACONO: Been

1 friends with Pam Beaton for 15 years. Our
2 sons went to school together. And Dillon,
3 our brothers played football together.

4 MR. FALLIS: You did what?

5 PROSPECTIVE JUROR LOIACONO: Our
6 brothers played football together, high
7 school football.

8 MR. FALLIS: Oh, okay. Do you still
9 maintain that relationship with Miss Beaton
10 and Mr. Ford?

11 PROSPECTIVE JUROR LOIACONO: Yes.

12 MR. FALLIS: You do. Okay.

13 Hypothetically, if y'all are put on the
14 same jury panel, do you feel any one of you
15 three would have a stronger voice than the
16 other?

17 PROSPECTIVE JUROR LOIACONO: I do not.

18 MR. FALLIS: Do you think that given
19 your relationship that you would change your
20 mind to appease either one of you? I'm
21 asking all three of you at the same time.

22 A PROSPECTIVE JUROR: I would not.

23 A PROSPECTIVE JUROR: No.

24 MR. FALLIS: Okay. Once again, even
25 though I guess you consider yourselves more

1 than acquaintances, if that's the case, that
2 you would keep your own opinion and not worry
3 about having a difference of opinion that
4 you'd have to talk about after court. Is
5 that fair to say?

6 THE PROSPECTIVE JURORS: Yes.

7 MR. FALLIS: We talked about burden of
8 proof, like you said. And I think hopefully
9 we didn't beat that dead horse, that we're
10 all going to keep that burden on the State
11 and not require anything. And I'm not saying
12 we're not going to sit here and do nothing.
13 Okay? I doubt that very much. However, the
14 burden is so strong that we can. Okay?

15 The presumption of innocence, let's talk
16 about that. As y'all sit here now and as my
17 client, Mr. Haim sits here right now, does
18 anybody here think he must be guilty because
19 he's in court and these people charged him?
20 Does anybody feel that he must be guilty
21 right now as we sit here? Raise your hand.
22 You're free to do that.

23 I don't see any hands.

24 Anybody say, no, he probably is? Raise
25 your hands if you feel that way. And that's

1 perfectly all right too, if that's how you
2 feel.

3 Nobody's raising their hands. Nobody
4 thinks that he's probably guilty because the
5 State went to the trouble of bringing him in
6 here?

7 Well, that's good. So in other words,
8 you're all telling me right now that you
9 presume this gentleman to be innocent. Is
10 that fair to say?

11 THE PROSPECTIVE JURORS: Yes.

12 MR. FALLIS: And you will continue, is
13 the question now, to presume innocence until
14 and only unless and until they have met their
15 burden, and they prove it beyond and to the
16 exclusion of all reasonable doubt that he's
17 not. Okay?

18 Now, we sometimes hear the term
19 "innocence" and "guilt" interchanged.
20 They're not the same thing. Innocence,
21 factual innocence or whatever you want to
22 call it -- okay? -- that's not what we're
23 here for. Guilty and not guilty are as much
24 difference as innocence. Somebody is not
25 guilty if they do not meet their burden.

1 Whether the person did it or not -- I'm not
2 saying Mr. Haim did it. I'm just telling you
3 what the concept is and how you have to
4 accept it because it's what our country has
5 been doing for -- and probably only our
6 country as far as that goes after all these
7 years -- that they -- unless they prove their
8 case, that person, quote, is not guilty. May
9 not be innocent but not guilty.

10 Another thing you're going to have to
11 consider, even if you think he's guilty and
12 they've proven to you that he's guilty of
13 something, then you have to figure out what
14 is he guilty of. And the judge is going to
15 give you some other crimes that he -- that
16 he -- or the defendant may be guilty of, not
17 just what he's charged with. Okay?

18 And the judge told you that charge, it
19 means nothing. That's just the way they
20 bring a case to court. You're not to presume
21 that that charging sheet has any weight of
22 guilt, of evidence. He is absolutely not
23 guilty because he was charged in that
24 charging sheet. It was signed off by some
25 State Attorney. That charging sheet is not a

1 finding of the jury and not a finding of the
2 judge. It's only their opinion on paper and
3 that's all it is.

4 So as I said, there's a chance that you
5 may find that, quote, he's, well -- once you
6 hear what he's charged with, 'cause you don't
7 really know right now. The judge hadn't give
8 given you the instructions. Mr. Mizrahi
9 tried to tell you about what premeditation
10 is, second degree. You haven't heard it yet.
11 Okay?

12 Once you hear that, then you decide
13 whether or not he's not guilty of anything.
14 And if he is, what is he guilty of --
15 okay? -- given the law. You are going to
16 take the facts, and if you find they haven't
17 proven their case, which we submit -- we feel
18 that at the end of this trial, that would be
19 the verdict, then you must acquit, not that
20 you can but you must, unless they meet that
21 burden of proof beyond a reasonable doubt.
22 You don't have any discretion there. You
23 must.

24 Okay. Now, I promised you I wasn't
25 going to keep you as long as Mr. Mizrahi, and

1 I want to keep that promise. Okay? And I
2 know this could be torture right now. But
3 it's really important. As we said, this is
4 an important thing we're doing here.

