

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA,

PLAINTIFF,

vs.

JOHN DOBBS,

DEFENDANT./

CASE NUMBER: 48-2006-CF-15201

DIVISION NUMBER: 16

VOLUME I OF VI

 COPY

TRIAL PROCEEDINGS

BEFORE

THE HONORABLE LISA T. MUNYON

In the Orange County Courthouse
Courtroom 10D
Orlando, Florida 32801
February 26, 2007
Rebecca Ruiz

A P P E A R A N C E S:

KIM LASKOFF AND DEBORAH BARRA

Assistant State Attorneys
415 North Orange Avenue
Building B
Orlando, Florida 32801
On behalf of the State

MELISSA VICKERS AND CATHERINE CHIEN

Assistant Public Defenders
435 N. Orange Avenue
Suite 400
Orlando, Florida 32801
On behalf of the Defendant

	I N D E X				
	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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2					
3	Andre Blanco	156	186		
4	Francisco Gotay	192	212	216	217
5	Anthony Riollano	219	238	242	
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P R O C E E D I N G S

THE COURT: John Dobbs. Are the attorneys here on that matter?

MS. LASKOFF: Yes, Your Honor.

THE COURT: All right. Thank you. And Mr. Dobbs is downstairs?

MS. CHIEN: He should be, yes, sir.

THE COURT: Okay. Let's get Mr. Dobbs dressed out for trial. I believe 40 jurors should be sufficient, shouldn't it?

MS. LASKOFF: I think so. We have ten strikes.

THE COURT: Yeah. We only need six plus an alternate.

MS. LASKOFF: Yes, sir, or yes, ma'am.

THE COURT: And the trial will take how long?

MS. LASKOFF: I am guessing it is going to probably take three days. I have a lot of witnesses that need to lay stuff.

THE COURT: Does that sound reasonable, Ms. Chen?

MS. CHIEN: Yes.

THE COURT: And Ms. Vickers, are you going to be assisting?

MS. VICKERS: Yes.

MS. LASKOFF: And I have Ms. Barra who is going to

1 co-counsel, Deborah Barra with me.

2 **THE COURT:** Good morning, I am writing down
3 everybody's name. And Ms. Chen, am I saying your name
4 correctly?

5 **MS. CHIEN:** Yes, Your Honor.

6 **THE COURT:** All right. I assume Judge Strickland
7 ruled on the motion to suppress?

8 **MS. CHIEN:** Yes.

9 **THE COURT:** Could somebody clue me in?

10 **MS. LASKOFF:** He said up to page 19 he can be
11 impeached with it. We can't use it in our case in
12 chief, but after, somewhere mid page 18 we have to
13 stop. We are not permitted to use anything past that
14 page, even to impeach him.

15 **THE COURT:** And I see in the file an unsigned
16 order relating to another case, apparently authored by
17 Judge O'Kane. Any reason that you-all know of that
18 that was in the file?

19 **MS. VICKERS:** Your Honor, just a quick scheduling
20 matter. Could you talk just briefly about what your
21 schedule would be in case arrangements need to be -- at
22 what time will we begin and end, things like that.

23 **THE COURT:** I have a sentencing in the morning on
24 another murder case at 9, I believe, and they have
25 asked for half an hour, so I would anticipate starting

1 in the morning at 9:30. I intend to end at a logical
2 stopping place around 5. Obviously on Wednesday it is
3 difficult to anticipate.

4 **MS. VICKERS:** Thank you.

5 **THE COURT:** And I don't believe I have anything
6 scheduled Wednesday morning, so I may start that
7 morning at 9 o'clock.

8 All right. Is this your client, Mr. Dobbs?

9 **MS. CHIEN:** Yes, Your Honor.

10 **THE COURT:** This is 2006-CF-15201. State of
11 Florida versus John Dobbs. Are there any matters that
12 we need to take up before I call for the panel in?

13 **MS. LASKOFF:** I have a couple of motions in
14 limine. I don't know if you wanted to address those
15 now or later.

16 **THE COURT:** I would prefer to at least call for
17 the panel as long as there is nothing else that would
18 prevent that from happening.

19 **MS. LASKOFF:** I have nothing else.

20 **THE COURT:** Can I call for a panel of 40, please.

21 **THE CLERK:** I already did.

22 **THE COURT:** And are they ready for a deputy? Is
23 the deputy already down there?

24 **THE CLERK:** Yes, Judge.

25 **THE COURT:** And that satisfies that. A deputy is

1 already getting a panel.

2 State, are there any matters that you wish to take
3 up before the jury gets here?

4 **MS. LASKOFF:** Yes, Your Honor. I filed a motion
5 in limine regarding two separate matters. I handed it
6 to the clerk this morning.

7 **THE COURT:** Yes, I reviewed it.

8 **MS. LASKOFF:** And basically the State is asking
9 the Court to make a ruling that the defendant not
10 mention or bring up his previous statements which were
11 made to law enforcement officers as they are hearsay.
12 They are self-serving statements and the only party
13 that may introduce such statements would be the State
14 in this instance.

15 And the second matter is the deceased victim's J&S
16 and a police report have been provided to me for
17 William Ford, the deceased victim, and it is the
18 State's position unless the defense is able to lay a
19 proper predicate for the introduction of them, they may
20 not be introduced.

21 **THE COURT:** Okay, defense?

22 **MS. CHIEN:** Yes. As to the first part of the
23 State's motion in limine, we would agree. His own
24 self-serving statements would not be admissible.
25 However, unless the State during pages 1 through 18

1 tries to impeach my client and then it -- at that point
2 it would be admissible under the rule of completeness.
3 As far as the second aspect, yes, we wouldn't try and
4 attempt to introduce the deceased's criminal history
5 unless one of the State's witnesses opens the door.

6 **THE COURT:** All right. I will grant the State's
7 motion -- motion in limine as to grounds A and B. If
8 you believe that the door has been opened, please
9 proffer that information to the Court outside the
10 presence of the jury. Anything from the defense?

11 **MS. CHIEN:** Yes, Your Honor. First we -- we are
12 gonna invoke the rule of sequestration.

13 **THE COURT:** I would assume there are no witnesses
14 here yet.

15 **MS. LASKOFF:** No, ma'am.

16 **MS. CHIEN:** And then the second, we make a shackle
17 motion which we are going to ask that Mr. Dobbs be
18 unshackled.

19 **THE COURT:** Have you filed a motion?

20 **MS. CHIEN:** We have not filed a motion, however --

21 **THE COURT:** All right. I typically would request
22 an evidentiary hearing so that I could hear with regard
23 to any disciplinary reports, any prior criminal
24 history. It is very difficult to conduct that
25 evidentiary hearing at this stage. The table is

1 completely skirted and the only shackles would be leg
2 shackles, so the jury will not see them.

3 State, are you prepared to offer any of that
4 information?

5 **MS. LASKOFF:** No, ma'am. The only thing I can
6 introduce to the Court is I know he does have a prior
7 criminal history of an offense out of New York, but in
8 regard to any disciplinary action I cannot.

9 **THE COURT:** What is the offense in New York?

10 **MS. LASKOFF:** It is an aggravated -- it does
11 involve one of violence. It is a criminal possession
12 of weapons out of Queens, Superior, New York in 1998.
13 It is a third class felony. That's the only
14 information I have in regards to that matter, Your
15 Honor.

16 **MS. CHIEN:** Okay. Well, I mean the J&S will be a
17 separate issue. But as far as the shackles, when Mr --
18 if Mr. Dobbs were to testify, we want him to be able to
19 walk to the witness stand like any other witness.

20 **THE COURT:** We will address that matter at the
21 time if it becomes an issue.

22 **MS. CHIEN:** And I just want to state, cite Miller
23 v State, 852 So. 2nd 904 which says that the use of
24 restraints such as shackles is permissible only when it
25 is justified by an essential state interest specific to

1 trial and it should be rarely employed as a security
2 device.

3 **THE COURT:** I will give him the opportunity to
4 wear the bandit if he wishes under his clothes.
5 Actually it goes on the leg.

6 **MS. CHIEN:** We are going to ask for the other.

7 **THE COURT:** The bandit?

8 **MS. CHIEN:** Yes.

9 **THE COURT:** If we can have him taken back to the
10 holding cell and fitted with the bandit.

11 **MS. CHIEN:** And also we are going to ask to be
12 allowed to give him this tie. It was not permitted at
13 the jail.

14 **THE COURT:** All right. You can give that to the
15 court deputies when they are fitting him with the
16 bandit and he can put on his tie.

17 **MS. CHIEN:** The next issue is we would ask that
18 prior to the GSR and FDLE person who's going to be
19 testifying, we would be allowed ten minutes to talk to
20 them beforehand. That's because those witnesses were
21 provided Friday or Thursday.

22 **THE COURT:** Do you intend to call anyone?

23 **MS. LASKOFF:** I am not sure if I am calling the
24 GSR. It came back negative, Your Honor. But I have no
25 problem. The case has come up very fast. I mean,

1 literally I was getting evidence this morning. They
2 are still doing testing on things as we speak. So I
3 have no objection.

4 **THE COURT:** I will give you the time if those
5 witnesses testify. Anything else?

6 **MS. CHIEN:** Yes. We are going to ask for a
7 Richardson hearing.

8 **THE COURT:** On what?

9 **MS. CHIEN:** The GSR has not been provided to us.
10 This is potentially exculpatory. My understanding is
11 the results were negative that my client fired a gun.
12 He's charged with aggravated assault with a firearm as
13 well as shooting from a vehicle.

14 **THE COURT:** You have been provided that
15 information.

16 **MS. LASKOFF:** They don't have the actual report,
17 but sometime last week I did provide them with the
18 knowledge from Dan Radcliff that he conveyed to me that
19 they were negative on him.

20 **THE COURT:** So you have been provided the verbal
21 information, there is no court record available.

22 **MS. LASKOFF:** I don't have one. It was supposed
23 to be.

24 **THE COURT:** So, are you requesting a continuance
25 of this matter, Counsel?

1 **MS. CHIEN:** No.

2 **THE COURT:** I am sorry. I don't understand what
3 remedy you're requesting. It doesn't seem to me that
4 you're requesting that I exclude it since you are
5 saying it could be exculpatory.

6 **MS. CHIEN:** Right. We need time to get that
7 report to be able to introduce that into evidence.

8 **THE COURT:** So you are requesting a continuance?

9 **MS. CHIEN:** No. We are not asking for a
10 continuance in this case.

11 **THE COURT:** Then I don't know what you're
12 requesting.

13 **MS. VICKERS:** If I may, Your Honor, essentially
14 should the State choose not to introduce that report,
15 we need to ensure that we can -- and maybe with the
16 Court's assistance get the technician in here to
17 testify should we need that. Obviously being just made
18 note of this, we did, I believe, send out a subpoena
19 and they have the five day business rule. It was not
20 within five days, so we are going to need time to
21 review that report and talk to the person before they
22 testify and actually get them here should that become
23 an issue.

24 **THE COURT:** Ms. Laskoff, do you believe the
25 witness is available?

1 **MS. LASKOFF:** I believe he's available today and
2 Wednesday. I believe tomorrow he has another matter in
3 another city because he does most of the GSR here.

4 **THE COURT:** Do you have him under subpoena?

5 **MS. LASKOFF:** I do, yes.

6 **THE COURT:** Do not release him from your subpoena.

7 **MS. VICKERS:** Thank you.

8 **THE COURT:** Anything else?

9 **MS. CHIEN:** And one last matter which is in order
10 to avoid a mistrial. We'd like to know what J&S's the
11 State has. I haven't been provided any J&S's of my
12 client.

13 **MS. LASKOFF:** I don't have any yet.

14 **THE COURT:** All right. That answers your question
15 then.

16 **MS. CHIEN:** Are they seeking to introduce them?

17 **MS. LASKOFF:** Yes. I am supposed to have them in
18 my hand today.

19 **THE COURT:** And I don't imagine that they will be
20 able to introduce those judgments, and since it --
21 unless your client testifies, and testifies incorrectly
22 with regard to any prior criminal history.

23 **MS. CHIEN:** Okay.

24 **THE COURT:** So there would have to be a
25 significant predicate whether those would be

1 admissible. Anything else?

2 **MS. CHIEN:** That would be it.

3 **MS. LASKOFF:** As counsel was talking, I did recall
4 we were provided -- Deanna Washington was originally a
5 State witness. She was listed as a defense witness.
6 We tried to depose her. Her depo was set up last week.
7 She's out of state in Atlanta. She didn't get served.
8 I am guessing she didn't show up for the depo.
9 However, if she were to show up, we'd ask the defense
10 to be able to speak with her briefly prior to her
11 testimony.

12 **THE COURT:** That's not a problem. All right.

13 **MS. CHIEN:** Your Honor, just one other matter
14 which is Mr. Dobbs' parents are here, and my
15 understanding is that the jury is going to take up the
16 entire courtroom. Can they be allowed to sit elsewhere
17 in the courtroom to observe the proceedings?

18 **THE COURT:** Yes. They will be permitted to sit on
19 the back row of the jury box. However, sitting in that
20 location, they will not be able to come and go from the
21 courtroom except during recesses.

22 **MS. CHIEN:** Okay.

23 **THE COURT:** And the court deputies will let them
24 know when they need to move.

25 **MS. VICKERS:** Your Honor, I need to make an

1 observation.

2 **THE COURT:** Okay. We need to wait for your
3 client.

4 **MS. VICKERS:** Well, it is kind of happening right
5 now. The State is using computer access to access jury
6 information. We think it is unfair and we should be
7 able to have any access to jury information prior to
8 the defense receiving information at the same time.

9 **THE COURT:** State, would you share that with the
10 defense?

11 **MS. LASKOFF:** That is why I called them over to
12 look at the computer with me.

13 **THE COURT:** Okay. I will permit you to look at it
14 with the State.

15 Ms. Vickers, the court deputy tells me that your
16 client has elected not to use the bandit.

17 **MS. VICKERS:** Correct.

18 **THE COURT:** All right.

19 (Whereupon, the Venire entered the courtroom.)

20 (Whereupon, the Venire was placed under oath.)

21 **THE COURT:** You may be seated. Good morning,
22 ladies and gentlemen.

23 **THE VENIRE:** Good morning.

24 **THE COURT:** My name is Lisa Munyon. I am a
25 circuit judge in Orange and Osceola counties. We have

1 for the consideration of seven of your number a
2 criminal case. I am going to ask you some questions,
3 as are the attorneys, but before I start that process,
4 let me call this matter on the record.

5 This is 2006-CF-15291, State of Florida versus
6 John Dobbs. State, are you ready to proceed?

7 **MS. LASKOFF:** Yes, Your Honor.

8 **THE COURT:** Defense, are you ready to proceed?

9 **MS. CHIEN:** Yes, Your Honor.

10 **THE COURT:** Thank you. As I indicated, I have
11 some questions for you as do the attorneys. It is not
12 our intention to embarrass anyone. So, if you're asked
13 a question that you prefer to answer out of the
14 presence of the other jurors, please let me know and I
15 will make arrangements for you to answer that after we
16 have finished the general questioning of all of the
17 other jurors.

18 We can do this process either efficiently or not.
19 I prefer to do it efficiently when possible. If you're
20 asked a question that can be answered out loud as a
21 group, I would ask that you answer it out loud as a
22 group. Can you do that?

23 **THE VENIRE:** Yes.

24 **THE COURT:** All right. Thank you. That will
25 prevent us from asking each of the 40 of you the same

1 question repeatedly and will shorten this process. By
2 the same token, if your answer is different than the
3 answers that you hear around you, I would ask that you
4 raise your hand and get our attention so that we can
5 address that difference. Can everyone do that?

6 **THE VENIRE:** Yes.

7 **THE COURT:** All right. Thank you.

8 As you can see, seated before you is Ms. Ruiz, one
9 of our official court reporters. She is charged with a
10 very important duty of taking down an accurate record
11 of everything that is said in court. She can only do
12 her job if she can hear you and understand you. So I
13 would ask that if you are answering a question, you
14 speak loudly and clearly. If you tend to answer yes or
15 no questions with uh-huh or nuh-uh, I'm going to ask
16 that you refrain from doing that during these
17 proceedings. Those two sounds look amazingly similar
18 on the record and we will not later know what you said.

19 I am sure that one of the first things that went
20 through your mind when you got the summons or maybe was
21 the second thing after you whispered something under
22 your breath, was how long am I going to be here. Am I
23 right? Is that the first thing that all of you had a
24 question about?

25 **A JUROR:** Yes.

1 **THE COURT:** I have talked to the attorneys and
2 they are all experienced. They have told me that this
3 case will last three days. I typically start in the
4 morning. Umm, I start court typically at 8:45 but
5 sometimes I do have matters I have to hear before I
6 start trial, so trial will typically begin at 9 or 9:30
7 and we will finish sometime at a logical stopping place
8 around 5:00 p.m.

9 Once the case is given to the jury for your
10 deliberations, I do not have any control over how long
11 those deliberations last, and you may be here after
12 5:00 p.m. at that time.

13 I am going to ask about scheduling difficulties in
14 two different ways. First, I am going to ask about non
15 work-related scheduling difficulties. After I deal
16 with all of those, I am going to ask about work-related
17 scheduling difficulties, and please understand that the
18 reason that I divide it in that way is this: Typically
19 work-related scheduling difficulties would not be a
20 reason that I could excuse you for cause from the jury.

21 Is there anyone on my left, your right that has a
22 non work-related schedule difficulty, if so, could you
23 please raise your hand and keep them raised. Raise
24 them high and keep them up for a minute. Okay. Thank
25 you.

1 On my right, your left, with non work-related
2 scheduling difficulties? If you could raise your hand
3 and keep them up for a moment. Okay. I think I have
4 everyone. Thank you.

5 Mr. Seegers, what was your difficulty, sir?

6 **MR. SEEGERS:** Outpatient work to be done on the
7 28th.

8 **THE COURT:** All right. And that is Wednesday.
9 What time is that scheduled?

10 **MR. SEEGERS:** It is 7:00 in the morning.

11 **THE COURT:** How long will it last, do you know?

12 **MR. SEEGERS:** I really don't know, a couple hours.

13 **THE COURT:** And is it the sort of thing that will
14 prevent you from being able to come back afterward?

15 **MR. SEEGERS:** I don't know what time they'll be
16 done. No, I should be able to come afterwards.

17 **THE COURT:** Okay. And if those -- if that had to
18 be rescheduled, would it adversely affect your health?

19 **MR. SEEGERS:** It has been something I am working
20 on for a while, but I could probably reschedule it if I
21 need to.

22 **THE COURT:** All right. Thank you. Mr. Cappadoro,
23 am I pronouncing your name correctly?

24 **MR. CAPPADORO:** Perfect.

25 **THE COURT:** What is your scheduling difficulty?

1 **MR. CAPPADORO:** I also have an outpatient
2 procedure scheduled for this afternoon at 3.

3 **THE COURT:** Is that something that can be
4 rescheduled without adversely affecting your health?

5 **MR. CAPPADORO:** Umm --

6 **THE COURT:** Because even if I am finished with you
7 by 3, I can't tell you that you wouldn't be needed
8 elsewhere.

9 **MR. CAPPADORO:** I see. Well, it is just -- it
10 took me a week to get the procedure. I just have to
11 get a stint removed and it is just annoying. I mean,
12 it wouldn't adversely --

13 **THE COURT:** All right. Thank you, sir.

14 Ms. Pedersen.

15 **MS. PEDERSEN:** Yes, I also have a doctor's
16 appointment tomorrow at 10:30 in the morning.

17 **THE COURT:** Okay. If you had to reschedule that,
18 will it adversely affect your health?

19 **MS. PEDERSEN:** It will not affect my health but it
20 will take me another four months to get the
21 appointment.

22 **THE COURT:** Thank you, ma'am. Mr. Ficarelli.

23 **MR. FICARELLI:** I have a test Wednesday morning
24 and I am not sure if it can be rescheduled or not.

25 **THE COURT:** A medical test or a school test?

1 **MR. FICARELLI:** Umm, it is --

2 **THE COURT:** Or a work test?

3 **MR. FICARELLI:** It is an agility test. It is by
4 invitation only so I am not sure if it can be
5 rescheduled or not.

6 **THE COURT:** Thank you.

7 Ma'am, I am not sure I can make a good guess.

8 **MS. QUAEDVLIIEG:** Quaedvlieg.

9 **THE COURT:** What is your difficulty?

10 **MS. QUAEDVLIIEG:** Oral surgery at 2:30 tomorrow,
11 and they may do it again.

12 **THE COURT:** All right. And I would assume that
13 since is a follow-up to a surgery, it cannot be
14 rescheduled?

15 **MS. QUAEDVLIIEG:** Right.

16 **THE COURT:** All right. Thank you, ma'am. And
17 Ms. Forrester.

18 **MS. FORRESTER:** Doctors appointment at 12:40.

19 **THE COURT:** Today?

20 **MS. FORRESTER:** Tomorrow, sorry.

21 **THE COURT:** Would it adversely affect your health
22 to reschedule that appointment?

23 **MS. FORRESTER:** No, but it would take me awhile to
24 get back in again.

25 **THE COURT:** If the appointment is at 12:30, do you

1 have any idea how long it will last and how long it
2 will take to get back to here?

3 **MS. FORRESTER:** If I can get in and out, I can be
4 back within an hour and a half.

5 **THE COURT:** But with doctors, one never knows.

6 **MS. FORRESTER:** You got that right.

7 **THE COURT:** Thank you. Anyone else with non
8 work-related schedule difficulties who I did not catch
9 the first time? I see no additional hands.

10 Now, on my left, work-related scheduling
11 difficulties, if you could raise your hands and keep
12 them up. Okay. Thank you. And on my right,
13 work-related scheduling difficulties? Okay. Thank
14 you.

15 Mr. Mort, what is your difficulty, sir?

16 **MR. MORT:** Well, I am the assistant area manager
17 for Court Furniture and taking me out of the district
18 for three days would probably be a difficulty, not
19 insurmountable one but --

20 **THE COURT:** I assume they make some arrangements
21 when you're on vacation?

22 **MR. MORT:** Yes.

23 **THE COURT:** Thank you.

24 Mr. Saunders?

25 **MR. SAUNDERS:** Good morning, Your Honor. I am

1 doing a hearing tomorrow morning in Fort Pierce. It is
2 an evidentiary hearing. I am hoping to meet with the
3 witness this afternoon.

4 **THE COURT:** All right. And is that a matter that
5 can be rescheduled easily?

6 **MR. SAUNDERS:** No, ma'am.

7 **THE COURT:** Mr. Jacoby.

8 **MR. JACOBY:** I am a musician which makes me -- I
9 am an independent contractor and so I have to be
10 certain places which means that like I have to be
11 leaving here by 5:30 at the latest on Thursday or
12 Friday. That's like an estimate, basically.

13 **THE COURT:** I am not still planning on you being
14 here Thursday or Friday at five.

15 **MR. JACOBY:** Well, okay, but I am saying -- but it
16 is possible. Because once I did -- I was sequestered
17 once, years ago on a jury, and it just ended up being
18 like, you know, it was like tomorrow was the big day,
19 and then, so you know --

20 **THE COURT:** And there will not be any
21 sequestration as well in this matter.

22 **MR. JACOBY:** Well, then if you are talking before
23 the end of the work day on Thursday, I have no issues
24 then.

25 **THE COURT:** All right.

1 **MR. JACOBY:** If that's our time frame.

2 **THE COURT:** The attorneys have indicated to me
3 that this case should be to the jury for deliberation
4 Wednesday.

5 **MR. JACOBY:** Okay. Ms. Fay?

6 **MS. FAY:** I work tomorrow but I can call in, it is
7 okay.

8 **THE COURT:** Okay. Thank you.

9 Ms. Cruz?

10 **MS. CRUZ:** I am a teacher --

11 **THE COURT:** FCAT, And they started that today.

12 **MS. CRUZ:** Yes, they did, and I am missing it.
13 First day.

14 **THE COURT:** Thank you, ma'am.

15 And Mr. Burke, what is your difficulty, sir?

16 **MR. BURKE:** Supposed to be in California tomorrow
17 morning. I have tickets tonight at 6:55.

18 **THE COURT:** Is that for business?

19 **MR. BURKE:** Yes.

20 **THE COURT:** Is it a trip that can be rescheduled,
21 or can somebody go in your place?

22 **MR. BURKE:** Umm, the world doesn't end if I don't
23 show up, but it's not good for my career.

24 **THE COURT:** Okay. Thank you, sir.

25 Anyone else are that I have missed? I see no

1 additional hands.

2 I am going to give you some idea of how the
3 courtroom is set up just so if you're selected,
4 everyone will be able to see and hear the evidence.
5 The jury will typically be seated in the front row of
6 the jury box. These chairs, I am told, are much more
7 comfortable than the benches that you are sitting on
8 right now.

9 Witnesses will be testifying from the witness
10 stand which is to my right. The attorneys generally
11 will be in the center of the courtroom and I will be
12 here where you see me. With that configuration of the
13 courtroom, will anybody find it difficult to see or
14 hear the evidence? If so, could you raise your hand.
15 I see no hands raised.

16 Typically during the course of the trial, I like
17 to take breaks every hour and a half or two hours.
18 Sometimes I forget, and please, if I do forget, don't
19 feel too shy to remind me that we need to take a break.

20 Does anybody have a difficulty with sitting in
21 these chairs for an hour and a half or two hours at a
22 time? If so, can you raise your hand. I see no hands
23 raised.

24 Is there anyone on the panel that has difficulty
25 understanding English, and I realize I am asking that

1 question in English, which is unfair, but can everyone
2 understand me? Yes.

3 **THE VENIRE:** Yes.

4 **THE COURT:** Is anyone having difficulty
5 understanding me? If so, raise your hand. I see no
6 hands raised.

7 As I indicated at the beginning, we have for the
8 consideration of seven of your number a criminal case.
9 In every criminal case, the State of Florida has the
10 burden of proving its accusations beyond a reasonable
11 doubt against the defendant. Can everyone hold the
12 State of Florida to its burden of proof in this case?

13 **THE VENIRE:** Yes.

14 **THE COURT:** Will anybody find it difficult to do
15 so? If so, please raise your hand. I see no hands
16 raised.

17 I am going to read to you a portion of the
18 reasonable doubt instruction. Please listen carefully
19 because after I have read this to you, I am going to
20 ask if you can follow it if you are selected to serve
21 on this jury.

22 Whenever the words reasonable doubt are used, you
23 must consider the following: A reasonable doubt is not
24 a mere possible doubt, a speculative, imaginary or
25 forced doubt. Such a doubt must not influence you to

1 return a verdict of not guilty if you have an abiding
2 conviction of guilt.

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

11 If you are selected to serve on this jury, can you
12 follow that instruction on the law?

13 **THE VENIRE:** Yes.

14 **THE COURT:** Ms. Hutchinson.

15 **MS. HUTCHINSON:** I am a very intuitive person and
16 often I intuit guilt or innocence on purpose, I mean,
17 not on purpose, it comes to me. And I am not sure I
18 can be perfectly objective.

