

IN THE CIRCUIT COURT OF THE
EIGHTH JUDICIAL CIRCUIT, IN AND
FOR ALACHUA COUNTY, FLORIDA

CASE NO.: 01-2021-CF-003691-A
DIVISION I

STATE OF FLORIDA

vs.

ANDRE ABRAMS, SR.,
Defendant.

TRIAL
Jury Selection

DATE: Monday, March 3, 2025

TIME: 8:34 a.m. - 1:07 p.m.

PLACE: Judge Stephan P. Mickle, Sr., Courthouse
220 South Main Street
Gainesville, Florida 32601

BEFORE: The Honorable Sean Brewer

This cause came on to be heard at the time and
place aforesaid, when and where the following
proceedings were reported by:

Amanda E. Robinson, RPR, CRC,
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A P P E A R A N C E S

PAMELA C. GOECKEL, Esquire
FRANK P. SLAVICHAK, Esquire

Office of the State Attorney
120 West University Avenue
Gainesville, Florida 32601
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appearing on behalf of the State.

AUBRONCEE S. MARTIN, Esquire
ALEKSANDRA M. OSTERMAN-BURGESS, Esquire

Office of the Public Defender
151 Southwest Second Avenue
Gainesville, Florida 32601
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appearing on behalf of the Defendant.

ALSO PRESENT:

Andre Abrams, Senior, Defendant

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I N D E X

PROCEEDINGPAGE

Nelson Inquiry
(Nelson Inquiry heard before the
Honorable David P. Kreider)

4

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

2 (The following proceedings were had
3 before the Court and out of the presence of
4 the Jury:)

5 THE COURT: State, call the docket.

6 MS. GOECKEL: Yes. First case is Andre
7 Abrams, Senior, 2021-CF-3691. Mr. Martin on
8 behalf of the Defense. Ms. Goeckel on
9 behalf of the State.

10 THE COURT: Good morning, gentlemen.

11 MS. MARTIN: Good morning, Your Honor.

12 THE COURT: Mr. Abrams, you had filed a
13 motion, I had set this for a Nelson inquiry.
14 I've read your letter.

15 Is there anything else you wish to
16 briefly add?

17 MR. ABRAMS: No -- well, yes. I don't
18 have any evidence. I don't know what
19 evidence the State is going to use. I know
20 there is a video out there that's an hour
21 and 6 minutes 28 seconds. I read that they
22 asked to have a clip of the video without
23 sound.

24 I would object to that. And would have
25 the whole --

1 MS. MARTIN: I'm sorry to interrupt.
2 That was a Defense motion.

3 MR. ABRAMS: Okay. I stand corrected.
4 I still don't have any evidence. I don't
5 know what the State is going to use, what
6 evidence. I have nothing.

7 THE COURT: All right. Mr. Martin,
8 response.

9 MS. MARTIN: I have provided Mr. Abrams
10 with the depositions in this case. We have
11 reviewed the video, which consists of -- I
12 think the concerning issue to the Defense
13 was the body cam video of a surveillance
14 recording that Mr. Abrams at the time had in
15 his possession. And we would -- and we've
16 filed a written objection to that, and we've
17 reviewed that.

18 MR. ABRAMS: What have we reviewed?

19 MS. MARTIN: I provided you with
20 depositions.

21 MR. ABRAMS: You provided me with
22 depositions. That was less than 10 days.

23 MS. MARTIN: That's when they were
24 transcribed.

25 MR. ABRAMS: Okay. Well, that's --

1 THE COURT: They don't go to the expense
2 until it looks like cases are really going
3 to trial.

4 MR. ABRAMS: It would help, so I could
5 get myself prepared.

6 THE COURT: Okay. The trial is not
7 until Thursday.

8 MR. ABRAMS: Right. Nevertheless, I
9 still want to speak with a different
10 attorney. That's what the Nelson hearing is
11 for.

12 THE COURT: The Nelson hearing is for
13 that. And I have to find whether or not
14 Mr. Martin is effective or ineffective. And
15 based on -- I know you started with
16 Mr. Galigani and then went to the Public
17 Defender's Office.

18 And so based on what I've seen so far, I
19 find that Mr. Martin is effective. You can
20 always hire your own attorney. But at this
21 point we're picking a jury here, so we're
22 past that, I think.

23 And so I'm going to deny your motion for
24 a Nelson inquiry. Okay, sir? So we pick a
25 jury today around 10:00 o'clock.

1 MR. ABRAMS: All righty.

2 THE COURT: Now, I know there are some
3 other issues.

4 MS. GOECKEL: Your Honor, the State has
5 filed a motion.

6 THE COURT: To go outside and turn on
7 the fire.

8 MR. SLAVICHAK: Yes, Your Honor.

9 THE COURT: So I'm going to let Judge
10 Brewer address that. He will be here for
11 10:00 o'clock. Although, any reason why we
12 can't have a video of that versus move the
13 whole circus outside?

14 MR. SLAVICHAK: Your Honor, it's not so
15 much that we couldn't, arguably, prerecord a
16 video. I think as outlined in the State's
17 motion, I think some of the considerations
18 for the jury and what would be best served
19 by a live demonstration are things such as
20 the true heat produced by an item of this
21 nature and some of the things that can't
22 necessarily be captured by a video
23 recording.

24 So that's what, arguably, the State is
25 attempting to transmit in the course of a --

1 THE COURT: I'll let you argue it to
2 Judge Brewer. But arguably, when a bomb
3 goes off, there are lots of concussions and
4 there are lots of other things too. So I'm
5 not sure the heat that this produced, he's
6 going to be willing to have everybody go
7 outside and set all that up or not, but I'll
8 leave it up to him.

9 MR. ABRAMS: Thank you, sir.

10 THE COURT: I don't know what the
11 Defense's position is. I was going to let
12 y'all argue to Judge Brewer.

13 MS. MARTIN: That is what I heard the
14 Court say. And so, I mean, just for the
15 purpose -- of course, we object.

16 MR. ABRAMS: Thank you. No, because --

17 MS. MARTIN: And I understand,
18 Mr. Abrams, that you're frustrated with the
19 process. The Court just announced he's not
20 ruling on it. Judge Brewer is going to make
21 the decision.

22 MR. ABRAMS: Yes, sir.

23 MS. MARTIN: So I will reserve my
24 arguments to that.

25 MR. ABRAMS: Yes, sir.

1 THE COURT: Anything else?

2 MS. GOECKEL: I don't think so, no.

3 MR. ABRAMS: Thank you. 10:00 o'clock?

4 THE COURT: 10:00 o'clock, yes, sir.

5 MR. SLAVICHAK: Will that be in this
6 courtroom, Your Honor?

7 THE COURT: I don't think Judge Brewer
8 is in this courtroom. Is he?

9 THE CLERK: He is.

10 THE COURT: Apparently so.

11 (Recess.)

12 (The following proceedings were had
13 before the Court and out of the presence of
14 the Venire:)

15 THE COURT: Good morning.

16 All right. So we are on the record.

17 And let me -- before we bring the jury
18 in, let's talk about a couple things. I
19 wasn't here for the trial meeting. Did
20 you-all talk about what plea offers have
21 been accepted?

22 MR. MARTIN: We did not, Your Honor.

23 MS. GOECKEL: We did not.

24 THE COURT: Okay. So has there been a
25 plea offer in this case?

1 MR. MARTIN: Your Honor, if I may?

2 THE COURT: You may.

3 MR. MARTIN: So this case is -- as the
4 Court potentially could tell through the
5 record, this case has been going on because
6 there was a period of time in which
7 Mr. Abrams was indigent filed.

8 THE COURT: Right.

9 MR. MARTIN: I can't tell the Court
10 exactly if there were any plea offers made
11 prior to that that were rejected.

12 THE COURT: Okay.

13 MR. MARTIN: Since I've been involved in
14 this case, Mr. Abrams has repeatedly
15 indicated he wasn't taking any particular
16 offers. I don't know if there is an offer
17 presently made, but that's where we are.

18 THE COURT: Thank you.

19 So I take it there is not an offer that
20 has been made recently. Am I correct?

21 MS. GOECKEL: You are correct, Your
22 Honor. It appears that, when this case was
23 first filed on, there was a plea offer put
24 out to the defense attorney at the time. It
25 was plea as charged, so three counts of

1 aggravated assault with a deadly weapon, to
2 18 months Department of Corrections,
3 followed by 24 months of probation, complete
4 anger management, and no contact with the
5 victim.

6 Just for the Court's knowledge, he --
7 with his score sheet and the three counts of
8 aggravated assault, he scores the lowest
9 possible sentence of 33 months with a
10 maximum of 15 years.

11 THE COURT: Thank you.

12 And that offer is no longer available?

13 MS. GOECKEL: That offer is no longer
14 available, Your Honor.

15 THE COURT: Thank you.

16 Mr. Abrams.

17 MR. ABRAMS: Yes, sir.

18 THE COURT: How are you?

19 MR. ABRAMS: Pretty good. Yourself?

20 THE COURT: Doing great.

21 Can you raise your right hand for me.

22 Do you swear or affirm anything you tell
23 me today will be the truth?

24 MR. ABRAMS: Yes, sir.

25 THE COURT: Thank you, sir.

1 My plan for the attorneys is that I'm
2 going to explain presumption of innocence,
3 reasonable doubt, defendant not testifying,
4 and verdict based solely on the evidence, as
5 well as reading the information and the
6 cautionary instruction.

7 Is that acceptable to both sides?

8 MS. GOECKEL: That's fine with the
9 State, Your Honor.

10 MR. MARTIN: So the Court is not going
11 to read not testifying and -- but not going
12 to read testifying at this point. Is
13 that --

14 THE COURT: I'm sorry. I was going to
15 read defendant not testifying unless you
16 have an objection.

17 MR. MARTIN: Just going to read that one
18 instruction?

19 THE COURT: Yes, sir.

20 MR. MARTIN: Okay.

21 THE COURT: And there is nothing in the
22 information that needs to be bifurcated, as
23 I looked at it, or it doesn't contain any
24 other prior charges or anything in the
25 information that I need to skip. Am I

1 correct?

2 MS. GOECKEL: That's correct, Your
3 Honor.

4 MR. MARTIN: Yes, sir.

5 THE COURT: And then I do plan on
6 attempting to pick two alternates. Okay?

7 All right. So with that, in this case,
8 I don't -- I haven't looked at anything
9 regarding a score sheet or prior history.
10 If Mr. Abrams happens to be convicted of a
11 felony, is he entitled to a PSI or not?

12 MR. MARTIN: I don't believe he's
13 entitled to a PSI. However, given the
14 specific history in this case involving
15 Division V, I think there is certainly
16 mitigation that would need to be offered
17 that will put us in a posture that we
18 wouldn't be prepared to receive the
19 sentence.

20 THE COURT: Okay. Thank you.

21 All right. Are there any other issues
22 that need to come up before we bring the
23 jury in?

24 MS. GOECKEL: I don't believe, not from
25 the State, Your Honor.

1 THE COURT: Okay. I understand there is
2 an issue regarding a request for a jury
3 view.

4 MR. SLAVICHAK: Yes, Your Honor. We
5 were going to indicate we could take that up
6 afterwards if the Court felt --

7 THE COURT: I don't mind doing that,
8 but, obviously, no one is going to discuss
9 it in jury selection.

10 MR. SLAVICHAK: That was the
11 anticipation, we weren't going to.

12 THE COURT: Okay. All right. With
13 that, Mr. Martin, do you object to hearing
14 that argument on the jury view after we pick
15 the jury?

16 MR. MARTIN: Yes, that's fine.

17 THE COURT: Is that okay?

18 MR. MARTIN: The Defense had a motion,
19 as well. So we're fine.

20 THE COURT: I'm unaware of the Defense's
21 motion, so let me hear what that is.

22 MR. MARTIN: There was a -- actually, I
23 think there is -- they're somewhat related.
24 There is a video, body cam video, that
25 purports to show the flamethrower in

1 question in use. And there is commentary by
2 a law enforcement officer, and we're asking
3 that commentary not be admitted. There is a
4 video, they can turn the sound down.

5 THE COURT: Okay. Okay. And there is
6 no problem with me hearing that after the
7 jury selection. No one is going to talk
8 about the comments that were made on that
9 video. Am I correct?

10 MR. MARTIN: And I'm just hearing that
11 they're not going to elicit that, so.

12 MR. SLAVICHAK: Correct.

13 THE COURT: When you say "They're not
14 going to elicit that," you're agreeing to
15 redact the audio?

16 MS. GOECKEL: Your Honor, I have already
17 provided that to the Defense. It is about a
18 30-, 40-second video where the audio is
19 completely redacted.

20 THE COURT: Okay.

21 MR. MARTIN: I just didn't see that.

22 THE COURT: That's okay. So we'll
23 determine the issue on the jury view after
24 we pick the jury.

25 Anything further that needs to be

1 addressed before we bring the jury in from
2 either side?

3 MS. GOECKEL: I don't believe so.

4 MR. MARTIN: No, sir.

5 THE COURT: Okay. Thank you.

6 Whenever you're ready to bring the
7 prospective jurors in.

8 THE CLERK: Would you like me to call
9 them in the box?

10 THE COURT: Yes, please, if you don't
11 mind. And -- okay. Great.

12 (The following proceedings were had
13 before the Court and Venire:)

14 THE COURT: Good morning.

15 COLLECTIVELY: Good morning.

16 THE COURT: First thing we're going to
17 do is I'm going to ask everybody both up
18 here in the jury box and in the gallery to
19 please stand, and I'm going to ask Madam
20 Clerk to swear in the prospective jurors.

21 THE CLERK: Good morning.

22 Do you solemnly swear or affirm that you
23 will answer truthfully all questions asked
24 of you as prospective jurors, so help you
25 God?

1 COLLECTIVELY: (Affirmative response.)

2 THE BAILIFF: Please be seated, folks.

3 Thank you.

4 THE COURT: Welcome to the Criminal
5 Division of Alachua County Court
6 Administration. My name is Judge Sean
7 Brewer. I know that jury service is not
8 always convenient, but it is crucial to the
9 administration of justice. I will make
10 every effort to see that the demand upon
11 your time for this call to jury service will
12 not be unreasonable or prolonged.

13 In a few minutes, jury selection will
14 begin for the case set for this week.
15 Before we begin, I want to give you some
16 information about the nature of criminal
17 trials so you will have a better
18 understanding of what is expected of you.

19 First, please relax and try to consider
20 your jury service to be an educational
21 experience, as well as it's an important
22 service to your community.

23 The trial is expected to go for one day,
24 and that day is Thursday of this week. We
25 generally start the day at around

1 9:00 o'clock, end the day between 4:30 and
2 5:30, in general. Although, with a one-day
3 trial, when the actual trial ends will be
4 dependent upon the jury, all right, how long
5 the jury takes to deliberate and come to a
6 decision.

7 We generally break for lunch for a
8 little over an hour, around an hour, between
9 11:30 and 1:30.

10 Inside the courtroom you will see that
11 we have a court reporter. We have a clerk.
12 We have a bailiff. And we have the parties.
13 And we'll talk about the parties here in
14 just a second.

15 I want to talk to you a little bit about
16 voir dire examination. Voir dire, in
17 origin, it refers to an oath to tell the
18 truth; in other words, to give a true
19 verdict. The word voir, in this context, is
20 an old French word meaning truth. Using
21 this process, each side has the opportunity
22 to ask questions of you to determine whether
23 your decision as a juror in this case might
24 be influenced by some personal opinions,
25 personal experiences, or special knowledge

1 which you might have concerning the subject
2 matter of this trial.

3 The questions that are asked of you
4 today are not intended to embarrass you.
5 Please understand that these questions are
6 not intended to embarrass you or to pry into
7 your personal affairs. They're intended to
8 help obtain a fair and impartial jury in
9 this particular case. Everyone is a good
10 juror for some kind of case. This process
11 helps determine if this is the right case
12 for you to sit on as a juror.

13 If the Court determines that you might
14 not be impartial -- be able to impartially
15 try this case, then you will be excused from
16 this particular case.

17 I don't know if we have -- do we have
18 other juries going today? This is it?

19 THE CLERK: No, Your Honor.

20 THE COURT: So if you're excused, you
21 will be excused for the day. Okay? And for
22 the week.

23 Each party has a certain number of
24 challenges which they can exercise, thus,
25 allowing them to excuse a juror in certain

1 situations. Excusal is not an attack on
2 your integrity, honesty, or self-worth. If
3 you're excused by either side, it has
4 nothing to do with you, but rather the type
5 of case that is being selected today.

6 I want the record to reflect that the
7 Defendant is present for jury selection and
8 has been for this entire process.

9 First thing I want to ask is does anyone
10 have any medical or physical condition such
11 as a hearing or vision issue that will
12 require special accommodations?

13 Let the record reflect that no one has
14 answered in the affirmative.

15 Okay. Today we will be trying the case
16 of *State of Florida vs. Andre Abrams,*
17 *Senior.* I will now read to you the
18 pertinent portion of the information which
19 sets forth -- which sets forth the charges
20 against the Defendant.

21 Brian Kramer, State Attorney for the
22 Eighth Judicial Circuit, prosecuting for the
23 State of Florida, under oath, alleges by
24 information that Andre Abrams, Senior, in
25 Alachua County, Florida, on or about

1 November 30th, 2021, did then and there
2 unlawfully, not having any intent to kill,
3 make an assault upon [REDACTED] S [REDACTED] in that
4 Andre Abrams, Senior, intentionally
5 threatened by word or act to do violence to
6 [REDACTED] S [REDACTED], coupled with an apparent
7 ability to do so, and did some act which
8 created within A [REDACTED] S [REDACTED] a
9 well-founded fear that violence was
10 imminent, and in committing said assault
11 used a deadly weapon, to wit: flamethrower.
12 That's Count I.

13 Count II is also for agg assault with a
14 deadly weapon. Once again, Brian Kramer,
15 State Attorney for the Eighth Judicial
16 Circuit, prosecuting for the State of
17 Florida, under oath, further alleges by
18 information that Andre Abrams, Senior, in
19 Alachua County, Florida, on or about
20 November 30th, 2021, did then and there
21 unlawfully, not having any intent to kill,
22 make an assault upon N [REDACTED] [REDACTED] B [REDACTED]
23 and that Andre Abrams, Senior, intentionally
24 threatened by word or act to do violence to
25 [REDACTED] [REDACTED]. [REDACTED], coupled with an

1 apparent ability to do so, and did some act
2 which created within N   a
3 well-founded fear that violence was
4 imminent, and in committing said assault
5 used a deadly weapon, to wit: flamethrower.

6 Count III is also for agg assault with a
7 deadly weapon. Brian Kramer, State Attorney
8 for the Eighth Judicial Circuit, prosecuting
9 for the State of Florida, under oath,
10 further alleged by information that Andre
11 Adams (sic) in Alachua County, Florida, on
12 or about November 30th, 2021, did then and
13 there unlawfully, not having any intent to
14 kill, make an assault upon  E 
15 in that Andre Abrams, Senior, intentionally
16 threatened by word or act to do violence to
17 M  E  coupled with an apparent
18 ability to do so, and did some act which
19 created within  E  a
20 well-founded fear that violence was
21 imminent, and in committing said assault
22 used a deadly weapon, to wit: flamethrower.

23 You have heard the charge -- the charges
24 made against the Defendant.

25 Does anyone know anything about this

1 case?

2 All right. I want to introduce the
3 parties. The Defendant in this case is
4 Andre Abrams, Senior.

5 Would you please rise, sir.

6 And would counsel, who have also already
7 risen, introduce yourself to the jury.

8 MR. MARTIN: Good morning. My name is
9 AuBroncee Martin, and I'll be representing
10 Mr. Abrams here, along with
11 Ms. Osterman-Burgess here today.

12 THE COURT: Okay. Does anybody know any
13 of the three individuals standing?

14 Let the record reflect that the answer
15 was a negative for everybody.

16 Thank you.

17 And would the state attorneys please
18 rise and introduce themselves to the jury.

19 MS. GOECKEL: Good morning. My name is
20 Pamela Goeckel, and this is Frank Slavichak.

21 THE COURT: Does anybody know the
22 assistant state attorneys who are trying
23 this case?

24 All right. All right. I'm going to ask
25 Ms. Goeckel to please identify the names and

1 occupations of any witnesses that you may
2 call in this case.

3 MS. GOECKEL: Yes, Your Honor. The
4 first is from Gainesville Police Department,
5 Willfredo Perez and Jacob Marcotte; and the
6 civilian witnesses in this case are [REDACTED]
7 S [REDACTED], [REDACTED] [REDACTED], M [REDACTED]
8 E [REDACTED], Lennecia Stephens, and Venus Grant.

9 THE COURT: Okay. Does anyone know any
10 of those witnesses?

11 Yes, ma'am.

12 PROSPECTIVE JUROR #47: I believe three
13 of the witnesses are students or former
14 students at the school I am a teacher at.

15 THE COURT: Okay. And can you tell me
16 who those witnesses are?

17 PROSPECTIVE JUROR #47: [REDACTED] S [REDACTED],
18 [REDACTED] E [REDACTED], and N [REDACTED] [REDACTED]

19 THE COURT: Okay. All right. I'm going
20 to -- thank you for letting us know that. I
21 am going to let the attorneys inquire more
22 upon that in just a moment. Okay?