5 I have some notes on some of you
6 individually too that...

7 I heard that somebody here worked at
8 Mayo and I didn't know what capacity. Can
9 you tell me who you are, please? I know I've
10 got it written here somewhere. 57, was it?
11 56. That would be Edna Tilly, is that
12 correct?

13 PROSPECTIVE JUROR TILLY: Yes.

14 MR. FALLIS: Do you work at Mayo?

15 PROSPECTIVE JUROR TILLY: Yes.

16 MR. FALLIS: In what capacity, ma'am?

17 PROSPECTIVE JUROR TILLY: I work in IT.

18 MR. FALLIS: IT. Oh, you're computer --

19 PROSPECTIVE JUROR TILLY: Yes.

20 MR. FALLIS: So you're not involved in
21 medical at Mayo, correct?

22 PROSPECTIVE JUROR TILLY: No. I mean, I
23 do -- when the physicians call in, I help
24 them analyze their problems and stuff, so I
25 work with the chart, you know, a little bit

1 but not --

2 MR. FALLIS: All right. Not as a nurse.

3 You're not --

4 PROSPECTIVE JUROR TILLY: Oh, no, not as
5 a nurse or anything.

6 MR. FALLIS: Okay. Thank you.

7 Let me have one moment, please.

8 THE COURT: Yes, sir.

9 MR. FALLIS: (Conferring with co-counsel
10 and the defendant.)

11 Now, anybody here familiar with the
12 airport area here in Jacksonville?

13 A PROSPECTIVE JUROR: The what?

14 MR. FALLIS: The airport area.

15 PROSPECTIVE JUROR PAULSON: I live up by
16 the airport.

17 MR. FALLIS: Sir?

18 PROSPECTIVE JUROR PAULSON: I live up by
19 the airport, Boney Road.

20 MR. FALLIS: Okay. Do you -- how long
21 have you lived here?

22 PROSPECTIVE JUROR PAULSON: In
23 Jacksonville or Boney Road?

24 MR. FALLIS: Okay. In Jacksonville.

25 PROSPECTIVE JUROR PAULSON: In

1 Jacksonville, since -- the last time, I think
2 we came down in 1990.

3 MR. FALLIS: Okay. And have you lived
4 up there by airport all this time?

5 PROSPECTIVE JUROR PAULSON: No, sir.
6 I've lived up there about 12 years now.

7 MR. FALLIS: 12 years. So you're very
8 familiar with that area.

9 PROSPECTIVE JUROR PAULSON: Well, I know
10 the area well, yes.

11 MR. FALLIS: Do you have any idea what
12 it was like 20-some odd years ago?

13 PROSPECTIVE JUROR PAULSON: Before the
14 Dames Point Bridge?

15 MR. FALLIS: Right.

16 PROSPECTIVE JUROR PAULSON: No, sir.

17 MR. FALLIS: Okay. Thank you.

18 THE COURT: That's Mr. Paulson, Juror
19 No. 29, for the record.

20 MR. FALLIS: Who else said they were
21 very familiar with the airport area?

22 Wow, a lot of you. And how --

23 PROSPECTIVE JUROR LONGINO: Longino,
24 No. 34.

25 MR. FALLIS: Okay. Mr. Longino, No. 34,

1 you're a pilot, is that correct?

2 PROSPECTIVE JUROR LONGINO: Yes. That's
3 how I'm familiar with the airport.

4 MR. FALLIS: And how long have you been
5 familiar with the airport?

6 PROSPECTIVE JUROR LONGINO: About a
7 year.

8 MR. FALLIS: A year? Okay. So you're
9 not familiar with that surrounding --

10 PROSPECTIVE JUROR LONGINO: Not the
11 surrounding area. I can tell you the
12 runways.

13 MR. FALLIS: Let me ask a question.
14 Who's familiar with that airport 20 years
15 ago?

16 Yes, sir.

17 PROSPECTIVE JUROR THOMAS: I was born
18 and raised on that side of town.

19 MR. FALLIS: Would you stand again,
20 please?

21 PROSPECTIVE JUROR THOMAS: I'm sorry. I
22 was born and raised on that side of town, so
23 I watched that whole area (inaudible).

24 MR. FALLIS: Okay. Are you familiar
25 with the hotels over there?

1 PROSPECTIVE JUROR THOMAS: Yes, out
2 there on Airport Road, all the older ones?

3 MR. FALLIS: Yes.

4 PROSPECTIVE JUROR THOMAS: I've been out
5 there before but I know it's been years. So,
6 I mean, I know there's still a bunch of old
7 ones that are out there.