19 **THE COURT:** I am sure the attorneys will have some
20 additional questions for you about that. Anyone else
21 that has a concern about their ability to follow the
22 law? If so, could you please raise your hand? I see
23 no additional hands raised.

24 In every criminal proceeding, the defendant is
25 presumed to be innocent. And that presumption stays

1 with him through each stage of the trial unless it is
2 overcome by the evidence. Can everyone accord
3 Mr. Dobbs his Constitutional presumption of innocence
4 as he sits here today?

5 **THE VENIRE:** Yes.

6 **THE COURT:** Will anybody find it difficult to do
7 so? If so, please raise your hand and we will discuss
8 it. I see no hands raised.

9 If you combined these two principles, this is --
10 the principle that the State of Florida has the burden
11 of proving its accusations beyond a reasonable doubt
12 and the presumption of innocence, and come to a logical
13 conclusion, if I were to take the first several of you,
14 send you back to the jury room now and ask you to
15 render a verdict right now, you may look at me and say
16 Judge, we haven't heard anything. We can't do that.
17 There is only one lawful verdict you can render right
18 now, and that would be a verdict of not guilty. The
19 reason that I say that is this. The State of Florida
20 has the burden of proving the accusations. You have
21 heard no evidence yet. So the State of Florida cannot
22 have met that burden and so the defendant's
23 Constitutional presumption of innocence would remain
24 intact. Does everyone understand that?

25 **THE VENIRE:** Yes.

1 **THE COURT:** Can everyone follow that?

2 **THE VENIRE:** Yes.

3 **THE COURT:** Thank you. Is there anyone on the
4 panel that has served on a jury before? If so, could
5 you raise your hand? Let me take it by sides. On my
6 left, if you served on a jury before raise your hand
7 and keep it up for just a moment. All right. Thank
8 you. On my right, I think I have everyone. Thank you.

9 Mr. Mort, how long ago did you serve, sir?

10 **MR. MORT:** Approximately two years.

11 **THE COURT:** Was that here in Orange County?

12 **MR. MORT:** Yes, ma'am.

13 **THE COURT:** Was it a civil case or criminal case?

14 **MR. MORT:** Criminal.

15 **THE COURT:** Were you the foreperson of your jury?

16 **MR. MORT:** No, ma'am.

17 **THE COURT:** I don't want to know what the verdict
18 was, but was your jury able to reach a verdict?

19 **MR. MORT:** Yes.

20 **THE COURT:** Did anything make you uncomfortable in
21 serving again?

22 **MR. MORT:** No.

23 **THE COURT:** Thank you, sir.

24 Mr. Jacoby, how long did you serve, sir?

25 **MR. JACOBY:** Approximately 22, 23 years ago.

1 **THE COURT:** All right. Was that here in Orange
2 County?

3 **MR. JACOBY:** No. It was in New York City.

4 **THE COURT:** Was it a civil or criminal case, if
5 you remember?

6 **MR. JACOBY:** It was a criminal case.

7 **THE COURT:** Were you the foreperson of your jury?

8 **MR. JACOBY:** I was not.

9 **THE COURT:** Was your jury able to reach a verdict?

10 **MR. JACOBY:** We were.

11 **THE COURT:** Did anything occur that would make you
12 uncomfortable in serving again?

13 **MR. JACOBY:** No, ma'am.

14 **THE COURT:** Thank you, sir. Ms. Baue, how long
15 ago did you serve?

16 **MS. BAUE:** Nine years ago.

17 **THE COURT:** Was that here in Orange County?

18 **MS. BAUE:** Yes, ma'am.

19 **THE COURT:** Was it a civil or criminal case?

20 **MS. BAUE:** Criminal case.

21 **THE COURT:** Were you the foreperson of your jury?

22 **MS. BAUE:** Yes, ma'am, I was.

23 **THE COURT:** Was your jury able to reach a verdict?

24 **MS. BAUE:** Yes, it was.

25 **THE COURT:** Did anything occur that would make you

1 uncomfortable in serving again?

2 **MS. BAUE:** No, ma'am.

3 **THE COURT:** Thank you, ma'am.

4 Mr. Seegers, how long ago did you serve, sir?

5 **MR. SEEGER:** I don't recall. I have served
6 twice. Both in Orange County.

7 **THE COURT:** Were they both civil, both criminal or
8 one of each?

9 **MR. SEEGER:** One was criminal and the other was a
10 traffic violation.

11 **THE COURT:** And I assume that is a criminal case
12 as well?

13 **MR. SEEGER:** A DUI, yeah.

14 **THE COURT:** Were you the foreperson of either of
15 your juries?

16 **MR. SEEGER:** No.

17 **THE COURT:** Were your juries able to reach
18 verdicts?

19 **MR. SEEGER:** Yes.

20 **THE COURT:** Did anything occur that would make you
21 uncomfortable in serving again?

22 **MR. SEEGER:** No.

23 **THE COURT:** Thank you, sir.

24 Ms. Laureano, how long ago did you serve, ma'am?

25 **MS. LAUREANO:** Four years ago.

1 **THE COURT:** Here in Orange County?

2 **MS. LAUREANO:** Yes.

3 **THE COURT:** Civil or criminal case?

4 **MS. LAUREANO:** Criminal.

5 **THE COURT:** Were you the foreperson of your jury?

6 **MS. LAUREANO:** No, ma'am.

7 **THE COURT:** Was the jury able to reach a verdict?

8 **MS. LAUREANO:** Yes, ma'am.

9 **THE COURT:** Did anything occur that would make you
10 uncomfortable in serving again?

11 **MS. LAUREANO:** No.

12 **THE COURT:** Mr. Mann, how long ago did you serve,
13 sir?

14 **MR. MANN:** Eight years ago.

15 **THE COURT:** Here in Orange County?

16 **MR. MANN:** Yes.

17 **THE COURT:** Was it a civil or criminal case?

18 **MR. MANN:** Criminal.

19 **THE COURT:** Were you the foreperson of your jury?

20 **MR. MANN:** No, ma'am.

21 **THE COURT:** Was your jury able to reach a verdict?

22 **MR. MANN:** Yes, ma'am.

23 **THE COURT:** Did anything occur that would make you
24 uncomfortable in serving again?

25 **MR. MANN:** No, ma'am.

1 **THE COURT:** Thank you, sir.

2 Ms. Hightower, how long ago did you serve, ma'am?

3 **MS. HIGHTOWER:** Four years ago.

4 **THE COURT:** Was that here in Orange County?

5 **MS. HIGHTOWER:** Yes.

6 **THE COURT:** Was it a civil or criminal case?

7 **MS. HIGHTOWER:** Criminal.

8 **THE COURT:** Were you the foreperson of your jury?

9 **MS. HIGHTOWER:** No.

10 **THE COURT:** Was your jury able to reach a verdict?

11 **MS. HIGHTOWER:** Yes.

12 **THE COURT:** Did anything occur that would make you
13 uncomfortable in serving again?

14 **MS. HIGHTOWER:** No.

15 **THE COURT:** Thank you, ma'am. And Mr. Lance, how
16 long ago did you serve?

17 **MR. LANCE:** Five, six years ago.

18 **THE COURT:** Was it here in Orange County?

19 **MR. LANCE:** Yes, ma'am.

20 **THE COURT:** Civil or criminal case?

21 **MR. LANCE:** Criminal.

22 **THE COURT:** Were you the foreperson of your jury?

23 **MR. LANCE:** No.

24 **THE COURT:** Was your jury able to reach a verdict?

25 **MR. LANCE:** The case was actually dismissed before

1 going to trial.

2 **THE COURT:** All right. And did anything occur
3 that would make you uncomfortable in serving again?

4 **MR. LANCE:** No.

5 **THE COURT:** Anyone that I have missed?
6 Ms. Cruz, how long ago did you serve, ma'am?

7 **MS. CRUZ:** I can't remember, maybe five, six
8 years.

9 **THE COURT:** Was that here in Orange County?

10 **MS. CRUZ:** Yes.

11 **THE COURT:** Was it a civil or criminal case?

12 **MS. CRUZ:** Criminal.

13 **THE COURT:** Were you the foreperson of your jury?

14 **MS. CRUZ:** I don't think so.

15 **THE COURT:** Was your jury able to reach a verdict?

16 **MS. CRUZ:** Yes.

17 **THE COURT:** Did anything occur that would make you
18 uncomfortable in serving again?

19 **MS. CRUZ:** Yes.

20 **THE COURT:** All right. We may have some
21 additional questions outside the presence of the other
22 jurors. Anyone else I have missed? I see no additional
23 hands.

24 I am going to introduce to you the attorneys in
25 this matter. The attorneys representing the State of

1 Florida are Kim Laskoff and Deborah Barra. The
2 attorneys representing the defense are Catherine Chien
3 and Melissa Vickers, and standing between them is their
4 client, John Dobbs.

5 Does anyone know any of these individuals through
6 a business or personal relationship? If so, could you
7 please raise your hand. I see no hands raised. Thank
8 you.

9 I am going to ask one of the prosecutors to read
10 the relevant portion off what is called the
11 Information. That might sound like a funny name for a
12 piece of paper but it actually describes its function.
13 An information is a document that begins this lawsuit
14 and it informs an accused of the charges against him.
15 The information is not evidence and should not be
16 considered by you as any proof of guilt.

17 Ms. Laskoff?

18 **MS. LASKOFF:** Yes, Your Honor. The State of
19 Florida charges that John W. Dobbs on the 25th day of
20 October, 2006 in said County and State, did, by an act
21 imminently dangerous to another and evincing a depraved
22 mind regardless of human life, kill William Troy, and
23 in the course of committing said offense, John W. Dobbs
24 did carry, display, use, threaten to use or attempt to
25 use a weapon.

1 Count II charges that John W. Dobbs on the 25th
2 day of October, 2006, knowingly committed a battery
3 upon Francisco Gotay, and in furtherance thereof did
4 actually and intentionally touch or strike Francisco
5 Gotay against the will of Francisco Gotay and in the
6 commission of said battery, John W. Dobbs did use a
7 knife, a deadly weapon, or did intentionally or
8 knowingly cause great bodily harm, permanent
9 disability, or permanent disfigurement to Francisco
10 Gotay.

11 Count III charges that John W. Dobbs did knowingly
12 commit a battery upon Andre Blanco, in furtherance
13 thereof did actually and intentionally touch or strike
14 Andre Blanco against the will of Andre Blanco, and in
15 the commission of said battery, John W. Dobbs, did use
16 a knife, a deadly weapon, or did intentionally or
17 knowingly cause great bodily harm, permanent disability
18 or permanent disfigurement to Andre Blanco.

19 Count IV charges that John W. Dobbs did make an
20 assault upon Hanzel Holiday with a firearm, a deadly
21 weapon, and in furtherance of said assault, John W.
22 Dobbs did intentionally threaten to do violence to
23 Hanzel Holiday with said firearm, thus creating a
24 well-founded fear in Hanzel Holiday, that such violence
25 was imminent, and in the course of committing said

1 offense, John W. Dobbs did actually possess, discharge,
2 carry, display, use, threaten to use or attempt to use
3 a firearm.

4 Count V charges that John W. Dobbs did, in
5 violation while an occupant of a vehicle, knowingly and
6 willfully discharge a firearm from said vehicle within
7 one thousand feet of a person.

8 **THE COURT:** Does anyone know anything about these
9 charges through your own personal knowledge or through
10 any news media? If so, would you please raise your
11 hand? I see no hands raised.

12 Simply because of the nature of the allegations
13 that have been made in this matter, will anybody find
14 it difficult to be fair and impartial? If so, could
15 you please raise your hand. And Ms. Hutchinson, we
16 will discuss that with you outside the presence of the
17 other jurors. Anyone else? I see no additional hands.

18 I am going to ask the State of Florida to read a
19 list of the witnesses they intend to call in this
20 matter.

21 **MS. LASKOFF:** Andre Blanco, Francisco Gotay,
22 Anthony Riollano, Phillip Westfall, Justin Idle,
23 Leonard Bolanos, Hanzel Holiday, Robert Lees, Herbert
24 Mercado, Thomas Hudgins, Susan Mears, Allison Wright,
25 Jennie Swan, Mike Vincent, Dorinda Blainey, Dave

1 Phelan, Sam Fulton, Jillian White, Amanda Johnson,
2 Chandra Gabriel, Dan Radcliffe, Dr. Marie Hansen.

3 **THE COURT:** Defense, any witnesses to add to that
4 list?

5 **MS. CHIEN:** Donald Swift, Terry Weisflag, Phillip
6 Westfall, Deanna Washington.

7 **THE COURT:** Does anyone know any of those
8 individuals through a business or personal
9 relationship? If so, could you please raise your hand.
10 Mr. Burke, who do you think you know?

11 **MR. BURKE:** I know a Mike Vincent.

12 **THE COURT:** What does Mr. Vincent do for a living?

13 **MR. BURKE:** Works at Lockheed Martin.

14 **THE COURT:** Is that the same Mr. Vincent?

15 **MR. BURKE:** No, this is a Mike Vincent that works
16 at the sheriff's office.

17 **THE COURT:** Do you know a Mike Vincent that works
18 at the sheriff's office?

19 **MR. BURKE:** No.

20 **THE COURT:** All right. Very well. Anyone else?
21 I see no additional hands. I am going to turn the
22 questioning over to the attorneys at this time. Please
23 pay attention to their questions.

24 State, you may inquire.

25 **MS. LASKOFF:** Thank you. Good morning, again. My

1 name is Kimberly Laskoff and I am an assistant state
2 attorney here in Orlando. I have a seating chart and I
3 can guarantee I am probably going to call you by your
4 neighbor's name or butcher your name, so please correct
5 me and let me know how to state your name properly if I
6 butcher it, and also if I call you your neighbor's
7 name. Okay? Now you -- everyone heard the Judge read
8 the instruction of beyond a reasonable doubt, correct?

9 **THE VENIRE:** Yes.

10 **MS. LASKOFF:** Okay. Has anybody prior to coming
11 to the courtroom heard of that term before? Let me see
12 a show of hands. Okay. So most people have. Let me
13 ask Mr. Mort, since you are on the end, where have you
14 heard the term previously?

15 **MR. MORT:** Both in the courtroom and my previous
16 experience as a juror and also on television.

17 **MS. LASKOFF:** Okay. And Ms. Stokes, I saw your
18 hand. Have you heard it elsewhere too, maybe?

19 **MS. STOKES:** Yeah, on television.

20 **MS. LASKOFF:** Okay. What I want to make you aware
21 of is anything you might have heard on TV, or you might
22 have heard serving jury service somewhere else, that is
23 not what you apply. You apply what the Court instructs
24 you, and if you're selected as a juror, she's going to
25 read it to you again. So don't think you're stuck

1 having to have it memorized already. Does everybody
2 agree to apply the law beyond a reasonable doubt as the
3 Court instructs you in this courtroom to this case?

4 **THE VENIRE:** Yes.

5 **MS. LASKOFF:** Okay. Now, let me talk briefly
6 about what does beyond a reasonable doubt mean. It is
7 a burden that the State must meet in proving the
8 elements that this defendant committed these offenses.

9 Okay? Now, can anybody think of a situation, say,
10 out in the hallway -- let's say one of the jurors'
11 purses, somebody ran by and snatched the purse, and let
12 me go back to my seating chart. Mr. Jacoby, can you
13 think of a way that I can prove for certain that that
14 happened?

15 **MR. JACOBY:** I would say if there was a witness to
16 it, or if there was a surveillance video that shows it
17 and you demonstrate to us we have the proof by that,
18 means, for instance, we could judge it on that.

19 **MS. LASKOFF:** And do you agree, Ms. Rigdon?

20 **MS. RIGDON:** Yes, I agree.

21 **MS. LASKOFF:** Okay. Now, does everybody
22 understand that this is real life, this isn't C.S.I.,
23 this isn't TV, things aren't perfect. Okay? If you
24 have an expectation that what you see on TV you are
25 going to get in this courtroom, it is not going to

1 happen. Anyone have a problem, say I want a get out of
2 here if I don't have a neat little package and
3 everything doesn't explain itself, in an hour it can be
4 wrapped up, I am done? Okay.

5 Everybody understand that that is make believe,
6 this is real life. You get what you get and we work
7 with it. They get what they get and they work with it.
8 Okay? So now, the burden of beyond a reasonable doubt,
9 it is a burden high enough to make it so that innocent
10 people are not wrongfully convicted. However, it is a
11 burden that is at a level that I can bring in evidence
12 by way of witnesses, or something else and prove to
13 people that weren't there that something actually
14 happened.

15 Does this -- anybody here think it is unfair that
16 I should have to prove to absolute certainty or some
17 higher standard that this defendant committed these
18 offenses?

19 Does anybody have a problem with the burden of
20 beyond a reasonable doubt and think the State should
21 have to prove to absolute certainty? No? Okay. Does
22 anybody here have a problem whether it be philosophical
23 or religious reasons judging evidence, judging
24 witnesses, judging testimony and sitting on this jury,
25 anybody? And don't be shy.

1 Okay. Now, I know the Judge mentioned earlier if
2 there's something that you are uncomfortable answering
3 in front of the entire group, just let me know and then
4 later we can address it privately with just the
5 attorneys and the Judge. I am not meaning to embarrass
6 you, but we are trying to get a group of jurors who are
7 fair and impartial for both the State of Florida and
8 the defense as well. Okay?

9 Now, several of you indicated on your
10 questionnaire that you knew law enforcement in your
11 lives, and I just wanted to ask briefly what those
12 contacts were. And Mr. Saunders, let me ask you this:
13 You are an attorney at Morgan Colleen and Gilbert?

14 **MR. SAUNDERS:** No. That was my last job.

15 **MS. LASKOFF:** Did I misread that? I am sorry.
16 What kind of law do you practice currently?

17 **MR. SAUNDERS:** Civil law. That is what I did with
18 them.

19 **MS. LASKOFF:** Plaintiff's work?

20 **MR. SAUNDERS:** Well, that for five years worth of
21 defense and ten years worth of plaintiff and now I am
22 just doing my own thing.

23 **MS. LASKOFF:** Just general law?

24 **MR. SAUNDERS:** Yes.

25 **MS. LASKOFF:** Or a specific?

1 **MR. SAUNDERS:** The door law, whatever comes in the
2 door.

3 **MS. LASKOFF:** Okay. Threshold law, okay. Now,
4 Mr. Cappadoro.

5 **MR. CAPPADORO:** Yes, ma'am.

6 **MS. LASKOFF:** How do you know law enforcement in
7 your life?

8 **MR. CAPPADORO:** My father is a retired detective.
9 I have an uncle who's a retired sheriff.

10 **MS. LASKOFF:** Are they local?

11 **MR. CAPPADORO:** No, they are both on Long Island,
12 New York.

13 **MS. LASKOFF:** And I cut you off.

14 **MR. CAPPADORO:** And I have a close friend, special
15 agent with the FBI out of the DC office.

16 **MS. LASKOFF:** Do you think that is going to affect
17 your being able to be a fair juror today?

18 **MR. CAPPADORO:** No, ma'am.

19 **MS. LASKOFF:** And now, when you walk in that door,
20 nobody has a clean slate, and I had a judge explain it
21 really well I thought one time. You're either a Gator
22 fan or you are a Noles fan. Okay? It doesn't matter
23 what you say to the Gator fan, you are not going to
24 convince them of the Noles and vice versa, but you are
25 not a clean slate. What we are talking about is you

1 have such strong abiding convictions for certain things
2 that nothing is going to change your mind. Okay? So
3 you feel you can be fair aside from those
4 relationships?

5 **MR. CAPPADORO:** I believe so.

6 **MS. LASKOFF:** Okay. Mr. Cave, how is it that you
7 know law enforcement in your life?

8 **MR. CAVE:** I have a cousin which is in New York
9 and also an uncle in Troy, New York, one is state
10 police and the other one is local.

11 **MS. LASKOFF:** Same thing that I asked this
12 gentleman, is that going to affect you --

13 **MR. CAVE:** No.

14 **MS. LASKOFF:** -- being unfair to either side
15 today, the relationships you have?

16 **MR. CAVE:** No.

17 **MS. LASKOFF:** Okay. How about Mr. Ficarelli.

18 **MS. FICARELLI:** Yes. My uncle is a detective in
19 Maine, and my grandfather-in-law is a retired police
20 officer in Georgia.

21 **MS. LASKOFF:** Same thing, can you be fair and
22 impartial today if you're selected?

23 **MS. FICARELLI:** I believe so.

24 **MS. LASKOFF:** Okay. What are your hesitations?

25 **MS. FICARELLI:** I believe I can.

1 **MS. LASKOFF:** Okay. Now, you said you had some
2 kind of agility testing for tomorrow?

3 **MS. FICARELLI:** For Wednesday.

4 **MS. LASKOFF:** Okay, for Wednesday. Is that going
5 to be pressing on your mind if you possibly miss that,
6 that you weren't going to be able to focus on the
7 evidence in the courtroom?

8 **MS. FICARELLI:** It would be distressing because it
9 is for a possible job.

10 **MS. LASKOFF:** If they get notice that you're
11 selected for jury duty, do you feel that would make it
12 better? I mean, if they are aware of that, it is not
13 like you are just blowing it off.

14 **MS. FICARELLI:** I don't know how they -- it is by
15 invitation, certain times during the year.

16 **MS. LASKOFF:** Okay. Okay. Now, Ms. Forrester, in
17 the back, how do you know law enforcement?

18 **MS. FORRESTER:** I just have a good friend that is
19 a detective with the Casselberry Police Department.

20 **MS. LASKOFF:** Okay. Is the relationship you have
21 with this person going to affect you being a juror
22 today, either way?

23 **MS. FORRESTER:** No.

24 **MS. LASKOFF:** Is there anyone else that I haven't
25 asked about? Anyone else here know law enforcement in

1 their lives, friends, relatives? Let me ask -- okay,
2 this is obvious, if I can say it. Beccaccio. Is it
3 from your work?

4 **MS. BECCACCIO:** My husband, Orlando Police
5 Department.

6 **MS. LASKOFF:** So your husband works at OPD?

7 **MS. BECCACCIO:** Yes.

8 **MS. LASKOFF:** Now, if you're selected, are you
9 going to be able to go?

10 **MS. BECCACCIO:** I don't know if I could or not, to
11 be honest.

12 **MS. LASKOFF:** Can you follow the law that the
13 judge instructs you on and as she has instructed you
14 and apply the standards that she says if you find this,
15 then this is the verdict, and if you do this, then this
16 is a verdict, are you able to follow that?

17 **MS. BECCACCIO:** Yes.

18 **MS. LASKOFF:** Okay. Now, let's say you're picked
19 as a juror, are you able to, and I understand you have,
20 your husband is a certain mindset as law enforcement
21 is. Are you going to be able to, when it comes to
22 looking at the evidence, put aside that relationship
23 and put away any kind of previous conversations or
24 thoughts regarding cases that he might have?

25 **MS. BECCACCIO:** I --

1 **MS. LASKOFF:** Without affecting you so much, you
2 see what I am saying?

3 **MS. BECCACCIO:** Yes.

4 **MS. LASKOFF:** That you are one way or another?

5 **MS. BECCACCIO:** To be honest, I don't know. He's
6 also on the SWAT team. So he -- his life is --

7 **MS. LASKOFF:** Okay. Okay. Now, did I see
8 Mr. Burke, your hand was up too?

9 **MR. BURKE:** Yes.

10 **MS. LASKOFF:** How is it that you know law
11 enforcement?

12 **MR. BURKE:** Friends, neighbors, FDLE and I have
13 got a nephew up in Kentucky.

14 **MS. LASKOFF:** So your neighbors are with FDLE.
15 You didn't recognize any of the names I read?

16 **MR. BURKE:** No.

17 **MS. LASKOFF:** Same thing I have been asking the
18 other folks, can you set aside the relationships, that
19 it is not going to affect you being a juror today?

20 **MR. BURKE:** Yes.

21 **MS. LASKOFF:** Anyone else on this side that knows
22 law enforcement? Yes, ma'am, Ms. Lusby.

23 **MS. LUSBY:** I just have a couple of friends that
24 are cops. They are police officers.

25 **MS. LASKOFF:** Are they here?

1 **MS. LUSBY:** No, one is in Titusville and the other
2 one is in Port St. Lucie.

3 **MS. LASKOFF:** Same thing, are you going to have --
4 be swayed automatically one way or another because of
5 those relationships?

6 **MS. LUSBY:** No.

7 **MS. LASKOFF:** Okay. Anyone else on this side that
8 knows law enforcement? Yes, ma'am. Ms. Hightower, how
9 is that?

10 **MS. HIGHTOWER:** In Detroit, Michigan and one in
11 Indiana. I have a cousin who's a detective.

12 **MS. LASKOFF:** You got two cousins as detectives?

13 **MS. HIGHTOWER:** Yes.

14 **MS. LASKOFF:** Can you be fair and impartial on
15 this jury?

16 **MS. HIGHTOWER:** Yes.

17 **MS. LASKOFF:** Aside from that relationship, anyone
18 else on this side? Let me ask on this side, yes,
19 ma'am.

20 **MS. FAY:** My cousin Meagan in New York, she is a
21 cop.

22 **MS. LASKOFF:** And is that going to affect you
23 being a juror today, any bearing, the relationship?
24 Back to you might have talked about some cases or stuff
25 going on in law enforcement?

1 **MS. FAY:** No.

2 **MS. LASKOFF:** Anyone else on this side? Yes.

3 **MR. SEEGERS:** Yeah, step-niece that was a police
4 officer in a town in New Jersey and a step-nephew and a
5 nephew that are, I believe state troopers in New
6 Jersey.

7 **MS. LASKOFF:** Can you be fair and impartial?

8 **MR. SEEGERS:** Yes.

9 **MS. LASKOFF:** Next I saw, is it Mr. Wallace?

10 **MR. WALLACE:** Yes.

11 **MS. LASKOFF:** How is it that you know law
12 enforcement?

13 **MR. WALLACE:** My next door neighbor is an Ocoee
14 detective. My next door neighbor on the other side is
15 a private investigator, and I was a cop for nine years.

16 **MS. LASKOFF:** Where?

17 **MR. WALLACE:** Military police officer.

18 **MS. LASKOFF:** Can you be fair to the State and
19 defense if you're selected as a juror?

20 **MR. WALLACE:** Yes, ma'am.

21 **MS. LASKOFF:** Even with the background and the
22 contact that you have in your life?

23 **MR. WALLACE:** Yes, ma'am.

24 **MS. LASKOFF:** Did I miss someone? No?

25 Now, let me ask you, Ms. Hutchinson, while I --

1 you indicated to the Court that you are an intuitive
2 person. And I know what intuition is. You get a
3 feeling and a sense, am I understanding what you mean?

4 **MS. HUTCHINSON:** Yes.

5 **MS. LASKOFF:** Are you going to be able to, as I asked
6 the other lady, follow the Court's instructions and
7 follow the law to apply on the facts of this case? She
8 says you have to find this, this and this in order to
9 reach this verdict, can you do that, or are you driven
10 solely by your intuition, what you perceive inside?