23 All right. Do -- other than that -- and
24 that's Ms. -- I'm sorry, I should have said
25 Ms. Evans.

1 Correct?

2 PROSPECTIVE JUROR #47: Yes.

3 THE COURT: Thank you, Ms. Evans.

4 Do any of the prospective jurors that
5 are in the juror box know myself or any of
6 the court personnel?

7 Once again, please show -- let the
8 record show that the answer was in the
9 negative for everybody.

10 All right. I want to explain to you for
11 a second some of the principles that we're
12 going to be following. The first is
13 presumption of innocence. The Defendant has
14 entered a plea of not guilty. That means
15 that you must presume or believe the
16 Defendant is innocent. This presumption
17 stays with the Defendant as to each material
18 allegation in the information through each
19 stage of the trial unless it has been
20 overcome by the evidence to the exclusion of
21 and beyond a reasonable doubt.

22 In order to return a verdict of guilty,
23 there must be proof by way of evidence.
24 Since no proof has yet been presented in
25 this trial and since the Defendant is

1 presumed innocent, then at this moment as
2 the Defendant sits here, he is not guilty
3 because no evidence or proof has yet been
4 introduced.

5 So in other words, if the jury were to
6 deliberate on a verdict at this very moment,
7 the jury would have to find the Defendant
8 not guilty because no evidence has been
9 presented.

10 Does each of you -- do each of you
11 understand this rule of law? Do each of you
12 agree to follow this rule of law?

13 Once again, let the record reflect that
14 the answer was in the affirmative for both
15 questions.

16 The State must prove the Defendant's
17 guilt beyond a reasonable doubt at the end
18 of this trial. I will instruct you on the
19 law that applies to this case. I will now
20 read to you the definition of reasonable
21 doubt.

22 Proof beyond a reasonable doubt does not
23 mean proof beyond all doubt. A reasonable
24 doubt is not a mere possible doubt, nor a
25 speculative, imaginary, or forced doubt.

1 Such a doubt must not influence you to
2 return a verdict of not guilty if you have
3 an abiding conviction of guilt.

4 On the other hand, if, after carefully
5 considering, comparing, and weighing all the
6 evidence, there is not an abiding conviction
7 of guilt or, if having a conviction, it is
8 not stable, but one which waivers and
9 vacillates, then you must find the defendant
10 not guilty because the doubt is reasonable.

11 A reasonable doubt may arise from the
12 evidence, conflict in the evidence, or lack
13 of evidence. If you have a reasonable
14 doubt, you should find the defendant not
15 guilty. If you have no reasonable doubt,
16 you should find the defendant guilty.

17 The defendant has the constitutional
18 right not to testify. The defendant does
19 not have to prove nor disprove anything.
20 The fact that a defendant does not testify
21 cannot be held against him. You cannot
22 presume him guilty merely because he did not
23 testify.

24 Can each of you follow this instruction?

25 Let the record reflect that everybody

1 has answered in the affirmative.

2 When you render a verdict at the end of
3 the trial, the verdict must come only from
4 the evidence produced at trial in this
5 courtroom and from the law that applies to
6 this case, which I will give you in the form
7 of instructions.

8 Do each of you understand this and agree
9 to follow my instructions?

10 Once again, let the record reflect that
11 the answers were all affirmative.

12 Are there any jurors here that have a
13 circumstance that would make it impossible
14 for you to give your undivided attention to
15 this case this week -- during this week?

16 There are no -- nobody has raised a hand
17 or answered in the affirmative -- I have
18 one.

19 Ms. Towery.

20 PROSPECTIVE JUROR #34: I have Crohn's
21 disease, so I might have to use the bathroom
22 a lot.

23 THE COURT: Okay. All right. Thank you
24 for letting us know that.

25 During the course of a one-day trial, if

1 we took breaks whenever you needed to, would
2 that be something that you would be able to
3 sit through?

4 PROSPECTIVE JUROR #34: Probably.

5 THE COURT: Okay. All right. When you
6 say "probably," I understand that you're
7 being diplomatic, but I want to know if it's
8 going to be something that you believe,
9 based on your past experience of sitting for
10 a day, that if we went through 9:00 to 5:00
11 with a lunch break and breaks for comfort
12 breaks, would you be able to physically do
13 that?

14 PROSPECTIVE JUROR #34: This past week I
15 have been at the bathroom more than I really
16 want to be.

17 THE COURT: Understand. So are you
18 telling me that that's an issue that may
19 make it so that you can't sit through an
20 entire day of trial?

21 PROSPECTIVE JUROR #34: Yeah. Like,
22 right now I've got to go again.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR #34: But I'm dealing
25 with it.

1 THE COURT: I understand. And I
2 appreciate the fact that you're letting us
3 know all of this, because that's very
4 helpful.

5 Let me ask the attorneys to approach
6 real quick.

7 (Begin sidebar conference:)

8 THE COURT: Does anybody have an
9 objection to me excusing this juror?

10 MS. GOECKEL: No objection.

11 MR. MARTIN: No. I'm very sympathetic
12 to her, actually.

13 THE COURT: Okay. Without objection
14 from all the parties, that is what I'll do,
15 and I'll bring in the next witness -- next
16 juror into the witness stand -- jury stand.

17 (Sidebar conference concluded.)

18 THE COURT: Ms. Towery, thank you for
19 being here today. Out of an abundance of
20 caution, we don't want to put you in a
21 position where you're not comfortable during
22 the course of the trial, so we are going to
23 excuse you. Okay?

24 PROSPECTIVE JUROR #34: That's perfect.
25 That's fine. I don't blame you.

1 THE COURT: I wish you the best of luck,
2 Ms. Towerly.

3 PROSPECTIVE JUROR #34: Thank you. Me
4 too.

5 (Prospective juror excused.)

6 THE COURT: And may I ask Madam Clerk to
7 read the next prospective juror.

8 THE CLERK: Juror Number 62, Monica
9 Jordan.

10 THE COURT: Ms. Jordan, how are you?

11 PROSPECTIVE JUROR #62: Good.

12 THE COURT: So you were in the gallery
13 and you heard all of the questions I've
14 asked including if you know any of the
15 parties or -- were there any questions that
16 I asked that you thought to yourself, "Oh, I
17 would answer this if I were up in the jury
18 box"?

19 PROSPECTIVE JUROR #62: I know one of
20 the witnesses. It was Officer Perez.

21 THE COURT: Okay. And I'm going to let
22 the attorneys inquire about that.

23 Was there anything else?

24 PROSPECTIVE JUROR #62: No, sir.

25 THE COURT: Thank you very much.

1 So with that, let me give you one more
2 instruction and then we will get started
3 with jury selection.

4 In order to have a fair and lawful
5 trial, there is rules that all jurors must
6 follow. A basic rule is that jurors must
7 decide the case only on the evidence
8 presented in the courtroom. You must not
9 communicate with anyone including friends
10 and family members about this case, the
11 people and places involved, or your jury
12 service. You must not disclose your
13 thoughts about this case or ask for advice
14 on how to decide this case.

15 I want to stress to you that this rule
16 means you must not use electronic devices or
17 computers to communicate about this case,
18 including tweeting, texting, blogging,
19 emailing, posting information on a website
20 or chat room, or any other means at all. Do
21 not send or accept any messages to or from
22 anyone about this case or your jury service.
23 You must not do any research or look up
24 words, names, maps, or anything else that
25 may have anything to do with this case.

1 PROSPECTIVE JUROR #41: (Inaudible.)

2 THE COURT: I'm sorry?

3 PROSPECTIVE JUROR #41: Why wouldn't you
4 be able to look up words and definitions? I
5 don't understand that.

6 THE COURT: Understood. That's the law,
7 is that you --

8 PROSPECTIVE JUROR #41: If you don't
9 understand a word, then how can you be fair
10 to somebody?

11 THE COURT: Okay. So there are -- the
12 attorneys can inquire with you this morning
13 on that issue. Okay? Let me ask you this
14 question, though.

15 PROSPECTIVE JUROR #41: Go ahead.

16 THE COURT: If the law is that you can't
17 look up words and you can't look up
18 definitions --

19 PROSPECTIVE JUROR #41: Doesn't sound
20 fair.

21 THE COURT: I understand you may not
22 agree with the law, and I'm not arguing with
23 you.

24 -- are you able to follow the law?

25 PROSPECTIVE JUROR #41: I don't know.

1 THE COURT: Okay. And I'll let the
2 jurors (sic) inquire more with you on that
3 issue. Okay?

4 PROSPECTIVE JUROR #41: Yeah.

5 THE COURT: And just -- I'm sorry. I
6 should have said it earlier. Can you
7 pronounce your last name for me?

8 PROSPECTIVE JUROR #41: Borcyk.

9 THE COURT: Mr. Borcyk, thank you.
10 I'm going to start that paragraph over.

11 You must not do any research or look up
12 words, names, maps, or anything else that
13 may have anything to do with this case.
14 This includes reading newspapers, watching
15 television, or using a computer, cell phone,
16 the Internet, any electronic device, or any
17 other means at all to get information
18 related to this case or the people and
19 places involved in this case. This applies
20 whether you are in the courtroom, at home or
21 anywhere else.

22 All of us are depending upon you to
23 follow these rules so that there will be a
24 fair and lawful resolution in this case. If
25 you investigate, research, or make inquiries

1 on your own outside the courtroom, the trial
2 judge has no way to assure that they are
3 proper and relevant to this case. The
4 parties, likewise, have no opportunity to
5 dispute the accuracy of what you find or to
6 provide rebuttal evidence to it.

7 That is contrary to our judicial system,
8 which assures every party the right to ask
9 questions about and rebut the evidence being
10 considered against it and to present
11 argument with respect to that evidence.
12 Non-court inquiries and investigations
13 unfairly and improperly prevent the parties
14 from having that opportunity our justice
15 system promises.

16 If you become aware of any violation of
17 these instructions or any other instructions
18 that I give you in this case, you must tell
19 me by giving a note to the bailiff.

20 I also want to tell you, at the end of
21 the trial, I'm going to be giving you jury
22 instructions. Within the jury instructions,
23 there are going to be definitions of certain
24 words or terms. I don't know if it's one
25 that you would have a question about during

1 trial, but you are not allowed to look up by
2 electronic means or any other means for
3 definitions of words or terms.

4 Are there any objections from either
5 side on the instructions that I have given
6 to the jury?

7 MS. GOECKEL: Not from the State.

8 MR. MARTIN: No, sir.

9 THE COURT: Thank you.

10 All right. So at this point we're ready
11 to begin with questions from the attorneys.
12 The State gets to go first.

13 And the State may proceed.

14 MS. GOECKEL: Thank you, Your Honor.

15 All right. Good morning, everybody.
16 Thank you very much for being here. I know
17 that it requires you to take time out of
18 your busy day and lives to come here and
19 answer the call for jury service. So I just
20 want to echo Judge Brewer's words and really
21 thank you guys for being here. It's an
22 important part of our judicial system.

23 Like I said before, my name is Pamela
24 Goeckel, and I represent the State of
25 Florida in this case. It is my job to

1 present to you the facts and evidence in
2 this case and to prove beyond a reasonable
3 doubt that the Defendant is guilty of what
4 he's been charged.

5 And so your job as a jury is to listen
6 to the facts and the evidence, and apply
7 that to the law that's given to you at the
8 end of the trial, and decide if the State
9 has met its burden of proof.

10 With that explanation, does everyone
11 understand what the job of the jury is?

12 Okay. I see head nods.

13 Is there anybody who is confused or is
14 not sure what exactly their job would be in
15 this case?

16 Yes, ma'am, Ms. Blue.

17 PROSPECTIVE JUROR #15: Yes. Please
18 explain, because I have never been to
19 nothing like this.

20 MS. GOECKEL: Okay. No problem. So I
21 will continue to explain throughout the jury
22 venire right now -- or excuse me, this
23 morning; but, essentially, we have made an
24 allegation against the Defendant in this
25 case, right, and so he's been charged with a

1 certain number of crimes.

2 It is our job, the State's job, to
3 present to you witnesses, evidence, and for
4 you to listen to those witnesses and
5 evidence, and decide if we have met our
6 burden of proof, and if we have proven
7 beyond a reasonable doubt that the Defendant
8 has committed these crimes.

9 Is that a little bit more helpful?

10 PROSPECTIVE JUROR #15: (Nods head.)

11 MS. GOECKEL: Okay. I had a head nod in
12 the affirmative. And I'll have some more
13 examples as we continue on. Hopefully there
14 is more clarity to come. Okay?

15 One question that I want to ask to make
16 sure, if you'll take a second to look
17 around, does anybody recognize anybody else
18 sitting in the jury box this morning, just
19 the jury box? Anybody recognize anybody
20 else?

21 Okay. So it sounds like nobody
22 recognizes anybody else in the jury box, so
23 that's good.

24 The next thing I wanted to cover is
25 there is a couple of questions on your jury

1 questionnaire. One of the questions asks --
2 it's a little bit confusing how it's stated
3 so I just want to go over it in case anyone
4 needs to change their answer.

5 But the question asks has anybody --
6 have you or a family member or a close
7 friend ever either, A, been a victim of a
8 crime; B, been a defendant of a crime; or C,
9 ever been a witness to a crime.

10 And so if you have already answered that
11 in the affirmative, that's fine. But is
12 there anybody who needs to change their
13 answer?

14 You need to change your answer?

15 PROSPECTIVE JUROR #41: I didn't put
16 anything down. I didn't see the question.

17 MS. GOECKEL: Okay. No problem. So you
18 would answer yes to one of those?

19 PROSPECTIVE JUROR #41: Yes.

20 MS. GOECKEL: All right. So I'll come
21 back and ask you about that in just a
22 moment.

23 Anybody else who needs to change their
24 answer?

25 And a little bit more clarity on the

1 defendant in a criminal matter. There is a
2 couple different ways that you may think,
3 "Oh, that doesn't apply to me," but it
4 actually would. So for instance, if you
5 were charged with a crime, but you were
6 given what's called a deferred prosecution
7 or a pretrial intervention contract where
8 you agreed to do a certain number of terms
9 and then the case was dismissed against you,
10 that is still considered a defendant in a
11 criminal matter.

12 The other problem -- excuse me. The
13 other side to that is let's say that you
14 were suspected of a crime, the case comes
15 into the State Attorney's Office for us to
16 do further investigations, but ultimately
17 the case is dropped against you, that would
18 still be considered a defendant in a
19 criminal matter.

20 With that being said, does anybody need
21 to change their answer?

22 Okay. So if you don't mind -- and is it
23 Ms. Gatti?

24 PROSPECTIVE JUROR #30: Correct.

25 MS. GOECKEL: Did I pronounce that

1 correctly?

2 All right. Great. You mentioned that
3 you were either a defendant, victim, or
4 witness in a criminal matter.

5 PROSPECTIVE JUROR #30: Correct.

6 MS. GOECKEL: Which one of those were
7 they or was it all three?

8 PROSPECTIVE JUROR #30: Significant
9 other of mine was a defendant.

10 MS. GOECKEL: Was a defendant. So would
11 you have been a victim or a witness?

12 PROSPECTIVE JUROR #30: Oh, I thought it
13 was just, like, family, like, anyone that
14 was related to me.

15 MS. GOECKEL: Oh, I'm sorry. I
16 misinterpreted what you said.

17 PROSPECTIVE JUROR #30: My boyfriend was
18 a defendant, I guess.

19 MS. GOECKEL: And to be clear, you had
20 nothing to do with the case?

21 PROSPECTIVE JUROR #30: Correct.

22 MS. GOECKEL: Just your boyfriend was
23 the accused or defendant?

24 PROSPECTIVE JUROR #30: The accused.

25 MS. GOECKEL: Okay. How long ago was

1 that?

2 PROSPECTIVE JUROR #30: Like, two years
3 ago.

4 MS. GOECKEL: Was that here in Alachua
5 County?

6 PROSPECTIVE JUROR #30: Correct.

7 MS. GOECKEL: Did it have anything to do
8 with as far as aggravated assault or assault
9 in general?

10 PROSPECTIVE JUROR #30: No.

11 MS. GOECKEL: All right. And do you
12 feel he was treated fairly?

13 PROSPECTIVE JUROR #30: Yeah.

14 MS. GOECKEL: All right. Anything
15 about -- were you together at the time that
16 he was going through that?

17 PROSPECTIVE JUROR #30: Correct, yes.
18 We were dating at the time.

19 MS. GOECKEL: Anything about that
20 process that you would have a hard time
21 being fair and impartial in this case?

22 PROSPECTIVE JUROR #30: Not that I'm
23 aware of.

24 MS. GOECKEL: All right. So separate
25 incidents, separate people involved?

1 PROSPECTIVE JUROR #30: Completely
2 separate. Yeah, it was a driving case.

3 MS. GOECKEL: Okay. So completely
4 separate.

5 PROSPECTIVE JUROR #30: Yeah.

6 MS. GOECKEL: All right. And,
7 Ms. Jordan, I believe you checked off that
8 either you, close friend, or family member
9 was either a defendant, witness, or victim
10 in a criminal matter. Is that correct?

11 PROSPECTIVE JUROR #62: Correct.

12 MS. GOECKEL: Was it you or a close
13 friend or family member?

14 PROSPECTIVE JUROR #62: Me.

15 MS. GOECKEL: And which one of those
16 applies to you?

17 PROSPECTIVE JUROR #62: Victim.

18 MS. GOECKEL: Victim, all right. How
19 long ago was that?

20 PROSPECTIVE JUROR #62: 18 years.

21 MS. GOECKEL: 18. Was that here in
22 Alachua County?

23 PROSPECTIVE JUROR #62: Yes.

24 MS. GOECKEL: Did that case ever end up
25 in the court system?

1 PROSPECTIVE JUROR #62: Yes.

2 MS. GOECKEL: And was there a resolution
3 to the case?

4 PROSPECTIVE JUROR #62: Yes.

5 MS. GOECKEL: Do you feel you were
6 treated fairly in that process?

7 PROSPECTIVE JUROR #62: Yes.

8 MS. GOECKEL: Did it have anything to do
9 with as far as, like, an aggravated assault
10 or assault at all?

11 PROSPECTIVE JUROR #62: Yes.

12 MS. GOECKEL: Could you set that aside
13 and be fair and impartial in this case?

14 PROSPECTIVE JUROR #62: Yes.

15 MS. GOECKEL: All right. So that
16 wouldn't be lingering in the back of your
17 mind at all while you listen to the facts
18 and evidence in this case?

19 PROSPECTIVE JUROR #62: No.

20 MS. GOECKEL: All right. And,
21 Mr. Borcyk.

22 PROSPECTIVE JUROR #41: Uh-huh.

23 MS. GOECKEL: You mentioned that either
24 you or a close friend or family member was
25 either a defendant, witness, or victim in a

1 criminal case.

2 PROSPECTIVE JUROR #41: My brother was
3 incarcerated for 16 years unlawfully, took
4 16 years of his life, so, yes. I don't like
5 being here at all.

6 MS. GOECKEL: Okay. Was that here in
7 Florida or Alachua County?

8 PROSPECTIVE JUROR #41: This was in New
9 York.

10 MS. GOECKEL: I'm sorry?

11 PROSPECTIVE JUROR #41: New York.

12 MS. GOECKEL: Okay. And as you said
13 before, you feel he was treated unfairly?

14 PROSPECTIVE JUROR #41: Very unfairly.

15 MS. GOECKEL: All right. And it sounds
16 like that is something that would be
17 weighing on your mind --

18 PROSPECTIVE JUROR #41: Oh, yeah, most
19 definitely.

20 MS. GOECKEL: So let me ask you this --
21 and let me finish it so we can have a very
22 clear record. Okay?

23 Do you feel you could set that aside and
24 be fair and impartial --

25 PROSPECTIVE JUROR #41: Nope.

1 MS. GOECKEL: -- in this --

2 PROSPECTIVE JUROR #41: Nope.

3 MS. GOECKEL: -- case?

4 PROSPECTIVE JUROR #41: Not a chance.

5 MS. GOECKEL: Okay. All right. Well,
6 thank you. I appreciate your honesty.

7 Did I miss anybody else who either --
8 yes, ma'am.

9 PROSPECTIVE JUROR #15: I don't know if
10 I wrote anything in there, but my boyfriend
11 is going through something, as well.

12 MS. GOECKEL: So, Ms. Blue, you stated
13 that, it sounds like -- your boyfriend?

14 PROSPECTIVE JUROR #15: Yes.

15 MS. GOECKEL: Now, is he a defendant,
16 victim, or witness in a criminal case?

17 PROSPECTIVE JUROR #15: He's the
18 accused.

19 MS. GOECKEL: He's the accused. And is
20 that something that's currently pending?

21 PROSPECTIVE JUROR #15: Yes.

22 MS. GOECKEL: Is that here in Alachua
23 County?

24 PROSPECTIVE JUROR #15: Yes.

25 MS. GOECKEL: Okay. Do the charges have

1 anything to do with either aggravated
2 assault or assault in general?

3 PROSPECTIVE JUROR #15: Uh-huh.

4 MS. GOECKEL: Is that a yes?

5 PROSPECTIVE JUROR #15: Yes.

6 MS. GOECKEL: And do you feel that he is
7 being treated fairly?

8 PROSPECTIVE JUROR #15: No.

9 MS. GOECKEL: So let me ask you this
10 question: Do you feel like you could set
11 that aside and be fair and impartial in this
12 case?

13 PROSPECTIVE JUROR #15: No.

14 MS. GOECKEL: Okay. I appreciate your
15 honesty. Thank you.

16 PROSPECTIVE JUROR #15: Uh-huh.

17 THE COURT: Could I get the attorneys to
18 approach, please.

19 (Begin sidebar conference:)

20 THE COURT: Mr. Borcyk seems to be
21 pretty adamant. Do we have objection to
22 excusing him?

23 MR. MARTIN: So, Your Honor, I
24 understand and I see which way it's going.
25 Yes, at this point I do, and I see because

1 I -- I can say more, but the Court --

2 THE COURT: That's all I want to know.

3 Thank you.

4 (Sidebar conference concluded.)