8 MR. FALLIS: Thank you.

9 THE COURT: That's Mr. Thomas, Juror
10 No. 38. Thank you, sir.

11 MR. FALLIS: Anybody else familiar with
12 that airport 20 years ago?

13 Yes, sir.

14 PROSPECTIVE JUROR HENDERSON: Yes. I
15 grew up on the north side of town.

16 MR. FALLIS: Okay. Are you familiar
17 with the surroundings there 20 years ago?

18 PROSPECTIVE JUROR HENDERSON: Yes.

19 MR. FALLIS: Are you familiar with which
20 hotels were there?

21 PROSPECTIVE JUROR HENDERSON: Oh, yeah.

22 MR. FALLIS: Thank you.

23 THE COURT: That was Mr. Henderson,
24 Juror No. 50.

25 MR. FALLIS: Yes, sir.

1 PROSPECTIVE JUROR BROOMFIELD: I live in
2 that area also, sir.

3 MR. FALLIS: What's that? Would you
4 stand, please?

5 PROSPECTIVE JUROR BROOMFIELD: Talking
6 about the 747, Airport Road, service road,
7 things of that nature?

8 MR. FALLIS: Yes.

9 PROSPECTIVE JUROR BROOMFIELD: Hotels?
10 Yes. I've worked in that area, the airport.

11 MR. FALLIS: In what capacity do you
12 work at the airport?

13 PROSPECTIVE JUROR BROOMFIELD:
14 Enterprise Rent-A-Car, 15 years. But I've
15 been in Jacksonville for 22.

16 MR. FALLIS: How many years ago was that
17 you said you worked there, (inaudible)?

18 THE PROSPECTIVE JURORS: 15 years.

19 MR. FALLIS: 15 years ago. Okay. Thank
20 you.

21 THE COURT: That was Mr. Broomfield,
22 Juror No. 26.

23 MR. FALLIS: Now, the reason I ask is
24 that there's probably going to be some
25 evidence, some testimony regarding the

1 airport there. And you're going to have to
2 rely on -- because we are in a time capsule
3 here -- what that airport was like 23 years
4 ago and not what it was like two years ago,
5 three years ago and the hotels and the whole
6 sounding area, what it was like then and not
7 what it's like today.

8 Those of you who are so familiar --
9 raised your hand as being so familiar with
10 it, you understand that you would be
11 obligated to accept whatever evidence comes
12 in describing that area, and that way, you
13 may think you independently recall. Y'all
14 understand that and agree that's what you'll
15 have to do?

16 I just want to make sure there isn't
17 anything else here. I know it's been long.
18 But I want to ask -- after I sit down, I
19 don't want to have to get up again and keep
20 you here any longer than we have to be here.

21 I don't know how y'all thought when you
22 got your letter, summons, whatever you want
23 to call it to come to jury selection.
24 However, give me a raise of hands. How many
25 people were really, really thrilled when they

1 got that notice?

2 One person. Out of almost 60 was
3 thrilled. Okay.

4 How about the rest of you? Did any of
5 you feel, like, oh, my gosh, do I have to?

6 I see only three hands, four, five, six.
7 All right. So those of you that just raised
8 your hand, oh, my gosh, do I have to, which I
9 suggest is a normal reaction. Okay? The
10 fact that you are not so thrilled as one of
11 your members here about being here --
12 okay? -- would that inhibit you from
13 listening to the evidence and giving both the
14 State and the defense a fair trial because of
15 your personal feelings about being here?
16 Would that affect you at all?

17 THE PROSPECTIVE JURORS: No.

18 PROSPECTIVE JUROR DIMAIO: Yes.

19 MR. FALLIS: Good. So you're all good
20 citizens is what I'm hearing, right?

21 THE COURT: Somebody did say yes. Who
22 said yes? Is that Mr. Dimaio?

23 MR. FALLIS: Yes. Mr. Dimaio, I think
24 you made that clear.

25 THE COURT: Okay. Thank you.

1 Anything else?

2 MR. FALLIS: No.

3 Now, I guess that leaves us with the
4 idea that, okay, I'm here, and I've got to do
5 what I've got to do. Is that basically the
6 feeling of the remainder of y'all, the ones
7 who aren't thrilled to be here or saying, you
8 know, I really don't want to be here, or I'm
9 glad I'm here? I guess the other -- I
10 described the other general attitude is,
11 well, I'm here, and I'll do what I have to
12 do. Is that the way to describe, or can
13 somebody here tell me a better sentiment
14 about how they feel?

15 Yes, sir.

16 THE PROSPECTIVE JURORS: How about it's
17 our civic duty, and we're going to do it the
18 best we can?

19 MR. FALLIS: Fine. And that is
20 absolutely textbook answer and it's a
21 truthful answer.

22 A PROSPECTIVE JUROR: It is.

23 A PROSPECTIVE JUROR: Was I jumping for
24 joy? No. But okay. It's my turn and
25 everyone gets to take a turn.

1 MR. FALLIS: Anybody disagree with that?
2 Anybody feel strong about it one way or
3 another?

4 And I guess that leaves it finally to
5 decide whether or not that attitude is
6 something you will take into the jury room,
7 and what I'm hearing is the proper attitude
8 at this point 'cause the others that don't
9 want to be here made that clear. And those
10 who accept this as a civil responsibility
11 have made that clear.

12 So with that being said, ladies and
13 gentlemen, I don't want to keep you here
14 another hour more than I have to. So I'll be
15 finished unless there's something else that
16 any of you want to talk to me about. And
17 when I say "me," I mean to us collectively as
18 well as Mr. Mizrahi. Any questions that you
19 think I should have asked you that I failed
20 to ask you that would determine any of your
21 attitudes? Think about it. You know
22 yourselves better than we do. Is there
23 something -- any kind of burning question
24 y'all have right now about what this is all
25 about that you need to have an answer for?