11 **MS. HUTCHINSON:** My intuition informs me and it's
12 not predictably informing me, but when it occurs at
13 that time, I do not think I could be objective.

14 **MS. LASKOFF:** Okay. Is it just like you get an
15 automatic sense, like a feeling?

16 **MS. HUTCHINSON:** Yes. That is translated into
17 guilt or innocence.

18 **MS. LASKOFF:** Okay. Now, do you get that just
19 from every individual, like from myself and this
20 person, and that person, or is it just selective?

21 **MS. HUTCHINSON:** It is somewhat situational, but
22 in a setting like this, where we are all here for that
23 purpose, it is enhanced.

24 **MS. LASKOFF:** Okay. Once you get that intuitive
25 sense, are you then not able to weigh the evidence

1 aside from what your intuition is telling you, is that
2 a fair statement?

3 **MS. HUTCHINSON:** That could be a way of stating
4 it.

5 **MS. LASKOFF:** And correct me if I am stating it
6 wrong, because I just want to make sure I am
7 understanding where you are coming from, completely.
8 Is there a better way that you can state for me?

9 **MS. HUTCHINSON:** Well, I am agreeing with you in
10 your terminology, but the hour of that intuition comes
11 from a different place beyond perhaps objective
12 evidence.

13 **MS. LASKOFF:** Okay. Some metaphysical thing? Is
14 that what we are talking about?

15 **MS. HUTCHINSON:** Well, I am not really sure. I
16 just experience it.

17 **MS. LASKOFF:** So you don't think you could be fair
18 and impartial today, based on that?

19 **MS. HUTCHINSON:** I don't think I can.

20 **MS. LASKOFF:** Anybody here based on the nature of
21 these charges, whether it be for the reason she stated
22 or something else, that just couldn't be fair on the
23 evidence today, the way I look, I don't know, but
24 anybody else have any particular reason? Okay.

25 **MR. LANCE:** I do.

1 **MS. LASKOFF:** Yes?

2 **MR. LANCE:** I was charged with a DUI.

3 **MS. LASKOFF:** Okay. And based upon that, you
4 don't think you could be fair to either the State of
5 Florida or the defense, one way or another, based upon
6 that experience?

7 **MR. LANCE:** I do not know. A cop changing his
8 story, basically a lying cop.

9 **MS. LASKOFF:** Okay. Let me ask you this. Was
10 your situation when that happened?

11 **MR. LANCE:** Right.

12 **MS. LASKOFF:** When was that?

13 **MR. LANCE:** 2005.

14 **MS. LASKOFF:** Okay. And these are different
15 witnesses, and you understand that, correct?

16 **MR. LANCE:** Yes.

17 **MS. LASKOFF:** Simply because something happened in
18 your situation, doesn't necessarily mean it happens in
19 every situation, you agree with that?

20 **MR. LANCE:** I understand.

21 **MS. LASKOFF:** Okay. So, are you able to -- are
22 you just automatically basically biased against law
23 enforcement because of that experience?

24 **MR. LANCE:** I would probably say I am tainted
25 against some law enforcement, yes.

1 **MS. LASKOFF:** Okay. So if an officer came in and
2 said something, you'd hold him to a higher level of
3 truth, you think, in judging his statements than
4 someone else might because of your experience, is that
5 correct?

6 **MR. LANCE:** Could be.

7 **MS. LASKOFF:** And I thank you for your honesty
8 because that's what we are looking for. We are looking
9 for fair jurors for this particular case. Is there
10 anyone else that has some situation that we may not
11 think to ask about that you think is pertinent to you
12 sitting on a jury today? Yes, ma'am.

13 **MS. JOHNSON:** It wouldn't affect my judgment or
14 anything. I wasn't sure how to word it, but I had --
15 my in-laws were brutally murdered and the case just
16 wrapped up in 2005 with a death penalty conviction for
17 the person.

18 **MS. LASKOFF:** I am terribly sorry about that,
19 obviously. Was -- I mean, are you able to sit through
20 a case like this? I mean, do you think law enforcement
21 handled it correctly?

22 **MS. JOHNSON:** Yeah. Everything was 100 percent by
23 the book, so I don't think it affects my judgment here.
24 I have seen both sides now sitting on this side of it
25 as opposed to the other side before, so I just felt the

1 Court should be aware of that.

2 **MS. LASKOFF:** Okay. Do you think you can be fair
3 to the defendant sitting here because he's charged with
4 murder too?

5 **MS. JOHNSON:** Yes, I do. There is circumstances
6 surrounding every event.

7 **MS. LASKOFF:** Okay. The same thing, different
8 case, different evidence, different witnesses, and so
9 you think you can decide one way or another?

10 **MS. JOHNSON:** Yes.

11 **MS. LASKOFF:** Even though that obviously had a
12 strong impact on your life, okay. Anyone else in that
13 topic? Okay.

14 Does anybody here know any judges or lawyers or
15 state attorneys or defense attorneys, and obviously you
16 do. Let me ask Ms. Robinson, how do you know?

17 **MS. ROBINSON:** My mom was a paralegal. She worked
18 for a lawyer.

19 **MS. LASKOFF:** What kind of law?

20 **MS. ROBINSON:** I don't even know. I think
21 criminal.

22 **MS. LASKOFF:** Yeah. Okay. Is that going to
23 affect you being a juror one way or another today?

24 **MS. ROBINSON:** No.

25 **MS. LASKOFF:** Ms. Hightower or -- I am sorry.

1 Wilkes.

2 **MS. WILKES:** One of my best friends is a real
3 estate attorney in Tampa, St. Pete.

4 **MS. LASKOFF:** Is that going to matter being a
5 juror today?

6 **MS. WILKES:** No.

7 **MS. LASKOFF:** And how about Ms. Hightower, I am
8 sorry?

9 **MS. WILKES:** It wouldn't affect my decision
10 making.

11 **MS. HIGHTOWER:** Judge Perry, I know him.

12 **MS. LASKOFF:** Is that going to affect you being a
13 juror one way or another?

14 **MS. HIGHTOWER:** No.

15 **MS. LASKOFF:** And I mean, have you worked in the
16 legal field or you just know him socially?

17 **MS. HIGHTOWER:** We go to church together.

18 **MS. LASKOFF:** Is there anyone else? Yes, sir,
19 Mr. Bennett.

20 **MR. BENNETT:** Yes. My cousin, she's a prosecutor
21 and her husband is a public defender.

22 **MS. LASKOFF:** And they are married to each other?

23 **MR. BENNETT:** Yes, they are.

24 **MS. LASKOFF:** See, we can get along.

25 **MR. BENNETT:** Not in the same courtroom.

1 **MS. LASKOFF:** Right. Exactly. Leave it at work.

2 Is that going to affect you one way or the other?

3 **MR. BENNETT:** It would not affect me.

4 **MS. LASKOFF:** Anyone else over on this side? No?

5 Anybody in the legal field, attorneys, judges?

6 Yes, Mr. Cestare.

7 **MR. CESTARE:** Yes, I know friends who are

8 attorneys, both in Florida and the New York area.

9 **MS. LASKOFF:** Okay. What fields, are you aware?

10 **MR. CESTARE:** Got a friend that I have a, he does

11 business stuff.

12 **MS. LASKOFF:** Civil stuff?

13 **MR. CESTARE:** Correct.

14 **MS. LASKOFF:** Those are two different worlds.

15 **MR. CESTARE:** Yes, ma'am.

16 **MS. JOHNSON:** Just the State attorney that

17 represented us, Rod Parker. He's over in Brevard.

18 **MS. LASKOFF:** Anyone on this side? Ms. Pedersen,

19 your husband is an attorney?

20 **MS. PEDERSEN:** Yes.

21 **MS. LASKOFF:** What kind of law?

22 **MS. PEDERSEN:** Bankruptcy, evictions and traffic.

23 **MS. LASKOFF:** Nothing criminal?

24 **MS. PEDERSEN:** No.

25 **MS. LASKOFF:** Anyone in the back? Oh, goodness.

1 Okay, let me ask Ms. Forrester.

2 **MS. FORRESTER:** Well, my job, I deal with a phone
3 all the time to collect past due accounts and things
4 like that.

5 **MS. LASKOFF:** Okay. Have you ever had to file a
6 criminal complaint against anyone based upon that?

7 **MS. FORRESTER:** Yeah. Been to court a couple
8 times.

9 **MS. LASKOFF:** Have you had to testify in court
10 before?

11 **MS. FORRESTER:** Yes, I have.

12 **MS. LASKOFF:** In a criminal court or just a civil
13 court?

14 **MS. FORRESTER:** Civil.

15 **MS. LASKOFF:** Anything out of those experiences
16 that you are, like, hey, I don't want to do this?

17 **MS. FORRESTER:** No. Just hate going.

18 **MS. LASKOFF:** Okay. Did you have your hand up,
19 Ms. Betancourt?

20 **MS. BETANCOURT:** Just friends that are attorneys,
21 but it is not criminal.

22 **MS. LASKOFF:** Okay.

23 **MR. WALLACE:** My wife is a paralegal.

24 **MS. LASKOFF:** Where?

25 **MR. WALLACE:** Bresart, Cullin and Gaylor, and I

1 know quite a few judges.

2 **MS. LASKOFF:** Okay. Mr. Mann.

3 **MR. MANN:** Yes. My brother-in-law was a real
4 estate attorney.

5 **MS. LASKOFF:** Okay. And yes, ma'am, Ms.
6 Ballenger.

7 **MS. BALLENGER:** My husband and I have dealt with
8 Bill Hancock in a hobby business for about 15 years.

9 **MS. LASKOFF:** The local criminal attorney,
10 Mr. Hancock? Do you know what kind of law he does?

11 **MS. BALLENGER:** Yes. Well, I am not sure right
12 now, but he was a defense attorney.

13 **MS. LASKOFF:** Okay. Just was wondering if it was
14 the same one I am thinking about. Is there anything
15 about your relationship with Mr. Hancock that's going
16 to be, like, I have heard him talk about cases so much,
17 I am automatically going to be one way or the other, or
18 can you be clear headed in regard to putting those
19 things aside and judging the evidence before you today?

20 **MS. BALLENGER:** I am not sure, but I hope so.

21 **MS. LASKOFF:** What are your concerns, because I
22 hear a hesitation?

23 **MS. BALLENGER:** Yes. Well, like, most of the
24 fellow jurors, I am, you know, I really don't like
25 serving on a criminal case.

1 **MS. LASKOFF:** And we appreciate it. Obviously our
2 country wouldn't work if people wouldn't do it. Are
3 you okay sitting on this kind of case? Is there
4 anything you want to talk about later?

5 **MS. BALLENGER:** Maybe.

6 **MS. LASKOFF:** I don't mean to upset you. Anyone
7 else?

8 **MR. SEEGERS:** My nephew's wife is a lawyer. I am
9 not sure what type. I think it is business.

10 **MS. LASKOFF:** So it is not going to affect
11 anything today?

12 **MR. SEEGERS:** No.

13 **MS. LASKOFF:** Anyone else on this side?

14 Anybody that has had any legal training that I
15 haven't talked to, aside from the folks that I
16 obviously know have? No? Okay.

17 Now, this is a case where there is a death, and
18 part of the evidence is going to be some photographs.
19 Okay. Does anybody know that they are just so overly
20 sensitive to the kind of photographs that we are having
21 to present that they can't sit on the jury? Okay.
22 Yes, ma'am, Ms. Ficarelli, are you okay?

23 **MR. FICARELLI:** Yeah.

24 **MS. LASKOFF:** I mean, there's a difference
25 between -- it is obvious we don't want to see this, but

1 I mean, are you one that is prone to getting sick or
2 passing out or?

3 **MR. FICARELLI:** I am just really sensitive.

4 **MS. LASKOFF:** Okay, emotionally sensitive or
5 physically sensitive?

6 **MS. FICARELLI:** Both.

7 **MS. LASKOFF:** Okay. And I have some friends that,
8 because I am a prosecutor, they come to me and they
9 say, we got this jury duty. Can you tell me how to get
10 out? I know people are not jumping up and down when
11 they get their subpoena, but that is how our system
12 works in the United States, thankfully.

13 Okay. So is there anyone else that is concerned
14 about something, the subject matter? Is that something
15 that you wanted to talk about, Ms. Ballenger, later?

16 **MS. BALLENGER:** No. But I am concerned.

17 **MS. LASKOFF:** And in that same vein, the
18 seriousness of these charges, is it something that is
19 just too much stress, too much anxiety that you are not
20 going to be able to focus on the evidence? Yes, ma'am.

21 **MS. FAY:** Possibly.

22 **MS. LASKOFF:** Possibly? Okay. Okay.

23 **MS. QUAEVLIIEG:** I feel the same way. Like, just
24 anxious, and very much -- I don't know. It is
25 extremely anxious.

1 **MS. LASKOFF:** Right, the uncertainty. And it is
2 not something that is pleasant to have to deal with,
3 but is there something from the past that you think
4 that might affect you being a juror in this kind of
5 case that you would probably be better on another kind
6 of case?

7 **MS. QUAEDVLIEG:** I don't know. I just feel very
8 uncomfortable and very worried about seeing
9 photographs, I guess.

10 **MS. LASKOFF:** Now, is there anyone in here that
11 has any kind of science background in biology,
12 forensics? I saw some engineers, too. Yes,
13 Mr. Lozadavelez, what is your background?

14 **MR. LOZADAVELEZ:** Electrical engineering.

15 **MS. LASKOFF:** Okay. Anyone here have any other
16 background in -- yes, sir, Mr. Mansour.

17 **MR. MANSOUR:** Yes, chemical engineer. Yes, ma'am.

18 **MS. HUTCHINSON:** I am a medical librarian.

19 **MS. LASKOFF:** Anyone else on this side?

20 **MR. CHAMI:** Structural engineer.

21 **MS. LASKOFF:** Anyone else on this side with any
22 kind of scientific, biology background, anything like
23 that? How about this side? Mr. Burke, you are an
24 engineer?

25 **MR. BURKE:** Yes. Electrical.

1 **MS. LASKOFF:** Anyone else on this side, science
2 background, engineering, statistics? No.

3 Now, has anyone themselves ever been accused of a
4 crime? Mr. Lozadavelez, is that something you can talk
5 with us about?

6 **MR. LOZADAVELEZ:** Outside, please.

7 **MS. LASKOFF:** Okay. Is it what we discussed
8 earlier, Mr. Lance?

9 **MR. LANCE:** Yes.

10 **MS. LASKOFF:** Anyone else on this side ever been
11 arrested? No?

12 Anyone been charged with anything? On this side,
13 criminally? I am not talking like a traffic ticket.
14 Okay. How about on this side, has anyone themselves
15 been arrested or charged with a crime? Mr. Hutchinson?

16 **MR. HUTCHINSON:** Yeah.

17 **MS. LASKOFF:** Is that something we can talk about
18 or you would rather talk about it outside the jurors
19 presence?

20 **MR. HUTCHINSON:** Talk about it outside.

21 **MS. LASKOFF:** And anyone else on this side?
22 Anybody have any family or friends that are serving
23 time in either a County jail or the State prison
24 facility? Okay. Ms. Robinson?

25 **MS. ROBINSON:** I have an ex-boyfriend.

1 **MS. LASKOFF:** Okay. Was that something -- were
2 you a victim of that offense or it had nothing to do
3 with you.

4 **MS. ROBINSON:** It had nothing to do with me.

5 **MS. LASKOFF:** Do you think he had been treated
6 fairly?

7 **MS. ROBINSON:** I didn't go to any of his court
8 cases so I wouldn't know, but I assume so.

9 **MS. LASKOFF:** Are you, because he's serving time,
10 going to say, hey, I can't be fair because I know what
11 happened to him?

12 **MS. ROBINSON:** No, I could be fair.

13 **MS. LASKOFF:** Okay. Is there anyone else here who
14 has a family member or close friends that are serving
15 time? Mr. Bennett?

16 **MR. BENNETT:** Yes. I have half my family in jail
17 or prison through the court system for bank robbery and
18 drugs.

19 **MS. LASKOFF:** Okay. Can you be fair to the State
20 of Florida, or are you going to be, like, hey, my
21 family has been in trouble before and I am
22 automatically going to be one way or another?

23 **MR. BENNETT:** I can be judgmental. I can see both
24 sides of the story and identify with both sides.

25 **MS. LASKOFF:** Especially with your cousin and her

1 husband.

2 **MR. BENNETT:** Yes, ma'am.

3 **MS. HIGHTOWER:** I have two nephews in state
4 prison.

5 **MS. LASKOFF:** Is their situation going to be --
6 would that affect you being a juror today that you are
7 automatically going to say, hey, I am one way or
8 another, or can you be fair and impartial and
9 understand that is something different than what is
10 going on today?

11 **MS. HIGHTOWER:** Yes.

12 **MS. LASKOFF:** Yes, you can be fair and impartial?

13 **MS. HIGHTOWER:** Yes.

14 **MS. LASKOFF:** Do you think you were treated
15 fairly?

16 **MS. HIGHTOWER:** One wasn't treated fairly. The
17 other one, he deserved it.

18 **MS. LASKOFF:** The one you don't feel was treated
19 fairly, are you going to hold any kind of feelings
20 automatically or thoughts or preconception against any
21 witnesses you might hear whether they are civilian or
22 law enforcement based on the fact that you don't
23 believe your cousin was treated fairly?

24 **MS. HIGHTOWER:** No.

25 **MS. LASKOFF:** Anyone else on this side? Okay. On

1 this side, anyone with a family member, close friend
2 that is serving some time in a prison or jail facility?

3 **MS. FAY:** My uncle, just drug related, no.

4 **MS. LASKOFF:** Is that going to make a difference
5 with you being a juror?

6 **MS. FAY:** No.

7 **MS. LASKOFF:** Anyone else? Anybody been the
8 victim of a crime? Anybody been the victim of a crime?
9 Okay. Let me start -- I will start with Ms. Baue.

10 **MS. BAUE:** My house got burglarized about 18 years
11 ago.

12 **MS. LASKOFF:** Was there a prosecution that came
13 out of it?

14 **MS. BAUE:** No.

15 **MS. LASKOFF:** Can you be fair and impartial to
16 both sides even though you were victimized?

17 **MS. BAUE:** Uh-huh.

18 **MS. LASKOFF:** Mr. Romyns, we haven't talked to you
19 yet.

20 **MS. ROMYNS:** I was robbed at work and we went to
21 trial and testified -- I testified.

22 **MS. LASKOFF:** You actually had to come to court
23 and testify in the same sort of situation?

24 **MS. ROMYNS:** Uh-huh.

25 **MS. LASKOFF:** When was that?

1 **MS. ROMYNS:** 2001 I think.

2 **MS. LASKOFF:** Was it here in Orlando?

3 **MS. ROMYNS:** Yes. Yes.

4 **MS. LASKOFF:** Do you think everything went like it
5 should have?

6 **MS. ROMYNS:** Yeah, it was great.

7 **MS. LASKOFF:** Can you be fair and impartial and
8 put aside your situation in judging the evidence that
9 is going to be presented in this case?

10 **MS. ROMYNS:** Yeah.

11 **MS. LASKOFF:** You don't think you will be biased
12 one way or another?

13 Yes, sir.

14 **MR. LOZADAVELEZ:** Yeah, I forgot, I have been the
15 victim, too, but it was long ago that I didn't remember
16 right away.

17 **MS. LASKOFF:** So it is obviously not something
18 that is going to affect you so strongly that you can't
19 be fair and impartial one way or another?

20 **MR. LOZADAVELEZ:** No. It was when I was nine
21 years old, I got my bike stolen.

22 **MS. LASKOFF:** Did they get it back?

23 **MR. LOZADAVELEZ:** No.

24 **MS. LASKOFF:** Is there anyone else that I haven't
25 talked to? Yes, sir, Mr. Wallace, you have been a

1 victim?

2 **MR. WALLACE:** Yes. Armed bank robbery.

3 **MS. LASKOFF:** Were you one of the victims?

4 **MR. WALLACE:** I was inside cashing a check.

5 **MS. LASKOFF:** Did you have to testify in court?

6 **MR. WALLACE:** Never caught anyone.

7 **MS. LASKOFF:** Was it a case that went to trial?

8 **MR. WALLACE:** They never caught anybody.

9 **MS. LASKOFF:** I thought you said they didn't call
10 you. Is that going to affect you being a juror today?

11 **MR. WALLACE:** No.

12 **MS. LASKOFF:** I saw other hands. I'm sorry.

13 Mr. Lance? No. Somebody in the back row? Yes, ma'am?

14 **MS. QUAEDVLIEG:** My car was broken into in a
15 church and the purse taken out of.

16 **MS. LASKOFF:** Do you think that law enforcement
17 did what they could on that case?

18 **MS. QUAEDVLIEG:** Yeah, yeah.

19 **MS. LASKOFF:** Are you going to be able to be a
20 fair and impartial juror to the defense and the State
21 today?

22 **MS. QUAEDVLIEG:** Absolutely. Yes.

23 **MS. LASKOFF:** Okay. Anyone on this side been the
24 victim of a crime?

25 **MR. HUTCHINSON:** Back in the service I kept

1 getting robbed, and this kind of falls into place with
2 the one that I will talk to you about later.

3 **MS. LASKOFF:** Okay. Anyone on this side been the
4 victim of an offense, a crime? Okay. Do any of you
5 know each other? If everybody can look at each other,
6 it always happens. Umm, well, let me ask you guys,
7 Ms. Baue and Mr. Lozadavelez, how do you know him?

8 **MS. BAUE:** I work at Lockheed and he works there
9 also. So you see a lot of people in the hallway. We
10 belong to the Spanish American club.

11 **MR. LOZADAVELEZ:** Yes.

12 **MS. LASKOFF:** Well, let's say you guys are
13 selected on the same jury and you are both picked. Is
14 the fact that you know each other outside of the
15 courtroom going to -- is it going to be an
16 uncomfortable situation where you don't feel like you
17 can express yourselves or you feel -- let me ask you
18 then, are you comfortable if you are both selected that
19 you can both express your opinions and vocalize your
20 concerns and thoughts regarding the case?

21 **MR. LOZADAVELEZ:** Yes.

22 **MS. BAUE:** Yes.

23 **MS. LASKOFF:** And I know it is a full courtroom of
24 people, so anybody else? Yes, sir. Mr. Cave?

25 **MR. CAVE:** I know John. We work together.

1 **THE COURT:** Okay. Mr. Cave and Hutchinson. It is
2 funny how he is behind you.

3 **MR. CAVE:** Both drive for the same company.

4 **MS. LASKOFF:** Do you see each other often?

5 **MR. CAVE:** Pretty often, two, three times a week.

6 **MS. LASKOFF:** Were you surprised to see each other
7 here this morning, let alone be in the same courtroom?

8 **MR. CAVE:** Yes.

9 **MS. LASKOFF:** The same thing I asked those folks.
10 Mr. Cave, are you -- if you are both selected on the
11 jury panel, are you going to feel comfortable
12 expressing your thoughts and opinions or are you going
13 to feel awkward if Mr. Hutchinson has a different
14 opinion than you have?

15 **MR. CAVE:** No.

16 **MS. LASKOFF:** You feel comfortable that you can
17 say what you have to say without automatically being
18 swayed because of your relationship with
19 Mr. Hutchinson? Do you feel comfortable enough that
20 you can express your feelings and thoughts and opinions
21 with Mr. Cave being present?

22 **MR. HUTCHINSON:** We are both drivers.

23 **MS. LASKOFF:** So there is no concerns it you are
24 both selected that you can be independent aside from
25 your work relationship?

1 **MR. HUTCHINSON:** No.

2 **MS. LASKOFF:** Anybody else know each other? Now,
3 Ms. Rigdone, is there anything -- I don't think I
4 talked to you too much -- that we ought to know, either
5 the State of Florida or the defense ought to know about
6 you being selected as a juror today?

7 **MS. RIGDON:** No. Not a thing.

8 **MS. LASKOFF:** Okay. How about Mr. Lee, I haven't
9 talked to you either, is there anything we need to know
10 about you that we haven't thought to ask?

11 **MR. LEE:** Not really, no.

12 **MS. LASKOFF:** Ms. Laureano, anything that you
13 think we should know?

14 **MS. LAUREANO:** No.

15 **MS. LASKOFF:** I think I have spoken with almost
16 everybody else on this side. Let me see over here.
17 Ms. Luvara, did I say it right?

18 **MS. LUVARA:** Uh-huh, yes.

19 **MS. LASKOFF:** Is there anything we need to know or
20 you think would be important if you're selected as a
21 juror today relating to these charges?

22 **MS. LUVARA:** No.

23 **MS. LASKOFF:** And I know I haven't talked with
24 Mr. Wamsley.

25 **MR. WAMSLEY:** Yes.

1 **MS. LASKOFF:** Anything that we need to know about
2 your being a juror, your background that might be
3 important if you're selected?

4 **MR. WAMSLEY:** Architectural engineer.

5 **MS. LASKOFF:** Yeah, I saw that. Okay. My science
6 and math was pretty lousy. English major.

7 Mr. Pirochta, is there anything we need to know about
8 your background or we haven't thought to ask that you
9 feel is important that we ought to know about you?

10 **MR. PIROCHTA:** No.

11 **MS. LASKOFF:** And Mr. Chami, I am sorry. I know
12 you discussed you are a structural engineer. Anything
13 else important about your background that you think we
14 ought to know if you're selected as a juror today?

15 **MR. CHAMI:** No.

16 **MS. LASKOFF:** Ms. Cruz, I have some notes here.
17 Was there something about these charges that make you
18 uncomfortable that -- or was it something that you
19 wanted to talk outside the jurors' presence?

20 **MS. CRUZ:** I served on a jury a few years ago that
21 made me uncomfortable.

22 **MS. LASKOFF:** And we are going to talk to you
23 later about that. Okay?

24 Does anybody really want to be on the jury panel?
25 And believe me, there is people that really do

1 surprisingly, which I appreciable it, but you guys
2 would really like to be on the panel.

3 Ms. Rigdon and Ms. Baue, anybody really don't want
4 to be here, they are just here because they got that
5 summons and it is please, don't pick me? Anybody that
6 really doesn't want to be on this panel? Okay. And it
7 is understandable because this does interfere with our
8 daily lives. If I can have a moment, Your Honor?

9 **THE COURT:** You may.

10 **MS. LASKOFF:** I think that covers it, Your Honor.
11 I don't have anything else, thank you.

12 **THE COURT:** Ladies and gentlemen, do you need a
13 break? You have been sitting there for quite awhile.
14 Let's take a ten minutes recess. I would ask that you
15 pay attention to where you are seated. When you come
16 back in, I am going to want you to sit in the same
17 places. We have the seating charts and if you move
18 around, we will be confused, and we don't want to be
19 confused at this early stage of the day, so take ten
20 minutes and we will reconvene as soon as you can get
21 back.

22 (Venire exited the courtroom.)

23 **THE COURT:** Ms. Vickers, just so you know, we will
24 go to about noon and break and come back and finish
25 after.