5 MS. GOECKEL: Did I miss anybody else in
6 regards to the question?

7 Yes. Are you Ms. Anderson?

8 PROSPECTIVE JUROR #57: What was -- I
9 wanted to rehear the question.

10 MS. GOECKEL: Of course, yes. So it's
11 either yourself, a close friend, or family
12 member was either a victim, a defendant, or
13 a witness in a criminal matter. Is that
14 helpful?

15 PROSPECTIVE JUROR #57: Victim -- oh,
16 yeah, I have a relative.

17 MS. GOECKEL: A relative, okay. And
18 were they -- can I ask which relative?

19 PROSPECTIVE JUROR #57: It was my
20 cousin.

21 MS. GOECKEL: Cousin, all right. And
22 were they a victim, witness, or defendant in
23 a criminal matter?

24 PROSPECTIVE JUROR #57: Defendant.

25 MS. GOECKEL: How long ago was that?

1 PROSPECTIVE JUROR #57: 42 years ago.

2 MS. GOECKEL: Was that here in Alachua
3 County?

4 PROSPECTIVE JUROR #57: No.

5 MS. GOECKEL: Or in Florida at all?

6 PROSPECTIVE JUROR #57: No.

7 MS. GOECKEL: Did that case have
8 anything to do with either an aggravated
9 assault or assault?

10 PROSPECTIVE JUROR #57: It was murder.

11 MS. GOECKEL: Murder, okay. Do you feel
12 that your cousin was treated fairly?

13 PROSPECTIVE JUROR #57: Yeah.

14 MS. GOECKEL: Okay. And could you set
15 whatever --

16 PROSPECTIVE JUROR #57: Oh, yeah. I
17 forgot about it until you were --

18 MS. GOECKEL: You forgot about it. So
19 you could be fair and impartial in this
20 case?

21 PROSPECTIVE JUROR #57: Yeah.

22 MS. GOECKEL: Thank you. I appreciate
23 that.

24 Anybody else that I missed?

25 Yes, sir, Mr. Nettle. Was it you, or

1 close friend, or family member?

2 PROSPECTIVE JUROR #54: Close friend.

3 MS. GOECKEL: And were they a victim,
4 defendant, or witness?

5 PROSPECTIVE JUROR #54: Defendant.

6 MS. GOECKEL: How long ago was that?

7 PROSPECTIVE JUROR #54: Two years.

8 MS. GOECKEL: Was that here in Alachua
9 County?

10 PROSPECTIVE JUROR #54: Yes.

11 MS. GOECKEL: Did that case have
12 anything to do with either aggravated
13 assault or assault? Yes?

14 PROSPECTIVE JUROR #54: Yes, yes.

15 MS. GOECKEL: And do you feel they were
16 treated fairly?

17 PROSPECTIVE JUROR #54: Yes.

18 MS. GOECKEL: Given that that's
19 different circumstances, different
20 individuals, could you set that aside and
21 still be fair and impartial in this case?

22 PROSPECTIVE JUROR #54: Certainly.

23 MS. GOECKEL: Is that a yes?

24 PROSPECTIVE JUROR #54: Yes.

25 MS. GOECKEL: Okay. Thank you.

1 All right. Was there anybody else? I
2 thought I saw another hand raised.

3 Is it Mr. Harrison-Conwill?

4 PROSPECTIVE JUROR #26: Yes.

5 MS. GOECKEL: Was it yourself, or a
6 close friend, or family member?

7 PROSPECTIVE JUROR #26: My wife.

8 MS. GOECKEL: Okay. And was she a
9 defendant, victim, or witness?

10 PROSPECTIVE JUROR #26: Victim.

11 MS. GOECKEL: How long ago was that?

12 PROSPECTIVE JUROR #26: Maybe, like,
13 20 years ago.

14 MS. GOECKEL: Was that here in Alachua
15 County?

16 PROSPECTIVE JUROR #26: Yes.

17 MS. GOECKEL: Did that case have
18 anything to do with either an aggravated
19 assault or assault?

20 PROSPECTIVE JUROR #26: Yes.

21 MS. GOECKEL: And do you feel she was
22 treated fairly in that situation?

23 PROSPECTIVE JUROR #26: I didn't really
24 know her back then, so it's hard to say.
25 But I just -- I'm attached to the trauma

1 with it.

2 MS. GOECKEL: Okay. So let me ask you
3 this: Has she talked to you about that
4 experience?

5 PROSPECTIVE JUROR #26: Uh-huh.

6 MS. GOECKEL: Is that a yes?

7 PROSPECTIVE JUROR #26: Yes.

8 MS. GOECKEL: And has she expressed to
9 you basically her experience during the
10 judicial process of it all, like, during the
11 actual criminal case?

12 PROSPECTIVE JUROR #26: A little bit,
13 yeah.

14 MS. GOECKEL: And from what you can
15 hear, from what she has told you, do you
16 feel like she was treated fairly?

17 PROSPECTIVE JUROR #26: Yeah, yeah.

18 MS. GOECKEL: Yeah? Is it a little
19 uncertainty there?

20 PROSPECTIVE JUROR #26: Maybe. I mean,
21 I guess you could say there was justice, but
22 it depends what you consider justice.

23 MS. GOECKEL: Fair enough. That's very
24 fair. So there was some sort of justice,
25 but maybe not what you wish would have

1 happened?

2 THE COURT: Let me interrupt for a
3 second.

4 Is it Mr. Harrison-Conwill?

5 PROSPECTIVE JUROR #26: Yes.

6 THE COURT: Sir, would this be something
7 that you would feel more comfortable talking
8 about in private with the attorneys and the
9 Court?

10 PROSPECTIVE JUROR #26: I mean, I don't
11 know anybody in here.

12 THE COURT: I understand. What I'm
13 getting at is I know that at times we're
14 going to get into things that are very
15 personal to the prospective jurors. And I'm
16 willing to do that outside the presence of
17 all the other prospective jurors if you
18 would like.

19 PROSPECTIVE JUROR #26: Okay. Yeah.

20 THE COURT: Okay. So we'll do that at
21 the conclusion of the questioning. We'll
22 excuse everybody else and we'll bring back
23 in -- or leave in Mr. Harrison-Conwill just
24 for a brief conversation. Okay?

25 MS. GOECKEL: Yes, Your Honor.

1 THE COURT: Thank you, sir.

2 MS. GOECKEL: Anybody else that I missed
3 about defendant, victim, or witness in a
4 criminal case?

5 Okay. And, Ms. Blue, you had mentioned
6 that you actually think you forgot to check
7 that box.

8 PROSPECTIVE JUROR #15: Yes.

9 MS. GOECKEL: There was a couple other
10 questions if you don't mind me just asking
11 to see if it was a yes or no for you. Okay?

12 Have you, or a close friend, or family
13 member ever been a party to a lawsuit
14 before?

15 PROSPECTIVE JUROR #15: Yes.

16 MS. GOECKEL: And have you ever been --
17 have you ever been a juror before?

18 PROSPECTIVE JUROR #15: No.

19 MS. GOECKEL: And then do you have a
20 close friend or family member who is a law
21 enforcement officer?

22 PROSPECTIVE JUROR #15: Yes.

23 MS. GOECKEL: Yes, okay.

24 All right. As far as the party to a
25 lawsuit, how long ago was that? Do you

1 recall?

2 PROSPECTIVE JUROR #15: '23.

3 MS. GOECKEL: In 2023?

4 PROSPECTIVE JUROR #15: Uh-huh.

5 MS. GOECKEL: Did that have anything to
6 do with, like, any sort of neighborly
7 dispute or anything like that?

8 PROSPECTIVE JUROR #15: Uh-uh.

9 MS. GOECKEL: No, okay. And were you
10 the party in that lawsuit?

11 PROSPECTIVE JUROR #15: Yes.

12 MS. GOECKEL: Do you feel you were
13 treated fairly during that process?

14 PROSPECTIVE JUROR #15: Yeah.

15 MS. GOECKEL: Yes, okay. And then we'll
16 come back and we'll readdress the law
17 enforcement question later. Okay?

18 PROSPECTIVE JUROR #15: The case that
19 I'm in, it hasn't even happened yet.

20 MS. GOECKEL: Say that again.

21 PROSPECTIVE JUROR #15: The one that I'm
22 in, my boyfriend isn't being treated fairly,
23 it hasn't even happened yet. We're still
24 waiting on trial for that.

25 MS. GOECKEL: Are you talking about the

1 criminal case?

2 PROSPECTIVE JUROR #15: Uh-huh.

3 MS. GOECKEL: So it's still pending and
4 it may potentially have a trial date, as
5 well.

6 PROSPECTIVE JUROR #15: (Nods head.)

7 MS. GOECKEL: Is that a yes?

8 PROSPECTIVE JUROR #15: Yes.

9 MS. GOECKEL: Thank you for the
10 clarification. I appreciate that.

11 Okay. Ms. Harrington, you mentioned
12 either yourself or a close family member
13 were involved in a lawsuit. Is that
14 correct?

15 PROSPECTIVE JUROR #27: Yeah. It was
16 about 30 years ago, long time ago. Nothing
17 to do with assault. It was myself and a
18 jeweller, slash, jewelry store in town had
19 misplaced, or stolen, or sold my ring, and
20 so there was a criminal trial.

21 MS. GOECKEL: So that did end up being
22 criminal, as well as civil?

23 PROSPECTIVE JUROR #27: Yes. It ended
24 up being ruled as civil because of things I
25 wasn't allowed to say in court.

1 MS. GOECKEL: Fair enough.

2 PROSPECTIVE JUROR #27: But it was
3 30 years ago.

4 MS. GOECKEL: 30 years ago. Do you feel
5 like you were treated fairly during that
6 process?

7 PROSPECTIVE JUROR #27: I mean, I didn't
8 like there was details that I couldn't say.
9 I felt like it would have gone the criminal
10 way if I had been allowed to speak on
11 certain things, but it is what it is.

12 MS. GOECKEL: Okay. Do you feel you
13 could set that aside and be fair and
14 impartial in this case?

15 PROSPECTIVE JUROR #27: Yes.

16 MS. GOECKEL: All right. Thank you for
17 your honesty. I appreciate that.

18 PROSPECTIVE JUROR #27: Sure.

19 MS. GOECKEL: Did I miss anybody else
20 who is either themselves or a family member
21 been a party to a lawsuit?

22 Okay. And then I had a couple of
23 questions in regards to a few questions of
24 employment.

25 Is it Mr. Staley?

1 PROSPECTIVE JUROR #45: Yes.

2 MS. GOECKEL: You mentioned that you are
3 currently retired. Is that correct?

4 PROSPECTIVE JUROR #45: Yes.

5 MS. GOECKEL: Congratulations.

6 What was your career or job prior to
7 retirement?

8 PROSPECTIVE JUROR #45: I graduated with
9 a Bachelor of Science in Computer Science,
10 and I worked for multiple corporations, some
11 at the executive level, all in the business
12 of creating software.

13 MS. GOECKEL: Okay. Thank you very
14 much.

15 And then, Ms. Evans, you mentioned that
16 you are a school teacher at the NCF Public
17 Charter School.

18 PROSPECTIVE JUROR #47: Yes.

19 MS. GOECKEL: Are you a grade teacher or
20 a subject teacher?

21 PROSPECTIVE JUROR #47: English Language
22 Arts.

23 MS. GOECKEL: English, okay. Do you
24 teach all grade levels?

25 PROSPECTIVE JUROR #47: We service 8

1 through 12, so 8 through 12.

2 MS. GOECKEL: Your focus is -- well, the
3 school's focus is 8 through 12, and so you
4 teach English and Language Arts for 8
5 through 12?

6 PROSPECTIVE JUROR #47: Yes.

7 MS. GOECKEL: I know I had to repeat
8 that, but I wanted to make sure I
9 understood. Thank you.

10 Now, you mentioned that you -- you were
11 a teacher or had some sort of interaction
12 with Ms. Singleton, Ms. , and
13 Ms. .

14 PROSPECTIVE JUROR #47: Yes. We are a
15 drop-out prevention credit recovery charter
16 school, so we service a lot of students who
17 potentially have had run-ins with the
18 criminal justice system causing them to fall
19 behind or just had trouble throughout school
20 causing them to fall behind. So those are
21 names I recognize as students I would have.

22 MS. GOECKEL: Do you know -- so were
23 they for sure students at your school or you
24 just recognize the names?

25 PROSPECTIVE JUROR #47: I don't know

1 their birth dates, but those are names that
2 I know I've had as students.

3 MS. GOECKEL: How long ago do you think
4 you had them as a student?

5 PROSPECTIVE JUROR #47: Within the last
6 four years.

7 MS. GOECKEL: Do you recall working with
8 them as a teacher when they were at the
9 school?

10 PROSPECTIVE JUROR #47: Yes.

11 MS. GOECKEL: Anything about that
12 relationship where you would not be able to
13 be fair and impartial in this case?

14 PROSPECTIVE JUROR #47: No.

15 MS. GOECKEL: So do you think you could
16 set that aside and listen to not only their
17 testimonies, but the other evidence in this
18 case and decide this case on the facts and
19 evidence that are presented in this
20 courtroom?

21 PROSPECTIVE JUROR #47: Yes.

22 MS. GOECKEL: All right. Thank you.

23 A couple of you mentioned that you
24 actually have been a juror before.

25 Is it Ms. Oliva -- or sorry. Excuse me.

1 Mr. Oliva, you have been a juror before?

2 PROSPECTIVE JUROR #40: No. I was
3 selected, but I was excused, so I quickly
4 put no.

5 MS. GOECKEL: All right. Sorry about
6 that.

7 PROSPECTIVE JUROR #40: No, you're good.

8 MS. GOECKEL: And then, I think,
9 Mr. Staley, you also said you were a juror.

10 PROSPECTIVE JUROR #40: That's correct.

11 MS. GOECKEL: How long ago was that?

12 PROSPECTIVE JUROR #40: About probably 8
13 to 10 years.

14 MS. GOECKEL: All right. Was that here
15 in Alachua County?

16 PROSPECTIVE JUROR #40: It was.

17 MS. GOECKEL: Do you recall if that was
18 a civil or criminal trial?

19 PROSPECTIVE JUROR #40: Criminal.

20 MS. GOECKEL: Now, without telling me
21 what the verdict was, did you guys
22 deliberate and reach a decision?

23 PROSPECTIVE JUROR #40: We did.

24 MS. GOECKEL: Were you the foreperson?

25 PROSPECTIVE JUROR #40: I was.

1 MS. GOECKEL: Thank you. I appreciate
2 that.

3 Was there anybody else I missed that
4 previously had served as a juror?

5 No, okay.

6 Yes?

7 PROSPECTIVE JUROR: Is it possible to
8 make a request that the gentleman who keeps
9 tapping his leg, it's very distracting for
10 the rest of us. Is it possible for the
11 Judge to make a decision about --

12 THE COURT: Thank you, ma'am. I think
13 it's been addressed.

14 Let's continue.

15 PROSPECTIVE JUROR #41: Sorry.

16 MS. GOECKEL: All right. Ms. Anderson,
17 I wasn't sure. Are you retired or were you
18 previously employed?

19 PROSPECTIVE JUROR #57: I worked off and
20 on.

21 MS. GOECKEL: Okay. What was your last
22 career or job?

23 PROSPECTIVE JUROR #57: I was an
24 electronic technician. Sort of a babysitter
25 now for my grandchild.

1 MS. GOECKEL: That's a great job to
2 have.

3 Thank you. I appreciate that.

4 PROSPECTIVE JUROR #57: Uh-huh.

5 MS. GOECKEL: All right. So you heard
6 earlier that, at the end of the trial, you
7 will be given some instructions to help you
8 in your evaluation on whether or not the
9 State has met its burden of proof. And in
10 one of the instructions, it will actually
11 discuss with you weighing testimony
12 evidence, all right. And so everybody who
13 comes in here comes on an even playing
14 field.

15 And the reason I bring that up is
16 because you heard two of the witnesses are
17 actually law enforcement officers. A couple
18 of you have mentioned in your jury
19 questionnaire that you know somebody in law
20 enforcement, either they're a family member
21 or a close friend. So I just had a couple
22 questions about that.

23 Ms. Blue, you mentioned that you are
24 close friends or are related to somebody in
25 law enforcement. Is that correct?

1 PROSPECTIVE JUROR #15: Uh-huh.

2 MS. GOECKEL: Is that a yes?

3 PROSPECTIVE JUROR #15: Yes.

4 MS. GOECKEL: Okay. Thank you.

5 Is that -- are either one of those
6 individuals employed anywhere in Alachua
7 County?

8 PROSPECTIVE JUROR #15: No.

9 MS. GOECKEL: Okay. Anything about that
10 relationship that would cause you -- where
11 you would not be able to be fair and
12 impartial in this case?

13 PROSPECTIVE JUROR #15: No.

14 MS. GOECKEL: Meaning you could listen
15 to the law enforcement officers that testify
16 in this case and weigh their credibility
17 based on what is said and heard in trial?

18 PROSPECTIVE JUROR #15: (Nods head.)

19 MS. GOECKEL: Is that a yes?

20 PROSPECTIVE JUROR #15: Yes.

21 MS. GOECKEL: All right. And,
22 Ms. Jordan.

23 PROSPECTIVE JUROR #62: Yes.

24 MS. GOECKEL: So you work currently for
25 GPD -- or with GPD. Is that correct?

1 PROSPECTIVE JUROR #62: Correct.

2 MS. GOECKEL: Could you please, just a
3 little bit more information on what it is
4 that you do there?

5 PROSPECTIVE JUROR #62: I'm the police
6 tow administrator for the police department,
7 so -- and then also for the City of
8 Gainesville. So anything having to do with
9 towing vehicles, tow companies, I handle
10 that.

11 MS. GOECKEL: Okay. So you work closely
12 with law enforcement then?

13 PROSPECTIVE JUROR #62: Correct.

14 MS. GOECKEL: You understand that they
15 come in just as any other witness, that
16 they're not given any more or any less
17 credibility simply because they're law
18 enforcement officers?

19 PROSPECTIVE JUROR #62: Most definitely.

20 MS. GOECKEL: You understand that?

21 PROSPECTIVE JUROR #62: They are equal.

22 MS. GOECKEL: So you feel like you could
23 set that aside and be fair and impartial in
24 this case?

25 PROSPECTIVE JUROR #62: Yes.

1 MS. GOECKEL: Thank you. Appreciate
2 that.

3 Mr. Borcyk, you also mentioned that you
4 either have a family member or close friend
5 who is a law enforcement officer. Is that
6 correct? Did I read that correctly?

7 PROSPECTIVE JUROR #41: My nephew is a
8 correctional officer.

9 MS. GOECKEL: That still counts. Is
10 that here in Florida?

11 PROSPECTIVE JUROR #41: Nope.

12 MS. GOECKEL: And so you wouldn't have
13 known any other witnesses that I mentioned
14 earlier who are law enforcement officers.
15 Is that correct? Is that right?

16 PROSPECTIVE JUROR #41: No.

17 MS. GOECKEL: Do you understand that law
18 enforcement officers come in with the same
19 credibility as any other witness that you
20 hear from in this trial?

21 PROSPECTIVE JUROR #41: I don't know.
22 I'm bias on that. Sorry.

23 MS. GOECKEL: Okay. Would you be bias
24 in the sense that you would be giving more
25 credibility or less credibility?

1 PROSPECTIVE JUROR #41: Less.

2 MS. GOECKEL: Okay. Is it fair to say
3 that it has to do with your feelings on your
4 brother?

5 PROSPECTIVE JUROR #41: Oh, yeah, most
6 definitely. Two police officers got
7 promoted from it, his incarceration, so,
8 yes.

9 MS. GOECKEL: Do you feel like you could
10 not set that aside and be fair and impartial
11 in this case?

12 PROSPECTIVE JUROR #41: Nope, not a
13 chance. Nope. I don't even like being
14 here. It brings back too many bad memories.

15 MS. GOECKEL: I understand.

16 PROSPECTIVE JUROR #41: So I'm sorry for
17 tapping my foot.

18 THE COURT: Sir, you're not going to
19 address other jurors that are in --

20 PROSPECTIVE JUROR #41: I --

21 THE COURT: Sir, listen to me. You are
22 not going to address other potential jurors
23 that are in the gallery.

24 PROSPECTIVE JUROR #41: I said I was
25 sorry, that's all.

1 THE COURT: Did you hear what I just
2 said, sir?

3 Please continue.

4 MS. GOECKEL: Ms. Anderson.

5 PROSPECTIVE JUROR #57: Yeah.

6 MS. GOECKEL: I believe you also stated
7 that you either have a family member or
8 close friend who is --

9 PROSPECTIVE JUROR #57: Uncle.

10 MS. GOECKEL: Uncle. Are they employed
11 anywhere in Alachua County?

12 PROSPECTIVE JUROR #57: No. He's
13 retired.

14 MS. GOECKEL: Okay. Well,
15 congratulations to him too.

16 So did you guys ever discuss his job at
17 all or --

18 PROSPECTIVE JUROR #57: No.

19 MS. GOECKEL: -- cases he was working?

20 PROSPECTIVE JUROR #57: No.

21 MS. GOECKEL: Do you understand -- same
22 question: Do you understand that law
23 enforcement comes in --

24 PROSPECTIVE JUROR #57: Yeah.

25 MS. GOECKEL: -- same as everybody else?

1 PROSPECTIVE JUROR #57: Yeah. They're
2 people.

3 MS. GOECKEL: They're people, that's
4 right.

5 So would you be giving law enforcement
6 officers any more credibility simply because
7 of your relationship with your uncle?