1 If there is, maybe we can answer it, either
2 myself or Mr. Mizrahi or the Court.

3 We all understand what we're here for?

4 THE PROSPECTIVE JURORS: Yes.

5 THE COURT: Y'all ready to try a case?

6 Is that a "yes"?

7 THE PROSPECTIVE JURORS: Yes.

8 MR. FALLIS: Thank you.

9 THE COURT: All right, folks. The next
10 stage of the process, we're going to select a
11 jury. The lawyers are but outside of your
12 presence. So we do that while you're out in
13 the hallway. So, again, a little bit longer,
14 but we are getting close to the end, I assure
15 you.

16 So if you would please, one, still do
17 not discuss the case, even amongst yourselves
18 or with anybody else. And do wait for us out
19 in the hallway. We'll be back as quickly as
20 we can.

21 (Jury excused.)

22 THE COURT: All right. Let the record
23 reflect the jury panel has left the
24 courtroom.

25 We do have counsel and Mr. Haim present.

1 Let us go through row by row.

2 First, Mr. Fallis, your request to
3 instruct the jury not to take any negative
4 inference if you guys avoid them, I'm going
5 to give that instruction to the final, I
6 assume, eight. We can talk about that in a
7 second. The six and the alternates. So I
8 always do that. You're not going to see the
9 rest of them again.

10 So row by row, announce any for-cause
11 challenges and we'll address those first.
12 And I'll give you a few minutes to meet
13 privately.

14 MR. FALLIS: Your Honor, we've actually
15 already discussed it. I think we should be
16 able to do it pretty quickly.

17 THE COURT: I think so.

18 MR. MIZRAHI: Beginning first, Juror
19 No. 9, Miss Palmer.

20 THE COURT: Juror No. 9, Miss Palmer,
21 struck for cause. Any objection?

22 MS. WARREN: No.

23 MR. FALLIS: No.

24 MR. MIZRAHI: We've already excused
25 Juror No. 10.

1 THE COURT: That's correct. She's
2 already -- that's Miss Rodgers. She's
3 already been excused.

4 MR. MIZRAHI: Juror No. 18 for hardship.

5 THE COURT: Mr. Mizrahi, tell me that
6 number again.

7 MR. MIZRAHI: 18, Miss Mosley, had the
8 doctor's appointment.

9 THE COURT: Yes.

10 MR. FALLIS: Correct.

11 THE COURT: No objection?

12 MR. MIZRAHI: That's a hardship. We
13 would agree to a hardship strike.

14 The next juror would be No. 22,
15 Mr. Dimaio.

16 THE COURT: Any objection?

17 MR. FALLIS: No, Judge.

18 THE COURT: He will be struck for cause.

19 MR. MIZRAHI: Juror No. 24, Mr. Cassani.

20 MR. FALLIS: No objection.

21 THE COURT: You do have an objection?

22 MS. WARREN: No.

23 MR. FALLIS: No.

24 THE COURT: No objection. Okay. He'll
25 be struck for cause, Juror No. 24.

1 MR. MIZRAHI: Juror No. 28, Mr. Rivera.

2 MR. FALLIS: We both agree, Judge.

3 THE COURT: All right. Mr. Rivera will
4 be struck for cause.

5 MR. MIZRAHI: Juror No. 31, Miss Walker.
6 That's a hardship.

7 MR. FALLIS: Okay. Juror No. -- I'm
8 having a problem with Juror No. 3, who's
9 (inaudible) convicted of a felony.
10 (Inaudible).

11 MR. MIZRAHI: If you want to move to
12 strike him for cause, I cannot have a legal
13 objection to that, Your Honor, based on the
14 evidence before us.

15 MR. FALLIS: I mean, he is a convicted
16 felon, Judge.

17 THE COURT: He can't serve and he said
18 he is.

19 MR. FALLIS: Said he was. I don't have
20 any proof that he isn't.

21 MR. MIZRAHI: I don't.

22 THE COURT: So does everybody agree that
23 we'll strike Mr. Britt, Juror No. 3, for
24 cause?

25 MR. FALLIS: I think so, Judge.

1 MR. MIZRAHI: Yes, sir.

2 THE COURT: Okay. He is struck for
3 cause.

4 Back to?

5 MR. MIZRAHI: I was on Juror No. 31,
6 Miss Walker, hardship, child care.

7 THE COURT: No objection. We'll strike
8 Miss Walker for cause.

9 MR. MIZRAHI: No. 34, Mr. Longino.

10 THE COURT: He didn't like you.

11 MR. MIZRAHI: I remind him of his
12 father. I'm getting old, Judge. It reminds
13 people of their fathers.

14 MR. FALLIS: We're at 34. Did I hear
15 for cause on him?

16 MR. MIZRAHI: Yes.

17 THE COURT: He just made it. Do you
18 object?

19 MR. FALLIS: Well, I want to know the
20 reason for cause.

21 THE COURT: He says he couldn't be fair
22 to the State because he doesn't like how
23 Mr. Mizrahi asks the questions.

24 MR. FALLIS: Well, I agree with that.
25 Why should I agree --

1 MS. WARREN: He doesn't get cause.

2 MR. FALLIS: I forgot to write that
3 down.

4 THE COURT: But you agree?

5 MR. FALLIS: Yes, sir. Well, I agree
6 with both concepts.

7 MR. MIZRAHI: Juror No. 35, Mr. Flom.

8 MR. FALLIS: Yeah. He said the magic
9 words, I can't tell you beyond a reasonable
10 doubt. That is the standard, Judge.