1 **MS. VICKERS:** Can we discuss that just briefly?

2 **THE COURT:** Sure.

3 **MS. VICKERS:** I would request that we, instead of
4 letting the defense start, go ahead and maybe question
5 the people individually. It is going to be maybe 20
6 minutes to go and it really messes up the flow with the
7 jury and the questions when you have a large break and
8 then you come back. If we can do maybe individual
9 questioning, I think it would, you know, possibly fill
10 up some time. It just -- I hate to break it up.

11 **THE COURT:** Okay. I have for individual
12 questioning so far Lozadavelez. Is there any need to
13 bring in Ms. Hutchinson?

14 **MS. VICKERS:** Not for me.

15 **THE COURT:** If you both agree, I won't bring her.
16 And then I have Ms. Ballenger, Ms. Cruz, and
17 Mr. Hutchinson, number 33. What I would do then,
18 before we bring everyone back in -- well, actually, I
19 guess I will have to bring them all back in, excuse all
20 but those five to come back at 1:15, or 1:30.

21 **MS. VICKERS:** Thank you.

22 **THE COURT:** And then have those five, four our
23 five step out and we will take it from there.

24 (Whereupon, the Venire entered the courtroom.)

25 **THE COURT:** Ladies and gentlemen, I realize

1 Mr. Mort is still not here, however, we are not going
2 to resume the general questioning of the panel because
3 I don't want to break up the defense attorney's
4 questioning of you.

5 What I am going to do is send the bulk of you to
6 lunch at this time, and I am going to ask this,
7 Mr. Lozadavelez, Ms. Ballenger, Ms. Cruz, Mr. Cappadoro
8 and Mr. Hutchinson, I am going to ask if you would
9 please remain so that we can do the individual
10 questioning of you at this time rather than having --
11 waiting until the end.

12 The rest of you, I would like you back here at
13 1:15, and don't worry for the five of you, I do intend
14 to give you a lunch break, too, but, please remember
15 where you are seated, and be back in those seats at
16 1:15.

17 (Venire exited the courtroom.)

18 **THE COURT:** Mr. Saunders?

19 **MR. SAUNDERS:** While I understand the process
20 well, I was wondering if there could be some
21 disposition of my position. I literally just told
22 somebody to go down to Fort Pierce and don't wait for
23 me for this hearing tomorrow, and I don't know if
24 anybody has already decided whether or not --

25 **THE COURT:** No. No decisions have yet been made.

1 **MR. SAUNDERS:** Okay.

2 **THE COURT:** And it's not, quite frankly, something
3 that I can discuss in front of you or the other jurors.

4 **MR. SAUNDERS:** All right. Be back at 1:15.

5 **THE COURT:** Thank you.

6 If I can have everyone else other than
7 Mr. Lozadovelez step out, please, and we will be back
8 with you in just a few moments. Just wait for me
9 outside.

10 (Whereupon: the above-listed jurors exited the
11 courtroom.)

12 **THE COURT:** Mr. Lozadavelez, you can have a seat.
13 You indicated that there was something that you wanted
14 to discuss outside the presence of the other jurors?

15 **MR. LOZADAVELEZ:** Yes.

16 **THE COURT:** What is that, sir?

17 **MR. LOZADAVELEZ:** Well, about 1996 I got accused
18 of a second degree felony which was lewd and lascivious
19 in the presence of a child.

20 **THE COURT:** And did you end up having to go to
21 court in that matter?

22 **MR. LOZADAVELEZ:** Yes.

23 **THE COURT:** Was that here in Orange County or
24 somewhere else?

25 **MR. LOZADAVELEZ:** That was in Brevard County.

1 **THE COURT:** And what happened when you went to
2 court?

3 **MR. LOZADAVELEZ:** Umm, we reached a plea agreement
4 for no contest on indecent exposure, which is a
5 misdemeanor, and then I served 1.5 years out of three
6 on probation.

7 **THE COURT:** Okay. And State, do you have any
8 questions?

9 **MS. LASKOFF:** Mr. Lozada, do you think that you
10 were treated fairly by the prosecution in that case?

11 **MR. LOZADAVELEZ:** Yes.

12 **MS. LASKOFF:** Do you think that law enforcement
13 was doing their job correctly?

14 **MR. LOZADAVELEZ:** Yes.

15 **MS. LASKOFF:** Do you think that because you were
16 charged, were a Defendant in a criminal prosecution,
17 that you are going to feel automatically some sort of
18 sympathy or bias towards the defendant being charged
19 today?

20 **MR. LOZADAVELEZ:** Well, I have been on, I would
21 say, both sides of the system, and I feel that I can be
22 impartial.

23 **MS. LASKOFF:** You can be fair to both sides?

24 **MR. LOZADAVELEZ:** Yes.

25 **MS. LASKOFF:** Are you able to set aside the

1 previous experience of that criminal charge without
2 bringing it into the courtroom and saying, hey, you
3 know what? I was charged with a crime, so therefore
4 I'm automatically going to feel a certain way about if
5 the cops are testifying, or other witnesses or anything
6 like that.

7 **MR. LOZADAVELEZ:** It is a totally unrelated case,
8 and I feel I can be impartial.

9 **MS. LASKOFF:** Okay. Thank you, Your Honor.

10 **THE COURT:** Defense, any questions?

11 **MS. VICKERS:** No, Your Honor.

12 **THE COURT:** Thank you, sir. You are free to go to
13 lunch. Please be back at 1:15. I need to see
14 Ms. Ballenger.

15 (Whereupon: Mr. Lozadavelez exited the courtroom
16 and Ms. Ballenger entered the courtroom).

17 **THE COURT:** Ms. Ballenger, you can sit anywhere,
18 ma'am.

19 **MS. BALLENGER:** All right.

20 **THE COURT:** You indicated that there was something
21 you wanted to discuss outside the presence of the other
22 jurors?

23 **MS. BALLENGER:** Well, this isn't really the type
24 of case that I would prefer to serve as a juror on, and
25 I found --

1 **THE COURT:** I think a lot of people might say
2 that.

3 **MS. BALLENGER:** I found I was very emotional when
4 the charges were read.

5 **THE COURT:** Thank you, ma'am.
6 State, do you have any questions?

7 **MS. BALLENGER:** I don't think -- I mean, I am
8 intelligent enough to weigh the evidence, but I think I
9 would be very emotional with the testimony and the
10 pictures and so on. It would make me very emotional.

11 **THE COURT:** Thank you, ma'am. Ms. Laskoff, any
12 questions?

13 **MS. LASKOFF:** Let me ask you: You say, and I
14 understand the reasoning, are your emotions going to be
15 that you are going to automatically feel sorry for
16 either one side or another, you are going to feel
17 automatically a stronger emotion towards the defendant,
18 or maybe the victims or the individuals in the case in
19 where you are not sure?

20 **MS. BALLENGER:** No, I don't think that I would
21 have emotions like that, but well, it is hard for me to
22 explain, and it is very embarrassing.

23 **MS. LASKOFF:** I don't want you to be embarrassed,
24 and sometimes it is hard to put these things into
25 words.

1 **MS. BALLENGER:** Well, I don't know whether I could
2 look at the pictures that you are going to show or
3 whatever. I think I could weigh the evidence.

4 **MS. LASKOFF:** Okay.

5 **MS. BALLENGER:** I don't know.

6 **MS. LASKOFF:** Okay. If part of the testimony is
7 pictures --

8 **MS. BALLENGER:** Uh-huh.

9 **MS. LASKOFF:** -- are you telling me you don't know
10 if you can actually look at them or not, and I just
11 want to make sure I am understanding what you are
12 saying?

13 **MS. BALLENGER:** Well, I find that it would be very
14 emotional.

15 **MS. LASKOFF:** Right.

16 **MS. BALLENGER:** Otherwise, I'd like to do my duty,
17 you know, and be a juror, but I don't want to faint in
18 the middle of this.

19 **MS. LASKOFF:** All right. Thank you.

20 **THE COURT:** Ms. Vickers?

21 **MS. VICKERS:** Hi, Ms. Ballenger. You just made
22 the comment that you don't want to faint in the middle
23 of this. Are you prone to fainting or have you fainted
24 before?

25 **MS. BALLENGER:** Sometimes. But --

1 **MS. VICKERS:** Do you have any medical conditions,
2 high blood pressure, something like that?

3 **MS. BALLENGER:** No.

4 **MS. VICKERS:** Anything about viewing the photos,
5 because there will be, I suspect, some autopsy photos
6 shown --

7 **MS. BALLENGER:** Yes.

8 **MS. VICKERS:** -- of a person who is deceased?

9 **MS. BALLENGER:** Yes.

10 **MS. VICKERS:** Is that going to just affect you so
11 much so that it is going to be a problem for you to
12 serve on this case? I don't want to put words in your
13 mouth.

14 **MS. BALLENGER:** I don't think so. I have some
15 kind of phobia that relates to -- I am so embarrassed
16 to say this -- that relates to seeing blood. And
17 sometimes, you know, I have fainted and when I have
18 gone to a gory movie, or, you know, something like
19 that, and this is, of course, real life and I have
20 always wanted to serve on a jury but I am not sure I am
21 your juror for you today.

22 **MS. VICKERS:** Do you think something like a theft
23 case or a civil case might be better suited for you?

24 **MS. BALLENGER:** What was the first kind?

25 **MS. VICKERS:** A theft case?

1 **MS. BALLENGER:** Yes, I think so, or a civil case
2 might be better suited. Otherwise, I would like to
3 serve on the jury.

4 **MS. VICKERS:** Okay.

5 **MS. BALLENGER:** But this was not something I
6 wanted to say to you in open court or in front of the
7 other jurors either.

8 **MS. VICKERS:** Okay.

9 **THE COURT:** You don't need to feel embarrassed,
10 ma'am. There are a lot of people that feel that same
11 way.

12 **MS. VICKERS:** And we are not trying to cause you
13 any embarrassment. We are just trying to get to, you
14 know, the underlying reasons for why you may be suited
15 for this case or not suited for this case, and it
16 doesn't mean anything bad against you at all. It is
17 just trying to get to the bottom of it.

18 **MS. BALLENGER:** Well, basically I'd rather serve
19 on some other kind of jury.

20 **MS. VICKERS:** Okay. And you think that the phobia
21 is as it is, would just affect you so greatly that this
22 is not the jury for you, perhaps?

23 **MS. BALLENGER:** I don't know.

24 **THE COURT:** Okay.

25 **MS. VICKERS:** If I had to ask you to be better

1 safe than sorry and give me an answer yes or no, what
2 would your answer be, yes, I would be fine, I can do it
3 or, no, I just can't?

4 **MS. BALLENGER:** I would rather not. It is not a
5 matter of saying yes or no.

6 **MS. VICKERS:** Okay. Thank you.

7 **THE COURT:** Thank you, ma'am. And Ms. Ballenger,
8 I need you back at 1:15. Thank you, ma'am. I need to
9 see Ms. Cruz.

10 (Whereupon: Ms. Ballenger exited the courtroom and
11 Ms. Cruz entered the courtroom).

12 **THE COURT:** Ms. Cruz, you said you had an
13 unpleasant experience on your last jury. Could you
14 tell me what that was?

15 **MS. CRUZ:** Yes. It was a case, so called a child
16 abuse and they found the defendant guilty, and you
17 know, it is just everything goes so quick and then when
18 you go home and you start thinking about some things,
19 it was, like, you know, I didn't know what would be the
20 consequences and they gave the young man life and it
21 was really traumatic. I mean, I went home and cried
22 for three days.

23 **THE COURT:** And that was the experience that you
24 were talking about when you --

25 **MS. CRUZ:** Yeah.

1 **THE COURT:** -- told me that there was something
2 unpleasant that happened and made you uncomfortable in
3 serving again?

4 **MS. CRUZ:** Yeah.

5 **THE COURT:** Would that have any affect upon your
6 verdict in this case if you were selected to serve on
7 this jury?

8 **MS. CRUZ:** That is hard to tell. Of course I
9 guess you have to, you know, see, go through the whole
10 case in order to know how uncomfortable or not you are
11 going to feel, but I just know that that was very
12 unpleasant for me. I went home and I really was
13 unhappy.

14 **THE COURT:** Thank you, ma'am. Ms. Laskoff, any
15 questions?

16 **MS. LASKOFF:** Ma'am, you understand that as a
17 juror, your duty isn't to render whatever sentence or
18 punishment might be, correct? Do you understand that?

19 **MS. CRUZ:** I am aware of that, but I really,
20 really would have liked to know what were the
21 consequences before I, you know, passed judgment which
22 I don't think I have the right to do anyway.

23 **MS. LASKOFF:** Okay. Well, let me ask you this.
24 Is it fair to say you are not comfortable passing
25 judgment because you're concerned about if it is a

1 certain judgment, what's going to happen next?

2 **MS. CRUZ:** Yes.

3 **MS. LASKOFF:** Okay. So you don't think you could
4 focus solely on the evidence, you think you would be
5 strongly influenced on what might happen with a certain
6 decision?

7 **MS. CRUZ:** I think I can, you know, evaluate the
8 situation, but I am just letting you know the way I
9 feel, you know. That is not saying that I am not
10 capable of making a decision of guilt or not.

11 **MS. LASKOFF:** Right. But what I was talking
12 about, I understand nobody comes in here with a blank
13 slate. We all have certain life experiences and
14 obviously that one was a juror, is very -- it made a
15 big impact on you. Is it one that is going to be with
16 you if you're selected as a juror sitting on your
17 shoulders the whole time and are you going to be, like,
18 recalling that jury service and regretting or not
19 regretting decisions based upon your prior experience,
20 does that make sense?

21 **MS. CRUZ:** Like I said, I wouldn't know how I
22 would be affected until I went through the process.

23 **MS. LASKOFF:** Okay. Okay. Thank you.

24 **THE COURT:** Ms. Vickers, any questions?

25 **MS. VICKERS:** Yes. Thank you.

1 Good morning. Are you concerned though, that you
2 are going to walk out of this experience feeling that
3 same trauma that you did in the last experience?

4 **MS. CRUZ:** I wouldn't know that until I went
5 through it.

6 **MS. VICKERS:** Okay. But since you have brought it
7 up to us, is it a concern of yours that you might
8 experience a similar trauma?

9 **MS. CRUZ:** I think it has been like five or six
10 years and I haven't forgotten it, so I would say it is
11 traumatic to me and I don't know how it would affect
12 me. No, I don't.

13 **MS. VICKERS:** Okay. All right. Thank you.
14 Nothing further.

15 **THE COURT:** Thank you, ma'am. I need to have you
16 back at 1:15.

17 **MS. CRUZ:** Okay.

18 **THE COURT:** Can I see Mr. Cappadoro, please.

19 (Whereupon: Juror Cappadoro entered the
20 courtroom).

21 **THE COURT:** Mr. Cappadoro, you can have a seat,
22 sir. I know you had indicated that you had a medical
23 procedure that is scheduled for this afternoon.

24 **MR. CAPPADORO:** Yes, your Honor.

25 **THE COURT:** And you mentioned having a stent

1 removed.

2 **MR. CAPPADORO:** Yes.

3 **THE COURT:** I didn't want to ask in front of all
4 of the other jurors.

5 **MR. CAPPADORO:** That's okay.

6 **THE COURT:** Do you mind sharing with us whether
7 it --

8 **MR. CAPPADORO:** Not at all.

9 **THE COURT:** Is it from a kidney stone procedure?

10 **MR. CAPPADORO:** It was three weeks ago. I was
11 admitted to Florida East with an enlarged kidney and a
12 kidney stone and I had the surgical procedure and then
13 while I was there, I picked up a nasty bug and spent a
14 week in the hospital getting over that. Then I took a
15 week to recover from that bug, and then I came back to
16 get my, you know, I scheduled to have the stent
17 removed, and today, Monday, was the first appointment,
18 so I scheduled it for 3 because I figured, well, if I
19 opened at my work, I would be out in time and if I
20 closed, I'd go in a little bit late, and then on
21 Saturday, I am getting ready for my taxes and I look in
22 my file, which I have been kind of out of my normal
23 routine for over two and a half weeks, and I see the
24 jury summons, and I'm, like, oh, my God, I forgot all
25 about this. So there I had made the appointments, even

1 though I knew I had to be here. The two weeks of being
2 in and out of the hospital I completely forgot about
3 it. So this afternoon at 3 I am supposed to have the
4 stent removed. I have had it for three weeks now and
5 that was the time frame that the doctor said I should
6 have it taken out.

7 **THE COURT:** I know many times they are
8 uncomfortable. Is it something that if you're selected
9 on this jury that can wait until Thursday to be
10 removed, or is it something you're not going to be able
11 to live with it?

12 **MR. CAPPADORO:** Well, I have been living -- it
13 is -- the uncomfortable part is the feeling that you
14 have to use the restroom all the time. So even though
15 I just did, I still feel like I have to. And I have
16 been living like this for the last three weeks, so to
17 say can I do it for three more days, to see justice
18 served, I think I probably could. To say I would be
19 able to get into the doctor's office on Thursday, that
20 is whole other -- they are, you know, they are usually
21 looking at a week out, so, I would have to -- I would
22 have to call them and find out about rescheduling.

23 **THE COURT:** Okay. I just wanted to get a little
24 better handle on what was going on. And I appreciate
25 that, sir. Any questions, State?

1 **MS. LASKOFF:** No.

2 **THE COURT:** Any questions, Ms. Vickers?

3 **MS. VICKERS:** No.

4 **THE COURT:** Can you be back at 1? I appreciate
5 it. Thank you. And I need to see Mr. Hutchinson.

6 (Whereupon: Juror Hutchinson entered the
7 courtroom).

8 **THE COURT:** Sir, you indicated there was something
9 you wanted to discuss outside the presence of the other
10 jurors. Can you tell me what that was?

11 **MR. HUTCHINSON:** Well, I have been in that man's
12 shoes before.

13 **THE COURT:** All right. Why don't you -- how long
14 ago, and what type of case, if you don't mind telling
15 me?

16 **MR. HUTCHINSON:** It was back in '72 to '73 when I
17 was in the service, in the marines.

18 **THE COURT:** Was it a military tribunal or a civil
19 jury?

20 **MR. HUTCHINSON:** It was a criminal case. Outside.

21 **THE COURT:** Was it handled in a military court or
22 in a civil court?

23 **MR. HUTCHINSON:** A civil court.

24 **THE COURT:** And what was the charge?

25 **MR. HUTCHINSON:** Armed robbery, assault with a

1 deadly weapon with the intent to commit murder.

2 **THE COURT:** What was the outcome of the case?

3 **MR. HUTCHINSON:** A friend of mine, I was found --
4 well, the charges were dropped.

5 **THE COURT:** Okay. Because of that experience that
6 you have been through, would that make it difficult for
7 you to be fair and impartial in this case?

8 **MR. HUTCHINSON:** No, ma'am.

9 **THE COURT:** State, do you have any questions?

10 **MS. LASKOFF:** Sorry. Is there anything -- did you
11 think that law enforcement treated you fairly on that
12 offense?

13 **MR. HUTCHINSON:** Yes, ma'am, I do.

14 **MS. LASKOFF:** And are you understanding why it was
15 that they eventually did charge you with that offense?

16 **MR. HUTCHINSON:** I understand exactly what all
17 they did.

18 **MS. LASKOFF:** And was it a case where you were
19 prosecuted criminally?

20 **MR. HUTCHINSON:** Yes, ma'am.

21 **MS. LASKOFF:** But it never got to the point where
22 you had to plea or sit through a trial, is that what I
23 am understanding?

24 **MR. HUTCHINSON:** It was to that point. The
25 gentleman that was with me pretty much did everything

1 and the victim could identify him but couldn't really
2 positively identify me being there, and the guy that
3 was with me told me during the trial, that for me to
4 keep my mouth shut, that he would take the full rap.

5 **MS. LASKOFF:** Okay. Now, you said that you were
6 once in his shoes. Do you feel like you were
7 wrongfully accused?

8 **MR. HUTCHINSON:** No, ma'am.

9 **MS. LASKOFF:** Okay. My concern is if you -- with
10 that statement that you were in this defendant's shoes,
11 are you going to be like in a situation where you are
12 feeling -- where you are going to make me as the State
13 basically prove something to a higher standard than
14 what my beyond a reasonable doubt is because you feel
15 one on one with him that you were in the same situation
16 and being charged?

17 **MR. HUTCHINSON:** No, ma'am.

18 **MS. LASKOFF:** Okay. You feel like you can be fair
19 to the citizens and the witnesses and the victims in
20 this case?

21 **MR. HUTCHINSON:** Yes, ma'am.

22 **MS. LASKOFF:** As well as to the defendant?

23 **MR. HUTCHINSON:** Yes, ma'am. I can understand
24 what everybody is going through.

25 **MS. LASKOFF:** Okay. Because obviously it is

1 important not only to the defendant, but all the
2 parties involved.

3 **MR. HUTCHINSON:** Exactly.

4 **MS. LASKOFF:** Okay. And if it's not a situation
5 where you feel like you could be fair, that is
6 something that we really need to know.

7 **MR. HUTCHINSON:** I understand.

8 **MS. LASKOFF:** Okay. All right. Thank you.

9 **THE COURT:** Ms. Vickers, any questions?

10 **MS. VICKERS:** Just real quick. Mr. Hutchinson,
11 you had also mentioned that you had been the victim of
12 a crime. It was involving this whole situation?

13 **MR. HUTCHINSON:** Yes, ma'am. I was -- when I
14 first got out of boot camp, and got over to Camp Lejune
15 about six months into my enlistment I kept getting
16 robbed by two particular people. And you only get paid
17 once a month at that time, and this happened three or
18 four times. Well, I reported it to the military
19 police. They didn't do anything and they said there
20 wasn't enough evidence. So it happened again one
21 night, myself and three other friends were on our way
22 to, or coming back from Jacksonville, North Carolina,
23 and I saw the gentleman thumbing on the road, looking
24 for a ride. And I informed the guy that was driving
25 that this was the guy that was robbing me, which it

1 was, and my other friend that was in the back seat
2 along with myself and another guy, we picked him up and
3 my friend had a garden hose, 3-foot section garden
4 hose, and put it around his neck and snatched him half
5 way in the back seat, took his wallet. And he gave me
6 the money. And about that time, a guy that was
7 struggling opened up the front door of the car and
8 tried getting out. But -- which was hard to do with
9 the hose wrapped around your neck. My friend stated if
10 you want out, bitch, get out and kicked him in the
11 face. And the car was doing about 55.

12 **MS. VICKERS:** Was your friend convicted?

13 **MR. HUTCHINSON:** Excuse me?

14 **MS. VICKERS:** Was your friend convicted of the
15 charges?

16 **MR. HUTCHINSON:** Yes.

17 **MS. VICKERS:** And does anything about that whole
18 experience seeing as you were kind of on both sides of
19 it, cause you any distress in possibly sitting as a
20 juror on this particular trial?

21 **MR. HUTCHINSON:** No. It wouldn't cause me any
22 stress as far as being a juror on a trial. You know,
23 it just kind of gave me a better outlook on both sides,
24 I suppose.

25 **MS. VICKERS:** Okay. All right. Nothing further.

1 **THE COURT:** Thank you, sir. If you can be back at
2 1:15, please. Thank you.

3 All right, Counsel, before we recess for lunch,
4 does anyone wish to exercise a peremptory and give
5 Mr. Saunders a break for the afternoon? If so, I will
6 have my office call his office, but if not, he'll be
7 back here at 1:15. It doesn't sound like I am getting
8 any takers, and Mr. Saunders should have made other
9 arrangements for this afternoon when he had a jury
10 summons, so I will see everybody back here at 1:15.

11 **MS. VICKERS:** I don't know if you wanted to
12 address Cappadoro seeing as the appointment is at 3, or
13 is that not an issue?

14 **THE COURT:** He hasn't expressed a reason for
15 cause, unless you both stipulate to a cause challenge.
16 So, unless somebody -- if you're stipulating or
17 somebody has a peremptory, I am -- hopefully we will be
18 done and know one way or the other before three and he
19 can get there quickly.

20 **MS. VICKERS:** For Mr. Cappadoro, from the
21 defense's perspective, I don't have any objection for a
22 cause challenge on him. I have been familiar with other
23 jurors before and people who have issues with urinary
24 tract. And it does make them quite antsy and not
25 really able to focus on things when you have it, feel

1 like you have to constantly use the rest room, and he
2 stated that he just went, and not maybe 10, 15 minutes
3 later he felt like he had to go again, and I would just
4 be concerned from his point of view, from his focus, as
5 this is going to be a lengthy trial. It is not just
6 like it is one day and we are going to be out today.

7 **THE COURT:** State. Are you willing to stipulate
8 to a cause challenge?

9 **MS. LASKOFF:** I don't -- I am not. I don't think
10 his rises to a cause.

11 **THE COURT:** All right. Then I need to wait. I
12 will see you back at 1:15.

13 (Luncheon recess.)

14 **MS. LASKOFF:** Your Honor, I have also got the
15 victim's family here. They are not testifying. They
16 only want to be present, so I don't know what we can do
17 in that regard.

18 **THE COURT:** How many?

19 **MS. LASKOFF:** There is three of them.

20 **THE COURT:** All right. They can sit in the front
21 row on this side. But they'll have to come in now and
22 they'll have to understand that they cannot come and go
23 during the course of the questioning. Okay.

24 **MS. LASKOFF:** Your Honor, the victim's family are
25 in the rest room right now. They should be out in two

1 seconds.

2 **THE COURT:** Okay. All right. Let's bring in --
3 well, before we bring in the panel, ladies and
4 gentlemen, I am permitting various family members to
5 sit in the jury box. That's because there is no room
6 in the gallery. Please understand that if you show
7 emotion, I will have to have you escorted out of the
8 courtroom. I will not permit any show of emotion
9 during this proceeding. Everyone understand? Thank
10 you.

11 There was a gentleman in here earlier. Is he
12 coming back?

13 **UNKNOWN VOICE:** Yes.

14 **THE COURT:** Where is he? I need him back now if
15 he wants to be seated because I need to bring the jury
16 in.

17 **COURT DEPUTY:** Judge, he's not present.

18 **THE COURT:** All right. Let's bring the panel in.

19 (Jury enters the courtroom.)

20 **THE COURT:** It appears we have everyone. Defense,
21 you may inquire.

22 **MS. VICKERS:** Thank you, Your Honor. Please the
23 Court.

24 Good afternoon, ladies and gentlemen. Making sure
25 everybody is still awake. Quick question, who makes

1 coffee the old fashioned way at home in the mornings?
2 One person. Two people, three. Starbucks has taken
3 over our lives.

4 **A JUROR:** You mean it that way. I thought you
5 meant the percolator.

6 **MS. VICKERS:** No, at home instead of the
7 drive-thru at Starbucks. So some people make coffee at
8 home? All right.

9 The court reporter is taking everything down, just
10 to remind you and then she needs audio responses
11 because head nods or uh-huhs or hands won't show what's
12 going on. So, if you-all can just remember to try to
13 shout out for us, we would appreciate it. Okay.