8 PROSPECTIVE JUROR #57: No.

9 MS. GOECKEL: Okay. And on the
10 opposite, I don't know what your
11 relationship was like, but would you give
12 them less credibility?

13 PROSPECTIVE JUROR #57: No, no. They're
14 just people.

15 MS. GOECKEL: Okay. So you would be
16 able to be fair and impartial in this case?

17 PROSPECTIVE JUROR #57: Yeah.

18 MS. GOECKEL: Thank you. I appreciate
19 that.

20 Mr. Nettle, same question, you either
21 are related to somebody or you have a close
22 friend who is a law enforcement officer.

23 PROSPECTIVE JUROR #54: Yes, my uncle.

24 MS. GOECKEL: Are they employed in this
25 county?

1 PROSPECTIVE JUROR #54: Yes.

2 MS. GOECKEL: Which agency are they
3 employed with?

4 PROSPECTIVE JUROR #54: GPD.

5 MS. GOECKEL: Okay. And to confirm,
6 it's none of the witnesses I listed off
7 earlier?

8 PROSPECTIVE JUROR #54: Correct.

9 MS. GOECKEL: Do you guys ever discuss
10 their job or the cases that they're working?

11 PROSPECTIVE JUROR #54: No.

12 MS. GOECKEL: Could you set that aside
13 and be fair and impartial in this case?

14 PROSPECTIVE JUROR #54: Yes.

15 MS. GOECKEL: And do you understand that
16 you shouldn't give law enforcement officers
17 any more or any less credibility than any
18 other witness?

19 PROSPECTIVE JUROR #54: Yes.

20 MS. GOECKEL: Okay. Did I miss anybody
21 else in the law enforcement question?

22 Yes, Mr. Staley. Either you're a family
23 member or a close friend with someone in law
24 enforcement?

25 PROSPECTIVE JUROR #45: Close friend.

1 MS. GOECKEL: Okay. Are they employed
2 in Alachua County?

3 PROSPECTIVE JUROR #45: They are.

4 MS. GOECKEL: Which agency are they
5 employed?

6 PROSPECTIVE JUROR #45: With the
7 department of the jails.

8 MS. GOECKEL: Okay. All right. Do you
9 guys ever discuss his job or any cases that
10 me might be a part of?

11 PROSPECTIVE JUROR # 45: Never any cases
12 or anything, only in the sense of his
13 attempts to get promoted and trained.

14 MS. GOECKEL: Okay. So his career
15 aspirations then?

16 PROSPECTIVE JUROR #45: Right.

17 MS. GOECKEL: And any issues listening
18 to law enforcement officers in this case and
19 treating them like any other witnesses?

20 PROSPECTIVE JUROR #45: No.

21 MS. GOECKEL: So you can be fair and
22 impartial?

23 PROSPECTIVE JUROR #45: Yes.

24 MS. GOECKEL: Thank you. I appreciate
25 that.

1 All right. So I have mentioned this
2 before, but the State's burden of proof is
3 what's called beyond a reasonable doubt.
4 Has anyone heard this term or this phrase
5 before? Raise your hand if you have heard
6 it before, either probably in life or in TV
7 shows or movies probably.

8 Okay. So you will be given a definition
9 in the jury instructions on what is
10 reasonable doubt. It's a little confusing,
11 but it is a definition for you to work off
12 of.

13 But one of the things it mentions is
14 it's not beyond all possible -- all possible
15 doubt. Do you understand -- and I
16 apologize. I'm going to have to call on
17 someone here.

18 Mr. Tomlin, do you understand that there
19 is a difference between beyond a reasonable
20 doubt and beyond all possible doubt?

21 PROSPECTIVE JUROR #10: Yes.

22 MS. GOECKEL: Do you understand that
23 difference? Any issues with that?

24 PROSPECTIVE JUROR #10: No.

25 MS. GOECKEL: Same question Mr., is it,

1 Weinar?

2 PROSPECTIVE JUROR #04: Uh-huh.

3 MS. GOECKEL: Do you understand that
4 there is a difference between beyond a
5 reasonable doubt and beyond all possible
6 doubt?

7 PROSPECTIVE JUROR #04: Yes.

8 MS. GOECKEL: And do you feel
9 comfortable with that?

10 PROSPECTIVE JUROR #04: Yes.

11 MS. GOECKEL: Do you feel comfortable
12 giving -- or excuse me, keeping the State to
13 its burden of beyond a reasonable doubt?

14 PROSPECTIVE JUROR #04: Yes.

15 MS. GOECKEL: All right. Any confusions
16 when I say that there is a difference
17 between a reasonable doubt and a possible
18 doubt? Any confusions about that we can try
19 to help address or anything?

20 Is it Mr. Mangan? Mangan?

21 (Pronouncing.)

22 PROSPECTIVE JUROR #18: Mangan.

23 MS. GOECKEL: Okay. Any confusion about
24 that?

25 PROSPECTIVE JUROR #18: No.

1 MS. GOECKEL: All right.

2 Mr. Harrison-Conwill, same question, any
3 confusion about the two of those?

4 PROSPECTIVE JUROR #26: No.

5 MS. GOECKEL: And then, Ms. Harrington,
6 same question.

7 PROSPECTIVE JUROR #27: No confusion.

8 MS. GOECKEL: Okay. We also kind of
9 touched on this a little bit, I think, when
10 I was talking to Ms. Blue, is that you're
11 going to hear evidence in this case.

12 And, Ms. Harrington, because you're the
13 last person I talked to, I'm going to pick
14 on you for a little bit. Can you think of
15 what type of evidence you might see in just
16 any criminal trial?

17 PROSPECTIVE JUROR #27: I mean, I'm
18 assuming a police report, possibly a weapon.

19 MS. GOECKEL: Possibly a weapon, okay.
20 So you mentioned a police report and you
21 mentioned a weapon. So a weapon would be
22 something considered physical evidence. You
23 understand that?

24 PROSPECTIVE JUROR #27: Yes.

25 MS. GOECKEL: Mr. Tomlin, is there

1 anything else that you might see here in a
2 criminal trial as far as evidence goes?

3 PROSPECTIVE JUROR #10: I thought
4 someone mentioned testimony itself was
5 evidence.

6 MS. GOECKEL: Yes, testimony is actually
7 evidence. And so you're going to hear
8 testimony evidence in this trial. Is there
9 any --

10 THE COURT: Ms. Goeckel, I'm going to
11 interrupt you. We're just bringing some
12 tissues because -- or we're offering
13 tissues, I should say.

14 Thank you, sir.

15 You may continue, Ms. Goeckel.

16 MS. GOECKEL: Does everyone understand
17 that testimony is a form of evidence? I see
18 a lot of head nods.

19 Is there anyone who disagrees and says,
20 no, testimony is not a form of evidence; I
21 disagree with that? Anybody like that?

22 Mr. Mantel?

23 PROSPECTIVE JUROR #42: (Shakes head.)

24 MS. GOECKEL: No, you don't disagree. I
25 thought I saw you.

1 All right. So let's talk about
2 testimony evidence for a little bit. I want
3 to give you an example. And the simplest
4 way I know how to do this is just to make up
5 a very simple crime, okay.

6 So let's see. Today is Monday. So
7 let's say that it's a crime to possess a
8 blue pen in a courtroom room on a Monday.
9 And like I said, this is just for an example
10 to keep it simple as possible, okay.

11 (Indicating.)

12 So let me call on somebody new.

13 Ms. Gatti.

14 PROSPECTIVE JUROR #30: Gatti.

15 MS. GOECKEL: I'm sorry. I said it
16 right the first time. All right. Gatti.

17 Would I be guilty of this fictitious
18 crime? So I will read it off one more time.
19 So it's a crime to be in possession of a
20 blue pen in a courtroom on a Monday.

21 PROSPECTIVE JUROR #30: Yes.

22 MS. GOECKEL: So I would be guilty?

23 PROSPECTIVE JUROR #30: Yes.

24 MS. GOECKEL: And why do you think I
25 would be guilty, Mr. Mantel?

1 PROSPECTIVE JUROR #42: Physical
2 evidence and witnesses.

3 MS. GOECKEL: Physical evidence and
4 witnesses. But you see me, are we in a
5 courtroom?

6 PROSPECTIVE JUROR #42: Yes.

7 MS. GOECKEL: And is it a Monday?

8 PROSPECTIVE JUROR #42: Yes.

9 MS. GOECKEL: And did I just show you I
10 was writing with a blue pen?

11 PROSPECTIVE JUROR #42: Yes.

12 MS. GOECKEL: So those are different
13 ways that I would prove -- or excuse me.
14 Those would be what's called the elements of
15 the crime, right; that the State would have
16 to prove that it's a Monday, that we're in a
17 courtroom, and that I'm in possession of a
18 blue pen. Do you understand that?

19 PROSPECTIVE JUROR #42: Uh-huh.

20 MS. GOECKEL: And so to piggyback off
21 what we were just talking about, one of the
22 ways the State could prove that is through
23 witness testimony.

24 Would it surprise anybody to hear that
25 the State can prove its case beyond a

1 reasonable doubt with testimony evidence
2 alone? Is anybody surprised to hear that?

3 Yes, Mr. Mantel.

4 PROSPECTIVE JUROR #42: That would be a
5 little surprising to me.

6 MS. GOECKEL: That would be surprising
7 to you?

8 PROSPECTIVE JUROR #42: Yeah.

9 MS. GOECKEL: Okay. So let me put it --
10 all right. So I understand it's a little
11 surprising to you. But would you be willing
12 to accept that the State could prove its
13 case beyond a reasonable doubt with
14 testimony evidence alone?

15 PROSPECTIVE JUROR #42: Possibly, maybe.

16 MS. GOECKEL: Okay. "Possibly, maybe,"
17 that's fair enough.

18 PROSPECTIVE JUROR #42: Not every time.

19 MS. GOECKEL: That's fair. So let me
20 talk about quantity versus quality, right.
21 Let's just say that, you know, it's the
22 trial of the century. I have a blue pen in
23 the courtroom on a Monday. It's scheduled
24 for three weeks. We bring in truckloads of
25 evidence, but nothing holds water. Nothing

1 holds its weight in evidence to prove beyond
2 a reasonable doubt that I have actually been
3 guilty of this crime.

4 And so if you've heard after these three
5 weeks of truckloads of evidence, but just
6 every single evidence something is wrong
7 with it, there is something that falls
8 through, and so at the end you go, "I heard
9 all this evidence, but I really don't think
10 the State met its burden of proof." And so
11 you could find me not guilty. Do you
12 understand that?

13 PROSPECTIVE JUROR #42: Uh-huh.

14 MS. GOECKEL: But let's just say that
15 it's a one-day trial, that it's a -- I'm in
16 a courtroom on a Monday, that I'm holding a
17 blue pen, and you hear one witness, and you
18 hear the witness describe in detail that
19 they saw me in a courtroom, that I was
20 writing with a blue pen, and that it was on
21 a Monday, and you believe that witness
22 100 percent. There is nothing to disprove
23 what they're saying, and so you believe them
24 beyond a reasonable doubt. Would you agree
25 that you could find them guilty -- that you

1 could find me guilty?

2 PROSPECTIVE JUROR #42: Yes.

3 MS. GOECKEL: Do you understand what I
4 mean now by testimony can be proved beyond a
5 reasonable doubt?

6 PROSPECTIVE JUROR #42: Yeah.

7 MS. GOECKEL: Okay. Does anybody have
8 an issue with the example I just gave?

9 Does anybody disagree that you would not
10 be able to or the State could not meet its
11 burden of proof with just one witness alone?

12 Okay. I don't see -- oh, yes,
13 Ms. Anderson.

14 PROSPECTIVE JUROR #57: I actually have
15 a question about that. Wouldn't you then be
16 called and wouldn't you say, "No, I didn't."
17 So now you have, why do we believe this
18 person over this person.

19 MS. GOECKEL: So that would be weighing
20 the testimony of both witnesses, right. And
21 so you will be given an instruction on how
22 to weigh that testimony of things you should
23 consider about how they testified, what they
24 heard and saw, what was their body language
25 like on the stand. You would be given

1 parameters to be able to weigh those two
2 testimonies against each other.

3 PROSPECTIVE JUROR #57: I jumped ahead,
4 didn't I?

5 MS. GOECKEL: No, no. You're fine.
6 That was great. I love that.

7 So do you understand that?

8 PROSPECTIVE JUROR #57: Yeah.

9 MS. GOECKEL: And so that was a great
10 question. I appreciate that.

11 THE COURT: I'm going to jump in here
12 for a second.

13 Is it Ms. Anderson?

14 PROSPECTIVE JUROR #57: Yes.

15 THE COURT: Under the State's example,
16 she would be the defendant. I have given
17 you an instruction that the defendant does
18 not have to testify in this case and that
19 can't be held against him.

20 PROSPECTIVE JUROR #57: Oh, that's
21 right.

22 THE COURT: I want to make sure you
23 understand that.

24 PROSPECTIVE JUROR #57: Right.

25 THE COURT: All right. Thank you.

1 You may continue.

2 MS. GOECKEL: So the charges that you
3 heard earlier in this case are aggravated
4 assault with a deadly weapon. And if you're
5 chosen to be a jury in this case, you will
6 hear the specific evidence that are --
7 that's in this case on Thursday. But I want
8 you to put that aside for now.

9 One of the elements of the charge of
10 aggravated assault with a deadly weapon is
11 the State has to prove that this crime was
12 an intentional unlawful threat of violence.
13 And more specifically, the State has to
14 prove that a threat was communicated either
15 by words or by act.

16 So hearing that last part where the
17 intentional and non-lawful threat of
18 violence was communicated by either words or
19 actions, does that surprise anybody? Is
20 anybody surprised to hear that you can
21 threaten another individual with just
22 actions, with just your actions? Does
23 anybody disagree and say, no, you need
24 something more than just actions? Anybody
25 disagree with that?

1 I don't see anybody's disagreement with
2 that.

3 May I have one moment, Your Honor?

4 THE COURT: You may.

5 (Counsel conferring.)

6 THE COURT: Before you go any further,
7 Ms. Jordan, were you raising your hand?

8 PROSPECTIVE JUROR #62: Yes. I have
9 been holding it for a minute. Restroom,
10 please.

11 THE COURT: Okay. Yes, we're going to
12 take a 10-minute break. We're going to
13 allow anybody who needs to, to use the
14 restroom. You may not speak to anybody
15 about the facts of this case while you're in
16 a restroom break. Okay? We will be in
17 recess for 10 minutes.

18 THE BAILIFF: All rise. Court is in
19 recess for 10 minutes.

20 THE COURT: So I'm going to ask the
21 attorneys to remain. I'm going to ask all
22 the prospective jurors to please step
23 outside for a moment while I address an
24 issue.

25 (The following proceedings were had

1 before the Court and out of the presence of
2 the Venire:)

3 THE COURT: Ms. Blue, if you don't mind
4 coming to the podium where there is a
5 microphone. Is that okay?

6 Ms. Blue, it's my understanding, when I
7 excused the prospective jurors for a
8 bathroom break, that you approached the
9 bailiff and said you have an issue. Do you
10 mind sharing that with us?

11 PROSPECTIVE JUROR #15: I have another
12 case and then besides my job and all of this
13 going on, it's stressing me out. I have bad
14 anxiety and depression and all of that. And
15 my -- I just -- it's bothering me, my chest
16 is hurting.

17 THE COURT: Are you having what we might
18 refer to as a panic attack?

19 PROSPECTIVE JUROR #15: Yes, and I get
20 them all the time.

21 THE COURT: All right. What I would
22 like you to do, ma'am, if you can, does
23 anybody have any inquiry as to that issue
24 with the witness? Either side?

25 MS. GOECKEL: Not from the State.

1 THE COURT: Ma'am, if you could just
2 take a seat again, and we're going to
3 address this right now. The attorneys can
4 come forward.

5 (Begin sidebar conference:)

6 MR. MARTIN: So, Your Honor, I didn't
7 anticipate it being this disruptive. My
8 objection initially was I didn't want to
9 start a stampede.

10 THE COURT: And your objection was to
11 Mr. Borcyk.

12 MR. MARTIN: Yeah, but I saw Ms. Blue
13 coming.

14 THE COURT: So at this point, given what
15 she just told us, do you have objection to
16 her being removed at this time for cause?

17 MR. MARTIN: No.

18 THE COURT: Does the State have an
19 objection?

20 MS. GOECKEL: No.

21 THE COURT: Because she did tell us that
22 she cannot be fair and impartial in this
23 case. When you add that, what she's already
24 told us, with the fact she's having a panic
25 attack, if neither side objects, I'm going

1 to release her. And that's what I'm
2 hearing. Correct?

3 MR. MARTIN: Yes, sir, you are correct.

4 THE COURT: Ms. Goeckel, do you have
5 something --

6 MS. GOECKEL: Are we going to release
7 her and replace her with somebody?

8 THE COURT: Yes, we are.

9 Okay. Thank you-all.

10 (End sidebar conference.)

11 THE COURT: Ms. Blue, I am releasing you
12 as a juror at this point. Okay? Do you
13 need medical attention?

14 PROSPECTIVE JUROR #15: I don't know.

15 THE COURT: So, ma'am --

16 PROSPECTIVE JUROR #15: Yes.

17 THE COURT: You would like us to call
18 and have you checked out?

19 PROSPECTIVE JUROR #15: Yes.

20 THE COURT: So I'm going to ask if we
21 can have somebody come and maybe take her to
22 a separate area.

23 THE BAILIFF: Probably do it in one of
24 the conference rooms.

25 THE COURT: All right. Let's do that in

1 a conference room on a different floor,
2 okay.

3 So, ma'am, we're going to have somebody
4 take you to a conference room, okay, and
5 we're going to get you checked out. Okay?
6 Thank you.

7 MR. MARTIN: And I apologize. I think
8 the Court was -- and it sounded like the
9 Court was concerned, Mr. Bailiff. I'm
10 hearing that you want to take her so she
11 doesn't go in the view of the rest of the
12 jury.

13 THE COURT: That's what's going to
14 happen.

15 MR. MARTIN: Okay.

16 THE COURT: Sir, if I can ask you just
17 to remain -- you're okay. It's not your
18 fault. If you can just remain outside.
19 Everybody can remain outside for one moment.

20 MS. OSTERMAN-BURGESS: Your Honor, one
21 question. Mr. Abrams indicated he would
22 like to use the restroom. Is there an
23 opportunity --

24 THE COURT: Can we send him back?

25 THE BAILIFF: Not back there. Just give

1 me one moment. I have to get this taken
2 care of first.

3 THE COURT: The short answer is yes.
4 Let's let us get through our first issue and
5 then we'll make that happen.

6 Thank you.

7 MR. MARTIN: He's not in custody, Your
8 Honor.

9 THE COURT: Okay. Thank you. I'm
10 sorry. I didn't even -- when I came in, he
11 was sitting down, so I had no idea.

12 THE BAILIFF: I have someone coming in
13 to take her to a different area.

14 THE COURT: Can we do that through this
15 door? Just so we don't have an issue.

16 Let me put a couple things on the
17 record. First of all, the Defendant has
18 been present the entire time and is dressed
19 appropriately for court.

20 Second thing is that Juror Number 15,
21 Ms. Blue, is experiencing some medical
22 issues and we're going to take her outside
23 the presence of the jury to a different
24 floor and have EMS come check her out.

25 Okay. Any comments from either side?

1 MR. MARTIN: No, sir.

2 MS. GOECKEL: No.

3 THE COURT: Thank you both.

4 I'm going to go off the record.

5 (Brief recess.)

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

7 I have a scheduling question. I
8 anticipate that Ms. Goeckel is very close to
9 the end.

10 MS. GOECKEL: Yeah. Probably about 10
11 more minutes, Your Honor.

12 THE COURT: With that, Mr. Martin,
13 approximately how much time? And I'm not
14 holding you to this, but approximately how
15 much time do you need?

16 MR. MARTIN: I endeavor to get done
17 before 12:00.

18 THE COURT: All right. That's fine.
19 That was my scheduling question.

20 Okay. Is everybody ready for me to
21 bring back the prospective jurors?

22 MS. GOECKEL: Yes, sir.

23 THE COURT: Thank you. Let's --

24 MS. GOECKEL: Can I stay at the podium
25 or at the desk?

1 THE COURT: You can stand wherever you
2 want.

3 MS. GOECKEL: Okay.

4 THE COURT: You can bring them back in,
5 please.

6 Remember, at the end we're going to talk
7 to Mr. Harrison-Conwill briefly before --

8 MS. GOECKEL: Before Mr. Martin?

9 THE COURT: No.

10 THE BAILIFF: All rise for the jury.

11 (The following proceedings were had
12 before the Court and Venire:)

13 THE COURT: Okay. Mr. Harrison-Conwill,
14 can you check the hall for
15 Mr. Harrison-Conwill?

16 THE BAILIFF: Yes.

17 (Brief pause to retrieve prospective
18 juror.)

19 THE COURT: Thank you, sir.

20 Madam Clerk, can you give us another
21 juror for Seat Number 3?

22 THE CLERK: Juror 66, Enrique Abreu.

23 THE COURT: Sir, thank you.

24 The attorneys are going to inquire with
25 you in just a moment. The only question I

1 have is I asked some questions earlier about
2 whether you knew anybody both in the
3 courtroom and from a witness list.