11 THE COURT: All right. He'll be struck
12 for cause.

13 MR. MIZRAHI: Juror No. 36, Mr. Kloeppel
14 for his medical condition. We've already
15 excused him. Juror No. 36.

16 MR. FALLIS: Could you slow down Alan?

17 MR. MIZRAHI: You tell me when you're
18 ready.

19 MR. FALLIS: The last one was 36.

20 MR. MIZRAHI: Did you get 35?

21 MS. WARREN: I did.

22 MR. FALLIS: Yeah, yeah. That was the
23 male who didn't like you. 36. Okay.

24 THE COURT: So Mr. Kloeppel, Juror
25 No. 36, has already been excused. He left in

1 an ambulance.

2 MR. FALLIS: Excuse him.

3 THE COURT: And then Juror No. 38 --
4 well, Mr. Mizrahi, you were doing a fine job.
5 Continue.

6 MR. MIZRAHI: Juror No. 38, Mr. Thomas
7 Thomas.

8 THE COURT: He's struck for cause. We
9 already agreed to him.

10 MR. FALLIS: Right.

11 MR. MIZRAHI: Juror No. 40,
12 Miss Sudduth, we already agreed to.

13 THE COURT: Correct.

14 MR. MIZRAHI: Juror No. 44,
15 Mr. Betancourt.

16 THE COURT: Any objection?

17 MR. FALLIS: No. That was a language
18 issue, I believe.

19 THE COURT: Well, it wasn't so much the
20 language issue. He said his brother was a
21 victim --

22 MR. FALLIS: The last thing he said,
23 he -- yeah, his brother was he victim. He
24 can't ever forget that.

25 THE COURT: Right.

1 MR. MIZRAHI: Juror No. 49, Mr. Bridges,
2 for hardship and cause.

3 THE COURT: Any objection?

4 MR. FALLIS: His wife has a high-risk
5 pregnancy, is that the one?

6 THE COURT: That's it. Also, he's got a
7 friend or family member that's a victim and
8 he doesn't trust the system. But two
9 reasons.

10 MR. FALLIS: I know.

11 MR. MIZRAHI: That was all I had.

12 THE COURT: Anything else from the --

13 MR. FALLIS: Well, I didn't see -- I
14 should have followed up. Did Mr. Eaves -- he
15 talked about his work shift problem. Did he
16 say that he solved it?

17 THE COURT: He did.

18 MR. FALLIS: Okay.

19 MR. MIZRAHI: I followed up.

20 MR. FALLIS: You did? Okay. Then there
21 would be no cause for him.

22 THE COURT: All right. Anybody else for
23 the defense that we haven't listed?

24 MR. FALLIS: Your Honor, I would move
25 for cause, No. 53, who expressed their

1 relationship with one of the prosecutors in
2 this case.

3 MR. MIZRAHI: He said he knew
4 Mr. Heavener's family, but he also said that
5 that would have no effect on his feelings.

6 THE COURT: I don't think it rises to a
7 for-cause. I mean, I made a mark to see if
8 it was going to be followed up with and it
9 was. And I can't excuse him for cause.

10 MR. FALLIS: We still have peremptories.
11 We'll probably use one then.

12 THE COURT: Okay. All right. Then
13 nothing else then. I'll take short recess,
14 let y'all strategize for a few minutes.
15 Let's be back at ten after.

16 MR. MIZRAHI: We're ready whenever
17 defense counsel is. We'll step into the jury
18 room to give them privacy. We're ready.

19 (Short recess.)

20 (Defendant present.)

21 THE COURT: We'll start the selection
22 process. The jury right now would be 1 --
23 Juror No. 1 through Juror No. 7. What says
24 the State?

25 MR. MIZRAHI: Accept.

1 THE COURT: Defense?

2 MR. FALLIS: Juror No. 7 is already
3 excused.

4 THE COURT: I didn't hear you,
5 Mr. Fallis.

6 MR. FALLIS: I'm sorry, Judge. You said
7 we're on 1 through 7?

8 THE COURT: The jury right now will be 1
9 through 7 'cause 3 has been struck and the
10 State has accepted that. So I'm looking to
11 you for a strike, if you have one.

12 MR. FALLIS: No. We have -- we'll
13 back-strike Juror No. 5.

14 THE COURT: Defense has struck Juror
15 No. 5.

16 That brings us through 8 now. State?

17 MR. MIZRAHI: Accept.

18 MR. FALLIS: Strike No. 7, Your Honor.

19 THE COURT: Defense struck Juror No. 7.

20 That brings us through now 11. State?

21 MR. MIZRAHI: Accept.

22 THE COURT: All right. Defense?

23 MR. FALLIS: Strike No. 6, Judge.

24 THE COURT: The defense has struck
25 No. 6.

1 That brings us through 12. State?

2 MR. MIZRAHI: Accept.

3 THE COURT: Back to you, defense.

4 MS. WARREN: May we have a minute, Your
5 Honor, please?

6 MR. FALLIS: Your Honor, we are up to
7 No. 13, is that correct? Or no. 12.

8 THE COURT: 13.

9 MR. MIZRAHI: No, 12.

10 THE COURT: It is 12.

11 MR. MIZRAHI: 13 would be the first
12 alternate.

13 THE COURT: Yes, you're right, 12.

14 MR. FALLIS: 12. Okay. Then I would
15 move to strike No. 12, Judge.

16 THE COURT: Defense struck No. 12.

17 Back to you, State.

18 MR. MIZRAHI: Accept.

19 THE COURT: You've used four. You have
20 ten. You've used four.

21 MR. FALLIS: We've used four?

22 MS. WARREN: Yes.

23 THE COURT: It's back to the defense.

24 MR. FALLIS: Okay. We strike No. 13.

25 THE COURT: Defense has struck No. 13.

1 Back to you, State.

2 MR. MIZRAHI: I'll accept that panel.

3 1, 2, 4, 8, 11 and 14.