14 So, you make your coffee, it is early in the
15 morning, you are driving to work. You are hitting
16 traffic. Maybe you're stuck in traffic and you start
17 thinking, did I remember to turn the coffee maker off?
18 If not, something could happen. It could spill, it
19 could cause an electrical fire, things like that.
20 Mr. Cave, ever have that, ever have that feeling
21 before?

22 **MR. CAVE:** Oh, yes.

23 **MS. VICKERS:** Okay. Where you are somewhere and
24 did I forget to turn the iron off? Did I forget to
25 close the garage door?

1 **MR. CAVE:** Yeah.

2 **MS. VICKERS:** Did I forget to lock my door? Did I
3 forget to give the kids the lunch money? Okay. That's
4 a little bit of a feeling maybe of what wavering can
5 be. The Judge is going to read you multiple
6 instructions throughout this case, and one of the
7 instructions deals with reasonable doubt. And the
8 instruction says that if you have a reasonable doubt,
9 one which wavers and vacillates, you know, you are just
10 not sure about, then you must find Mr. Dobbs not
11 guilty. Does everybody understand that?

12 **THE VENIRE:** Yes.

13 **MS. VICKERS:** Okay.

14 **MS. LASKOFF:** I am going to object. That is an
15 improper statement of what the law is.

16 **THE COURT:** Overruled.

17 **MS. VICKERS:** Ms. Robinson, what do you think
18 about that? Do you have any feelings one way or
19 another?

20 **MS. ROBINSON:** No.

21 **MS. VICKERS:** What about burden of proof, the
22 Judge told you that the State has the burden of proving
23 this case beyond and to the exclusion of every
24 reasonable doubt. Do you think it is fair that the
25 State should have that burden of proof?

1 **MS. ROBINSON:** I think so. I mean, whatever the
2 law is, it is fair. That's how it is. I mean, I think
3 it is fair. I mean, innocent until proven guilty is
4 the law.

5 **MS. VICKERS:** Okay. Mr. Hutchinson, I saw you
6 kind of nod your head. What do you think?

7 **MR. HUTCHINSON:** I think the State arrested him,
8 the State needs to prove their case.

9 **MS. VICKERS:** And what happens if the State
10 doesn't prove their case?

11 **MR. HUTCHINSON:** Then he's not guilty.

12 **MS. VICKERS:** Okay. Now, you heard the charges in
13 this case, and one of the charges is that somebody was
14 killed, somebody died. Even knowing that, if the State
15 does not prove their case beyond a reasonable doubt,
16 what would your verdict be?

17 **MR. HUTCHINSON:** Would have to be not guilty.

18 **MS. VICKERS:** Okay. Mr. Mort, what do you think?

19 **MR. MORT:** I have to agree.

20 **MS. VICKERS:** That it would be a not guilty
21 verdict?

22 **MR. MORT:** Correct.

23 **MS. VICKERS:** Okay. Ms. Stokes?

24 **MS. STOKES:** Not guilty.

25 **MS. VICKERS:** Mr. Saunders?

1 **MR. SAUNDERS:** I agree.

2 **MR. JACOBY:** I agree with what is being said.

3 **MS. VICKERS:** Okay. That even though it involves
4 some very serious charges, if the State does not prove
5 that, then your verdict would still be --

6 **MR. JACOBY:** The State could make any kind of
7 charges they want against me and I don't have to say
8 anything against it, and if the State doesn't prove it,
9 I understand that.

10 **MS. VICKERS:** Okay. Ms. Rigdon, what do you
11 think?

12 **MS. RIGDON:** It is the State's responsibility to
13 prove that I did it.

14 **MS. VICKERS:** Okay.

15 **MS. RIGDON:** And if they don't prove it then it's
16 not guilty.

17 **MS. VICKERS:** Bottom line.

18 **MS. RIGDON:** That's the way it is. It is their
19 burden of proof.

20 **MS. VICKERS:** Ms. Baue, what do you think?

21 **MS. BAUE:** Same thing, that the State needs to
22 testify and prove that he's guilty or not guilty, and
23 with their evidence, whatever is presented, we should
24 be able to find him guilty or not guilty on what they
25 have to present to us.

1 **MS. VICKERS:** And it doesn't matter to you what
2 the charges are?

3 **MS. BAUE:** Correct. As long as they have without
4 reasonable doubt that he's guilty or not guilty.

5 **MS. VICKERS:** Okay. Ms. Fay is it? What do you
6 think about what everybody else has been saying so far
7 on that issue about, you know, even though the charges
8 are very serious here, that if the State does not meet
9 their burden, what would your verdict be?

10 **MS. FAY:** I agree it would be not guilty.

11 **MS. VICKERS:** I know it's going to mess it up.
12 Ms. Lozadavelez, what do you think about what we are
13 talking about?

14 **MR. LOZADAVELEZ:** That I agree. Presumption of
15 innocence means not guilty unless the State proves
16 without a reasonable doubt.

17 **MS. VICKERS:** Ms. Hutchinson, what are your
18 feelings? I know we talked about the intuition, but
19 what are your feelings, though, as far as obviously we
20 are dealing with some serious charges, although if they
21 are not proven beyond a reasonable doubt, what would
22 your verdict be?

23 **MS. HUTCHINSON:** I also agree that a person is
24 innocent until proven guilty and that that is the
25 burden of the State in this instance, according to

1 these definitions.

2 **MS. VICKERS:** Okay. Mr. Seegers, how do you feel?

3 **MR. SEEGERS:** Same way. You are innocent until
4 proven guilty.

5 **MS. VICKERS:** No matter what the charge is.

6 **MS. SEEGERS:** Doesn't matter. You have to prove
7 it.

8 **MS. VICKERS:** Is it Mr. Cestare?

9 **MR. CESTARE:** That is correct.

10 **MS. VICKERS:** What do you think about what
11 everybody is saying?

12 **MR. CESTARE:** I agree it is up to the State to
13 prove guilty.

14 **MS. VICKERS:** Ms. Laureano, what are your feelings
15 on the subject?

16 **MS. LAUREANO:** That's what the law is, innocent
17 until proven guilty.

18 **MS. VICKERS:** Ms. Robinson, how do you feel?

19 **MS. ROBINSON:** Innocent until proven guilty.

20 **MS. VICKERS:** No matter what the charges are?

21 **MS. ROBINSON:** No matter what the charges are.

22 **MR. SEEGERS:** Mr. Lee?

23 **MR. LEE:** Innocent until proven guilty.

24 **MS. VICKERS:** Ms. Wilkes?

25 **MS. WILKES:** Aren't there several charges?

1 **MS. VICKERS:** There are.

2 **MS. WILKES:** Okay. So...

3 **MS. VICKERS:** There are. So, what I am saying is
4 that the most serious charge we have to deal with here
5 would be the charge involving the deceased, and what
6 I'm saying is that sometimes you might find that people
7 let the magnitude of the charge, it kind of weighs on
8 them very heavily and say, well, you know, maybe we
9 don't really find that the State proved their case
10 beyond a reasonable doubt, but goodness, somebody died
11 here. Somebody's got to pay for that.

12 It might as well be, you know, whoever is charged
13 with that crime. So I am just, you know, you are
14 right. There are other charges, so, for example, let's
15 say that on all of the charges the State failed to meet
16 that burden and you had a reasonable doubt. What would
17 your verdict be?

18 **MS. WILKES:** Then it would be innocent. They
19 couldn't prove their case.

20 **MS. VICKERS:** Is it Mr. Romyns?

21 **MR. ROMYNS:** It doesn't really matter what the
22 charges are. If the State can't prove one percent in
23 your mind the person is guilty, it would have to be
24 innocent.

25 **MS. VICKERS:** Mr. Mann?

1 **MR. MANN:** It would have to be not guilty.

2 **MS. VICKERS:** Ms. Ballenger?

3 **MS. BALLENGER:** I agree. State has to prove its
4 case.

5 **MS. VICKERS:** Okay. Mr. Mansour.

6 **MR. MANSOUR:** Innocent until proven guilty.

7 **MS. VICKERS:** No matter what the charges are?

8 **MR. MANSOUR:** No matter what the charges are.

9 **MS. VICKERS:** Ms. Cruz?

10 **MS. CRUZ:** I agree with that.

11 **MS. VICKERS:** Ms. Lusby, what do you think about
12 all this, about what the first two rows have been
13 talking about?

14 **MS. LUSBY:** The same thing, innocent until proven
15 guilty. It is an assumption until proven guilty.

16 **MS. VICKERS:** Mr. Cappadoro.

17 **MR. CAPPADORO:** Yes.

18 **MS. VICKERS:** What are your thought on this?

19 **MR. CAPPADORO:** I agree. I mean, you are talking
20 about the severity of the charges, but it is also the
21 severity of the punishment. I mean, there was a life
22 lost, but the defendant's life is on the line as well,
23 so to speak. So there is as much to lose on both
24 sides. So the State has the obligation to prove beyond
25 a reasonable doubt that the charges put forward are

1 true and we need to make a decision.

2 **MS. VICKERS:** Okay. Mr. Cave, we already heard
3 from you. Any other thoughts you'd like to share with
4 everybody?

5 **MR. CAVE:** No, I agree.

6 **MS. VICKERS:** Mr. Bennet, what do you think?

7 **MR. BENNETT:** Yeah. The State's representing the
8 victim and anybody could be sitting at the chair that
9 is a suspect, but the State has to prove guilt and in
10 my view they are innocent until they are proven guilty
11 by the State.

12 **MS. VICKERS:** Okay. No matter what the charge?

13 **MR. BENNETT:** No matter what the charge.

14 **MS. VICKERS:** Whether it is a trespass or a
15 murder?

16 **MR. BENNETT:** Yeah. The State has to prove it.

17 **MS. VICKERS:** Okay. Ms. Hightower, what are your
18 feelings on this?

19 **MS. HIGHTOWER:** I feel the same, innocent until
20 guilty.

21 **MS. VICKERS:** Okay. Ms. Pedersen?

22 **MS. PEDERSEN:** I agree.

23 **MS. VICKERS:** Quick question. Your husband is a
24 lawyer, is that correct?

25 **MS. PEDERSEN:** Yes.

1 **MS. VICKERS:** What kind of law does he do?

2 **MS. PEDERSEN:** He does civil matters, bankruptcy,
3 evictions and some real estate.

4 **MS. VICKERS:** Has he ever done any criminal law?

5 **MS. PEDERSEN:** I think major cases like here and
6 there, but not really.

7 **MS. VICKERS:** Have you ever had any in depth
8 conversations other than the dinner table about
9 criminal cases that he's maybe dealt with or you know,
10 legal terms in criminal cases?

11 **MS. PEDERSEN:** Well, I am the bookkeeper for the
12 two offices that he has, so I have access to a lot of
13 the information.

14 **MS. VICKERS:** Okay. Have you ever done any
15 extensive research on any of the criminal cases or
16 anything like that?

17 **MS. PEDERSEN:** No, he has a paralegal to do that.

18 **MS. VICKERS:** Okay. All right. There is a
19 paralegal that also works there?

20 **MS. PEDERSEN:** Yes.

21 **MS. VICKERS:** You are strictly numbers?

22 **MS. PEDERSEN:** Yes. Mostly.

23 **MS. VICKERS:** All right. Mr. Lance, how do you
24 feel, not about Ms. Pedersen's job, but about the issue
25 of whether no matter what the charges are, if the State

1 doesn't meet the burden and prove the case, what would
2 your verdict be?

3 **MR. LANCE:** If they don't prove their case, then
4 obviously it would be not guilty.

5 **MS. VICKERS:** No matter what the charge is?

6 **MR. LANCE:** No matter what the charge is.

7 **MS. VICKERS:** Mr. Chami?

8 **MR. CHAMI:** I agree with what he said, with what
9 everybody said.

10 **MS. VICKERS:** Okay. Mr. Wallace?

11 **MR. WALLACE:** I agree.

12 **MS. VICKERS:** Want to expound on that a little or
13 just agree?

14 **MR. WALLACE:** I agree.

15 **MS. VICKERS:** Okay. Mr. Pirochta.

16 **MR. PIROCHTA:** No matter what the charge is, a
17 murder to a trespass, if the State doesn't meet their
18 burden, not guilty.

19 **MS. VICKERS:** Ms. Johnson, obviously you shared
20 your heartbreak with us earlier about your family.
21 Taking, you know, all of that into consideration and
22 that obviously this is a separate case, if the State
23 doesn't prove their case, would you be comfortable
24 coming back with a not guilty verdict?

25 **MS. JOHNSON:** Yeah. Because it is a different

1 circumstance. I can't compare this one to mine. I was
2 on the other side of mine. So you have to hear the
3 evidence that's given to you and they have to prove it
4 beyond a reasonable doubt or he's not guilty.

5 **MS. VICKERS:** And you don't think you'd have
6 any -- I don't want to say any internal conflict -- but
7 any of -- I don't know, internal conflict with yourself
8 or your family?

9 **MS. JOHNSON:** No, I don't. Just because of the
10 circumstances that surrounded ours was different.

11 **MS. VICKERS:** Okay. Ms. Ficarelli, what do you
12 think?

13 **MS. FICARELLI:** They have to prove. If they can't
14 prove it, then it would have to be not guilty. If they
15 do, then it would have to be guilty.

16 **MS. VICKERS:** Okay, and I just have one question.
17 If you don't want to answer in front of all of us, you
18 go tell us. What's the agility test for?

19 **MR. FICARELLI:** It is for a job.

20 **MS. VICKERS:** Do you mind me asking, is it law
21 enforcement?

22 **MS. FICARELLI:** No.

23 **MS. VICKERS:** Mr. Hutchinson, what do you think
24 about, not the agility test, but about --

25 **MR. BURKE:** Help her if she wants.

1 **MS. VICKERS:** Thank you. But what about what we
2 are talking about with the charges being what they are.
3 If the State did not meet their burden, what are your
4 feelings on what the verdict would be for yourself?

5 **MR. BURKE:** Well, I mean, obviously if the State
6 can't prove their case, then you would have to go with
7 a not guilty.

8 **MS. VICKERS:** Okay. Mr. Burke, what do you think?

9 **MR. BURKE:** Innocent until proven guilty.

10 **MS. VICKERS:** No matter what?

11 **MR. BURKE:** Correct.

12 **MS. VICKERS:** Is it Ms. Beccaccio.

13 **MS. BECCACCIO:** Same thing, I agree.

14 **MS. VICKERS:** Okay. Ms. Luvara?

15 **MS. LUVARA:** I agree. Innocent until proven
16 guilty and the State should have to prove their case.

17 **MS. VICKERS:** And if they don't meet their burden?

18 **MS. LUVARA:** Not guilty.

19 **MS. VICKERS:** Ms. Quaedvlieg.

20 **MS. QUAEDVLIIEG:** Innocent until proven guilty.

21 **MS. VICKERS:** Ms. Forrester.

22 **MS. FORRESTER:** I agree.

23 **MS. VICKERS:** Ms. Betancourt.

24 **MS. BETANCOURT:** I agree.

25 **MS. VICKERS:** And Mr. Wamsley, what are your

1 feelings?

2 **MR. WAMSLEY:** I agree.

3 **MS. VICKERS:** All right. Ms. Luvara, kind of a
4 personal question. What did you have for lunch today,
5 if you don't mind sharing?

6 **MS. LUVARA:** A sandwich and some chips.

7 **MS. VICKERS:** Okay. What kind of sandwich did you
8 have?

9 **MS. LUVARA:** Ham and cheese.

10 **MS. VICKERS:** Okay. So would you agree with me
11 that on your sandwich there was bread, yes or no?

12 **MS. LUVARA:** Yes, I'm sorry.

13 **MS. VICKERS:** There was ham?

14 **MS. LUVARA:** Yes.

15 **MS. VICKERS:** And there was cheese?

16 **MS. LUVARA:** Yes.

17 **MS. VICKERS:** If they had left off the cheese,
18 would it have been a ham and cheese sandwich?

19 **MS. LUVARA:** No.

20 **MS. VICKERS:** If they had left off the bread,
21 would it have been a ham and cheese sandwich?

22 **MS. LUVARA:** No.

23 **MS. VICKERS:** And if they left off the ham would
24 it have been a ham and cheese sandwich?

25 **MS. LUVARA:** No.

1 **MS. VICKERS:** Ingredients in food are similar to
2 elements in a charge, and under each particular charge
3 you will be read instructions from the judge telling
4 you the elements that make up the charge. Does
5 everybody understand that so far? Tell me if I am
6 confusing you.

7 **THE VENIRE:** Yes.

8 **MS. VICKERS:** Okay. So, let's say for one of the
9 charges there's three elements. So, if there's three
10 elements to one of the charges, the State has to prove
11 these three elements beyond a reasonable doubt or else
12 the charge is not proven.

13 Do we -- anybody disagree or have any -- want
14 clarification on anything I am saying? So far I just
15 want to make sure I am -- we are all on the same page.
16 I don't see any show of hands.

17 So, if the State proves to you beyond a reasonable
18 doubt elements one and two out of three, two are proven
19 but you have a reasonable doubt on one, has that charge
20 been proved?

21 **MS. RIGDON:** It hasn't.

22 **MS. VICKERS:** Why?

23 **MS. RIGDON:** Because they didn't prove the last
24 part. In order for them to, for it to be guilty beyond
25 a reasonable doubt they have to prove all three parts,

1 not just two.

2 **MS. VICKERS:** All right. So, if they don't prove
3 all three of them, then no ham and cheese sandwich?

4 **MS. RIGDON:** Exactly. Yes.

5 **MS. BAUE:** Is that how the law works?

6 **MS. VICKERS:** The judge is going to instruct you
7 on how the law works. She will be instructing you on
8 the law and those instructions.

9 Mr. Bennet, if the State were to prove four out of
10 the five elements on a particular charge for that
11 charge, what would your verdict be?

12 **MR. BENNETT:** It would be not guilty.

13 **MS. VICKERS:** Okay. And why is that?

14 **MR. BENNETT:** Because they are taking a shot at a
15 dark and picking their suspect out, and then concocting
16 all of these charges, so, if they really had a case,
17 they would have a solid case with the correct charges,
18 and the correct suspect. So if they can't prove their
19 case, not guilty.

20 **MS. VICKERS:** Okay. Mr. Jacoby, what do you think
21 about that?

22 **MR. JACOBY:** If we are saying that each of the
23 elements of the charge, if any one of those elements,
24 if they all must be there for this to be a guilty
25 verdict, then with any one of them missing, it is by

1 default a not guilty verdict.

2 **MS. VICKERS:** Okay. Even if they prove the
3 majority of the elements, four out of five are proven,
4 even if it is majority you are saying it still would
5 have to be not guilty on that charge because the fifth
6 one is not proven?

7 **MR. JACOBY:** If that's the instruction we are
8 given.

9 **MS. VICKERS:** Let's say that's the instruction you
10 are given.

11 **MR. JACOBY:** Well then with that instruction, yes,
12 it is not guilty.

13 **MS. VICKERS:** Okay. Mr. Pirochta, what do you
14 think about that?

15 **MR. PIROCHTA:** I agree.

16 **MS. VICKERS:** Does anybody have a job where they
17 have to get up in front of people and talk? Okay. For
18 the rest of you who don't, well, okay. Mr. Burke, do
19 you enjoy that?

20 **MR. BURKE:** When I know what I am talking about.

21 **MS. VICKERS:** Very good point. When you are up in
22 front of a group and you are speaking about something
23 that you're knowledgeable about, do you ever get
24 nervous, even though you know about it do you still get
25 nervous talking in front of a group?

1 **MR. BURKE:** Yes.

2 **MS. VICKERS:** Okay. Maybe get the dry throat
3 going on?

4 **MR. BURKE:** Sometimes.

5 **MS. VICKERS:** Maybe a little redness going on,
6 feel yourself heating up?

7 **MR. BURKE:** Possible.

8 **MS. VICKERS:** Why do these feelings happen for
9 you?

10 **MR. BURKE:** It is usually confrontation.

11 **MS. VICKERS:** Okay. What do you mean by that?

12 **MR. BURKE:** Somebody is arguing a different point.

13 **MS. VICKERS:** Okay. Excellent. Who over here
14 raised their hand about a job speaking in front of
15 people? Okay. Ms. Quaedlieg, when you have to speak
16 in front of a group, do you get nervous?

17 **MS. QUAEDVLIEG:** Not really. No.

18 **MS. VICKERS:** Good for you. That is excellent. I
19 assume that in school, we all at some point or another,
20 had to stand up and give a book report, an oral report
21 on the science fair, a book report or biography on some
22 press event or something like that. Is that a common
23 thread amongst us all? Okay. Anybody hate public
24 speaking? Anybody just not for me?

25 Mr. Wallace, pretend the other 39 people aren't

1 here. You don't like public speaking, why is that?

2 **MR. WALLACE:** Well, I just don't like it.

3 **MS. VICKERS:** Why? Do you get nervous?

4 **MR. WALLACE:** I get nervous.

5 **MS. VICKERS:** Do you maybe sometimes feel like you
6 wouldn't get your point across the way you want to?

7 **MR. WALLACE:** Sometimes. I mean, I can talk in
8 front of people, I just don't, you know, it is not
9 something I really enjoy. It makes me very nervous.

10 **MS. VICKERS:** All right. So, by a show of hands,
11 does everybody agree that there is times in your lives
12 where you don't like to stand up in front of a group
13 and maybe talk, you will feel misunderstood or you're
14 nervous or you are afraid you won't get your point
15 across effectively? Is that perhaps a common feeling
16 by a show of hands?

17 Okay. Well, one of the, I believe instructions
18 that the judge read to you is about the right to remain
19 silent, and in any criminal case, there is a
20 constitutional right for the accused to remain silent.
21 And we just talked about some of the reasons as to why
22 somebody would maybe not feel comfortable speaking in
23 front of a group or something like that.

24 Now, the judge is going to read you instructions
25 about, you know, whether Mr. Dobbs should testify or

1 not testify. And if he doesn't testify, by a show of
2 hands, is there anybody that is going to say I am going
3 to find him guilty just because he didn't testify?
4 Anybody going to feel that way? It is okay. It is
5 natural if you do. We just need to know about it.

6 Anybody feel like, well, if he doesn't testify,
7 he's definitely hiding something, and I am going to
8 find him guilty? No show of hands. So, if Ms. Baue,
9 if the State doesn't prove their case, the example we
10 had before and Mr. Dobbs decides for whatever reason
11 not to testify --

12 **MS. BAUE:** He's innocent.

13 **MS. VICKERS:** Okay. Does anybody feel differently
14 from what Mrs. Baue is saying? Mr. Cestare?

15 **MR. CESTARE:** Yes.

16 **MS. VICKERS:** How do you feel about the scenario
17 that I just put forth to Ms. Baue?

18 **MR. CESTARE:** I agree. If he chooses not to speak
19 I am not going to hold it against him.

20 **MS. VICKERS:** All right. Thank you.

21 The state attorney asked whether there is someone
22 in your family, or feels like family to you, ever been
23 the victim of a violent crime. We spoke with
24 Ms. Johnson. Anybody else other than the people we've
25 spoken to about the situation already, maybe you didn't

1 think about it when we asked earlier and maybe now you
2 have had time to reflect? Anybody, maybe an aunt or an
3 uncle, something happened to them or a close friend
4 that feels like family ever been the victim of a crime?
5 Anybody have that experience? If you could just leave
6 your hand up for me so I can mark it down. All right.
7 Thank you. Mr. Jacoby, could you just tell us briefly
8 about the experience?

9 **MR. JACOBY:** I remember that my grandmother got
10 mugged or something, and it is like real long ago. I
11 have had my wallet stolen. I lived in New York. I had
12 my car broken into, you know, this was just one of
13 those questions that where do you stop and where do you
14 stop? There is like, you know, I could go all around
15 with all of these like, you know, little things, or
16 things, you know.

17 **MS. VICKERS:** Being from New York?

18 **MR. JACOBY:** Maybe it is from New York. I don't
19 know that that has to do with it.

20 **MS. VICKERS:** Anybody else from New York here?
21 Mr. Jacoby right about what he's saying? Things just
22 kind of happen there a little more frequently than
23 other places?

24 **MR. SAUNDERS:** More people.

25 **MR. JACOBY:** I got robbed in the Mears office, or

1 the parking lot when they drove a cab like a decade ago
2 or so.

3 **MS. VICKERS:** But nothing about your experiences
4 would have any bearing on why we are here today?

5 **MR. JACOBY:** What we are talking about here, no.

6 **MS. VICKERS:** Mr. Saunders, you kind of muttered
7 something?

8 **MR. SAUNDERS:** I agree, there is a lot more people
9 there so statistically you're going to run into it.

10 **MS. VICKERS:** Mr. Bennet, you raised your hand.

11 **MR. BENNETT:** My wife was a witness in a murder
12 case, 22 years ago and she was in court 11 days. And
13 also a former coworker was a part-time cop and he
14 killed somebody in the line of duty and him and I
15 talked a lot.

16 **MS. VICKERS:** All right. Were you with your wife
17 at the time when she was going through this trial?

18 **MR. BENNETT:** No.

19 **MS. VICKERS:** Did anything about that
20 experience -- would it make you uncomfortable sitting
21 here or you feel like maybe you wouldn't give both
22 sides a fair shot here?

23 **MR. BENNETT:** No. It would not affect my
24 decision.

25 **MS. VICKERS:** Okay. And Ms. Hightower, you had

1 raised your hand as well, and could you just tell us
2 what that was about?

3 **MS. HIGHTOWER:** Well, I had my best girlfriend,
4 she had met someone and invited them to church and
5 these people, they didn't have a way to church so she
6 picked them up and they ended up kidnapping her, taking
7 her to Detroit and stabbing her to death.

8 **MS. VICKERS:** Oh, my goodness. I'm very sorry and
9 that was a good girlfriend of yours. And was that
10 recent or did that happen awhile ago?

11 **MS. HIGHTOWER:** No. That happened about 15 years
12 ago.

13 **MS. VICKERS:** Okay. Would that experience have
14 any bearing on you sitting on this case? I mean, a lot
15 of times we bring -- we don't tell you to leave your
16 emotions and brains at the door. A lot of times we
17 come in here with our own personal issues whatever they
18 may be. Do you think that experience would affect you
19 sitting on this case?

20 **MS. HIGHTOWER:** No.

21 **MS. VICKERS:** Thank you. Appreciate you sharing.
22 Anybody else on this side? Yes, Ms. Forrester.

23 **MS. FORRESTER:** My boyfriend at the time, 25 years
24 ago, I witnessed him getting hit by a drunk driver and
25 had to go through the court system for that. And I --

1 it wouldn't affect me. I did go to the trial but I can
2 understand where both sides are coming from and it is a
3 hard thing to deal with.

4 **MS. VICKERS:** Did you have to testify?

5 **MS. FORRESTER:** Umm, I didn't have to testify
6 against him, but I did have to say a few things and
7 that was the hardest thing to do.

8 **MS. VICKERS:** Why was that hard for you to do?

9 **MS. FORRESTER:** Because he died.