4 PROSPECTIVE JUROR #66: Uh-uh, I do not.

5 THE COURT: The answer is no?

6 PROSPECTIVE JUROR #66: No, I do not.

7 THE COURT: Mr. Martin, I don't think I
8 asked if you had additional witnesses that
9 you would be calling.

10 MR. MARTIN: You did not.

11 THE COURT: Okay. I want to give you
12 that opportunity.

13 MR. MARTIN: Yes, sir. Thank you, sir.

14 The only contemplated witnesses would be
15 what have already been announced, Your
16 Honor.

17 THE COURT: Thank you, sir.

18 Okay. With that, Ms. Goeckel, you may
19 proceed.

20 MS. GOECKEL: Yes, thank you.

21 Welcome, Mr. Abreu.

22 PROSPECTIVE JUROR #66: Thank you.

23 MS. GOECKEL: I have just a question
24 real quick about your employer. You said
25 that you're employed at UF Shands Vista. Is

1 that right?

2 PROSPECTIVE JUROR #66: Yes, ma'am.

3 MS. GOECKEL: And specifically, you said
4 your occupation was peer.

5 PROSPECTIVE JUROR #66: Yeah, I do peer
6 counseling.

7 MS. GOECKEL: Peer counseling, okay.
8 Thank you. I appreciate that.

9 And so I'm going to pick on you for a
10 little bit. I know you were listening in
11 the gallery a moment ago, but now you're
12 here in the box specifically. I talked a
13 little bit earlier about the State's burden
14 of proof.

15 Do you understand that there is a
16 difference between a reasonable doubt and
17 all possible doubt?

18 PROSPECTIVE JUROR #66: Yes.

19 MS. GOECKEL: Okay. And do you accept
20 that difference?

21 PROSPECTIVE JUROR #66: Yes.

22 MS. GOECKEL: And do you agree to only
23 hold the State to its burden of a reasonable
24 doubt?

25 PROSPECTIVE JUROR #66: Uh-huh.

1 MS. GOECKEL: Is that a yes?

2 PROSPECTIVE JUROR #66: Yes, ma'am.

3 MS. GOECKEL: Okay. And then I also
4 asked questions about witness credibility.
5 You will be given some instructions about
6 how to weigh a witness' credibility. Do you
7 feel comfortable listening to those
8 instructions and following them in order to
9 weigh the credibility of each witness that
10 comes before you?

11 PROSPECTIVE JUROR #66: Yes.

12 MS. GOECKEL: Any issues with that?

13 PROSPECTIVE JUROR #66: No.

14 MS. GOECKEL: We talked a little bit
15 about how the State can actually prove a
16 case beyond a reasonable doubt with only one
17 witness. Do you feel comfortable with that?

18 PROSPECTIVE JUROR #66: Yes.

19 MS. GOECKEL: Okay. Did you have any
20 concerns or questions about the fact that
21 the State can prove intentional and unlawful
22 threat of violence by actions?

23 PROSPECTIVE JUROR #66: No.

24 MS. GOECKEL: No issues with that?

25 PROSPECTIVE JUROR #66: Uh-uh.

1 MS. GOECKEL: Is that a yes?

2 PROSPECTIVE JUROR #66: I have no
3 issues.

4 MS. GOECKEL: Okay. I appreciate that.
5 Thank you.

6 And as we were -- as you were sitting
7 there and listening to the discussions we
8 had with other jurors, was there anything
9 that you heard that you either had a
10 question about or you were concerned or
11 makes you feel like you could not be fair
12 and impartial in this case?

13 PROSPECTIVE JUROR #66: Uh-uh.

14 MS. GOECKEL: Is that a no?

15 PROSPECTIVE JUROR #66: No.

16 MS. GOECKEL: And I think I may have
17 missed somebody earlier when I was going
18 over the questionnaires.

19 Is it Mr. Moses?

20 PROSPECTIVE JUROR #50: Yes.

21 MS. GOECKEL: Okay. I believe you may
22 have answered yes to maybe all of them. Is
23 that correct?

24 PROSPECTIVE JUROR #50: Correct.

25 MS. GOECKEL: So either you or a family

1 member have been a party to a lawsuit.

2 PROSPECTIVE JUROR #50: Yes.

3 MS. GOECKEL: Is that correct?

4 How long ago was that?

5 PROSPECTIVE JUROR #50: 20 years ago.

6 MS. GOECKEL: Okay. Was that here in
7 Alachua County?

8 PROSPECTIVE JUROR #50: No, ma'am.

9 MS. GOECKEL: Was it in the state of
10 Florida?

11 PROSPECTIVE JUROR #50: No, ma'am.

12 MS. GOECKEL: Did it have anything to do
13 with neighbors?

14 PROSPECTIVE JUROR #50: No.

15 MS. GOECKEL: Do you feel you -- well,
16 first of all, let me ask, was it you or a
17 family member?

18 PROSPECTIVE JUROR #50: Me.

19 MS. GOECKEL: Do you feel that you were
20 treated fairly during that process?

21 PROSPECTIVE JUROR #50: Yes.

22 MS. GOECKEL: Is that a yes?

23 PROSPECTIVE JUROR #50: Yes.

24 MS. GOECKEL: And then the second
25 question was have either you or a family

1 member or a close friend ever been a
2 defendant, victim, or witness in a criminal
3 case?

4 PROSPECTIVE JUROR #50: Yes.

5 MS. GOECKEL: Okay. You, or a close
6 friend, or family member?

7 PROSPECTIVE JUROR #50: Me.

8 MS. GOECKEL: And were you a defendant,
9 victim, or witness?

10 PROSPECTIVE JUROR #50: Victim.

11 MS. GOECKEL: Victim, all right. How
12 long ago was that?

13 PROSPECTIVE JUROR #50: The last one,
14 seven years ago.

15 MS. GOECKEL: Seven years ago. The way
16 you qualified that, you said "the last one."
17 Has there been other times where you were a
18 victim in a criminal case.

19 PROSPECTIVE JUROR #50: Yes, I have been
20 robbed several times.

21 MS. GOECKEL: Any or all of those in
22 Alachua County?

23 PROSPECTIVE JUROR #50: Yes.

24 MS. GOECKEL: The last one, at least
25 seven years ago?

1 PROSPECTIVE JUROR #50: Yes.

2 MS. GOECKEL: Do you feel you were
3 treated fairly in that situation?

4 PROSPECTIVE JUROR #50: Yes.

5 MS. GOECKEL: Is that a yes? All right.
6 Did that have anything to do either in
7 an assault or aggravated assault?

8 PROSPECTIVE JUROR #50: No.

9 MS. GOECKEL: And you feel you could be
10 fair and impartial in this case?

11 PROSPECTIVE JUROR #50: Yes.

12 MS. GOECKEL: The next question was have
13 you previously served as a juror.

14 PROSPECTIVE JUROR #50: I wasn't
15 selected.

16 MS. GOECKEL: Okay. But you have been
17 in this process before?

18 PROSPECTIVE JUROR #50: Yes.

19 MS. GOECKEL: Okay. Understood. And
20 the last one was are you a -- you have a
21 family member or a close friend who is a law
22 enforcement officer.

23 PROSPECTIVE JUROR #50: Yes.

24 MS. GOECKEL: Is that a family member or
25 close friend?

1 PROSPECTIVE JUROR #50: Several close
2 friends.

3 MS. GOECKEL: Several close friends.
4 Are any of them employed in Alachua County?

5 PROSPECTIVE JUROR #50: No.

6 MS. GOECKEL: Okay. Do you understand
7 that the law enforcement officers come in
8 just as any other witness and that you
9 should not be giving them any more or any
10 less credibility simply because they're a
11 law enforcement officer?

12 PROSPECTIVE JUROR #50: I understand I
13 should not.

14 MS. GOECKEL: Okay. And do you feel
15 that's something you could do? Do you feel
16 you could give them just the same --

17 PROSPECTIVE JUROR #50: Yes.

18 MS. GOECKEL: -- the same as any other
19 witness?

20 PROSPECTIVE JUROR #50: Yes.

21 MS. GOECKEL: All right. Anything else
22 where you feel like you could not be fair
23 and impartial in this case?

24 PROSPECTIVE JUROR #50: I just believe
25 usually when people are charged by law

1 enforcement, it's because they did
2 something. I don't know if that has...

3 MS. GOECKEL: I understand that. But do
4 you also understand the State has to prove
5 it beyond a reasonable doubt?

6 PROSPECTIVE JUROR #50: Yes.

7 MS. GOECKEL: So you have to listen to
8 the witnesses and the evidence and weigh
9 that, weigh that out and apply that to the
10 law that's given to you.

11 PROSPECTIVE JUROR #50: Yes.

12 MS. GOECKEL: Do you feel comfortable in
13 doing that?

14 PROSPECTIVE JUROR #50: Yes.

15 MS. GOECKEL: And only just because I --
16 there's two -- or excuse me, there was one
17 new person, and I was going -- kind of going
18 over each question before. Was there any
19 confusion about the question if you, or a
20 close friend, or family member have been a
21 defendant, victim, or witness in a criminal
22 case? Any confusion about that question now
23 that I've kind of clarified it a little bit?

24 I don't see anybody saying they're
25 confused. Okay.

1 So a couple things to end on. Is there
2 anything else that's weighing on your mind
3 that we have not talked about that you want
4 us to know that either you would be fair and
5 impartial or cause you not to be fair and
6 impartial in this case? Anything else that
7 you guys want to bring up at this time?

8 Okay. Nobody wants to bring anything
9 else up.

10 Anything else that would keep you from
11 sitting on this jury that you can think of
12 that we haven't already talked about?

13 Yes, sir, Mr. Abreu.

14 PROSPECTIVE JUROR #66: I have a
15 daughter that's medically impaired. If
16 something were to happen to her, I would
17 have to leave.

18 MS. GOECKEL: I understand. Without
19 getting too much into your personal family
20 situation, would there be somebody who was
21 available to help out in the case you are
22 not available?

23 PROSPECTIVE JUROR #66: Yeah, there is
24 my wife, but I mean, like, if we have to go
25 to, like -- because she goes to different

1 hospitals throughout the state. So if she
2 has to go somewhere more, like, further
3 south, that's something that she is not able
4 to do, so I would have to.

5 But as this week, I don't see anything.
6 Next week I think I have something like
7 that.

8 MS. GOECKEL: Okay. That was my
9 follow-up question. Was there anything
10 scheduled for Thursday?

11 PROSPECTIVE JUROR #66: No.

12 MS. GOECKEL: So if Thursday comes, it's
13 usually probably because there is an
14 emergency that you would have to --

15 PROSPECTIVE JUROR #66: It's more of an
16 emergency than something that was planned.

17 MS. GOECKEL: Okay. That's
18 understandable.

19 PROSPECTIVE JUROR #66: Most likely not.

20 MS. GOECKEL: Perfect. I appreciate you
21 for letting me know.

22 Anything else in that kind of realm
23 where it's more administrative than it is as
24 far as the facts and evidence goes?

25 Okay. And then two things, in the jury

1 instructions, you actually get to use your
2 common sense. So I ask you-all today that,
3 if you're chosen to be the jury in this
4 case, do you promise to use your common
5 sense?

6 Yes.

7 And then do you promise to follow the
8 law?

9 Okay. Thank you.

10 THE COURT: Thank you.

11 Defense may inquire.

12 MR. MARTIN: May it please the Court?

13 THE COURT: Yes, sir.

14 MR. MARTIN: Good morning, everyone.

15 It's still morning. Once again, my name is
16 AuBroncee Martin, and I'll be representing
17 Mr. Abrams here today.

18 Just a few things that I think have been
19 alluded to, but I think is important for us
20 to cover this again. This is our only
21 opportunity to speak directly towards you.
22 And the purpose of this is not to cast any
23 judgment on who you are, what kind of person
24 you are, just whether or not you are the
25 appropriate person to sit on this particular

1 jury. So this is when we explore that.
2 It's not a test. There are no right or
3 wrong answers. We just really, really need
4 to find out how you feel about some of these
5 subject matters that we're going to go over
6 here today.

7 Things to know about me. Sometimes I
8 speak quickly. Sometimes I mumble. If you
9 don't understand a question I ask, just go,
10 "Mr. Martin, could you rephrase that? Could
11 you ask me that again?" It is not my intent
12 to really delve into your personal business,
13 but this is a matter that's important to the
14 State of Florida and it's certainly
15 important to Mr. Abrams. So we have to ask
16 these questions.

17 Now, if -- I think you have already seen
18 this, that if there is something you feel is
19 a little too personal, that you don't want
20 to talk about it in open court, the Court
21 has two things the Court can do. The Court
22 can either just hold on to that and we'll do
23 that at the end or there is a noise button
24 up there he can push and it kind of -- white
25 noise will come on and it can be more

1 private. That's ultimately up to the Judge
2 as to which one is chosen.

3 All right. On that point, this process
4 that we're in, everybody has a job. And I
5 think the State kind of discussed what your
6 job is.

7 So the Court here, the Court is like a
8 referee. The Court makes sure that
9 everybody who is a participant abides by the
10 rules. But the Court is not an active
11 participant.

12 The state attorney's job, they brought
13 the case. And so they have the obligation
14 to put forth evidence to prove beyond and to
15 the exclusion of any reasonable doubt.

16 I'm the defense attorney. I'm here to
17 assist Mr. Abrams in this process. And I'm
18 going to tell you here -- and the Court is
19 going to give you the instruction, and you
20 will hear it sometime -- he doesn't have to
21 do anything here. He doesn't have any
22 burden of proof, any obligation whatsoever.
23 That's all I'm going to state.

24 Your job as prospective jurors would be
25 to see whether or not the state attorney has

1 fulfilled their obligation to the degree as
2 outlined by the jury instructions that are
3 given to you by the judge. Everybody with
4 me so far?

5 All right. So like I said, in this
6 beginning part of the process, I'm going to
7 ask some questions of the group, but more so
8 it's going to be individual. And I'm going
9 to need individual responses. If you look
10 up above you, there is these little
11 microphones there. And we have the court
12 reporter here. And you might hear her,
13 like, "If you can slow down a little bit,
14 Mr. Martin, so I can get it."

15 The purpose of these two things is to
16 make sure that we get everything that's said
17 on the record. So it's helpful that, when
18 you respond to a question, you do so out
19 loud and as clearly as you can.

20 All right. So the first individual
21 question I have, so -- and I should have
22 said I butcher names. I apologize if I
23 butcher your name.

24 Is it Mr. Staley?

25 PROSPECTIVE JUROR #45: Yes.

1 MR. MARTIN: Staley. You were retired?

2 PROSPECTIVE JUROR #45: That's correct.

3 MR. MARTIN: All right. What did you do
4 before you retired?

5 PROSPECTIVE JUROR #45: As I said
6 earlier, I have a degree in computer
7 science. And initially I had jobs as a
8 programmer, application designer and
9 progressed my career at the executive level.

10 MR. MARTIN: So a number of positions.

11 PROSPECTIVE JUROR #45: That's correct.

12 MR. MARTIN: And are you from Alachua
13 County originally?

14 PROSPECTIVE JUROR #45: Not originally.
15 I'm originally from Palm Beach County, but I
16 have lived in Alachua County for well over
17 almost 30 years.

18 MR. MARTIN: Did your career sort of
19 take you here and this is where you ended
20 up?

21 PROSPECTIVE JUROR #45: That's correct.

22 MR. MARTIN: Thank you, sir.

23 Ms. Evans, so you work at the charter
24 school. How many students are at the
25 school?

1 PROSPECTIVE JUROR #47: Around 180.

2 MR. MARTIN: Is that typical?

3 PROSPECTIVE JUROR #47: Yes.

4 MR. MARTIN: 180, so it's not a very big
5 place, all right. So you become familiar
6 with each of the students?

7 PROSPECTIVE JUROR #47: Yes.

8 MR. MARTIN: Is that how you kind of
9 recognized the name, because you spent a lot
10 of time with these students?

11 PROSPECTIVE JUROR #47: One of them,
12  S , I know was on my roster. A
13 lot of my students don't always show up to
14 school. But A  and M , I know I
15 worked with them personally.

16 MR. MARTIN: All right. And I think you
17 already discussed this or at least were
18 asked, maybe I didn't catch it. Do you
19 recall, if you sit here and think about it
20 for a moment, either the students
21 specifically talking to you about this
22 incident or you're hearing some conversation
23 during break, or lunch, or in the hallway
24 about the facts of this case that are just
25 coming back to you?

1 PROSPECTIVE JUROR #47: No.

2 MR. MARTIN: Nothing. You're okay.

3 Mr. Moses, how are you doing today, sir?

4 PROSPECTIVE JUROR #50: Great. Thank
5 you.

6 MR. MARTIN: So there was a bit of
7 discussion with you concerning, I guess,
8 your ability to appraise the evidence in
9 this case. Specifically, I think -- and I'm
10 paraphrasing a little bit here. The -- I
11 guess your consideration of the charges in
12 light of that they were brought by law
13 enforcement. And I thought I heard you say,
14 well, there -- if law enforcement officers
15 brought the charges, there was some kind of
16 credibility given to them because of that.
17 Is that what you were saying, or if you
18 could --

19 PROSPECTIVE JUROR #50: Yes, sir.

20 MR. MARTIN: Why do you believe that
21 way?

22 PROSPECTIVE JUROR #50: Because in my
23 life experience, most people that get
24 charged with something did something wrong.

25 MR. MARTIN: All right. So, and like I

1 said, there is no right or wrong answers
2 here. So let's kind of start there. There
3 is a principle that the Court is going to
4 talk to you about, which is the presumption
5 of innocence, which basically says, as
6 Mr. Abrams sits here today, he is presumed
7 to be not guilty of what the State said he
8 did.

9 So the question is -- is it Weiner?

10 PROSPECTIVE JUROR #04: Weiner.

11 MR. MARTIN: What do you think about
12 this presumption of innocence? He
13 doesn't -- that as he sits there, that he is
14 presumed innocent. Is that something that
15 you can follow that principle?

16 PROSPECTIVE JUROR #04: Yes.

17 MR. MARTIN: How about you, Mr. Tomlin?

18 PROSPECTIVE JUROR #10: Yes, sir.

19 MR. MARTIN: And is it Abreu?

20 PROSPECTIVE JUROR #66: Yes.

21 MR. MARTIN: What about you, what do you
22 think about that presumption of innocence?

23 PROSPECTIVE JUROR #66: I work, like I
24 said, in mental health and I do a lot of
25 counseling. And the way I always approach

1 is there is this person's truth, and there
2 is this person's truth, and then there is
3 the truth. So that's how I look at it, like
4 there's two sides of two things, but there
5 is, like, the correct one and that has to be
6 kind of, like, proven.

7 MR. MARTIN: Okay. Let me paraphrase.
8 You're saying this person's truth, another
9 person's truth, and then the actual truth?

10 PROSPECTIVE JUROR #66: Yeah. Like, you
11 know, both sides has their truth until it
12 meets in the middle. And I think that's how
13 it will be shown here, I guess.

14 MR. MARTIN: Okay. And once again,
15 Mr. Oliver -- Oliva, help me out, sir.

16 PROSPECTIVE JUROR #40: Oliva.

17 MR. MARTIN: Oliva, okay. I saw you
18 nodding your head a little bit when
19 Mr. Abreu was speaking. Is that your view
20 of the world?

21 PROSPECTIVE JUROR #40: No, just
22 understanding his perspective.

23 MR. MARTIN: Ms. Gatti, were you raising
24 your hand?

25 PROSPECTIVE JUROR #30: No.

1 MR. MARTIN: Okay. And is it Megan?

2 PROSPECTIVE JUROR #18: Mangan.

3 MR. MARTIN: Mangan. The notion of
4 presumption of innocence, as he sits here,
5 there has been no evidence, are you able to
6 kind of grasp onto that concept and hold
7 onto it during the course of this case?

8 PROSPECTIVE JUROR #18: Yes.

9 MR. MARTIN: Mr. Harrison-Conwill, what
10 is your thoughts on the presumption of
11 innocence?

12 PROSPECTIVE JUROR #26: I understand it.
13 I can do that.

14 MR. MARTIN: Do you have some
15 reservations or some concerns?

16 PROSPECTIVE JUROR #26: I guess it would
17 depend on the context, yeah.

18 MR. MARTIN: And when you say "depend on
19 the context," what do you mean by that, sir?

20 PROSPECTIVE JUROR #26: Like, if a crime
21 had been accused, like, on a child or
22 something like that, anything like that, an
23 elderly person, you know, somebody that, you
24 know, couldn't defend themselves as well.

25 MR. MARTIN: That would be something

1 that would impact your ability to embrace
2 the concept of presumption of innocence?

3 PROSPECTIVE JUROR #26: Uh-huh.

4 MR. MARTIN: Is it Ms. Harrington?

5 PROSPECTIVE JUROR #27: It is.

6 MR. MARTIN: What are your feelings
7 about the fact that right now Mr. Abrams is
8 innocent, hasn't been proven guilty?

9 PROSPECTIVE JUROR #27: I'm good with
10 that until we start seeing evidence, yes.

11 MR. MARTIN: And, Ms. Gatti?

12 PROSPECTIVE JUROR #30: Yes.

13 MR. MARTIN: What are your thoughts
14 about that?

15 PROSPECTIVE JUROR #30: I'm very much
16 innocent until proven guilty.

17 MR. MARTIN: Ms. Jordan?

18 PROSPECTIVE JUROR #62: Yes.

19 MR. MARTIN: And I think -- and I think
20 you, when I -- Mr. Oliver --

21 PROSPECTIVE JUROR #40: Oliva.

22 MR. MARTIN: I told you I butcher names.
23 I'm sorry.

24 PROSPECTIVE JUROR #40: It's okay.

25 MR. MARTIN: So you agree with the

1 presumption of innocence?