4 THE COURT: That's correct. You said
5 you accept?

6 MR. MIZRAHI: Accept.

7 THE COURT: Okay. Get back to you,
8 Defense. We're through 14.

9 MR. FALLIS: We'll move to strike 1.

10 THE COURT: Defense has struck Juror
11 No. 1.

12 That will bring us through -- starting
13 with Juror No. 2 through Juror No. 15.
14 State?

15 MR. MIZRAHI: Accept.

16 MR. FALLIS: We'll strike 14, Judge.

17 THE COURT: Defense has struck Juror
18 No. 14.

19 That brings us through Juror 16. Back
20 to you, State.

21 MR. MIZRAHI: Accept.

22 THE COURT: Three left. You've used
23 seven.

24 MR. FALLIS: Move to strike Juror 2.

25 THE COURT: All right. Juror No. 2

1 struck by the defense. That's your eighth
2 strike.

3 Brings us to Juror No. 17. State?

4 MR. MIZRAHI: Accept.

5 MR. FALLIS: Move to strike 15, Judge.

6 THE COURT: Defense has struck Juror
7 No. 15. One strike left.

8 That brings us through 19,
9 Mr. Montgomery. State?

10 MR. MIZRAHI: Your Honor, State accepts
11 through No. 19 Mr. Montgomery.

12 I need to point out, just so the record
13 is clear, as we did have Juror No. 11,
14 Mr. Waugh, State is not moving to strike him.
15 Mr. Waugh did indicate that he had
16 information -- I believe it was him -- about
17 the --

18 THE COURT: Wrongful death.

19 MR. MIZRAHI: -- wrongful death
20 litigation. So I wanted to make sure that
21 that was clear while the defense still had a
22 strike.

23 THE COURT: He said he could set it
24 aside but he did indicate --

25 MR. FALLIS: Yeah. I remember that,

1 Judge. I'm just holding off on him right now
2 'cause there are things I did like about that
3 juror.

4 THE COURT: Sure.

5 MR. FALLIS: We're up to 19. Did the
6 State say anything about Montgomery?

7 MR. MIZRAHI: I accepted Mr. Montgomery.

8 MR. FALLIS: You did.

9 MR. MIZRAHI: Yes, sir.

10 MR. FALLIS: We have two left, Judge?

11 THE COURT: You have one left.

12 MR. MIZRAHI: All right. Judge, we'll
13 strike Waugh.

14 THE COURT: So you are moving to strike?

15 MR. FALLIS: Yeah. I'm going to move to
16 strike Waugh, Judge.

17 THE COURT: That's Juror No. 11.

18 That brings us now through 20. State?

19 MR. MIZRAHI: One moment.

20 (Conferring with co-counsel.)

21 State's first peremptory on No. 4,
22 Mr. Markley.

23 MR. FALLIS: I'm sorry. 4?

24 THE COURT: The State has struck Juror
25 No. 4, Mr. Markley.

1 That brings us through 21, Shoemaker.

2 MR. MIZRAHI: Juror No. 20, Mr. Platts,
3 our second peremptory.

4 THE COURT: That brings us through 23,
5 Miss Leatherbarrow.

6 MR. MIZRAHI: Accept.

7 MR. FALLIS: I'm sorry. Was that
8 accept?

9 MR. MIZRAHI: I said accept.

10 THE COURT: So the jury panel is right
11 now Juror No. 8, 16, 17, 19, 21, 23. State,
12 do you agree?

13 MR. MIZRAHI: I agree.

14 MS. WARREN: I'm sorry, Your Honor. I
15 thought 15 was struck.

16 MS. REID: He didn't say 15.

17 THE COURT: All right. Do this for me
18 Mr. Fallis, Miss Warren. Go through that
19 list real quick with Mr. Haim. I know he has
20 been watching attentively through this
21 process, but if you'd go through and show
22 what the list is and make sure he's good to
23 go. And then I'm going to ask him some
24 questions about it.

25 All right. Two alternates? Two

1 alternates?