10 **MS. VICKERS:** So you had to talk about how he was
11 drinking?

12 **MS. FORRESTER:** No, he wasn't drinking.

13 **MS. VICKERS:** I am sorry. He was hit?

14 **MS. FORRESTER:** He was hit on a motorcycle,
15 witnessed the whole thing.

16 **MS. VICKERS:** Were you in the car?

17 **MS. FORRESTER:** I was behind him.

18 **MS. VICKERS:** Oh, I am so sorry.

19 **MS. FORRESTER:** So I just kind of know what is
20 going through both sides minds.

21 **MS. VICKERS:** And would anything about that
22 experience --

23 **MS. FORRESTER:** Probably not now. It has been so
24 long ago, you know, but still --

25 **MS. VICKERS:** Still makes you think about it?

1 **MS. FORRESTER:** Yeah, oh, yeah. When topics like
2 this come up, yeah.

3 **MS. VICKERS:** Thank you for sharing it. I do
4 appreciate it. Anyone else? Okay. I don't see any
5 hands.

6 Now, a couple of other issues. Now, you are going
7 to hear that this fight took place at Thee Dollhouse.
8 Does anybody know what Thee Dollhouse is? Okay. For
9 those who don't know, Mr. Wallace, can you tell us what
10 it is?

11 **MR. WALLACE:** It is a strip club.

12 **MS. VICKERS:** Where is it located?

13 **MR. WALLACE:** If I remember correctly it is on 50
14 or 441, south.

15 **MS. VICKERS:** Okay. If I said OBT or Orange
16 Blossom Trail, does that ring a bell?

17 **MR. WALLACE:** Yeah.

18 **MS. VICKERS:** Were you a police officer here or
19 you were military police officer?

20 **MR. WALLACE:** I was a military police officer.

21 **MS. VICKERS:** Okay. Is everybody -- does
22 everybody understand what Thee Dollhouse is?

23 **THE VENIRE:** Yes.

24 **MS. VICKERS:** And everybody have an idea where it
25 is at?

1 **THE VENIRE:** Yes.

2 **MS. VICKERS:** Now, does the fact that this fight
3 took place at Thee Dollhouse, is that going to make
4 anyone feel bias one way or the other because some
5 people may form opinions about strip clubs or bars or
6 rave parties or, you know, wrestling matches or big
7 truck racing, whatever the case may be, but my point
8 is, that obviously this took place at a strip bar, and
9 Mr. Cappadoro, is that going to sway your opinion in
10 any way or make you feel one way or another about what
11 happens in this trial?

12 **MR. CAPPADORO:** I don't think the location really
13 bears a difference whether it happened in a convenience
14 store or a public school or a house. The evidence is
15 still going to have to be proven, right?

16 **MS. VICKERS:** Okay. Does anybody else feel
17 differently than Mr. Cappadoro, and it is fine if you
18 do. You are allowed to have different opinions on
19 things. Does anybody feel differently? Okay.

20 I just want to follow up on a couple specific
21 things that people had mentioned throughout the
22 morning. If you will just bear with me for a second.
23 We found out what the agility test was. Thank you. It
24 is bothering me, I don't know. And then Mr. Mann, you
25 are a vendor for what?

1 **MR. MANN:** Ace vending.

2 **MS. VICKERS:** And what do you vend?

3 **MR. MANN:** Sodas and snacks.

4 **MS. VICKERS:** Okay. All right. Thank you. Now,
5 Ms. Rigdon, you had said you would like to be on the
6 panel. Do you mind sharing with us why?

7 **MS. RIGDON:** I have never done it before. I am
8 curious and I want to see them prove their case or you
9 prove your case.

10 **MS. VICKERS:** Well, now you understand I don't
11 have anything to prove here.

12 **MS. RIGDON:** No. They have to prove it. I
13 understand that. I understand that.

14 **MS. VICKERS:** All right. I want to make that
15 clear. Ms. Baue, what were your reasons?

16 **MS. BAUE:** Oh, I just like to see how the system
17 works, you know, I am here already. I am off of work.
18 And just see how it works and how the State proves
19 their case and the judge rules and controls the
20 courtroom, not controls, but runs her courtroom, and
21 just how it all comes together. What we are, our tax
22 payers, you know, out there and there's nothing like --
23 you can read it in your books, but there is nothing
24 like really sitting here and watching it happen to
25 learn.

1 **MS. VICKERS:** It is not like Law and Order.

2 **MS. BAUE:** No. I don't watch that.

3 **MS. VICKERS:** Or Boston Legal or Aly McBeal.

4 Thank goodness they are coming out with more medical
5 shows these days. We are getting a little overkill on
6 the legal dramas there, with The Practice and all of
7 that.

8 Now, you have been a juror before, though, right?

9 **MS. BAUE:** Yes. It is very interesting, and
10 educational. I have been a resident of Orange County
11 for 21 years so it matters what happens here.

12 **MS. VICKERS:** And you were the foreperson,
13 correct?

14 **MS. BAUE:** Yes.

15 **MS. VICKERS:** I have just a couple more issues
16 that I want to get your opinions on. You will hear
17 topics come up in this case such as self-defense, and
18 no duty to retreat and things like that. I just want
19 to get your opinion. I am just going to ask a couple
20 of questions randomly, unless somebody wants to
21 volunteer, about your opinions on the topic because it
22 is something that you will be hearing about.

23 So, Mr. Mort, do you believe somebody has a right
24 to defend themselves?

25 **MR. MORT:** Absolutely.

1 **MS. VICKERS:** Do you place any restrictions on
2 your opinions, as far as certain circumstances where
3 people may or may not or no, you have a right to defend
4 yourself?

5 **MR. MORT:** I think you have a right to defend
6 yourself in just about any circumstance.

7 **MS. VICKERS:** Okay. Ms. Stokes, what are your
8 thoughts on that?

9 **MS. STOKES:** I think you have a right to defend
10 yourself. No matter what.

11 **MS. VICKERS:** And I am not going to read you any
12 instructions, obviously the judge does all of that, as
13 to what the rules are and stuff. I just wanted to get
14 your ideas on topics.

15 Ms. Robinson, what do you think?

16 **MS. ROBINSON:** I think everybody has the right to
17 defend theirselves. (sic)

18 **MS. VICKERS:** Any caveats, however?

19 **MS. ROBINSON:** No. You have a right to defend
20 yourself. If somebody is doing something to you, you
21 should be able to defend yourself and not just stand
22 there.

23 **MS. VICKERS:** Since I have picked on that side, I
24 will come over to you-all for a minute. Does anybody
25 -- last year, our legislature enacted some rules

1 talking about whether or not you have an obligation to
2 retreat from harm. No duty to retreat is the catch
3 phrase that sometimes you will either have read in the
4 newspaper or maybe heard about in the news and whatnot.

5 Does anybody have any specific feelings that, you
6 know, you always must retreat and run away or else you
7 are responsible? I mean, anybody have any -- what I
8 want to get is anybody have any really strong feelings
9 either for or against that topic about duty to retreat?

10 Do you have an obligation to retreat? Do you not
11 have an obligation to retreat? Somebody feel really
12 strongly one way or another that either you must
13 retreat in every single circumstance, you must try to
14 absolutely get away with every fiber of your being, or
15 no, you can stand your ground? Anybody feel strongly?
16 Let's see. Who haven't we talked to a lot,
17 Ms. Betancourt, what do you think?

18 **MS. BETANCOURT:** Depends on the situation.

19 **MS. VICKERS:** But you don't have any strong
20 feelings?

21 **MS. BETANCOURT:** No, it depends on the situation
22 you are put in.

23 **MS. VICKERS:** Okay. Mr. Wallace, what do you
24 think?

25 **MR. WALLACE:** Every situation dictates a different

1 action. It depends on the situation whether to back
2 down or defend yourself. It depends.

3 **MS. VICKERS:** Mr. Seegers, how do you feel?

4 **MR. SEEGER:** Same way. Each situation is going
5 to bring a different result. I avoid violence if I
6 can, so, I lean towards that direction to get away from
7 it if I can, but I'm not going to back down if someone
8 is definitely trying to hurt me.

9 **MS. VICKERS:** Okay. Ms. Luvara, how do you feel?

10 **MS. LUVARA:** I definitely agree if the situation
11 warrants it, then you should be able to defend
12 yourself. I don't know if I agree with the way you do
13 it. It is situational.

14 **MS. VICKERS:** Sure, but what I am trying to, no
15 strong feelings one way or the other?

16 **MS. LUVARA:** No.

17 **MS. VICKERS:** Back over to this side. Mr. Cave,
18 what do you think?

19 **MR. CAVE:** Oh, I agree with what the jurors are
20 saying. Depends on the situation.

21 **MS. VICKERS:** Okay. Ms. Laureano, how do you
22 feel?

23 **MS. LAUREANO:** I don't have any strong feelings
24 one way or the other. It depends on the situation.

25 **MS. VICKERS:** All right. If you-all can give me

1 just one second. Thank you.

2 One last issue I want to present to you-all. This
3 is hard. It is Wednesday, it is 3 o'clock in the
4 afternoon. Most of us already talked about how some
5 people have work obligations, medical obligations,
6 personal and family obligations. It is Wednesday at 3.
7 You go out to deliberate. There's six jurors that go
8 back to deliberate. Let's say at 5:00, umm, five
9 people think one way, guilty or not guilty, and one
10 person thinks the other way, guilty or not guilty.
11 They can't decide. Mr. Mansour, what do you do? Do
12 you stand your ground if you are the one person?

13 **MR. MANSOUR:** I am going to stand on my opinion.

14 **MS. VICKERS:** Or do you say it is 5 o' clock, it
15 is Wednesday --

16 **MR. MANSOUR:** No. Stand on my opinion.

17 **MS. VICKERS:** Okay. Mr. Cave, what do you do if
18 you are the one person, if you are -- let's call it in
19 the movies, I think 12 Angry Men, the one holdout.
20 Henry Fonda. Anybody see that movie? If you're the
21 one holdout. It is Wednesday at 5. What do you do?

22 **MR. CAVE:** Stand my ground.

23 **MS. VICKERS:** Do you listen to the other jurors
24 about what they are saying and what their reasoning is?

25 **MR. CAVE:** I do. But if I feel something

1 different.

2 **MS. VICKERS:** You stand your ground?

3 **MR. CAVE:** Yes.

4 **MS. VICKERS:** Okay. It is 6 o'clock. It is 7
5 o'clock, it is 8 o'clock. Who still holds their
6 ground? If you're the one lone juror, who is
7 disagreeing with the five, who is still going to hold
8 their ground? Okay. Mr. Jacoby, what are you going to
9 do?

10 **MR. JACOBY:** If I am the one? If the other jurors
11 don't have a case that, then, that I can reason that is
12 the case, I can't vote with the other five.

13 **MS. VICKERS:** Okay. You are going to stand your
14 ground?

15 **MR. JACOBY:** Yeah. Stand my ground.

16 **MS. VICKERS:** Ms. Stokes, what are you going to
17 do?

18 **MS. STOKES:** If they can't convince me otherwise,
19 I stand my ground.

20 **MS. VICKERS:** Okay. Thursday morning, we come
21 back, still five to one, or maybe now you have got
22 somebody who agrees with you. Let's say four to two.
23 Ms. Forrester, what do you do? This is Thursday
24 morning. You have been here for three and a half days?

25 **MS. FORRESTER:** You have to keep going until you

1 get with a unanimous verdict, I guess.

2 **MS. VICKERS:** Okay. And if you're the one or two
3 jurors who feel differently than the majority, are you
4 going to hold your ground or are you going to say those
5 people must know what they are talking about, I am
6 tired of sitting here. We have given -- we've paid our
7 civic duty for the year. I want out. I have got stuff
8 to do. Need to get out of here. I will vote with
9 them. Would you do that?

10 **MS. FORRESTER:** No. Hold my ground.

11 **MR. SEEGERS:** Why do you hold your ground?

12 **MS. FORRESTER:** Well, they have to prove it to me
13 that -- I have listened to everything. If there's
14 evidence that I missed, then maybe. I have to have
15 evidence to know whether or not to change my mind or
16 not.

17 **MS. VICKERS:** Okay. And if the four or five
18 people don't come up with anything that changes your
19 mind, what do you do?

20 **MS. FORRESTER:** Still vote the way I want to vote.

21 **MS. VICKERS:** Okay. Is it because you think it is
22 the right thing to do?

23 **MS. FORRESTER:** No. It is just what was perceived
24 to me, what was given to me.

25 **MS. VICKERS:** By?

1 **MS. FORRESTER:** The Court.

2 **MS. VICKERS:** Okay. By the judge?

3 **MS. FORRESTER:** Yes.

4 **MS. VICKERS:** Okay. Well, I thank you-all for
5 your time and attention, thank you.

6 **THE COURT:** Ladies and gentlemen, the attorneys
7 are going to review their notes at this time. During
8 this process, I am going to let you step out into the
9 hallway and stretch your legs. Do not discuss the case
10 amongst yourselves. Don't let anyone discuss it with
11 you and we will be back with you in a few minutes.

12 (Venire exited the courtroom.)

13 **THE COURT:** Are we ready? What says the State as
14 to juror in seat number one?

15 **MS. LASKOFF:** No objection.

16 **THE COURT:** Defense?

17 **MS. VICKERS:** No objection.

18 **THE COURT:** What says the defense as to juror in
19 seat number two?

20 **MS. VICKERS:** No objection.

21 **THE COURT:** State?

22 **MS. LASKOFF:** No objection.

23 **THE COURT:** What says the State as to juror in
24 seat number three?

25 **MS. LASKOFF:** Strike.

1 **THE COURT:** That will be the State's first
2 peremptory. What says the defense as to juror in seat
3 number four?

4 **MS. VICKERS:** He's acceptable.

5 **THE COURT:** State?

6 **MS. LASKOFF:** No objection.

7 **THE COURT:** What says the State as to juror in
8 seat number five?

9 **MS. LASKOFF:** No objection.

10 **THE COURT:** Defense?

11 **MS. VICKERS:** No objection.

12 **THE COURT:** What says the defense as to juror in
13 seat number six?

14 **MS. VICKERS:** No objection.

15 **THE COURT:** State?

16 **MS. LASKOFF:** No objection.

17 **THE COURT:** What says the State as to juror in
18 seat number seven?

19 **MS. LASKOFF:** Strike.

20 **THE COURT:** That will be the State's second
21 peremptory. What says the defense as to juror in seat
22 number eight?

23 **MS. VICKERS:** If I can just have a second. He's
24 acceptable.

25 **THE COURT:** State?

1 **MS. LASKOFF:** Strike.

2 **THE COURT:** What says the State -- I believe both
3 parties agreed that juror in seat number nine should be
4 stricken for cause, and defense you did as well?

5 **MS. VICKERS:** Yes.

6 **THE COURT:** Juror in seat number nine will be
7 stricken for cause. What says the defense as to juror
8 in seat number ten?

9 **MS. VICKERS:** He's acceptable.

10 **THE COURT:** State?

11 **MS. LASKOFF:** Strike.

12 **THE COURT:** That will be the State's fourth
13 peremptory. What says the State as to juror in seat
14 number 11?

15 **MS. LASKOFF:** No objection.

16 **THE COURT:** Defense?

17 **MS. VICKERS:** No objection.

18 **THE COURT:** That would be six jurors comprised of
19 jurors in seats one, two, four, five, six, and 11. Any
20 backstrikes, State?

21 **MS. LASKOFF:** No.

22 **THE COURT:** Any backstrikes, defense?

23 **MS. VICKERS:** If we can just have a minute.
24 Defense would strike juror number two.

25 **THE COURT:** That will be the defense's first

1 peremptory. What says the defense as to juror in seat
2 number 12?

3 **MS. VICKERS:** She's acceptable.

4 **THE COURT:** State?

5 **MS. LASKOFF:** No objection.

6 **THE COURT:** That would be six comprised of jurors
7 in seats one, four, five, six, 11 and 12. Any
8 backstrikes, defense?

9 **MS. VICKERS:** If I can just have a minute. I am
10 trying to explain it to Mr. Dobbs. We will strike
11 juror number five.

12 **THE COURT:** That will be the defense's second
13 peremptory. What says the State as to juror in seat
14 number 13?

15 **MS. LASKOFF:** No objection.

16 **THE COURT:** Defense?

17 **MS. VICKERS:** If I can have a second. No
18 objection to her. She's acceptable.

19 **THE COURT:** That would be six comprised of jurors
20 in seats one, four, six, 11, 12 and 13. Any
21 backstrikes, State?

22 **MS. LASKOFF:** No, Your Honor.

23 **THE COURT:** Any backstrikes, defense?

24 **MS. VICKERS:** If I can have a moment. Your Honor,
25 our client needs to use the rest room real quick. Is

1 there any way to let him go and we can finish up?

2 **THE COURT:** Yes. Briefly.

3 **MS. VICKERS:** Your Honor, at this time the defense
4 would back strike juror in seat number 12.

5 **THE COURT:** That would be the defense's third.
6 What says the defense as to juror in seat number 14?

7 **MS. VICKERS:** Acceptable.

8 **THE COURT:** State?

9 **MS. LASKOFF:** No objection.

10 **THE COURT:** That would be six comprised of jurors
11 in seats one, four, six, 11, 13 and 14. Any
12 backstrikes, defense?

13 **MS. VICKERS:** Juror number 14.

14 **THE COURT:** That will be the defense's fourth
15 peremptory. What says the State as to juror in seat
16 number 15?

17 **MS. LASKOFF:** No objection.

18 **THE COURT:** Defense?

19 **MS. VICKERS:** We will strike.

20 **THE COURT:** That will be the defense's fifth
21 peremptory.

22 **MS. LASKOFF:** I am going to ask for a race gender
23 neutral reason. It seems that the defense that has
24 struck one, two, three, now four females.

25 **THE COURT:** Do you have a gender neutral reason?

1 **MS. VICKERS:** At first, I'd like to also point out
2 we struck males as well. But as far as juror number 15
3 is concerned, I noted she was reading a home remedies
4 health care book and I don't trust people who do home
5 remedies of herself and I didn't like her for this
6 jury. It has nothing for to do with her being a white
7 female.

8 **THE COURT:** State?

9 **MS. LASKOFF:** If your Honor finds it genuine, then
10 I can't object.

11 **THE COURT:** That is not of record, but I will
12 permit the strike.

13 **MS. VICKERS:** Just for the record, before the
14 lunch break she approached the bar saying can I leave
15 the book in here. I noticed what the book was. I
16 don't particularly care for that kind of stuff.

17 **THE COURT:** I will permit the strike. What says
18 the defense as to juror in seat number 16?

19 **MS. VICKERS:** He's acceptable.

20 **THE COURT:** State?

21 **MS. LASKOFF:** Have a moment. I am sorry. I'd
22 strike him, Your Honor.

23 **THE COURT:** That'll be the State's fifth
24 peremptory challenge. What says the State as to juror
25 in seat number 17?

1 **MS. LASKOFF:** Acceptable.

2 **THE COURT:** Defense?

3 **MS. VICKERS:** If we can just have a second,
4 please. We will strike 17.

5 **THE COURT:** That will be the defense six. What
6 says the defense as to juror in seat number 18?

7 **MS. VICKERS:** We would move to strike for cause.

8 **THE COURT:** Any objection?

9 **MS. LASKOFF:** No, Your Honor.

10 **THE COURT:** Juror in seat number 18 will be
11 stricken for cause. What says the State as to juror in
12 seat number 19?

13 **MS. LASKOFF:** No objection.

14 **THE COURT:** Defense?

15 **MS. VICKERS:** If I can have a second. He's
16 acceptable.

17 **THE COURT:** That would be six comprised of jurors
18 in seat one, four, six, 11, 13 and 19. Any
19 backstrikes, State?

20 **MS. LASKOFF:** No, Your Honor.

21 **THE COURT:** Any backstrikes, defense?

22 **MS. VICKERS:** If we can just have one second to
23 explain to him who we have so far. Defense would
24 strike juror number 11.

25 **THE COURT:** That will be the defense's seventh

1 peremptory. What says the defense as to juror in seat
2 number 20?

3 **MS. VICKERS:** Move to strike her for cause.

4 **MS. LASKOFF:** No objection.

5 **THE COURT:** Juror 20 will be stricken for cause
6 upon stipulation of the parties. What says the State
7 as to juror in seat number 21?

8 **MS. LASKOFF:** No objection.

9 **THE COURT:** Defense?

10 **MS. VICKERS:** Defense would strike.

11 **THE COURT:** Will be the defense's eighth
12 peremptory challenge. What says the defense as to
13 juror in seat number 22?

14 **MS. VICKERS:** 22 is acceptable.

15 **THE COURT:** All right. That would be -- State,
16 what say you as to juror in seat number 22?

17 **MS. LASKOFF:** No objection.

18 **THE COURT:** That would be six comprised of jurors
19 in seats one, four, six, 13, 19, and 22. Any
20 backstrikes, defense?

21 **MS. VICKERS:** Sorry, Your Honor. We are
22 discussing this each time you ask. Defense will strike
23 juror number 22.

24 **THE COURT:** Defense is striking juror in seat
25 number 22?

1 **MS. VICKERS:** Yes, Your Honor.

2 **THE COURT:** That will be the defense's ninth
3 peremptory challenge. What says the defense as to
4 juror in seat number 23?

5 **MS. VICKERS:** No objection.

6 **THE COURT:** State?

7 **MS. LASKOFF:** No objection.

8 **THE COURT:** I am going to have the court deputy
9 send Mr. Cappadoro in so that he can go to his
10 appointment. Can we see Mr. Cappadoro, please?

11 **MS. VICKERS:** Number 23 is acceptable.

12 **THE COURT:** All right. That would be six
13 comprised of jurors in seats one, four, 6, 13, 19 and
14 23. Any backstrikes, State?

15 **MS. LASKOFF:** No, Your Honor.

16 **THE COURT:** Any backstrikes, defense?

17 (Whereupon: Mr. Cappadoro entered the courtroom)

18 **THE COURT:** Mr. Cappadoro, you have been stricken
19 by the panel. I wanted to let you know, and let you go
20 now.

21 **MR. CAPPADORO:** Thank you.

22 **THE COURT:** And we will let the jury room know not
23 to expect you back down there.

24 (Whereupon: Mr. Cappadoro exited the courtroom)

25 **THE COURT:** Any backstrikes, defense?

1 **MS. VICKERS:** Yes, Your Honor. At this time we
2 would strike juror number six.

3 **THE COURT:** All right. That will be the defense's
4 final peremptory. What says the State as to juror in
5 seat number 24?

6 **MS. LASKOFF:** State would strike Mr. Bennet.

7 **THE COURT:** What says the State as to juror in
8 seat number 25?

9 **MS. LASKOFF:** No objection.

10 **THE COURT:** Defense, any cause challenge to juror
11 in seat number 25?

12 **MS. VICKERS:** No, Your Honor.

13 **THE COURT:** State. Any backstrikes?

14 **MS. LASKOFF:** No, Your Honor.

15 **THE COURT:** Our panel will be comprised of jurors
16 in seat number one, four, 13, 19, 23, and 25. I intend
17 to seat one alternate. You will each have one strike
18 for the alternate to be seated. What says the State as
19 to juror in seat number 26 as the alternate?

20 **MS. LASKOFF:** You get one strike, is that what you
21 are saying?

22 **THE COURT:** One, yes.

23 **MS. LASKOFF:** No objection.

24 **THE COURT:** What says the defense?

25 **MS. VICKERS:** Strike her.

1 **THE COURT:** What says the State as to juror in
2 seat number 27 as the alternate?

3 **MS. LASKOFF:** Strike him.

4 **THE COURT:** That will the State's alternate
5 challenge. Defense, any cause challenge to juror in
6 seat 28 as the alternate?

7 **MS. VICKERS:** No, Your Honor, but actually
8 Mr. Dobbs is asking to unstrike Ms. Pedersen as the
9 alternate.

10 **THE COURT:** She has already been stricken and we
11 have moved to another juror so we are past that stage.
12 Any cause challenge?

13 **MS. VICKERS:** No.

14 **MS. LASKOFF:** No.

15 **THE COURT:** Our jurors will be comprised of jurors
16 in seats one, four, 13, 19, 23, 25, and the alternate
17 will be juror in seat number 28. Unless, of course,
18 there is a stipulation from both the State and the
19 defense to use juror in seat number 26 as the
20 alternate.

21 **MS. LASKOFF:** It doesn't matter to me.

22 **MS. VICKERS:** Will you stipulate to using number
23 26 then?

24 **MS. LASKOFF:** I thought he was the alternate.
25 Juror number 26. I am confused. I am sorry.

1 **THE COURT:** The defendant wanted to unstrike juror
2 in seat number 26 after we had already done 26 and 27
3 and were on 28. The only way I will permit that is if
4 you both stipulate that juror in seat 26 will be the
5 alternate.

6 **MS. LASKOFF:** Okay. No, I am not going to
7 stipulate. I am sorry.

8 **THE COURT:** Then our panel will be comprised of
9 jurors in seats 1, 4, 13, 19, 23, 25 and the alternate
10 will be juror in seat number 28.

11 Defense, are you requesting the paragraph in the
12 preliminary instructions dealing with your client's
13 right to remain silent?

14 **MS. VICKERS:** Yes, we are. Also, may we have
15 permission not to stand when the jury enters?

16 **THE COURT:** That will be fine. Everybody remain
17 seated. Tell the jury they can sit anywhere, but they
18 need to stay in the first three rows.

19 (Whereupon, the Venire entered the courtroom.)

20 **THE COURT:** All right. If you could look at your
21 badge number, the clerk is going to call those that
22 will remain with us by badge number. When you hear
23 your badge number called, please follow the directions
24 of the court deputy to an appropriate seat.

25 Madam clerk.

1 **THE CLERK:** First up is juror number 500, followed
2 by jury number 796, juror number 152, juror number 239,
3 juror number 422, juror number 238, and juror number
4 654.

5 **THE COURT:** State, do you recognize the panel
6 selected to try this matter?

7 **MS. LASKOFF:** Yes, Your Honor.

8 **THE COURT:** Any objection to swearing them at this
9 time?

10 **MS. LASKOFF:** Not from the State.

11 **THE COURT:** Defense, do you recognize the panel
12 selected to try this matter?

13 **MS. VICKERS:** Yes, Your Honor.

14 **THE COURT:** Any objection to swearing them at this
15 time?

16 **MS. CHIEN:** No, Your Honor.

17 **THE COURT:** Ladies and gentlemen, if you can stand
18 and raise your right hand to be sworn, please.

19 (Thereupon, the Jury, having been duly impaneled,
20 was sworn to well and truly try the issues of the case.)

21 **THE COURT:** You may be seated. And ladies and
22 gentlemen, I will be back with you in just a moment.
23 For the balance of you, you were not selected to serve
24 on this particular jury. I have been told that I need
25 to have you go back downstairs to the central jury

1 room. They have asked that I not excuse you from here.
2 If they don't need you on other cases today, they will
3 excuse you. If they need you on other cases today,
4 they will send you to other courtrooms.