2 PROSPECTIVE JUROR #40: Yes, sir.

3 MR. MARTIN: All right. Mr. Borczyk?

4 PROSPECTIVE JUROR #41: Most definitely.

5 MR. MARTIN: Most definitely, okay.

6 Mr. Mantel?

7 PROSPECTIVE JUROR #42: Yes.

8 MR. MARTIN: And help me out with the
9 last name. How do you --

10 PROSPECTIVE JUROR #44: Khalsa.

11 MR. MARTIN: Khalsa, all right. And
12 what are your thoughts about the presumption
13 of innocence?

14 PROSPECTIVE JUROR #44: I agree.

15 MR. MARTIN: Is it Branin?

16 PROSPECTIVE JUROR #59: Branin, yeah.

17 MR. MARTIN: What are your thoughts?

18 PROSPECTIVE JUROR #59: I agree, as
19 well.

20 MR. MARTIN: Ms. Anderson?

21 PROSPECTIVE JUROR #57: Same.

22 MR. MARTIN: Mr. Nettle?

23 PROSPECTIVE JUROR #54: Agree.

24 MR. MARTIN: All right. Mr. Nettle, let
25 me start with you a little bit because I --

1 I know that, at the very beginning of the
2 State's inquiry, there were questions about
3 how many people were either victims,
4 defendants in a criminal case, or know
5 someone. And I thought that you had said
6 something about either knowing somebody or
7 being a victim of aggravated assault. Is
8 that correct or --

9 PROSPECTIVE JUROR #54: A friend of mine
10 was involved in a case, yes.

11 MR. MARTIN: So let me -- because I was
12 losing a little bit there, so Mr. Nettles.

13 So by show of hands, who else had
14 specifically aggravated assault?

15 Ms. Jordan, Mr. Nettles. And we'll
16 discuss that with you after the fact,
17 Mr. Harrison-Conwill.

18 Is that everybody?

19 So, Mr. Nettle, I guess I want to get
20 some clarity in my mind of the
21 circumstances. And before we go any
22 further, is this something that you think is
23 going to be really personal for you to
24 discuss?

25 PROSPECTIVE JUROR #54: No.

1 MR. MARTIN: So let me kind of ask some
2 general. How long ago was this again?

3 PROSPECTIVE JUROR #54: Within the past
4 two years.

5 MR. MARTIN: The past two years. And
6 who did it involve as far as relationship to
7 you?

8 PROSPECTIVE JUROR #54: A friend,
9 coworker.

10 MR. MARTIN: Is this very close friend
11 or just someone who you go to work with
12 occasionally and you're on good terms with?

13 PROSPECTIVE JUROR #54: I worked
14 directly with them for a year and a half.

15 MR. MARTIN: Okay. If you can, and I
16 don't want to go too deeply into it, but
17 give me a general idea of what the
18 circumstances were of this situation.

19 PROSPECTIVE JUROR #54: They were
20 accused in an incident in Gainesville and
21 went through the legal process, the court
22 process. They did not have a jury trial.

23 MR. MARTIN: The incident in question,
24 do you know what the facts were?

25 PROSPECTIVE JUROR #54: I was only

1 involved -- I came and spoke to the court on
2 behalf of the person.

3 MR. MARTIN: So you gave some testimony
4 to a judge?

5 PROSPECTIVE JUROR #54: Yes, as to their
6 character outside the case, not related to
7 the case.

8 MR. MARTIN: So nothing about the facts
9 of the case, but about the person?

10 PROSPECTIVE JUROR #54: Correct.

11 MR. MARTIN: Ms. Jordan -- let me go to
12 Ms. Jordan and then I'll come back to you,
13 Ms. Anderson.

14 PROSPECTIVE JUROR #57: I --

15 MR. MARTIN: I'll come back to you.

16 Go ahead. You were -- you said it was
17 an agg assault that you were --

18 PROSPECTIVE JUROR #62: Not necessarily.
19 It's just a similar charge. But I can
20 discuss it in detail as, like, a sidebar.

21 MR. MARTIN: At sidebar, okay.

22 Ms. Anderson.

23 PROSPECTIVE JUROR #57: The thing that
24 happened with my cousin involved my uncle,
25 so I -- like I said, she did shoot him. I

1 don't know if that means it's like this.

2 MR. MARTIN: And that was the one that
3 was 42 years ago that you forgot about?

4 PROSPECTIVE JUROR #57: Yeah, yeah.

5 MR. MARTIN: And this involved a --

6 PROSPECTIVE JUROR #57: So it's very
7 much past, but I want to be open about it.

8 MR. MARTIN: That's the purpose of this.
9 And so that was 42 years ago and you almost
10 forgot about it. Is that right? And that
11 involved a gun?

12 PROSPECTIVE JUROR #57: Yeah.

13 MR. MARTIN: Anyone else?

14 All right. So I'm going to go back to
15 this -- sort of this going down the line
16 again, because there is a related principle
17 to the presumption of innocence, it's the
18 right to remain silent. As, I think, the
19 Court read instruction on that, and the
20 question would be here if -- since the
21 Defendant doesn't have any obligation to do
22 anything in this case, he doesn't have to --
23 Mr. Abrams doesn't have to get on this
24 stand, raise his right hand and look at each
25 one of you and say, "Hey, I did not do

1 this," or whatever the defense could be. He
2 doesn't have to put forth a defense.

3 Sir, is that something that you could
4 abide by as instructed to by the Court, is
5 that something that would be, you know, "I'm
6 wondering why he didn't get on the stand.
7 You know, if it was me, I would get up there
8 and say, hey, I'm innocent, I didn't do
9 this"; or would you be able to put the fact
10 that he didn't testify out of your mind?

11 PROSPECTIVE JUROR #04: I have no
12 problem abiding by the rules of the Court.

13 MR. MARTIN: All right. Mr. Tomlin,
14 what's your thoughts?

15 PROSPECTIVE JUROR #10: Same.

16 MR. MARTIN: Nothing would be rattling
17 around in the back of your mind about why he
18 didn't get on the stand?

19 PROSPECTIVE JUROR #10: No.

20 MR. MARTIN: Ms. Gatti, what do you --

21 PROSPECTIVE JUROR #30: I agree with
22 them.

23 MR. MARTIN: Mr. Stanley?

24 PROSPECTIVE JUROR #45: Staley.

25 MR. MARTIN: Staley, I'm sorry.

1 PROSPECTIVE JUROR #45: Presumption of
2 innocence until proven guilty, right.

3 MR. MARTIN: Ms. Evans?

4 PROSPECTIVE JUROR #47: No problem with
5 that.

6 MR. MARTIN: Ms. Jordan?

7 PROSPECTIVE JUROR #62: I have no
8 problem with that, but to say that that's
9 not something that would be in someone's
10 mind would be disingenuous. But should he
11 choose to get up there and testify or not, I
12 don't have an issue with that. It's still
13 up to the State to prove their case.

14 MR. MARTIN: Right. And I appreciate
15 your desire to have candor with us here
16 today. When you say it will be something on
17 your mind, can you elaborate or describe
18 exactly how it would be on your mind?

19 PROSPECTIVE JUROR #62: Not necessarily
20 how as it relates to just specifically just
21 any time you have a case and someone chooses
22 not to testify, that's their choice. But
23 when you're reviewing other evidence, of
24 course, we all would be like, well, he
25 didn't testify, I wonder. But it's not a

1 wonder in a sense of determining, well, he
2 must be guilty since he didn't testify, no.
3 But it's just the curiosity of it, it's not
4 something that you use to determine whether
5 or not someone is guilty.

6 MR. MARTIN: Okay. You would just
7 wonder why that was the case?

8 PROSPECTIVE JUROR #62: With anyone.

9 MR. MARTIN: Okay.

10 PROSPECTIVE JUROR #62: That's just
11 curiosity with any case of whether or not
12 someone chooses to testify or not. Not that
13 you use it against someone, it's just human
14 nature of curiosity.

15 MR. MARTIN: All right. Well, thank
16 you.

17 Mr. Mosely (sic), what are your thoughts
18 about whether or not it will impact you if
19 Mr. Abrams did not take the stand and say,
20 "Hey, I'm not guilty," would this be
21 something that would kind of weigh on your
22 decision here?

23 PROSPECTIVE JUROR #50: Was that to me?

24 MR. MARTIN: Yes, sir. It's Mr. Moses.
25 Correct?

1 PROSPECTIVE JUROR #50: Yes.

2 No.

3 MR. MARTIN: No, it wouldn't.

4 And I'm getting nervous because I done
5 messed it up three times. Mr. Oliva, what
6 are your thoughts about that?

7 PROSPECTIVE JUROR #40: I'm good.

8 MR. MARTIN: Mr. Abreu.

9 PROSPECTIVE JUROR #15: I'm good.

10 MR. MARTIN: Mr. Mangan?

11 PROSPECTIVE JUROR #18: Yes.

12 MR. MARTIN: Mr. Borcyk, is that a yes?
13 You're shaking your head.

14 PROSPECTIVE JUROR #41: (No verbal
15 response.)

16 MR. MARTIN: Okay. Mr. Nettle, any
17 problem with that?

18 PROSPECTIVE JUROR #54: No problem.

19 MR. MARTIN: Ms. Anderson?

20 PROSPECTIVE JUROR #57: Yeah, I already
21 made that mistake.

22 MR. MARTIN: What do you mean?

23 PROSPECTIVE JUROR #57: When they did
24 the example, "But you could get up there and
25 say you didn't do it" and the Judge

1 corrected me and said they don't have to get
2 up there and I'm like "Oh, yeah, I forgot
3 that part."

4 MR. MARTIN: Let me ask you about that,
5 what you said about when you were
6 referring -- when you made the example that
7 there could be a proposition of guilt and
8 then a person get up there and say "But,
9 yeah, I didn't do it." To you does that,
10 the fact that someone gets up -- does get on
11 the stand and say "I didn't do that," would
12 you give that person who might say the
13 defendant who can say "Hey, I didn't do it,"
14 would you give that person less credibility
15 because they sit behind that table over
16 there and --

17 PROSPECTIVE JUROR #57: No, no, no.
18 They don't have to actually say anything. I
19 just forgot that rule.

20 MR. MARTIN: Yes, ma'am. I'm just
21 curious. What did you mean by that, that
22 they can just get up there and say --

23 PROSPECTIVE JUROR #57: Oh, the example
24 that she used with the Monday, the blue pen
25 and all that, and somebody -- they had

1 somebody who got up there and said it and
2 they saw her and all that. And I had asked,
3 well, what happens when you say, "No, I
4 didn't"? Now you have a yes and a no, but
5 no anything else. Just because the example
6 was only through testimony, no evidence.
7 And I said that she would get up there and
8 say, "No, I didn't." And the Judge pointed
9 out that at the very beginning he said that
10 the defendant doesn't have to say anything.

11 MR. MARTIN: Right. But --

12 PROSPECTIVE JUROR #57: So I said, "Oh,
13 I forgot that part." And, "Yeah, I wouldn't
14 presume he's guilty if he didn't."

15 MR. MARTIN: You make a good point.

16 PROSPECTIVE JUROR #57: But I actually
17 understood the point of it can be kind of in
18 the -- not really questioning why he didn't
19 get up and say anything, but just, like, you
20 have the opportunity, why would you not take
21 it.

22 MR. MARTIN: That would be something
23 that you would be -- that you would be
24 concerned with?

25 PROSPECTIVE JUROR #57: Not really

1 concerned, just, again, it's more: You have
2 the opportunity, why wouldn't you. It's not
3 really a concern, though. If he decided
4 that, that's his decision.

5 MR. MARTIN: Okay. So if you wouldn't
6 characterize that as a concern, how would
7 you phrase that feeling that you have in why
8 you wouldn't do it?

9 PROSPECTIVE JUROR #57: I don't have any
10 feeling really about it one way or the
11 other.

12 MR. MARTIN: I am interested in a
13 comment that you did make about the example
14 of the blue pen on a Monday, that they can
15 just say that they didn't do it, and then
16 you're kind of stuck there. Like I said,
17 they're going to -- we won't go through all
18 of it, but there will be instructions. And
19 then there is one of those instructions is
20 the reasonable doubt.

21 PROSPECTIVE JUROR #57: I'm assuming
22 that they'll have --

23 MR. MARTIN: And one of those
24 instructions would be that you can find
25 reasonable doubt from the evidence, the lack

1 of evidence, or the conflict in the
2 evidence. Now, what you do with that
3 instruction is going to be up to you, but I
4 think there was a question earlier -- there
5 is going to be guidance on how you should --
6 how you should navigate this case.

7 Was anyone concerned that as a
8 prospective juror that you were going to be
9 kind of thrown into the deep end of the pool
10 without any sort of assistance in moving
11 through this case? I'm seeing there are
12 some shaking heads, so everyone -- and those
13 guidance is going to come in the form of a
14 jury instruction. And so you are going to
15 get instructions as to weighing the
16 evidence, reasonable doubt, and there's
17 going to be an instruction as to the actual
18 elements of the offense. And I wanted to
19 talk to you briefly about that, if I could
20 ever get my computer to come back on.

21 So the Court read to you the charge,
22 which is agg assault with a deadly weapon.
23 Can I just get a -- and I'm kind of going
24 around.

25 Mr. Tomlin, when you hear the word

1 deadly weapon, what comes to mind?

2 PROSPECTIVE JUROR #10: A firearm, could
3 be a car.

4 MR. MARTIN: Car.

5 Ms. Harrington, what about you?

6 PROSPECTIVE JUROR #27: Gun, knife.

7 MR. MARTIN: Anyone got anything else
8 come to anybody's mind?

9 Yes, Mr. Abreu.

10 PROSPECTIVE JUROR #15: It could be
11 anything that could do great bodily harm or
12 kill or hurt somebody in a higher degree.
13 So it could be even like your hands.

14 MR. MARTIN: Okay. So the instructions
15 that you're going to receive is going to
16 define a deadly weapon as an object that
17 will likely cause death or great bodily harm
18 if used or threatened to be used in the
19 ordinary and usual manner contemplated by
20 its design and construction. So I think
21 it's close to what you're saying, it's not
22 precisely, but you're going to get it in
23 writing that the Judge will provide to you.

24 So I've read that definition. Does
25 anyone, by show of hands, say, "You know

1 what, that doesn't quite fit my definition
2 of a deadly weapon"? Anybody have a problem
3 with that?

4 Okay. I'm seeing everybody -- I'm
5 trying to move it along. I see nobody is
6 really disagreeing with that so far.

7 All right. Let me ask you this about --
8 yes, sir. Yes, sir.

9 PROSPECTIVE JUROR #45: Lots of people
10 have things like wrenches, screwdrivers.
11 How would the State define that as in terms
12 of a deadly weapon? Because people have
13 been killed with Phillips screwdrivers, with
14 monkey wrenches, with hammers. So what is
15 the jury's responsibility to understand the
16 definition of deadly weapon?

17 MR. MARTIN: So this is -- the Court is
18 going to provide you with the law. And I
19 anticipate that's going to be the law that
20 you're provided with. Now, the task of the
21 jury is to listen to the evidence --

22 MR. SLAVICHAK: Your Honor, the State is
23 going to object. May we approach?

24 THE COURT: You may.

25 (Begin sidebar discussion:)

1 THE COURT: For the duration of the
2 trial, only one attorney gets to object. If
3 you're doing jury selection, you're the
4 attorney that gets to object.

5 Okay. Go ahead. Which part don't you
6 understand, Mr. Slavichak? If you're not --
7 only one attorney gets to object. If you're
8 not handling the witness or if you're not
9 doing the opening, or the closing, or the
10 jury selection, it is the attorney that is
11 handling it that gets to object.

12 MR. SLAVICHAK: I'm handling the charge
13 conference, Your Honor. So for purposes of
14 the charge conference, I'm objecting because
15 I anticipate this is an improper statement
16 of the law. I anticipate for purposes of
17 the charge conference --

18 THE COURT: You're not objecting because
19 of the charge conference. You'll object at
20 the time of the charge conference when we
21 have the charge conference. You're
22 objecting, I would take it, as to the
23 question being a misinterpretation of the
24 law. Is that what your objection is?

25 MR. SLAVICHAK: Yes, sir, a

1 misrepresentation of the law based on what I
2 anticipate the instructions will be --

3 THE COURT: Understood. That would be a
4 separate objection at the time of the charge
5 conference.

6 So lay out your objection for me now.

7 MR. SLAVICHAK: I anticipate that a
8 proper statement of the law will be both a
9 deadly weapon and any object that's not
10 initially intended can nevertheless become a
11 deadly weapon if the way it's used can cause
12 great bodily harm. So only a portion of the
13 reading of the fundamental --

14 THE COURT: Okay.

15 MR. SLAVICHAK: -- definition is --

16 THE COURT: Okay.

17 MR. MARTIN: I think I -- sorry. I
18 didn't mean to --

19 THE COURT: You may respond.

20 MR. MARTIN: I think I did read the
21 definition of the law that came from the
22 jury instruction provided by the State.

23 The second prong right there, if
24 applicable. So I think the first one that I
25 read is going to be given in all cases.

1 THE COURT: Okay. This is the danger
2 when we start reading jury instructions to
3 the jury that have not been read by the
4 Court.

5 MR. MARTIN: It's the standard, sir.

6 THE COURT: It's a standard, but you
7 didn't read the whole thing.

8 Okay. So what I'm going to do is I'm
9 going to tell the jury that they will get
10 the proper instruction on the law from the
11 Court and then move on.

12 Is there a reason why we have to keep
13 going through identifying what is a deadly
14 weapon and what's not, given the fact I read
15 to them from the information that we're not
16 talking about a wrench or a screwdriver,
17 we're talking about a flamethrower. I read
18 it three times.

19 MR. MARTIN: I don't think that's the
20 issue I'm trying to explore.

21 THE COURT: I understand. It's the
22 issue that has been explored though with --
23 I think it was. Because you asked the jury,
24 what do you consider to be a deadly weapon
25 and had them start listing them off.

1 MR. MARTIN: And he's responded. And I
2 think I'm getting -- I think -- and not to
3 be -- yes, sir.

4 THE COURT: I'm trying to figure out
5 what the purpose of that question is. What
6 do you consider to be a deadly weapon? And
7 they're telling you guns, knives, hands,
8 Phillips screwdrivers.

9 MR. MARTIN: I think I'm entitled to
10 explore that of each juror to determine
11 whether or not they can -- and I was under
12 the impression this was a standard.

13 THE COURT: Understood.

14 MR. MARTIN: And this is a question --
15 this is a question that came from a juror.
16 And so I'm exploring it with that particular
17 juror. I don't have to beat it down. But I
18 think this is --

19 THE COURT: What I'm going to do is
20 instruct the jury that the instructions will
21 come from the Court and at the end of the
22 trial as to the definitions that they will
23 be given. And I'm going to ask them if they
24 can follow those instructions once given.
25 Okay? If you have an objection to that

1 instruction, now is the time to --

2 MR. MARTIN: Yes, sir. I don't have an
3 objection to the instruction. But if the
4 Court is saying I can't ask the individual
5 juror as to whether or not they want to be
6 able to follow that instruction and do
7 follow-up to any particular question they
8 ask, then I would object to that.

9 THE COURT: You can if you read the
10 entire instruction.

11 MR. MARTIN: Well, I think I'm finished
12 asking about the instructions, Your Honor.

13 THE COURT: Okay. In reference to his
14 objection, I am going to tell them that the
15 actual definition that they get will come
16 from the Court at the end of the trial.
17 That's what I'm going to tell them.

18 MR. MARTIN: And just to be clear for
19 the record, sir. I'm not so much talking
20 about the instruction the Court is
21 contemplating. My objection would be if the
22 Court says that my questioning on the
23 instruction, even if it's the standard or
24 what you say, as far as saying this is what
25 you'll find, if that elicits or inspires any

1 additional questions that the jury has about
2 the ability to follow that instruction, I
3 should be allowed to explore that. And I'm
4 sorry. I'm --

5 THE COURT: You can if you read the
6 entire instruction. I'm finding that you
7 didn't read the entire instruction. So at
8 this point, in response to his objection,
9 I'm going to tell them that the instruction
10 on the law is going to be given by the Court
11 at the end of the trial.

12 Now, if you then want to read them the
13 entire instruction and ask them questions
14 about it or if you don't, that's entirely up
15 to you. The only thing I'm going to say is
16 what I just told you I'm going to say.

17 MR. MARTIN: Yes, sir. Just so I can be
18 clear what's the entire instruction that
19 we're referring to?

20 MR. SLAVICHAK: A deadly weapon and then
21 additionally an object not designed, so that
22 additional portion is what I think is
23 applicable on what specifically this juror
24 is now referencing. I would ask that the
25 Court not reinforce different

1 interpretations and simply instruct the jury
2 that they will receive an instruction on the
3 law as the Court had indicated and ask
4 counsel to move on, not to reattempt to --

5 THE COURT: I've ruled. I will tell the
6 jury what I told you I'm going to tell the
7 jury. If you want to ask a question that
8 reads the entire instruction, you may.
9 That's up to you. I'm not telling you you
10 have to or you can't. Okay?

11 MR. MARTIN: Okay.

12 THE COURT: But as of now, that's the
13 instruction I'm going to give the jury in
14 response to the State's objection.

15 MR. MARTIN: Yes, sir.

16 THE COURT: Okay. Thank you.

17 (Sidebar conference concluded.)

18 THE COURT: Members of the jury, I want
19 to let you know that, at the end of the
20 trial, the Court will be giving you the
21 definitions and the law you must follow in
22 this case. Okay?