2 MR. FALLIS: Do we still have one strike
3 left, Judge?

4 THE COURT: No.

5 MR. FALLIS: I didn't think so.

6 THE COURT: I'll give you a strike for
7 the alternates, though. So are we going to
8 pick two?

9 MR. FALLIS: I understand he accepted.
10 I guess that's where we're at now, right?

11 THE COURT: That's why I'm asking the
12 question. Again, two alternates or one?

13 MR. MIZRAHI: Two's fine.

14 MR. FALLIS: Long trial, two alternates.

15 THE COURT: So the alternate -- first
16 alternate would be -- we're through...

17 MR. MIZRAHI: 23 is our last juror.
18 First alternate would be 25. Our second
19 alternate would be 26.

20 THE COURT: Okay. As to Juror No. 25 as
21 the first alternate, State.

22 MR. MIZRAHI: State accepts
23 Miss Robinson.

24 THE COURT: Defense, first alternate,
25 Mr. --

1 MR. FALLIS: We accept, Judge.

2 THE COURT: All right. So Miss Robinson
3 will be our first alternate.

4 Second alternate, Mr. Broomfield, State.

5 MR. MIZRAHI: State would strike
6 Mr. Broomfield with our first alternate
7 peremptory.

8 THE COURT: That makes Juror No. 27 the
9 second alternate. Defense?

10 MR. FALLIS: We accept, Judge.

11 THE COURT: State?

12 MR. MIZRAHI: The State will strike with
13 our second alternate Miss Levens.

14 THE COURT: That makes Juror No. 29,
15 Mr. Paulson, the alternate unless,
16 Mr. Fallis, for the defense, you wish to
17 strike.

18 MR. FALLIS: We accept, Judge.

19 THE COURT: Okay. I'll go through the
20 jury. So everybody listen carefully, make
21 sure we're all on the same page. The jury
22 who will try this case will be Juror No. 8,
23 Jenkins; Juror No. 16, Roos; Juror 17,
24 Loiacono; Juror 19, Montgomery; Juror 21,
25 Shoemaker; Juror 23, Leatherbarrow; first

1 alternate, Juror No. 25, Robinson; second
2 alternate, 29, Paulson. State, you agree?

3 MR. MIZRAHI: I agree and accept.

4 THE COURT: Defense, do you agree and
5 accept?

6 MR. FALLIS: Yes, Judge.

7 THE COURT: All right. Mr. Haim, if you
8 could please stand to be sworn.

9 (Defendant sworn by the clerk.)

10 THE COURT: All right. Mr. Haim, I'm
11 going to ask you a few questions about the
12 jury selection process. You've been here
13 obviously all day, and I noticed that you've
14 been attentive throughout the process. Do
15 you have any objection to -- first, let me
16 ask you this: Do you know who the jury will
17 be who will try your case?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you have any objection to
20 that jury?

21 THE DEFENDANT: No.

22 THE COURT: Do you have any objection to
23 the process by how we got -- from where we
24 started this morning to how we got here
25 today?

1 THE DEFENDANT: No.

2 THE COURT: Were you able to participate
3 through the selection process with your
4 lawyers?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. Very good. Well, you
7 can have a seat, sir. Thank you.

8 Let's bring in the panel and tell them
9 the news, and I'll give some final
10 instructions to the folks in the box. We're
11 going to divide them up, first four, second
12 four on the back row so everybody's as close
13 to the jury -- witness box as we can. 1
14 through 4, 5 through 8.

15 All right. Bring them in.

16 (Jury panel present.)

17 THE COURT: Welcome back, everyone.

18 We have selected the jury. In just a
19 moment, I'm going to call those folks by name
20 and have them come up and have a seat in the
21 jury box where the bailiff is standing. I'm
22 going to have some final instructions, not
23 very long at all. Then we'll send you home.

24 It's been a long day so let me thank you
25 all for your willingness to be here and to

1 participate. I mentioned it earlier. You
2 sort of had to come. It was summoned. But
3 you were all here and, I think, participated
4 well and I appreciate that.

5 Reminds me of a quote from our second
6 president, John Adams, who said in a
7 representative democracy, a trial by jury are
8 the heart and lungs of liberty. I believe
9 that. Most of y'all probably believe that
10 too. You go to the polls and vote. That's
11 important. This also is important. Both of
12 those are necessary for us to have our
13 liberty. So thank you all for that. You
14 participated in something very important
15 today.

16 With that, let me call the jury up.
17 Juror No. 8, Mr. Jenkins; Juror No. 16,
18 Miss Roos; Juror No. 17, Mr. Loiacono; Juror
19 No. 19, Mr. Montgomery; Juror No. 21,
20 Miss Shoemaker; Juror No. 23,
21 Miss Leatherbarrow; Juror No. 25,
22 Miss Robinson; and Juror No. 29, Mr. Paulson.

23 While those folks are making their way
24 up, the rest of y'all can take off your
25 badges and hand those to the bailiffs on your

1 way home. I wish you a good evening and good
2 rest of the week. You're free to go.

3 (Jury panel excused.)

4 THE COURT: All right. Let the record
5 reflect the panel has left the courtroom.

6 We do have a jury to try the case in the
7 jury box.

8 Ladies and gentlemen, let me give you
9 some final instructions before we break for
10 the day.

11 You'll hear me say this a lot: Do not
12 discuss the case with anybody. It's very
13 important that you only decide this case
14 based on what you hear in the courtroom. If
15 I sound like I'm going to be a broken record,
16 it's worth it because it's that important
17 that you base your verdict, whatever that
18 verdict may be, only on what you hear in the
19 courtroom in terms of evidence and the law by
20 me. And you can't even discuss it amongst
21 yourselves until that time that I send you to
22 the jury room to do that very thing. Until
23 then, you'll have to talk about something
24 else, not the case.