5 I do appreciate your willingness to abide by your
6 summons today. I know it probably came at an
7 inconvenient time, but I do hope you realize that we
8 could not do the work that needs to be done in this
9 building without your participation and I appreciate
10 your willingness to be here with us today. With that
11 being said, I am going to ask that you go back down to
12 the first floor.

13 (Venire exited the courtroom.)

14 **THE COURT:** Ladies and gentlemen, unless somebody
15 needs a break, it is my intention to get started.
16 Everybody okay?

17 All right. Ladies and gentlemen of the jury, you
18 have been selected and sworn as the jury to try the
19 case of the State of Florida versus John Dobbs. This
20 is a criminal case. Mr. Dobbs is charged with second
21 degree murder with a weapon, two counts of aggravated
22 battery with a deadly weapon or causing great bodily
23 harm, aggravated assault with a firearm and shooting
24 from a vehicle. The definition of the elements of
25 those charges will be explained to you later.

1 It is your solemn responsibility to determine if
2 the State has proved its accusations beyond a
3 reasonable doubt against Mr. Dobbs. Your verdict must
4 be based solely on the evidence or lack of evidence and
5 the law. The information which is the charging
6 document that was read earlier is not evidence and is
7 not to be considered by you as any proof of guilt. It
8 is the judge's responsibility to decide which laws
9 apply to this case and to explain those laws to you.
10 It is your responsibility to decide what the facts of
11 this case may be, and to apply the law to those facts.
12 Thus the province of the jury and the province of the
13 Court are well-defined and they do not overlap. This
14 is one of the fundamental principles of our system of
15 justice.

16 Before proceeding further, it will be helpful if
17 you understand how a trial is conducted. At the
18 beginning of the trial, the attorneys will have an
19 opportunity, if they wish, to make an opening
20 statement. The opening statement gives the attorneys a
21 chance to tell you what evidence they believe will be
22 presented during the trial. What the lawyers say is
23 not evidence and is not to be considered as such.

24 Following the opening statement, witnesses will be
25 called to testify under oath. They will be examined

1 and cross-examined by the attorneys. Documents and
2 other exhibits also may be produced as evidence. After
3 the evidence has been presented, the attorneys will
4 have the opportunity to make their final arguments.

5 Following the arguments by the attorneys, the
6 Court will instruct you on the law applicable to the
7 case. After the instructions are given, the alternate
8 juror will be released and you will then retire to
9 consider your verdict.

10 You should not form any definite or fixed opinions
11 on the merits of the case until you have heard all of
12 the evidence, the arguments of the lawyers, and the
13 instructions on the law by me the judge. Until that
14 time, you should not discuss the case among yourselves.

15 During the course of the trial, the Court may take
16 recesses during which you will be permitted to separate
17 and go about your personal affairs. During these
18 recesses you will not discuss the case with anyone nor
19 permit anyone to say anything to you or in your
20 presence about the case. If anyone attempts to say
21 anything to you or in your presence about the case,
22 tell them that you're on the jury trying the case and
23 ask them to stop. If they persist, leave them at once
24 and immediately report the matter to a court deputy who
25 will advise me.

1 The case must be tried by you only on the evidence
2 presented during the trial in your presence and in the
3 presence of the defendant and the attorneys and the
4 judge. Jurors mustn't conduct any investigation of
5 their own. Accordingly, you mustn't visit any of the
6 places described in the evidence and you mustn't read,
7 nor listen to any reports about the case.

8 Further, you mustn't discuss this case with any
9 person and you mustn't speak with the attorneys, the
10 witnesses or the defendant about any subject until your
11 deliberations are finished.

12 In every criminal proceeding a Defendant has the
13 absolute right to remain silent. At no time do
14 defendants have the duty to prove their innocence.
15 From the exercise of a defendant's right to remain
16 silent, a juror is not permitted to draw any inference
17 of guilt. And the fact that a Defendant did not take
18 the witness stand mustn't influence your verdict in any
19 manner whatsoever.

20 The attorneys are trained in the rules of evidence
21 and trial procedure and it is their duty to make all
22 objections they feel are proper. When an objection is
23 made, you should not speculate on the reason why it is
24 made. Likewise, when an objection is sustained or
25 upheld by me, you should not speculate on what might

1 have occurred had the objection not been sustained nor
2 what a witness might have said had he or she been
3 permitted to answer.

4 Notepads and pens have been provided to you so
5 that you may take notes during the course of the trial
6 if you desire to do so. The taking of notes by jurors
7 is discretionary with the Court, and I am exercising
8 that discretion by permitting you to take notes during
9 the course of the trial and to carry those notes with
10 you to the jury room during your deliberations.

11 However, there are some dangers associated with
12 the taking of notes by jurors, about which I will
13 caution you. First, there is the possibility that a
14 person may become so engrossed in the taking of notes,
15 that he or she may fail to see or hear other evidence,
16 or, he or she may fail to appreciate the demeanor of a
17 witness.

18 Also, when a juror uses his or her notes during a
19 jurors' deliberations, there may be a tendency for
20 other jurors to rely on those notes and to abandon
21 their own recollection of the evidence. If your
22 recollection of the evidence differs from the notes
23 taken, you should not abandon that recollection merely
24 because of what is contained in the written notes. You
25 should therefore not allow the opinion or position of a

1 juror who is relying on written notes to be given
2 greater weight solely because of his or her notes.

3 After your deliberations have been completed, the
4 notes will be delivered to me and I will personally
5 destroy them unread. You are instructed that although
6 notepads have been furnished, you are not required to
7 take notes.

8 State, would you like to make an opening at this
9 time?

10 **MS. LASKOFF:** Yes, Your Honor.

11 **THE COURT:** You may proceed.

12 **MS. LASKOFF:** Thank you.

13 May it please the Court. Counsel, members of the
14 jury. The next couple of days you are going to be
15 hearing evidence, evidence in the form of testimony
16 coming from this chair right here. I want you to pay
17 close attention because what the evidence is going to
18 show you is that on the night of October 25th, 2006, it
19 was about 1:30 in the morning. It was closing time at
20 Thee Dollhouse here in Orlando.

21 William Troy, or as his friends call him, Will,
22 his family calls him Billie was at Thee Dollhouse this
23 night with his friends Anthony Riollano, Francisco
24 Gotay and Andre Blanco. The four of them were inside
25 enjoying themselves and having a good time.

1 At one point the evidence is going to show you
2 that Will was in a part of the club where he was near
3 the door. And the evidence is going to show you that
4 there was a little bit of a conversation between the
5 defendant's girlfriend, Deanna Washington and Will.

6 A couple minutes pass, the bar closes. Everyone
7 starts to exit the club. At this point I want you to
8 listen to the eye witness testimony. I want you to
9 listen to Andre Blanco and Francisco Gotay as they talk
10 to -- about what they observed, what they saw, and what
11 transpired and the other friend, Anthony Riollano.

12 Also, you are going to hear testimony from
13 employees from Thee Dollhouse that worked there.
14 There's Phillip Westfall, he's the valet. There's
15 Justin Idle and a Leonard Bollanos, floor men and
16 security men there.

17 Okay, and what the evidence is going to show is
18 that the defendant and his girlfriend walked to their
19 car. The defendant, John Dobbs and Deanna Washington
20 got into their car. They sat inside of their car.
21 Then the evidence is going to also show that Will,
22 Andre, Frank and Anthony walked to their car
23 approximately six parking spots away.

24 The defendant and his girlfriend inside of their
25 car, these guys start talking and they make some

1 comment to them. Okay? The defendant doesn't like the
2 comments that are coming from the four guys. The
3 evidence is going to show that instead of proceeding in
4 his car, driving out of Thee Dollhouse parking lot at
5 this point in his car, as he already was, he gets out
6 of his car.

7 Okay. He gets out of his vehicle, walks to the
8 back of his car and then I want you to listen is Andre,
9 as Andre explains to you how he and the defendant met
10 up. Both were obviously in a fighting stance. Okay.
11 Fight, one-on-one, what's the big deal? The evidence
12 is going to show you what the big deal is.

13 The evidence is going to show you that this man
14 sitting here today brought a knife to a fist fight. He
15 struck Andre, immediately slicing his mouth. He struck
16 him again, and he swang wildly. Seeing this, the other
17 guys come over to protect their friend, obviously.
18 They are seeing him bleeding and struggling and falling
19 to the ground.

20 The evidence is going to show the defendant, one
21 by one cut, swung, sliced, stabbed Andre Blanco
22 multiple times. Fortunately, he survived.

23 The evidence is also going to show you that
24 Francisco Gotay was stabbed and sliced multiple times
25 and he survived. However, unfortunately William Troy

1 was not lucky enough to survive that night. The
2 defendant who should have, the defendant who could
3 have, if only he would have left, William Troy would be
4 alive today. But instead, he was stabbed twice in the
5 chest, once in the stomach, sliced in the arm.

6 You're also going to hear evidence the defendant
7 never displayed his knife. There is only one witness
8 that really said, you know what? I think he might have
9 had something, and you know what? The victims don't
10 even realize the defendant has a knife.

11 Okay. Then you are going to hear after they are
12 all laying, they are tending to Will, tending to their
13 injuries, the defendant and his girlfriend get in their
14 car.

15 The evidence is going to show you they didn't go
16 to the police. They didn't call 911. They didn't seek
17 help. They fled from the scene. And at this point,
18 one of the gentlemen who worked across the street,
19 Mr. Hanzel Holiday is summoned by one of the employees,
20 Phillip or Alan Westfall of Thee Dollhouse parking lot.
21 They are straight across the street. And Mr. Westfall
22 says, hey, follow them. We just had a big problem.
23 Don't let them get away essentially.

24 So the evidence is going to show you that what
25 Mr. Holiday does is he proceeds to follow the defendant

1 and his girlfriend in their Acura. Remember it is
2 approximately 2:00 in the morning. He drives up,
3 Mr. Hanzel Holiday, to the defendant. They are driving
4 down the road. The evidence is going to show you at
5 this point the defendant picks a gun up, out of his
6 lap, points it at him, at Mr. Holiday. Upon seeing
7 this, in fear for his life, frightened the defendant is
8 going to shoot him and injure him, Mr. Holiday slams on
9 the breaks, does an immediate u-turn and listen to him
10 how he believes that at this point the defendant shot
11 that gun.

12 The evidence is going to show further, at this
13 point, that law enforcement has been called and
14 received a description of the defendant's vehicle, the
15 silver Acura fleeing the scene in the direction. They
16 catch up with the defendant. They find the defendant
17 and they pull him over.

18 I want you to listen carefully to the deputies,
19 Hudgins and Mercado. Deputy Hudgins and Mercado as
20 they describe to you when they pull the defendant over,
21 in the center console of the defendant's vehicle
22 there's a switchblade knife wrapped in tissue, covered
23 in blood. Secondly, in the back seat there's a
24 firearm.

25 Now, you're probably going to hear this was

1 self-defense. The evidence is going to show you this
2 wasn't self-defense. You don't bring a knife to a fist
3 fight. You don't keep going if you can leave. When
4 you are in a car, you leave. This was not
5 self-defense.

6 It is the State's position that all of the
7 evidence is going to be quite clear. It was something
8 different. It was an enraged man who's going to prove
9 a point that these guys aren't going to say something
10 to him. So instead of leaving and driving out of the
11 parking lot, he's gonna get out. He's gonna have a
12 confrontation, and he's going to settle the matter with
13 ill will, a depraved heart. He killed William Troy.
14 He committed aggravated battery on Francisco Gotay and
15 Andre Blanco. He committed an aggravated assault on
16 Hanzel Holiday, and he shot from a moving vehicle in
17 the process.

18 It is the State's position that at the close of
19 the evidence, you will find the defendant is, in fact,
20 guilty of all of these offenses. And I want you to
21 recall the defendant is presumed innocent. However, to
22 be presumed innocent is one thing, and to actually be
23 innocent is another. It is the State's position that
24 this defendant --

25 **MS. CHIEN:** Objection. Can we approach?

1 **THE COURT:** You may.

2 (Conference at the Bench held on the record.)

3 **MS. CHIEN:** Judge, the standard is not innocence.

4 **THE COURT:** I can't hear you.

5 **MS. CHIEN:** The standard is not innocence. The
6 standard is he's presumed innocent.

7 **THE COURT:** All right. Overruled. Thank you.

8 (Whereupon, the following was in open court.)

9 **MS. LASKOFF:** It is the State's position that he
10 is not innocent and that he is, in fact, guilty of all
11 of these. And I cannot implore you enough, listen to
12 the testimony. And I cannot explain to you enough as
13 we talked about in jury selection, this isn't C.S.I
14 this is real life. Okay? Thank you.

15 **THE COURT:** Defense, would you like to make an
16 opening at this time?

17 **MS. CHIEN:** Yes, Your Honor.

18 **THE COURT:** You may proceed.

19 **MS. CHIEN:** Thank you. Late at night four people
20 came after one. They surrounded, they cut and they
21 beat him to the ground. He was scared. He thought he
22 was going to die. And he had no choice but to defend
23 himself.

24 On October 24th, 2006, Mr. Dobbs and his
25 girlfriend, Deanna Washington, they went to Thee

1 Dollhouse around 1:30 at night. They were visiting
2 Orlando. They are not from around here so they don't
3 know that bars typically close at 2:00 in the morning.
4 So they stayed around thirty minutes. They sat down
5 inside Thee Dollhouse, and when they are inside Thee
6 Dollhouse, William Troy and his friends were in a
7 different section of Thee Dollhouse.

8 Now, as it came about closing time, Mr. Dobbs was
9 standing by the bar. You're going to hear testimony
10 that Mr. Troy walked up to Mr. Dobbs and made a
11 comment, where can I find some girls? Mr. Dobbs is not
12 from around here. He just said, I don't know. And
13 then one of William Troy's friends came and got him and
14 they left.

15 And then Mr. Dobbs and his girlfriend also left
16 Thee Dollhouse. They walked outside. They walked into
17 the parking lot. Mr. Dobbs goes to his car. He opens
18 the door for his girlfriend and meanwhile, William Troy
19 and his friends are still hanging out at the parking
20 lot. As Mr. Dobbs walks to his car, he's about to get
21 into his seat, he hears them yelling and so he stands
22 up. And what you are going to hear is that Mr. Dobbs
23 walks to the rear of his car, but William Troy and his
24 friends walk from thirty feet to confront Mr. Dobbs.
25 And one of those people throw the first punch at

1 Mr. Dobbs.

2 They start beating him. They start punching him.
3 They start slicing him. And at some point during this,
4 Mr. Dobbs, he has to start punching back. He needs to
5 defend himself. And when he hears one of the men
6 saying, get the girl, he opens up his knife and starts
7 swinging. These four men got Mr. Dobbs to the floor.

8 You're gonna find -- we are gonna show you he had
9 scrapes on his knees. They got him to the floor. They
10 were holding him down and they started punching him in
11 the head. And Mr. Dobbs had to protect himself. He
12 starts swinging. And at the first opportunity, when
13 the people start backing away, he runs and gets his
14 girlfriend and himself out of there to get away from
15 these four men.

16 They drive. He drives, and all of a sudden this
17 truck starts ramming him two times and tried to run him
18 off the road. Mr. Dobbs doesn't know who this is, but
19 he's just been in a fight and people were trying to
20 kill him. So he gets away from that truck and just a
21 mile down he sees the police and he pulls over and it
22 is safe to get out and he gets out. He pulls over.

23 Members of the jury, we are confident at the end
24 of this trial, when you view all of the evidence, you
25 will be able to find Mr. Dobbs not guilty on all

1 charges because he was defending himself and he was
2 defending his girlfriend. Thank you.

3 **THE COURT:** State, you may call your first
4 witness.

5 **MS. LASKOFF:** Andre Blanco.
6 Thereupon,

7 **ANDRE BLANCO**
8 was called as a witness and, having first been duly sworn,
9 testified as follows:

10 **THE COURT:** You may inquire.

11 **DIRECT EXAMINATION**

12 **BY MS. LASKOFF:**

13 **Q** Sir, can you state your name for the record?

14 **A** Andre Blanco.

15 **Q** And Mr. Blanco, how old are you?

16 **A** I am 31 years old.

17 **Q** All right. Now, back on October 25th, 2006, were
18 you with some of your friends at Thee Dollhouse?

19 **A** Yes, I was.

20 **Q** On can you tell the jury who you were with at Thee
21 Dollhouse?

22 **A** I was with Frank Gotay, Anthony Riollano and
23 William Troy.

24 **Q** Okay. Do you remember what time you got to Thee
25 Dollhouse?

1 **A** I'd say between the hours of 12 and 1.

2 **Q** Between 12 and 1. Okay. Why were you guys there?

3 **A** We were hanging out, decided to go there. We came
4 from the Orlando Magic game.

5 **Q** Okay. And while you're in there, what were you
6 all doing?

7 **A** We were sitting down in the VIP section, having a
8 couple of drinks.

9 **Q** Okay. And while you guys were there, what was the
10 atmosphere like in the group?

11 **A** It was good, casual, just having fun.

12 **Q** Was the club crowded this night?

13 **A** Too crowded to where you would bump into somebody
14 if you started walking, no.

15 **Q** Okay. And now, were you with all four guys, all
16 four of you together most of the night or was there a point
17 where some of you did one thing?

18 **A** No, we was all in general right here, like a
19 little square section roped off by a little rope to where
20 the VIP people stay here and a waitress would bring our
21 drinks.

22 **Q** So you guys were in the VIP area?

23 **A** Yes.

24 **Q** So now, for those of us who don't frequent Thee
25 Dollhouse, what is the difference between the VIP area and

1 the other parts of the club?

2 **A** The only part is that it is sectioned off to where
3 really nobody can come up there unless you buy a bottle.

4 **Q** So you have to buy a certain bottle to get up
5 there?

6 **A** Exactly.

7 **Q** So how long is it that you guys were in Thee
8 Dollhouse this evening?

9 **A** About a good hour.

10 **Q** For about an hour?

11 **A** Yeah.

12 **Q** Now, while you were inside the club, were there
13 any problems, did anybody -- were there any arguments or
14 disagreements or confrontations with anybody?

15 **A** No, not nothing at all.

16 **Q** Okay. Did you see anybody physically get into a
17 fight or anything inside of the club?

18 **A** No.

19 **Q** Okay. Did the atmosphere remain just relaxed that
20 you were talking about?

21 **A** Throughout the whole night everything was good.

22 **Q** Okay. Now, was there a point that you actually
23 left the club?

24 **A** Yes, it was, when the light came on.

25 **Q** And what time is that?

1 **A** I think it is at 2:00 a.m.

2 **Q** At 2:00 a.m., is that also when the club closes?

3 **A** Exactly.

4 **Q** All right. Now, did everybody walk out of the
5 club at the same time?

6 **A** No. No we didn't.

7 **Q** Can you describe to the jury who all walked out
8 first?

9 **A** I was the first one to exit the club, then my
10 friend Frank Gotay, he exited with me at the same time and I
11 approached my car.

12 **Q** Now, where were Will and Anthony?

13 **A** They were still inside the club, closing out the
14 tab.

15 **Q** And when you went out to the car, whose car was it
16 that you came in?

17 **A** My vehicle.

18 **Q** It was your car?

19 **A** Yes.

20 **Q** And it is a Chrysler 300?

21 **A** Yes, it is.

22 **Q** And what happened at this point, did you see Will
23 and Anthony come out?

24 **A** When I got to the car, Will and Anthony came out.
25 On the way out, they was arguing -- well, actually Will was

1 arguing.

2 **Q** Who was he arguing with?

3 **A** With some lady.

4 **Q** Can you give a physical description of what this
5 lady looked like?

6 **A** No, I cannot.

7 **Q** White lady, black lady, Hispanic lady?

8 **A** I would say like a reddish black.

9 **Q** Could you hear what they were arguing about, what
10 the words were that they were exchanging?

11 **A** I really can't hear because it was a far distance,
12 but it was a commotion.

13 **Q** Okay. And what makes you say that?

14 **A** Because it drawed (sic) my attention at this time.

15 **Q** Were their voices loud?

16 **A** Yes, it was.

17 **Q** Were they both having loud voices?

18 **A** Yes.

19 **Q** The woman and the man or --

20 **A** No.

21 **Q** The woman and Will were both loud?

22 **A** Exactly.

23 **Q** Was Will being physical with the woman?

24 **A** No.

25 **Q** Was he getting in her face?

1 **A** No.

2 **Q** And then what happened at that point?

3 **A** At that point, umm, the gentleman and the lady
4 were in the car. They got into their car.

5 **Q** What gentleman and what lady?

6 **A** John Dobbs.

7 **Q** Okay. Well, let me ask you this. The lady, is it
8 the same lady that Will was having the confrontation with?

9 **A** Yes.

10 **Q** Okay. And who's this John Dobbs that you are
11 describing?

12 **A** The guy I got stabbed by.

13 **Q** What happened?

14 **A** Umm, when the guy got into the car and the lady
15 got into the car, they drove like in the parking lot to
16 another section into the parking lot which was parallel to
17 my car, and the gentleman jumped out of the car. When he
18 jumped out, he lunged at my face.

19 **Q** He what?

20 **A** He lunged at my face. I thought I got punched,
21 hard, because I fell to the ground, but I actually got
22 stabbed in my face.

23 **Q** Was Frank with you right then?

24 **A** Yes, he was.

25 **Q** And where were Will and Anthony at this point?

1 **A** They were still by the front of the club,
2 approaching towards my car.

3 **Q** And did you approach their car?

4 **A** No, I did not.

5 **Q** Now, what happened when the lunging happened?

6 **A** When I got hit, I spun around to the floor. I
7 held my balance with my right hand. I got back up and saw
8 the body that actually hit me, ran after him, grabbed him by
9 the back of the neck, started hitting him there.

10 **Q** Okay. Now, do you see this guy that you are
11 talking about that hit you and knocked you to the ground?

12 **A** I can't physically describe him.

13 **Q** Uh-huh.

14 **A** Because when I got hit, I got dazed.

15 **Q** Okay.

16 **A** So I can't describe him. No, I cannot.

17 **Q** Okay. And what happened, did you get hurt?

18 **A** After, yeah, after I went after him and I grabbed
19 him by the back of the neck and started hitting him, my body
20 started feeling weak, so I walked away from the actual
21 confrontation and I started to lose, I guess, consciousness
22 because I was -- I guess I was losing blood. I didn't
23 realize I was losing blood, but I felt real weak and faint.
24 As I looked over to the left I saw Frank. I guess he was
25 trying to help me because I got hit and he got stabbed as

1 well, and then Will and the gentleman were scuffling
2 together. They were tied up together, and when I looked
3 over, I see Will on the ground.

4 I ran over to Will. I grabbed him by his face,
5 saying try to stay with me, stay with me. Everything is
6 going to be all right. And when I look at his stomach, he's
7 bleeding out of the stomach as well, and then the gentleman
8 got into his car with the girl and drove off.

9 Q Now, I am going to show you what has been marked
10 for identification purposes as Composite D.

11 MS. LASKOFF: If I can approach the witness?

12 MS. CHIEN: Objection. May we approach?

13 THE COURT: You may.

14 (Conference at the Bench held on the record.)

15 MS. VICKERS: Your Honor, first of all, can we get
16 a rule to have the State stop swaying them. She can
17 hold them.

18 MS. LASKOFF: I didn't hear what you said.

19 MS. VICKERS: We ask that the Court instruct the
20 State not to hold the pictures up. Where I was
21 sitting, I could clearly see. She is kind of sorting
22 through the photos. I am not saying you are doing it
23 on purpose, but I believe the pictures are held at an
24 angle where they can see them before they are
25 introduced. I would ask that that take place.

1 **THE COURT:** Let's make sure you hold them where
2 the jury can't see them. Your table is a much
3 different location. What is your objection?

4 **MS. CHIEN:** We haven't had a chance to review the
5 things that -- the photos that Ms. Laskoff would like
6 to present.

7 Judge, some of these are cumulative.

8 **THE COURT:** I need you to tell me which ones.

9 **MS. CHIEN:** This one, this one, this is the same
10 photo.

11 **THE COURT:** Are you moving them in through this
12 witness?

13 **MS. LASKOFF:** Yes.

14 **THE COURT:** So you don't want this one in?

15 **MS. LASKOFF:** That's fine.

16 **THE COURT:** So you are removing the ones that they
17 had a cumulative objection to?

18 **MS. LASKOFF:** Yes.

19 **THE COURT:** Which are D4 and D5. Okay. Thank
20 you.

21 (Whereupon, the following was in open court.)

22 **MS. LASKOFF:** If I can approach the witness, Your
23 Honor?

24 **THE COURT:** You may.

25

1 **BY MS. LASKOFF:**

2 **Q** I am showing you what has been marked as Composite

3 D. If you can review these and look at those?

4 **A** (Witness complies).

5 **Q** Do you recognize what those are?

6 **A** Yes, I do.

7 **Q** And are they true and accurate representations of
8 what they are?

9 **A** Yes, they are.

10 **Q** What are they?

11 **A** They are pictures of me after I got stabbed in the
12 hospital.

13 **Q** Okay.

14 **MS. LASKOFF:** Your Honor, at this time we'd move
15 to have -- I think it was marked as D into evidence as
16 State's 1.

17 **THE COURT:** All right. And that's the modified D?

18 **MS. LASKOFF:** Yes, Your Honor.

19 **THE COURT:** Any further objection?

20 **MS. CHIEN:** No, Your Honor.

21 **THE COURT:** It'll be admitted as State's 1.

22 **BY MS. LASKOFF:**

23 **Q** Now, what I am going to do is --

24 **THE COURT:** If you could hand them to the clerk so
25 that she can mark them.

1 **MS. LASKOFF:** If I have permission to publish them
2 to the jury, Your Honor?

3 **THE COURT:** And when you're showing the individual
4 photographs, if you could indicate on the record what
5 the number is on the back of each that is written in
6 pen.

7 **MS. LASKOFF:** Yes, Your Honor.

8 **BY MS. LASKOFF:**

9 **Q** Did you have to go get treatment for what happened
10 to you that night?

11 **A** Yes, I did.

12 **Q** And what treatment was it that you needed?

13 **A** Stitches, a lot of stitches.

14 **Q** Okay. Can you show the jury -- you don't have to
15 remove your clothing, but point on your body where did you
16 have to get stitches.

17 **A** I got stitches on my right face, right here on my
18 left cheek, right here on my forearm, underneath here, and
19 right here by my heart.

20 **Q** And do you have -- are those scars on your face --

21 **A** Yes, they are.

22 **Q** -- as a result of that night?

23 **A** Yes.

24 **Q** Did you ever see a knife?

25 **A** No, I did not.