23 You may proceed.

24 MR. MARTIN: And so just to clarify,
25 there are two parts to the instructions, I

1 suspect, that you are going to get. It also
2 says an object not designed to inflict
3 bodily harm may nonetheless be a deadly
4 weapon if it was used or threatened to be
5 use in a manner likely to cause death or
6 great bodily harm, all right.

7 And so let me -- I'm going to try to
8 bring this in for a landing fairly quickly
9 here. As far as experience with weapons, by
10 show of hands, how many folks have actually
11 had personal experience with a firearm?

12 Almost everyone.

13 Just so I can get it clear, how many
14 people never had any experience with
15 firearms?

16 All right. How many folks here have
17 ever used a chainsaw? How many people have
18 never used a chainsaw?

19 How many folks here have used an ax?
20 How many folks have never used an ax?

21 Your Honor, if I may have just one more
22 moment. Your Honor, if I can just have a
23 second.

24 THE COURT: You may.

25 (Counsel conferring.)

1 MR. MARTIN: I'm going to close this out
2 by asking each and every one of you that --
3 and remind you that there has been no
4 evidence presented so far. And can everyone
5 promise, if you're picked as a member of
6 this jury, to refrain any judgment of this
7 case until the conclusion of all the
8 evidence in this case? Can you do that?
9 Can everybody raise their hand, "Yes,
10 Mr. Martin, I will do that"?

11 Thank you. I appreciate your time.

12 THE COURT: Okay. Thank you.

13 Here is what we're going to do. I'm
14 going to ask all of the prospective jurors
15 except for Mr. Harrison-Conwill to step
16 outside. I'm going to ask you to stay on
17 the third floor, okay.

18 And I'm going to ask Ms. Jordan to stay
19 close. And after we have inquired with
20 Mr. Harrison-Conwill, we'll bring you back
21 in and we'll inquire with you. And then
22 we're going to be doing some things outside
23 your presence while you're all outside. And
24 then we'll bring everybody back in at the
25 appropriate time.

1 Okay. Thank you-all.

2 PROSPECTIVE JUROR: May I leave my purse
3 or do I need to take it?

4 THE COURT: You may leave your purse,
5 ma'am.

6 (The following proceedings were had
7 before the Court and out of the presence of
8 the Venire:)

9 THE COURT: With the rest of the jury
10 excused and the parties and defendant still
11 here, you may inquire, Ms. Goeckel, as to
12 Mr. Harrison-Conwill.

13 MS. GOECKEL: Would the Court prefer if
14 I stayed seated or used the podium?

15 THE COURT: Whatever is better for you.

16 MS. GOECKEL: Mr. Harrison-Conwill, you
17 kind of alluded a little bit about the
18 trauma that your wife experienced years ago
19 that resulted in a criminal case.

20 Could you -- would you mind giving us a
21 little more facts about that trauma?

22 PROSPECTIVE JUROR #26: Well, it was an
23 ex-boyfriend -- it was -- I want to say it
24 was her boyfriend at the time. And she
25 wanted to break up with him for many

1 reasons, but he wasn't doing right. And he
2 pretty much raped her, tried to drown her in
3 a tub, and definitely struck her in her face
4 a few times. As far as I know -- I don't
5 know if I said choked her -- that's pretty
6 much it.

7 MS. GOECKEL: This is information that
8 she's given you?

9 PROSPECTIVE JUROR #26: Uh-huh.

10 MS. GOECKEL: Did she say if any of
11 those resulted in criminal charges? And
12 specifically what were the criminal charges?

13 PROSPECTIVE JUROR #26: They did. I
14 think -- I think it might have been
15 aggravated assault. I mean, I didn't see
16 any paperwork or anything, so I don't know,
17 but...

18 MS. GOECKEL: And this is just what
19 she's told you?

20 PROSPECTIVE JUROR #26: Right.

21 MS. GOECKEL: Did she tell you what the
22 result of that criminal charge was?

23 PROSPECTIVE JUROR #26: It was prison
24 time.

25 MS. GOECKEL: And you alluded to the

1 fact that, well, there was justice. In your
2 mind, was there -- in hearing her
3 experience, how did that sit with you
4 hearing what the resolution was or what the
5 sentence was in that case?

6 PROSPECTIVE JUROR #26: I mean, it's
7 hard to not be furious about something like
8 that. I want to say he might have gotten
9 like -- well, he got released and they
10 notified her. I want to say it was, like,
11 10 years later, 5, 10 years later. I can't
12 remember. I just know it was in the past.
13 And that definitely had her on edge for a
14 while after hearing that.

15 MS. GOECKEL: So is this something that
16 you would think about or is this something
17 that would weigh on your mind as you're
18 sitting and being a juror in this case?

19 PROSPECTIVE JUROR #26: I don't know --
20 I mean, you say there is no evidence at this
21 point, so I mean, if it's not, you know, a
22 charge of anything like that, then I don't
23 think so.

24 MS. GOECKEL: Do you think you could set
25 that aside and be fair and impartial in this

1 case?

2 PROSPECTIVE JUROR #26: I mean, it's the
3 same answer. If it had anything to do with
4 anything like that, maybe not. But, you
5 know, for the most part, yeah.

6 MS. GOECKEL: Okay. Anything else about
7 that experience or at least her recount of
8 that experience to you that is weighing on
9 your mind that you think we should know?

10 PROSPECTIVE JUROR #26: Not really. I
11 mean, I would be bias, you know, toward, you
12 know, certain, maybe, charges or
13 accusations, but it's all conditional.

14 MS. GOECKEL: Okay. I appreciate your
15 honesty.

16 No further questions.

17 THE COURT: Mr. Martin, you may inquire
18 from wherever you would like.

19 MR. MARTIN: Thank you, sir, for letting
20 us know this.

21 I got to ask you and say this, I'm sorry
22 that you're going through this. In a lot of
23 the language that you used, your trauma, not
24 sure, is it fair to say that you have a
25 little doubt, a little reasonable doubt

1 whether or not you can put this aside?

2 PROSPECTIVE JUROR #26: It depends.

3 Like, if it -- you know, if it's something
4 dealing with self-defense or something,
5 that -- I might lean towards, you know,
6 agreeing with that. But, like, it's hard
7 for me to understand, you know --

8 THE COURT: Let me have the attorneys
9 approach real quick.

10 (Begin sidebar conference:)

11 THE COURT: Does anybody have an
12 objection to me telling the prospective
13 juror that this is not going to involve a
14 romantic relationship, but that it involves
15 a neighborhood dispute?

16 MR. MARTIN: Yes.

17 THE COURT: You have an objection to
18 that?

19 MR. MARTIN: I do.

20 THE COURT: Tell me why.

21 MR. MARTIN: Going into the facts of the
22 case, particularly from the Court. The
23 Court is --

24 THE COURT: Okay. All right. I'll
25 leave it to you guys, but nobody has once --

1 he was asked about 10 times about whether or
2 not this is something analogous to what his
3 history was. And nobody has said, you know
4 what, if it's not, are you able to be fair
5 and impartial. So I'm just leaving it
6 there. I'm not saying a word. Go ahead.

7 (Sidebar conference concluded.)

8 THE COURT: You may continue.

9 MR. MARTIN: You were saying, sir.

10 PROSPECTIVE JUROR #26: I kind of lost
11 my train of thought.

12 MR. MARTIN: Well, and I just want to be
13 clear and then I will wrap it up. It does
14 seem like you have some tense body language.
15 Would you agree with that?

16 PROSPECTIVE JUROR #26: I would say -- I
17 would agree with that, yeah.

18 MR. MARTIN: And you have been hesitant
19 to some extent in your responses.

20 PROSPECTIVE JUROR #26: Uh-huh.

21 MR. MARTIN: All right. Thank you.

22 THE COURT: Okay. This witness -- or
23 this prospective juror may be excused.
24 Let's bring in the other one.

25 MR. SLAVICHAK: Your Honor, may we have

1 a brief inquiry?

2 THE COURT: No.

3 MR. SLAVICHAK: No, okay. Thank you.

4 (Prospective juror exits courtroom.)

5 THE COURT: You may sit wherever you
6 like. And the State may inquire.

7 MS. GOECKEL: I think -- first of all,
8 good afternoon now. You mentioned that, I
9 think, it was either a close family member
10 or a friend had experience with being a
11 victim or involved in an aggravated assault.

12 PROSPECTIVE JUROR #62: Yes.

13 MS. GOECKEL: Could you expand a little
14 bit more on that?

15 PROSPECTIVE JUROR #62: Not aggravated
16 assault. Domestic battery.

17 MS. GOECKEL: Domestic battery, okay.

18 PROSPECTIVE JUROR #62: I was a victim.
19 My husband was the defendant.

20 MS. GOECKEL: How long ago was that?

21 PROSPECTIVE JUROR #62: 18 years ago.
22 18 to 20, I'm trying to do the math in my
23 head.

24 MS. GOECKEL: Did that involve a weapon
25 of any kind?

1 PROSPECTIVE JUROR #62: No.

2 MS. GOECKEL: Do you understand that
3 this is a completely different situation?

4 PROSPECTIVE JUROR #62: Yes.

5 MS. GOECKEL: Do you think you could set
6 that aside and be fair and impartial in this
7 case?

8 PROSPECTIVE JUROR #62: Yes.

9 MS. GOECKEL: Anything else about that
10 situation that we should know about?

11 PROSPECTIVE JUROR #62: No. Still
12 married 20 years later. We make choices and
13 we go through the system, but I don't see --
14 like, that's separate and apart from the
15 case at hand, so nothing that I can't -- I
16 oftentimes forget, and it's not until you
17 start asking questions and it's like, wait a
18 minute. So I want to be as honest and
19 forthcoming as possible.

20 THE COURT: My other question is do you
21 feel like your husband was treated fairly?

22 PROSPECTIVE JUROR #62: Yes.

23 MS. GOECKEL: Do you feel like you were
24 treated fairly?

25 PROSPECTIVE JUROR #62: Yes.

1 MS. GOECKEL: No further questions.

2 MR. MARTIN: Yes, ma'am. I just want
3 to -- so the person who you're describing as
4 far as being involved in a domestic battery
5 with, that's your current husband?

6 PROSPECTIVE JUROR #62: Yes.

7 MR. MARTIN: Okay. Thank you.

8 THE COURT: Thank you, ma'am.

9 (Prospective juror exits courtroom.)

10 THE COURT: Okay. With all jurors out
11 of the courtroom, I will now give you-all
12 time to consult.

13 Mr. Martin, let me know when you-all are
14 ready to go through and we will start
15 selecting the jury.

16 MS. GOECKEL: Your Honor, would you like
17 us to remain on the record for this?

18 THE COURT: Thank you.

19 (Brief recess.)

20 THE COURT: We'll start with cause
21 challenges first.

22 State.

23 MS. GOECKEL: Your Honor, do you want us
24 to go by row or just the entire panel?

25 THE COURT: You can go with the first

1 cause challenge in whichever closest row
2 that you see.

3 MS. GOECKEL: Yes, Your Honor. And I
4 think we're off --

5 THE COURT: We're off. Thank you.

6 We're back on the record. Both sides
7 have said they are ready to proceed.

8 And the State can tell me if they have
9 any cause challenges.

10 MS. GOECKEL: Yes, Your Honor. The
11 State makes a for-cause challenge for Juror
12 Number 26, Mr. Harrison-Conwill. In his
13 description of the experience by his
14 girlfriend, he did express some
15 disappointment in her experiences, not only
16 that, with the criminal justice system, but
17 with outcome of the sentence, as well. He
18 was ambivalent as to whether or not it would
19 be weighing on his mind.

20 Given his ambivalence, I think the case
21 law is that it would be him not -- not
22 enough to prove that he would not be fair
23 and impartial.

24 THE COURT: Mr. Martin.

25 MR. MARTIN: I don't object.

1 THE COURT: Did I hear him correctly
2 that he said, if -- on whether he could be
3 fair and impartial, if this had anything to
4 do with the type of facts that he just
5 described, he could not; but otherwise, yes?

6 MS. GOECKEL: Well, he also mentioned on
7 a child, on an elderly person, depends on
8 the context.

9 THE COURT: That's a completely separate
10 issue.

11 MS. GOECKEL: Oh, I thought that was on
12 the --

13 THE COURT: That's the same person.
14 It's a completely separate issue.

15 Okay. I agree much more on that issue
16 than the first. But since you're both
17 stipulating that he should be excused for
18 cause, I will excuse him for cause.

19 MS. GOECKEL: Yes, Your Honor.

20 THE COURT: Do you have any further?

21 MS. GOECKEL: Yes, Your Honor. Juror
22 Number 41.

23 THE COURT: Do you have an objection to
24 that, Mr. Martin?

25 MR. MARTIN: No, sir.

1 THE COURT: With that, he is excused.

2 Any further from the State?

3 MS. GOECKEL: One moment, Your Honor.

4 I don't believe the State has any more
5 cause.

6 THE COURT: Okay. Mr. Martin.

7 MR. MARTIN: No, sir.

8 THE COURT: Okay. I'm certainly not
9 saying anybody has to challenge this for
10 cause, I just want everybody to make sure
11 that we remember that Mr. Moses said that,
12 if somebody was charged with a crime, he's
13 assuming they did something. Does anybody
14 remember that?

15 MR. MARTIN: Sir, quite frankly, we --

16 THE COURT: And he reaffirmed that
17 during your questioning. I just want to
18 make sure that you-all know that that fact
19 is out there, and you-all make your own
20 decision.

21 MR. MARTIN: Yeah, I think this is more
22 of a not realizing the Court was going to
23 interpret it, what he said the way you did,
24 Your Honor.

25 THE COURT: I quoted him. I'm not

1 interpreting. I quoted that he said during
2 the State's questioning "If someone is
3 charged with a crime, I assume they did
4 something."

5 MR. MARTIN: And forgive me if I
6 misspoke, Your Honor.

7 THE COURT: That's okay.

8 MR. MARTIN: So if the Court is going to
9 grant a motion -- challenge for cause on
10 Number 50, we would certainly move that way.

11 MR. SLAVICHAK: If the Defense is
12 moving, the State is not objecting.

13 THE COURT: So are you moving for a
14 cause challenge?

15 MR. MARTIN: I am.

16 THE COURT: And the State is not
17 objecting, so I am granting the cause
18 challenge as to Juror 50.

19 Mr. Martin, do you have any further
20 cause challenges?

21 MR. MARTIN: No, sir.

22 THE COURT: So I am going to go starting
23 with Juror Number 4, I'm going to go down
24 from the jurors that are left. I'm going to
25 start giving the State the opportunity for a

1 preemptory first, then the second
2 prospective juror, I'll give the Defense.
3 You, obviously, have the ability to do back
4 strikes.

5 And we're all in agreement that it's six
6 strikes per side. Correct?

7 MS. GOECKEL: Yes.

8 MR. SLAVICHAK: Yes, Your Honor. Are
9 you doing one alternate or two?

10 THE COURT: As I said earlier, I'm doing
11 two if I can.

12 MR. SLAVICHAK: Thank you.

13 THE COURT: All right. Juror 4, State?

14 MS. GOECKEL: State accepts.

15 THE COURT: Defense?

16 MR. MARTIN: Accept.

17 THE COURT: All right. Defense,
18 Juror 10?

19 MR. MARTIN: Accept.

20 MS. GOECKEL: Accept.

21 THE COURT: State, Juror 66?

22 MS. GOECKEL: Accept.

23 MR. MARTIN: Strike.

24 THE COURT: Okay. So that is a defense
25 strike.

1 Now I believe we're at Defense.

2 Juror 18?

3 MR. MARTIN: Accept.

4 MS. GOECKEL: State accepts.

5 THE COURT: Now I believe we're at
6 State. Juror 27?

7 MS. GOECKEL: Accept.

8 MR. MARTIN: Accept.

9 THE COURT: Okay. Now we're at Defense.
10 Juror 30?

11 MR. MARTIN: Accept.

12 MS. GOECKEL: State would like to use
13 its first preemptory strike on Juror
14 Number 30.

15 THE COURT: So now I believe we're at
16 Juror 62 for the State.

17 MS. GOECKEL: Accept.

18 MR. MARTIN: Accept.

19 THE COURT: Okay. Now I believe -- I've
20 written over it. Is it 40, Mr. Oliva?

21 THE CLERK: Yes.

22 THE COURT: So Juror 40? And I have
23 forgotten whose turn it is to go first.

24 MR. MARTIN: Accept.

25 MS. GOECKEL: State accepts.

1 THE COURT: All right. Does anybody
2 have any back strikes?

3 MR. MARTIN: No back strikes at this
4 time.

5 THE COURT: Okay. Any back strikes from
6 the State?

7 MS. GOECKEL: One moment, Your Honor.

8 THE COURT: While you're doing that I'm
9 going to read the numbers I have for the
10 six: Number 4, Number 10, Number 18,
11 Number 27, Number 62, and Number 40.

12 MS. GOECKEL: Yeah, no back strikes from
13 the State.

14 THE COURT: All right. Are we ready to
15 move on to alternates?

16 MS. GOECKEL: Yes.

17 MR. MARTIN: I'm sorry, Your Honor.

18 (Counsel conferring.)

19 MR. MARTIN: We're ready to proceed,
20 Your Honor.

21 THE COURT: You're ready to proceed.

22 We're proceeding to alternates. Right?

23 MS. GOECKEL: Yes.

24 THE COURT: All right. So the first
25 potential alternate is Juror 42, Mantel.

1 State?

2 MS. GOECKEL: One moment, Your Honor.

3 State would like to use its second

4 preemptory challenge on --

5 THE COURT: Well, we're not --

6 MS. GOECKEL: I'm sorry. I apologize.

7 THE COURT: It's okay.

8 MS. GOECKEL: It's alternate challenge
9 and strike number -- Juror Number 42 as an
10 alternate.

11 THE COURT: Okay. Defense, Juror 44?

12 MR. MARTIN: Accept.

13 MS. GOECKEL: Accept.

14 THE COURT: All right. So that's
15 currently Alternate Number 1.

16 State, Juror 45?

17 MS. GOECKEL: Accept.

18 MR. MARTIN: How many strikes is the
19 Court granting us for alternates?

20 THE COURT: I would give you each two
21 alternate strikes since we're picking two
22 alternates, unless anybody has an objection.
23 I would hear your objection.

24 MR. MARTIN: Then we will strike Juror
25 Number 45.

1 THE COURT: Defense, Number 47?

2 (Counsel conferring.)

3 THE COURT: Yes, sir.

4 MR. MARTIN: As to Juror 47, we strike.

5 THE COURT: Okay. So now at Juror 54.

6 Defense?

7 MR. MARTIN: Accept.

8 THE COURT: State?

9 MS. GOECKEL: State accepts.

10 THE COURT: Let me read what I believe

11 the jury is: Number 4, Number 10,

12 Number 18, Number 27, Number 62, Number 40

13 would be the six jurors. The alternates

14 would be Number 44 and Number 54.

15 Does everybody agree with what the Court

16 just read?

17 MS. GOECKEL: State agrees.

18 MR. MARTIN: Yes, sir.

19 THE COURT: You agree with those?

20 MR. MARTIN: Yes.

21 THE COURT: Mr. Abrams, are you

22 satisfied with the jury that we just chose?

23 MR. ABRAMS: Yes, sir.

24 THE COURT: Have you been fully able to

25 consult with your attorneys throughout this

1 entire process.

2 MR. ABRAMS: Yes, sir.

3 THE COURT: Okay. So with that, I'm
4 going to -- when we bring them all in, I'm
5 going to have everybody be seated back at
6 their original seats. I will announce the
7 jurors.

8 Is there a request as to the issue of
9 swearing in the jury?

10 MS. GOECKEL: The State objects, Your
11 Honor.

12 THE COURT: Does the Defense wish to be
13 heard?

14 MR. MARTIN: No, sir.

15 THE COURT: You may bring everybody in.

16 (The following proceedings were had
17 before the Court and Venire:)

18 THE COURT: Okay. Please be seated.

19 All right. We have a jury. So if I
20 call your number and name, I want you to
21 please stay. If I don't call your number
22 and name, I thank you-all for your service
23 today. There is not another jury to send
24 you; you may be excused.

25 And I want to let you know this whole

1 process doesn't work unless you're here.
2 And so I'm very appreciative of everybody's
3 time and effort today.

4 So here are the jurors that are going to
5 make up the jury and that I'm going to ask
6 to stay: Number 4, David Weiner; Number 10,
7 David Tomlin; Number 18, Brendan Mangan;
8 Number 27, Angela Harrington; Number 62,
9 Monica Jordan; Number 40, Jesse Oliva;
10 Number 44, Kartika Khalsa; and Number 54,
11 Jason Nettle.

12 Do both sides agree that this is the
13 jury that has been chosen?

14 MR. MARTIN: Yes, sir.

15 MR. SLAVICHAK: Yes, sir.

16 THE COURT: So with that, I would like
17 those people to remain and everybody else
18 thank you for your time, and you're excused.

19 (Venire excused.)

20 THE COURT: Let the record reflect that
21 our eight jurors are in the courtroom.
22 Everybody may be seated. And the Defendant
23 is in the courtroom.

24 And I just want to give you some kind of
25 finishing instructions; that is that, A,

1 you're going to get your parking
2 instructions from Madam Clerk if -- you want
3 them all to stop by. Correct?

4 THE CLERK: I'll take care of
5 everything.

6 THE COURT: Okay. The temperature in
7 here varies depending on the day. Layers
8 are a good idea. So if you can bring a
9 sweater or jacket, that's great.

10 Our plan is to go Thursday. I'm going
11 to ask you-all to be here at 8:45. We will
12 probably get started with you-all at 9:00.
13 We'll be here starting a little before 9:00
14 without you.