25 Now, should anybody try to talk about it

1 with you tell them to stop. I don't think
2 that will happen but it might. You'll be
3 given a juror button to wear when you come
4 back tomorrow. That will make you easily
5 identifiable as one of the jurors trying the
6 case. So nobody should come up to you, but
7 if they do, tell them to stop. And if they
8 persist, which, again, I doubt will happen,
9 let one of the bailiffs know, and we can take
10 care of that. Okay?

11 And you'll wear that juror button on the
12 outside of clothing. It sometimes it can be
13 cold in this courtroom, I noticed, so you
14 might want to bring a sweater or a jacket to
15 take on and off as you feel fit.

16 You're not to read, watch or listen to
17 any radio, television or newspaper stories
18 about this case, should it be printed or
19 aired. In addition, you should not conduct
20 any type of research in books or on the
21 Internet or otherwise as to the people and
22 places involved, again, for the same reasons
23 I just told you, right?

24 So resist that temptation. When the
25 case is over, if you want do read about it,

1 feel free to do that to your heart's content.
2 Just can't do it until then.

3 If you should run into any of the
4 lawyers during the rest of this trial -- you
5 may do that -- they're going to turn and go
6 the other direction. They're not being rude.
7 They're just following my instructions and
8 their obligations as ethical lawyers not to
9 have any contact with you from this point
10 forward other than in here. They don't want
11 to give even the appearance of impropriety so
12 they're going to avoid you. So that's the
13 reason they'll do that.

14 Parking is provided for free. It's at
15 the garage across the street. They'll give
16 you the information for that when you leave.

17 When you come back tomorrow morning,
18 we'll start at 9:00 a.m. with opening
19 statements and then the State's case. So
20 should be here about 8:45.

21 Mr. Bowman, you're going to show them
22 where to meet?

23 THE BAILIFF: Yes, sir.

24 THE COURT: Okay. So he'll walk you
25 back to the jury room as soon as you leave

1 and show you where that is. He can take you
2 downstairs. So you-all will gather together
3 in the morning in a certain spot and he'll
4 bring you up together. So you won't have to
5 worry about trying to find this room by
6 yourself tomorrow. It's a big courthouse and
7 sometimes I even get turned around in here;
8 it's so big.

9 So just follow where he sends you and
10 meet up tomorrow morning I'd say about 8:45.
11 So you can get up and get a cup coffee for
12 you in the back and get comfortable before we
13 bring you in to start the trial at
14 9:00 o'clock.

15 Does anybody have any questions?

16 Mr. Paulson, yes, sir?

17 PROSPECTIVE JUROR PAULSON: Can we take
18 notes or no notes at all?

19 THE COURT: Oh, no, no. That's a good
20 question. You can. I'll give you a notepad
21 and a pen for that purpose tomorrow, take
22 notes. One of the jury instructions I'll
23 give you -- I'll talk about that tomorrow,
24 but I'll give you a preview of it today.
25 You're free to take notes. You're also free

1 not to take notes. The one thing I would
2 caution you with, don't get so taken up and
3 focused on your note-taking, which can
4 sometimes happen and fail to follow what's
5 happening up here on the witness stand or
6 what the lawyers are arguing to you.

7 So taking notes, just do it with some
8 caution. And I wouldn't bother writing down
9 all the definitions, the legal terms. Again,
10 you're going to have that read to you by me
11 and then given to you in writing. So you'll
12 have the whole law to hold in your hand. So
13 you don't need to worry about reasonable
14 doubt, for example. You may forget what that
15 means. Don't worry about it. We'll talk
16 about it. The lawyers, I'm sure, will talk
17 about it. And we'll have it in writing.

18 Good question. Any other questions?

19 Seeing none. If you would follow
20 Miss James and Mr. Bowman out, we'll see
21 y'all tomorrow morning. Have good night.

22 (Jury excused.)

23 THE COURT: Let the record reflect the
24 jury has left the courtroom.

25 Anything else we need to discuss before

1 we recess for the night?

2 MR. MIZRAHI: Not from the State.

3 THE COURT: All right. See y'all all
4 tomorrow morning at 9:00 a.m. prompt. We'll
5 begin with opening statements.

6 MR. MIZRAHI: Oh, I did have one. This
7 doesn't have to be on the record.

8 (Off-record discussion.)

9 THE COURT: We can put this on the
10 record -- that's fine, just so Mr. Fallis
11 knows; this is our first trial together; I've
12 tried a couple with Mr. Mizrahi -- so you
13 both know what I'll talk about.

14 Of course, about taking recesses, don't
15 talk about the case. The case must be tried
16 only on the evidence presented. I will -- if
17 you want, Mr. Fallis, to give the instruction
18 about the defendant having a right to remain
19 silent --

20 MR. FALLIS: Right.

21 THE COURT: You want me to read that?

22 MR. FALLIS: Yes, sir.

23 THE COURT: I will read again burden of
24 proof, reasonable doubt same thing I read
25 earlier. I will read the first five factors

1 on weighing the evidence that are standard.
2 Note-taking I'll go over and cautionary
3 instruction, deciding a verdict is
4 exclusively their job.

5 Okay. See y'all tomorrow morning.

6 (Whereupon the proceedings were adjourned.)

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