15 So I want to remind you not to discuss
16 this case with anyone. Don't watch any
17 media or follow any media coverage if there
18 is any on this case. Okay?

19 If you see any of the lawyers in the
20 courthouse or hallways, please understand
21 that, according to the rules of the Court,
22 they are not allowed to speak with you as
23 long as you are a juror on the case. Please
24 do not mistake their diligent compliance
25 with the rules for rudeness.

1 Your lunch will be provided for you
2 during the trial. Okay?

3 Anything further requested from either
4 side?

5 MS. GOECKEL: Not from the State.

6 MR. MARTIN: No, sir.

7 THE COURT: All right. So with that, if
8 you-all would come on up, up to the clerk's
9 desk, and then you are excused for the day.
10 I will see you at 8:45 on Thursday here at
11 the criminal courthouse. Okay?

12 I'm going to go off record just for a
13 moment. We'll get back on in a minute.

14 (The following proceedings were had
15 before the Court and out of the presence of
16 the Jury:)

17 THE COURT: Thank you-all. Please be
18 seated.

19 MS. GOECKEL: Your Honor, I need about a
20 15-minute comfort break. I -- if the Court
21 would prefer to go ahead and handle the
22 motion, I can let Mr. Slavichak start doing
23 that and I can rejoin you in 15 minutes, but
24 I think he can handle the motion if the
25 Court wants to go ahead and move towards

1 that.

2 THE COURT: Tell me what you would like
3 to do in terms of are you fine with us
4 handling the motion for jury view?

5 MS. GOECKEL: I'm perfectly fine with
6 that.

7 THE COURT: Okay. If not, I'm happy to
8 come back in 15 minutes.

9 MS. GOECKEL: That's fine with me.

10 THE COURT: All right. Let's just
11 address this. On Thursday we will meet here
12 at 8:30. If you-all have any flash drive
13 media that you intend on introducing into
14 evidence, we're going to review that at
15 8:30. We'll also address any other issues
16 that may come up before 9:00 o'clock. And I
17 anticipate we're going to start the trial at
18 9:00.

19 Okay. So, yes, you may be excused.

20 With that, Mr. Slavichak, you may
21 proceed on your motion.

22 MR. SLAVICHAK: Thank you. Frank
23 Slavichak for the State, Your Honor.

24 Does the Court want me to just briefly
25 summarize? I mean, I think I -- I tried to

1 do my best to lay it out, if the Court has
2 had an opportunity to review the probable
3 cause affidavit for the case; otherwise, I
4 can just lay out some generalized facts for
5 the Court's benefit.

6 THE COURT: I reviewed the probable
7 cause affidavit and the motion.

8 MR. SLAVICHAK: So to that end, Your
9 Honor, the State's position or argument is
10 that, based on the nature and circumstances
11 of the event and the anticipated testimony,
12 it is within the Court's discretion under
13 Florida Statute 918.05 to grant a motion for
14 view by the jury of the scene of the crime,
15 or a demonstration, or a demonstrative
16 location in the custody of a proper officer.
17 The State's position and argument is that
18 there will be sufficient facts and evidence
19 placed before the jury to establish that an
20 item that will be or currently is in
21 evidence will be entered into evidence, that
22 being an XM Lite Flamethrower, that the
23 flamethrower was utilized on the date in
24 question.

25 As I think has been previously noted in

1 some discussions by the Defense and maybe in
2 the defense motion that they filed, there
3 may have been some discussions between the
4 Defendant and law enforcement on scene on
5 the date of the event; however, they've
6 moved to exclude those conversations, the
7 substance of those conversations on the body
8 cam video.

9 However, the nature of the aggravated
10 assault involves a series of juvenile
11 females. The State --

12 THE COURT: Stop, State, because I got
13 lost for a second.

14 As to the statements on the video that
15 they've asked to be redacted, I believe
16 Ms. Goeckel told us they were already
17 redacted and provided to the Defense that
18 she had no intention of putting in those
19 statements.

20 MR. SLAVICHAK: Based on the Defense's
21 motion.

22 THE COURT: No. That's not what I
23 heard, and I could be wrong. What I heard
24 is I have already given them a redacted copy
25 and she agreed that the redacted copy is

1 what was going to be used.

2 MR. SLAVICHAK: What -- by my
3 understanding in speaking with Ms. Goeckel,
4 is she excerpted those 45 seconds that the
5 Defense specifically requested, the
6 conversation portion related to the
7 Defendant and the law enforcement officer
8 that is cited in the Defense's motion. We
9 went through and removed the audio and
10 redacted that portion of the conversation
11 and she forwarded it via a --

12 THE COURT: But what are you asking for
13 today in regard to that? Because she --

14 MR. SLAVICHAK: I'm not asking for
15 anything specific. I'm using that as a
16 reference point. Your Honor, I apologize if
17 I --

18 THE COURT: Okay. That's why I'm
19 confused.

20 MR. SLAVICHAK: What I am attempting to
21 indicate or utilize that as a reference
22 point, Your Honor, is the anticipation from
23 the State's perspective is that this
24 demonstration is beneficial and necessary
25 for the jury's benefit in part because there

1 is this action of the utilization of the
2 flamethrower -- the flamethrower. The heat,
3 length it projects, the quality and
4 characteristics of the flame are such that
5 they will benefit from that production in a
6 jury view of this nature.

7 I have some anticipation, although the
8 Court may tell me that I'm inaccurate in my
9 assumptions, however, conducting some trials
10 in this circuit, that the Court may have
11 reservations in sending the flamethrower
12 itself back as an item of evidence. So this
13 jury view is an opportunity where the jury
14 will have -- will be able to see the item
15 itself in operable -- we'll see it in
16 operation.

17 Generally speaking, as an item of
18 evidence, the jury would be able to interact
19 and handle the item. However, I know
20 oftentimes judges are hesitant to send
21 objects which are categorized as weapons,
22 which is the allegation, back with the jury.

23 THE COURT: Sure. Are you saying that
24 you think I'm going to let them handle an
25 operable flamethrower out in the parking

1 lot?

2 MR. SLAVICHAK: No. I am suggesting I
3 might be anticipating -- which I apologize
4 if I am incorrect --

5 THE COURT: Let me tell you, the
6 flamethrower is not going back into the jury
7 room and they are not handling it in the
8 parking lot, regardless of how I rule.

9 MR. SLAVICHAK: Right. I do not
10 anticipate that the Court was going to let
11 them handle it in the parking lot. That is
12 not what I'm asking for. That is not within
13 the motion. That's not what I'm asking for.

14 I was suggesting that I somewhat
15 anticipated the Court was not going to send
16 it back with the jury.

17 This jury view, this demonstration by a
18 qualified personnel -- and I have spoken
19 with the Alachua County Fire Marshal
20 himself, so John Adler, so the Fire Marshal
21 for Alachua County, would be the individual,
22 by my understanding in speaking directly
23 with him, which would be handling and
24 conducting the demonstration.

25 THE COURT: Okay.

1 MR. SLAVICHAK: What I'm suggesting is
2 if the Court, looking ahead, is likely to
3 not send the object back, it being a weapon
4 and being a dangerous weapon and, arguably,
5 under the State's theory of the case, a
6 deadly weapon, then the State's argument is
7 even heightened or more relevant, from our
8 perspective, a necessity or essential under
9 that scenario, potential scenario. I'm not
10 suggesting the Court has already reached a
11 conclusion on whether it will or will not
12 allow that object to go back with the jury.
13 And I would cite to --

14 THE COURT: I'm telling you I have. I'm
15 telling you I have. A flamethrower is not
16 going back with the jury. I'm not saying
17 I've ruled on the jury view, because I
18 haven't --

19 MR. SLAVICHAK: So with that in mind,
20 Your Honor --

21 THE COURT: -- but I'm telling you the
22 flamethrower is not going back into the jury
23 room.

24 MR. SLAVICHAK: So with that in mind, I
25 would even more so suggest that I -- the

1 State's position would ask that the Court
2 grant this jury view such that the jury has
3 the opportunity to more fully observe this
4 object; that being the essential weapon and
5 element that the State has to establish.

6 THE COURT: Okay. Mr. Martin.

7 MR. MARTIN: Your Honor, we would
8 object. We would say that this is a
9 violation -- and that's a strong word,
10 violation -- of 90.403, in that what
11 probative value that this demonstration will
12 have is going to be substantially outweighed
13 by its prejudicial effect. It will be
14 cumulative. There is a -- as we discussed,
15 there is a video, unfortunately, that shows
16 the flamethrower in question in an action.

17 There is testimony from the alleged
18 victim --

19 THE COURT: I hate to interrupt you, but
20 my -- you have to understand I'm just coming
21 into this case. My understanding is what
22 you're talking about is from the incident,
23 not like a demonstration somewhere, but --

24 MR. MARTIN: From the incident.

25 THE COURT: -- there is a video from the

1 incident. Am I correct?

2 MR. MARTIN: Well, closer in time to
3 the -- well, yes, I think the argument would
4 be the video of the incident in question,
5 yes.

6 THE COURT: This video wasn't created as
7 a demonstrative aid?

8 MR. MARTIN: No.

9 THE COURT: Okay. Thank you. I just
10 want to make sure I was right.

11 Go ahead.

12 MR. MARTIN: So this is a situation in
13 which this is just going to purely create a
14 spectacle that is going to inflame -- excuse
15 the pun, Your Honor.

16 THE COURT: Understood.

17 MR. MARTIN: -- the jury here when they
18 have other evidence to support their case
19 that is not as prejudicial.

20 Additionally, if this is a demonstrative
21 aid, quite frankly, there are too many
22 variables that go into this. The location
23 is different. We don't know if the
24 mechanism was used in the same -- will be
25 used in the same way -- this is just not --

1 so that you can say this a fair and accurate
2 representation of what went on that day.

3 There are witnesses who can give their
4 perceptions there. There is the videotape.
5 With -- that is just far less prejudicial
6 than this, Your Honor.

7 THE COURT: Thank you.

8 Yes, sir.

9 MR. SLAVICHAK: If I may just briefly
10 respond?

11 THE COURT: You may.

12 MR. SLAVICHAK: As it relates to there
13 being a video that captures the incident as
14 it transpired that day, my understanding,
15 and there has been some -- some of these
16 conversations, I think, may have occurred
17 outside your presence but occurred earlier
18 on, whether we were on the record or not.
19 There was surveillance video captured by the
20 defendant's surveillance cameras, which in
21 that format was only ever directly in the
22 possession of the Defendant. And there may
23 have been some statements -- because I could
24 not directly interpret what the Defendant
25 represented on the record this morning,

1 whether he may have that in his physical
2 possession still to this day.

3 What video the State is in possession is
4 a body cam video of a portion of a
5 surveillance video, so video of a video on
6 an iPad at multiple irregular angles
7 capturing only portions of something.

8 So what character and quality that that
9 actually portrays, I anticipate is going to
10 be called into question by the Defense and
11 subjected to cross-examination and such.

12 In addition, as I laid out in the
13 motion, Your Honor, things such as the heat
14 encompassing the flames, the distance it
15 projects, the intensity of the components
16 are all relevant considerations for the jury
17 to consider. And we're talking about an
18 aggravated assault. In conjunction with the
19 fact that the alleged victims are all
20 younger juvenile females, I think when the
21 Court -- if the Court were to consider the
22 case law, it's -- a motion for jury view may
23 be granted when it appears there is a useful
24 purpose served and the jury is generally
25 able to interact with and engage in

1 experiments which amount to more than -- and
2 are able to do a careful evaluation of the
3 evidence presented at trial. And while I
4 appreciate that the Court has already now
5 explained to counsel that it will not permit
6 the item in question to go back with the
7 jury, one of the cases that the State
8 references or cites to is -- while it is a
9 judge interacting because the judge was the
10 fact finder, it's the judge actually
11 engaging with a firearm itself as the finder
12 of fact and examining a trigger pull.
13 Because oftentimes a jury is able to
14 physically interact with the item of
15 evidence.

16 What I am suggesting, again, under
17 specific -- and I have not done a proposed
18 order because I think it will be for the
19 Court to ultimately craft an order, and we
20 could get into that if the Court were
21 inclined to create a limited permissible
22 order, grant a jury view. I do not think
23 that this is a impermissible grant and there
24 are relevant considerations for the jury,
25 which it could experience in realtime.

1 In speaking with the fire marshal -- and
2 I'll wrap this up briefly. In speaking with
3 the fire marshal, my understanding, because
4 he also indicated to me on the phone he is
5 the one that did the permitting for the
6 Court expansion, he is familiar with this
7 physical lot, he said that there is
8 locations on this physical lot so we would
9 not necessitate going off site. He's
10 familiar with this specific object because I
11 cite to the specific object, the XM42 Lite,
12 he went onto the website. So he said it
13 should be able to be accomplished at this
14 physical site. I would just leave the Court
15 with that in its consideration of the
16 motion.

17 THE COURT: Thank you.

18 I have a question. You cite the view by
19 jury statute, 918.05.

20 MR. SLAVICHAK: Yes.

21 THE COURT: Now, I understand that
22 you're asking for a demonstration, which I
23 don't believe falls exactly into the
24 statute. Not saying that you can't have a
25 demonstration, but what I'm saying is what

1 the statute calls for is a jury view.

2 Let me ask you this: Is there a reason
3 why the jury -- I understand they can't see
4 a demonstration in the courtroom, trust me.
5 But is there a reason why they can't view
6 the item in the courtroom?

7 MR. SLAVICHAK: No. There's --

8 THE COURT: In terms -- I've told you
9 that a flamethrower is not going back in the
10 jury room. Is there a reason why they can't
11 view the item? Of course, they can't view
12 it being demonstrated. But the item itself,
13 just as if it were a firearm in a firearm
14 case, which doesn't go back to the jury
15 either, okay. Is there a reason why they
16 can't view this item in the courtroom?

17 MR. SLAVICHAK: No.

18 THE COURT: Okay. So the issue becomes
19 the demonstration, much more than the jury
20 view, okay. The issue becomes can they see
21 a demonstration of this flamethrower.

22 MR. SLAVICHAK: For the Court, yes.

23 THE COURT: The issue that has been
24 brought before me is whether or not they can
25 see a demonstration, because you're not

1 saying there is a necessity for them to view
2 this item when it's not being demonstrated
3 outside the courtroom.

4 MR. SLAVICHAK: Correct.

5 THE COURT: As to -- I'm going to deny
6 the motion. I'm going to point out that
7 there is nothing in the motion that tells
8 me, regarding the demonstration, whether the
9 conditions surrounding its use would be
10 substantially similar at this time as they
11 were on the night of the incident. And
12 there has been nothing pled or shown to tell
13 me that the probative value of the
14 demonstration outweighs the danger of the
15 evidence misleading the jury.

16 For those reasons, I am denying the
17 motion for the demonstration, and I'm
18 denying the motion for jury view in that I'm
19 not going to allow the jury to go outside to
20 see the flamethrower; they may see it in the
21 courtroom.

22 So, Mr. Martin, will you provide me a
23 proposed order denying that motion?

24 MR. MARTIN: Yes, sir.

25 THE COURT: Okay. Anything further we

1 need to discuss prior to coming back on
2 Thursday?

3 MR. MARTIN: So, Your Honor, I just --
4 point of clarification as to the Defense
5 motion. It's my understanding that the
6 State is not intending to put in a video
7 with the commentary on it.

8 THE COURT: That's what I have heard
9 from two different prosecutors now.

10 MR. MARTIN: And the reason I rise to
11 clarify, there was a portion that I
12 specified as what I felt was particular --
13 that was hearsay and invade the province of
14 the jury. There is quite a bit of body cam
15 evidence, which I would say is not relevant,
16 not admissible, that I didn't address. So I
17 don't want it to be misconstrued that
18 because I specified the part that I'm like,
19 all body cam can't come in.

20 THE COURT: But, sir, I don't have a
21 motion in limine from you. Do I?

22 MR. MARTIN: You do not. And I --

23 THE COURT: So I anticipate that if
24 there -- what I heard today was there was an
25 agreement as to the issue you brought up

1 this morning.

2 MR. MARTIN: Yes, sir.

3 THE COURT: If there are other issues
4 that you have, then motions need to be filed
5 and they need to be brought to the Court's
6 attention. And we need to rule before we
7 come back after picking a jury today.

8 MR. MARTIN: So here is what I heard the
9 Court say earlier about if there is any
10 media that's going to be presented, that
11 we're going to go through it then. Yes,
12 sir.

13 THE COURT: You were a part of one of
14 these trials, so I think you will
15 understand.

16 I have had two times when the State has
17 moved in a flash drive and it had more on
18 the flash drive than what they were
19 purporting to enter. That is the only
20 reason I'm looking at the media. I am not
21 examining the media for the admissibility of
22 what's within the files. I am examining the
23 media to make sure that that piece of media
24 has only on it the file that the State
25 wishes to introduce.

1 MR. MARTIN: Yes, sir.

2 THE COURT: And I'm not going to be
3 making a finding that it comes into
4 evidence. I'm just making sure. In the
5 trial that you had, I had a prosecutor who
6 she put in a surveillance video -- I'm
7 saying surveillance video, I don't remember
8 if that's right -- on a flash drive. It got
9 entered into evidence. The next witness she
10 said body cam video. I said, are you going
11 to try to move it into evidence? She told
12 me it was already in evidence because it was
13 on the original flash drive.

14 All I'm trying to do is make sure what's
15 attempted to be entered into evidence is all
16 that's on the flash drive. That's it.

17 So I'm telling you what I'm doing
18 Thursday morning. If you have a flash drive
19 that has surveillance video on it, I'm going
20 to look and make sure that's the only thing
21 that's on the flash drive and there is not
22 body cam on that flash drive, as well.

23 MR. MARTIN: Yes, sir.

24 THE COURT: Okay. So I'm not ruling on
25 anything's admissibility Thursday morning.

1 But if you have motions in limine, I will
2 rule on them, but I don't have any right
3 now.

4 MR. MARTIN: Fair enough, sir. And I
5 guess I was making some clarification
6 because the specificity that was alluded to.
7 That's fine. I'm not hearing the Court say
8 that I can't object.

9 THE COURT: You certainly can, but I
10 would appreciate, since this is a one-day
11 trial, that if you know there are items on a
12 piece of evidence that the State has
13 provided you that you don't want to come in,
14 that you would file a motion in limine.

15 MR. MARTIN: Yes, sir.

16 THE COURT: I mean, just so we don't
17 spend the whole day working on that when we
18 could have been doing it the days before.
19 They've provided you evidence. They said --
20 I'm not saying the fact that they provided
21 it to you means it's admissible. I'm saying
22 it puts you on notice that we can handle
23 this maybe before the trial. That's all.

24 Is that fair or do you have another
25 issue you want to raise?

1 MR. MARTIN: I don't have a specific,
2 because my concern was -- and I'm going to
3 try to put the shovel down, sir -- is that
4 there are hours of it. And I think --
5 except for that portion, I think that's the
6 only portion relevant. So I --

7 THE COURT: Okay. Ms. Goeckel, sorry to
8 throw you back in the fire, but we've moved
9 on. The issue has become body cam video.
10 It's my understanding that there is a body
11 cam video that you have redacted some audio
12 from.

13 MS. GOECKEL: Correct.

14 THE COURT: What is the length of that
15 body cam video?

16 MS. GOECKEL: So the entire body cam
17 video, I think, is a little over an hour.
18 The portion that we are using is the portion
19 where Mr. Abrams is showing Officer Perez
20 the surveillance video from the incident.

21 THE COURT: How long is that?

22 MS. GOECKEL: 30, 40 seconds.

23 THE COURT: Okay. So is there anything
24 else you intend to introduce into evidence
25 at this point, understanding rebuttal is a

1 whole different issue? Right? Is there
2 anything else you intend to in terms of body
3 cam video other than that 45 seconds?

4 MS. GOECKEL: One moment, Your Honor.

5 THE COURT: Sure.

6 (Counsel conferring.)

7 MS. GOECKEL: At this point in time,
8 Your Honor, in the State's case in chief,
9 that is the only body cam video that we are
10 planning to introduce. Obviously, if there
11 is -- if the Defense presents testimony,
12 there could -- potentially that opens up the
13 door to some other parts of the body cam
14 footage or potentially rebuttal; but the
15 State's case in chief, that's the only video
16 we're going to introduce.

17 THE COURT: Understood.

18 Mr. Martin, I think that answers your
19 question.

20 MR. MARTIN: Yes, sir.

21 THE COURT: Now, I will ask this: That
22 if you foresee that there might be rebuttal
23 testimony or there might be -- I guess it
24 would have to be rebuttal testimony at this
25 point, of involving the body cam, that you

1 watch the entire body cam and have some
2 notes on what you would want out, but we
3 don't have to address that until we get
4 there because it's not in their case in
5 chief. Does that make sense?

6 MR. MARTIN: It does.

7 THE COURT: So as of today, I don't
8 anticipate any new motions in limine on
9 Thursday, I'm not preventing you, but I
10 think we've handled everything in terms of
11 the body cam. Okay?

12 MR. MARTIN: Yes, sir.

13 THE COURT: Anything further that needs
14 to be addressed before Thursday at 8:30?

15 MS. GOECKEL: Not from the State.

16 THE COURT: From the Defense?

17 MR. MARTIN: No, sir.

18 THE COURT: Thank you. We're adjourned
19 until 8:30 Thursday.

20 (Proceedings adjourned at 1:07 p.m.)

21

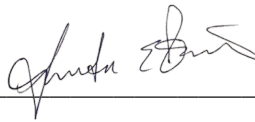
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