- 1 **Q** What cut you?
- 2 **A** I don't know.
- 3 **Q** Did you ever see Will with a knife?
- 4 **A** No.
- 5 **Q** Did you see Frank with a knife?
- 6 **A** No.
- 7 **Q** How about Anthony?
- 8 **A** No.
- 9 **Q** Did you see anybody with a gun?
- 10 **A** No.
- 11 **Q** Okay. Now, if you could just go ahead and turn
12 around, they are going to show up, and now, tell the jury
13 what is this a photograph of?
- 14 **A** This is a photograph of my chest and on the left
15 side of my chest is where I got stabbed.
- 16 **Q** Okay. Can you use the pointer to show the jury
17 where you are talking about?
- 18 **A** Right there.
- 19 **Q** And what treatment did you get for that?
- 20 **A** Staples.
- 21 **Q** And I was just referring to D6. Now I am going to
22 show you -- what is D5?
- 23 **A** That's where I got stabbed at, right there.
- 24 **Q** Okay. And what medical treatment was required for
25 that?

1 **A** Stitches.

2 **Q** Okay. Now, I am showing you D4. D4, can you show
3 the jury what is this a picture of?

4 **A** That's a picture of me getting -- I got stabbed on
5 the left cheek, right there.

6 **Q** Okay. I am showing you D3. What is this a
7 photograph of?

8 **A** I got stabbed right there, underneath my left arm.

9 **Q** All right. And what is that silver thing in it?

10 **A** Staples.

11 **Q** Okay. Showing you D2, what is that a photograph
12 of?

13 **A** That's, again, my left chest by where my heart is
14 at.

15 **Q** And does that a have a staple in it?

16 **A** Yes, it does.

17 **Q** And I am showing you D1. Oops, sorry. What is
18 that a picture of?

19 **A** That's a picture of my right forearm. Where I got
20 --

21 **Q** And what is in that?

22 **A** A staple as well.

23 **Q** Where were these pictures taken, do you recall?

24 **A** In the hospital.

25 **Q** I am going to show what you has been marked as

1 Composite C. Was anybody saying anything while this fight
2 was going on?

3 **A** While the actual confrontation was going on?

4 **Q** Right.

5 **A** No, not that I can recall.

6 **Q** Was it an instance where he was in his car and all
7 four of you approached his car?

8 **A** No.

9 **Q** Okay. And did the four of you attack him?

10 **A** No. We did not.

11 **Q** Okay. Have you ever been convicted of a felony?

12 **A** Yes, I have.

13 **Q** How many times?

14 **A** A couple, about three or four times.

15 **Q** Okay. And can you tell the jury if on this night,
16 did you have a gun or did you have a knife?

17 **A** No, I did not.

18 **Q** All right. Was the defendant saying anything when
19 he was cutting you?

20 **A** No.

21 **Q** And stabbing at you?

22 **A** No, he wasn't.

23 **Q** Did he say anything to any of the people that you
24 heard?

25 **A** No, not that I can recall, no.

1 **Q** All right. And how about Will, did you hear any
2 other words besides what you heard Will and this woman
3 exchanging, did you hear any other arguments before the
4 defendant came?

5 **A** No. The only thing that I did hear was a lady
6 saying, these guys are too slow, they are too slow, and then
7 that's when they jumped in their car.

8 **Q** Now, which lady is it that said this, was it the
9 lady --

10 **A** It was the lady that came with the gentleman that
11 was in the car. So I don't know her name. I can't give you
12 her name.

13 **Q** Was it the same lady that Will was walking with in
14 the club?

15 **A** Yes.

16 **Q** Was it the same lady that was with the guy that
17 stabbed you?

18 **A** Yes.

19 **Q** Was she involved in the fight?

20 **A** Yes.

21 **Q** And how was it that she was involved in the fight?

22 **A** Because she was hitting me from the back, on the
23 back of my neck.

24 **Q** All right. Did she have a weapon of any sort?

25 **A** Not that I can recall.

1 **Q** All right, and did you attack her?

2 **A** Not at the time, no, I did not.

3 **Q** Okay. Was there a time that you did attack her,
4 the way you said that?

5 **A** I never attacked her.

6 **Q** Okay. Did anybody in your group attack her?

7 **A** No.

8 **Q** Did anybody say attack her, or get her?

9 **A** No.

10 **MS. LASKOFF:** Your Honor, if we can approach?

11 **THE COURT:** You may.

12 (Conference at the Bench held on the record.)

13 **MS. CHEI:** Same objection. It is cumulative. C1
14 and C4 are cumulative.

15 **THE COURT:** Pick one.

16 **MS. CHIEN:** They are all cumulative.

17 **THE COURT:** You do not agree that they are
18 cumulative?

19 **MS. VICKERS:** Those are the ones that we agreed
20 to.

21 **THE COURT:** The defense has no objection to C5,6
22 and 7. Your objection -- your objection is to C4?

23 **MS. CHIEN:** Taken together with 1, 2 and 3, they
24 are cumulative.

25 **THE COURT:** I haven't seen 1, 2 and 3.

1 **MS. LASKOFF:** I have gone -- I have 3 and 2. I
2 was just going to explain, this is going to show the
3 relation to see where the fight was in relation to the
4 spots and this is just a closer shot of the efforts
5 that were taken to --

6 **THE COURT:** The cumulative objection will be
7 overruled.

8 (Whereupon, the following was in open court.)

9 **MS. LASKOFF:** All right. If I may approach, Your
10 Honor?

11 **THE COURT:** You may.

12 **BY MS. LASKOFF:**

13 **Q** I am showing you what has been marked as Exhibit
14 Composite C. If you could just look through those. You can
15 just put them down so everybody is not seeing them. Do you
16 recognize what those are photos of?

17 **A** Yes.

18 **Q** And do they truly and accurately represent what
19 they are photographs of?

20 **A** Yes.

21 **Q** And what are they photographs of?

22 **A** They are photographs of mine's (sic), Will's and
23 probably somebody else's T-shirts in the parking lot of the
24 strip club.

25 **Q** Okay.

1 **MS. LASKOFF:** Your Honor, at this time we'd move
2 to have C moved in as Composite C 1 through 7 as
3 State's 2.

4 **THE COURT:** Any objection, other than previously
5 noted?

6 **MS. CHIEN:** No.

7 **THE COURT:** They'll be admitted as State's
8 Composite 2.

9 **BY MS. LASKOFF:**

10 **Q** Now, were there other people out in the parking
11 lot with you that were not part of this stabbing incident?

12 **A** Yes, it was, the valet guy.

13 **Q** There was a valet guy?

14 **A** Yes.

15 **Q** And who else -- are you aware of other people?

16 **A** No, not that I am aware of.

17 **Q** And what was it that this valet guy did, did you
18 see him?

19 **A** Yes. I mean, as in towards the fight or what does
20 he do for his job?

21 **Q** No, no. While this incident was going on, while
22 the stabbing happened, what did you see the valet guy doing?

23 **A** He was basically watching what was going on, and
24 then after the Acura took off, he followed the Acura.

25 **Q** Okay. And now who was in the Acura?

1 **A** The two people -- well, the person that stabbed me
2 and the girl.

3 **Q** Okay. And was there a point that anybody fell
4 down?

5 **A** Yes.

6 **Q** Who fell down?

7 **A** Will fell down, and I think Frank also as well
8 fell down.

9 **Q** Okay. And when Will fell down, what was happening
10 right before he fell down?

11 **A** Before he fell down, a lot of commotion because
12 people were bleeding and nobody knew where they were
13 bleeding from and how they were bleeding and then when I
14 really focused on what was going on, I looked over to my
15 left and saw that Will was on the ground and rushed over to
16 him to help him, save him.

17 **Q** Okay. Now, I'm going to show you C7. If you
18 could just turn around and look at this --

19 **MS. LASKOFF:** And I didn't ask permission to
20 publish these to the jury, Your Honor. I am sorry?

21 **THE COURT:** You may.

22 **MS. LASKOFF:** Thank you.

23 **BY MS. LASKOFF:**

24 **Q** Do you recognize what this photograph is?

25 **A** Yes.

1 **Q** And what is that?

2 **A** The parking lot of Thee Dollhouse.

3 **Q** All right. And whose vehicle is that on the
4 right-hand-side with the door?

5 **A** That's my vehicle.

6 **Q** Okay. Can you use the pointer just so the jury
7 knows?

8 **A** My vehicle is right here.

9 **Q** All right. And how come the door is open, do you
10 know?

11 **A** Because I started the car so I could leave when I
12 was waiting for Anthony and Will to come out.

13 **Q** Now, in relation to your car, where was it that
14 the defendant pulled up his car?

15 **A** Right about right there.

16 **Q** All right. And did he and the girl sit in the car
17 or did they get out of the car immediately, what happened?

18 **A** The car originally started from over here, in this
19 section somewhere around here. It drove in the parking lot
20 and parked itself right here and then the two people got out
21 of the car.

22 **Q** Okay. I am showing you C5. Now, what is this a
23 picture of?

24 **A** It is the parking lot of Thee Dollhouse where the
25 valets actually park their cars.

1 **Q** Okay. Is that where that guy was that you are
2 talking about?

3 **A** Yeah. He's generally in this area right around
4 here.

5 **Q** And in relation to that, where is your car and
6 where did the stabbing take place?

7 **A** My car is somewhere on the other side of this
8 vehicle, right here, and the stabbing is over here, by this
9 tree around here.

10 **Q** Okay. And I am showing you C1. Now, is -- this
11 is again your car, right here?

12 **A** Yes. Yes, it is.

13 **Q** And can you, what is all this stuff right here?

14 **A** I guess that's my garment. I took off my tank
15 top, so probably in there. My tank top is in there.

16 **Q** Okay.

17 **A** And I don't know whose other items those are, but
18 they are somebody's.

19 **Q** Okay. Now, where is it that Will ended up?

20 **A** Will ended up somewhere around this area right
21 here.

22 **Q** Okay. Now, do you know why there's a bucket
23 there?

24 **A** No, I do not.

25 **Q** Now, on this photograph, can you utilize that and

1 show the jury where you came walking out of the club?

2 **A** From this area here. If you start right here,
3 this is where the front of the club is at pretty much.

4 **Q** Okay.

5 **A** And I started walking towards my car, right here.

6 **Q** Okay.

7 **A** Turned on my car, and when I turned it on, I came
8 back outside my car and stood right here, because I heard
9 the argument.

10 **Q** And where was the argument taking place?

11 **A** Right around this area right around here.

12 **Q** All right. And then where did the girl and the
13 guy that stabbed you go?

14 **A** They got in their car and drove it right around
15 here.

16 **Q** All right. And at this time I am going to show
17 you State's Composite B.

18 **MS. LASKOFF:** If I could approach the witness?

19 **THE COURT:** You may.

20 **BY MS. LASKOFF:**

21 **Q** If you could look at those.

22 **THE COURT:** You can return the other items to the
23 clerk so they don't get mixed up or lost.

24 **BY MS. LASKOFF:**

25 **Q** Do you recognize what this is?

1 **A** Yes.

2 **Q** And what is this?

3 **A** It is the vehicle that two people were in.

4 **Q** Which two people?

5 **A** The person that stabbed me and also the girl.

6 **MS. LASKOFF:** Your Honor, at this time we move to
7 have Exhibit W moved into evidence, I believe as
8 State's 3.

9 **THE COURT:** Have you shown it to defense counsel?

10 **MS. CHIEN:** I have no objection.

11 **THE COURT:** All right. It will be admitted as
12 State's Composite Exhibit 3.

13 **MS. LASKOFF:** If I can publish it to the jury?

14 **BY MS. LASKOFF:**

15 **Q** I am showing you B3. Now, which side of the
16 vehicle was the defendant on, or the guy that stabbed you
17 on?

18 **A** Right here.

19 **Q** So was he in the driver's seat?

20 **A** Yes.

21 **Q** Was he in the car?

22 **A** Yes.

23 **Q** And where was the girl?

24 **A** In the passenger.

25 **Q** And this is the same girl that was in the argument

1 with Will?

2 **A** Yes.

3 **Q** All right. And she was inside the car?

4 **A** Yes.

5 **Q** Were the doors shut or open, or do you recall?

6 **A** Well, they both came out of the car when they
7 drove to the spot.

8 **Q** Okay.

9 **A** They were -- the doors were closed, then when she,
10 when he parked, they both jumped out.

11 **Q** Okay. And did you watch the vehicle drive away?
12 Did you observe it leave the parking lot?

13 **A** Not really because I was attending to Will.

14 **Q** Okay. Now, what efforts did you do in taking care
15 of Will? What was going on?

16 **A** I was rubbing him on his face and then on his
17 chest to keep him at least alive with me so that he wouldn't
18 faint off.

19 **Q** Was he talking to you?

20 **A** No, he was breathing. I could see that his
21 stomach was breathing because every time he would breathe
22 out, the blood would come out of his chest.

23 **Q** Okay.

24 **A** And then his eyes were glossy. He was staring
25 into the sky. There wasn't no movement into his eyes. I was

1 rubbing him to keep him comfortable until the ambulance
2 came.

3 Q Was he talking or making any sounds?

4 A No.

5 Q And where was it that you observed him bleeding
6 from?

7 A In the stomach.

8 Q Okay.

9 A He got two, two openings in his stomach.

10 Q Was his shirt on or was it off at this point?

11 A At that point I think it was off.

12 Q Okay.

13 MS. LASKOFF: If I could approach the witness,
14 Your Honor?

15 THE COURT: You may.

16 BY MS. LASKOFF:

17 Q I am showing you what has been marked as State's

18 A. Do you recognize this?

19 A Yes.

20 Q And can you tell the jury what that is?

21 A William Troy.

22 Q Is this your friend you have been talking about?

23 A Yeah. (Crying).

24 MS. LASKOFF: Your Honor, at this time we move to
25 have State's A into evidence, or Exhibit A into

1 evidence as State's Exhibit 4.

2 **THE COURT:** Any objection?

3 **MS. CHIEN:** Objection to the relevance of that
4 photograph.

5 **THE COURT:** Overruled. It'll be admitted as
6 State's 4.

7 **BY MS. LASKOFF:**

8 **Q** So that's Will?

9 **A** That's Will.

10 **Q** Was there a time that the police came?

11 **A** (nods head).

12 **Q** How much after that happened -- are you okay? You
13 need a minute?

14 **A** (nods head).

15 **Q** Okay.

16 **A** The cops came right after, umm, I guess the valet
17 guy must have call the cops and then the cops and ambulance
18 came.

19 **Q** Okay. Did it seem like it took forever for the
20 police to come or did they come pretty quickly?

21 **A** They came pretty quickly.

22 **Q** Okay. Did you guys attack the defendant?

23 **A** No. We did not. I attacked after I got stabbed
24 in the face.

25 **Q** Okay. Yeah, why did you get in a fight anyway?

1 **A** He -- when he came out of the car, I guess I was
2 the first one that he could approach and then I, like I
3 said, he just lunged at me. I got stabbed. I realized that
4 I got -- I didn't realize that I got stabbed. I felt that I
5 got hit real hard, so then I went back and attacked him.

6 **Q** Okay. Now, when you say you went back and
7 attacked him, I mean, had you walked away and then you went
8 back, what happened?

9 **A** After I got hit, I spun to the ground, turned
10 around and as I spun around completely I went towards him.

11 **Q** How far apart were you when you went?

12 **A** Probably about five feet, six feet.

13 **Q** Okay. And what happened after that?

14 **A** Well, after he stabbed me I went ahead, spun
15 around, went after him. As soon as he stabbed me, he went
16 after Frank, and went to go stab him, I guess, as well. By
17 that time, I grabbed him by the neck. I started hitting
18 him, but then while I am hitting him I felt faint. I didn't
19 know that I was stabbed. I just felt faint, so I walked
20 away a little bit to catch my composure. Then I turn
21 around, I see him wrestling with Will. And while he's
22 wrestling with Will, Will is on the ground. He went off
23 someplace I don't recognize because I went towards Will, and
24 that's as much as I remember.

25 **Q** Okay. Now, why did you -- after he attacked you

1 the first time, why didn't you just walk away?

2 **A** Just reaction of being hit, just defending myself.

3 **Q** And then what happened with your friends?

4 **A** He was going crazy with the knife.

5 **Q** What do you mean he was going crazy with the
6 knife?

7 **A** He stabbed me and then after he stabbed me he just
8 went after the other people that we was with. I figured
9 that the confrontation was between him and Will, but I was
10 the first one that he could approach being that I am in
11 Will's group. So I guess I was the first person to get
12 stabbed and then --

13 **Q** Can you tell the jury did you see a knife?

14 **A** No, I did not.

15 **Q** Then why do you think -- what makes you tell the
16 jury you got stabbed?

17 **A** All the blood, the slices in my face, my arms, my
18 chest.

19 **Q** Could he have just hit you really hard?

20 **A** Not to cause blood like that.

21 **Q** Okay. Now, was the fight where it was the
22 defendant with the four of you, or was it a one-on-one
23 situation or what happened in that regard?

24 **A** When I got stabbed, then, like I said, it was like
25 he was going after each one of us one by one. Okay, I took

1 care of him. Let me go to the next guy. Took care of him,
2 let me go to the next guy, type of thing. It wasn't like we
3 ever rushed him at one time and everybody was hitting him at
4 one time. It never happened like that. He went ahead,
5 stabbed me. Got rid of me. Went to the next person, and
6 stabbed him. And so on.

7 **Q** Now, can you tell the jury what started all of
8 this? Do you have any idea?

9 **A** I have no clue. I was already by my car by the
10 time they were coming out so I don't know what happened
11 inside the club or even outside coming through the doors of
12 the club. I didn't know. I was by my car already.

13 **Q** Okay.

14 **MS. LASKOFF:** If I may have a moment?

15 **THE COURT:** Before cross-examination, counsel,
16 could you please approach?

17 (Conference at the Bench held on the record.)

18 **THE COURT:** I have noticed that the individuals
19 that you identified as the victim's family and your
20 victim advocate have come in the door repeatedly.

21 **MS. LASKOFF:** They are going to do it again,
22 because I told them there was a, one picture -- I am
23 sorry.

24 **THE COURT:** The gentleman I think, two or three
25 times left. The females, four or five times, and your

1 victim advocate a couple of times as well. If they
2 want to distract the jury during your presentation,
3 that is one thing. I am not going to permit it. You
4 need to instruct your victim advocate that people need
5 to come and sit and be quiet.

6 **MS. VICKERS:** We object to the loud noises. There
7 is loud speaking coming from the victim's family as
8 well that I and defense counsel can hear.

9 **THE COURT:** I did hear the gentleman's voice. I
10 could not hear what he said. I looked at him and he
11 apologized and quit and I haven't heard it since. But
12 there's not going to be any talking in the courtroom.
13 They can do it outside, outside the presence of the
14 jury.

15 **MS. LASKOFF:** I saw Ms. Washington was in here
16 during some of the testimony.

17 **THE COURT:** I don't know who that is.

18 **MS. LASKOFF:** She's listed as a defense witness.

19 **THE COURT:** Well, you have invoked the rule so you
20 need to make sure your witnesses are not here.

21 **MS. LASKOFF:** Do you want me to address it with
22 them?

23 **THE COURT:** Yeah. Perhaps your co-counsel could
24 do that.

25 (Whereupon, the following was in open court.)

CROSS-EXAMINATION

1

2 **BY MS. CHIEN:**

3 **Q** Mr. Blanco, on October 24th, you and your friend
4 had gone to a Magic game, is that correct?

5 **A** Yes.

6 **Q** And at the Magic game, did you have drinks?

7 **A** Yes.

8 **Q** How many?

9 **A** One.

10 **Q** You, yourself, had one drink?

11 **A** Yes.

12 **Q** What was it?

13 **A** I am not sure.

14 **MS. LASKOFF:** Your Honor, I am going to object.

15 This is beyond the scope of my direct.

16 **THE COURT:** Overruled.

17 **BY MS. CHIEN:**

18 **Q** What drink did you have?

19 **A** I am not sure. It was bought for me.

20 **Q** And you were with Francisco Gotay, Anthony
21 Riollano and William Troy at the Magic game as well, is that
22 correct?

23 **A** Yes.

24 **Q** And were they also drinking?

25 **A** Yes.

1 **Q** And how many drinks did your other three friends
2 have?

3 **A** One apiece.

4 **Q** When you were at Thee Dollhouse, you, yourself,
5 had three to four drinks, is that correct?

6 **A** Yes.

7 **Q** And when you were also inside Thee Dollhouse, you
8 really didn't see any altercation between Mr. Dobbs or
9 William Troy, is that correct?

10 **A** Yes.

11 **Q** And let's talk about the fight. You don't know
12 how the fight started?

13 **A** No, I do not.

14 **Q** And what you are saying is that for no reason,
15 Mr. Dobbs punched you; is that correct.

16 **A** Resay that question again.

17 **Q** So is it your testimony that -- well, you were the
18 first one hit, and you don't even know why?

19 **A** Exactly.

20 **Q** Isn't it true you were the first one who threw the
21 first punch at Mr. Dobbs and you approached him?

22 **A** No, I did not.

23 **Q** During the fight, you, yourself, had punched
24 Mr. Dobbs, is that correct?

25 **A** During the fight, yes.

1 **Q** Okay. And you had punched him in the head, is
2 that correct?

3 **A** Yes.

4 **Q** You also saw -- at any given point in time, you
5 have also seen at least one of your friends punching
6 Mr. Dobbs as well, is that true?

7 **A** Yes.

8 **Q** And it is also your testimony that you never saw a
9 knife?

10 **A** Yes.

11 **Q** Isn't it also true that you, about a week later,
12 you returned to Thee Dollhouse?

13 **A** Yes.

14 **MS. LASKOFF:** I am going to object again. Beyond
15 the scope, Your Honor.

16 **THE COURT:** Approach, please.

17 (Conference at the Bench held on the record.)

18 **MS. CHIEN:** This goes to the consciousness of
19 guilt. He went back -- we intend to elicit from the
20 testimony that he returned back to Thee Dollhouse. He
21 spoke with one of the managers. He apologized for what
22 happened, and he also told that manager that Will was
23 running his mouth that night. And that would be -- it
24 is the reverse. When the State uses it, it is
25 consciousness of guilt. This is a reverse for that

1 witness.

2 **THE COURT:** Okay. And her objection was beyond
3 the scope.

4 **MS. LASKOFF:** I don't think it is relevant either.
5 It is not consciousness of guilt. It is not the proper
6 predicate, number one. Number two, they have to put
7 eye witness testimony on to say that. So --

8 **MS. CHIEN:** Well, we can bring him in to say that.

9 **MS. VICKERS:** We'd just ask that he not be
10 released under his subpoena until we can recall him.

11 **THE COURT:** Okay. I will sustain the beyond the
12 scope objection.

13 (Whereupon, the following was in open court.)

14 **BY MS. CHIEN:**

15 **Q** Mr. Blanco, you stated on direct that you have had
16 about three to four felonies, is that correct?

17 **A** Yes.

18 **Q** Would it be more like six felonies?

19 **A** I don't know. You would have to check my rap
20 sheet.

21 **Q** Okay. Would it help you to remember if you were
22 to take a look at some paperwork that you may have?

23 **MS. LASKOFF:** I am going to object at this point,
24 Your Honor, based on the information that I have.

25 **THE COURT:** Could you approach, please?

1 (Conference at the Bench held on the record.)

2 **MS. CHIEN:** These are the J&S's. I see six. One
3 of three, two of three, one of two, two F3's. I am not
4 going off of the web site.

5 **MS. LASKOFF:** There's four separate cases, Your
6 Honor.

7 **MS. CHIEN:** Right, but some of them have two
8 felonies on them.

9 **THE COURT:** I am counting five. That's a
10 misdemeanor, possession of paraphernalia is a
11 misdemeanor. So it is one two, three, four, five.

12 **MS. CHIEN:** There's a --

13 **THE COURT:** This is actually Troy Williams.

14 **MS. CHIEN:** I'm sorry.

15 **MS. LASKOFF:** I have four cases. Six felonies
16 with four cases. Six and four cases. Six convictions
17 and four cases.

18 **MS. CHIEN:** Six felonies.

19 **THE COURT:** And your objection is what?

20 **MS. LASKOFF:** It is just four cases.

21 **THE COURT:** He said four convictions. Overruled.

22 (Whereupon, the following was in open court.)

23 **BY MS. CHIEN:**

24 **Q** Mr. Blanco, isn't it true you have had six felony
25 convictions?

1 **A** Like I said, I haven't seen my rap sheet.

2 **Q** Okay.

3 **MS. CHIEN:** Can I approach, Your Honor, and show
4 him?

5 **THE COURT:** Yes.

6 **THE WITNESS:** According to what you have there,
7 yes.

8 **BY MS. CHIEN:**

9 **Q** Do you not remember them?

10 **A** No, I do not.

11 **Q** Isn't it true you had two felonies --

12 **MS. LASKOFF:** I am going to object, Your Honor.
13 He has answered the questions.

14 **MS. CHIEN:** He was also not exactly forthcoming
15 about that and opened the door.

16 **THE COURT:** Counsel, approach, please.

17 (Conference at the Bench held on the record.)

18 **THE COURT:** I do not permit speaking objections.
19 You are permitted to ask two questions and then he has
20 indicated six now. Do you have some reason for
21 inquiring further?

22 **MS. CHIEN:** No further, no, Your Honor.

23 **THE COURT:** Then the objection will be sustained.
24 (Whereupon, the following was in open court.)

25

1 **BY MS. CHIEN:**

2 **Q** Mr. Blanco, you are currently on probation, is
3 that correct?

4 **A** Yes.

5 **Q** Okay.

6 **MS. CHIEN:** May I have a moment, Your Honor?

7 **THE COURT:** You may.

8 **MS. CHIEN:** I have no other questions.

9 **THE COURT:** Any redirect?

10 **MS. LASKOFF:** No, Your Honor.

11 **THE COURT:** Mr. Blanco, you are free to go at this
12 time, but you do remain under subpoena with regard to
13 this trial.

14 Call your next witness.

15 **MS. LASKOFF:** Francisco Gotay.

16 Thereupon,

17 **FRANSISCO GOTAY**

18 was called as a witness and, having first been duly sworn,
19 testified as follows:

20 **THE COURT:** You may inquire.

21 **BY MS. LASKOFF:**

22 **Q** Sir, can you state your name for the record and
23 introduce yourself to the jury?

24 **A** My name is Francisco Gotay.

25 **Q** And Mr. Gotay, are you friends with William Troy?

1 **A** Yes.

2 **Q** And back on October 25th, 2006, did you guys go to
3 Thee Dollhouse?

4 **A** Yes.

5 **Q** And what had you done prior to going to Thee
6 Dollhouse?

7 **A** We hit a couple other clubs and we went to a
8 basketball game.

9 **Q** Okay. Now you went to a Magic game, correct?

10 **A** Yes.

11 **Q** And now who all went?

12 **A** Me, Andre, Anthony and William.

13 **Q** All right. And you guys were having a good time
14 at the basketball game?

15 **A** Uh-huh.

16 **Q** Okay. Everybody having a couple drinks?

17 **A** Uh-huh.

18 **Q** Is that fair to say?

19 **A** Social, yeah.

20 **Q** And then you went to where after that?

21 **A** We went to Cleo's.

22 **Q** To Cleo's?

23 **A** Uh-huh.

24 **Q** And how long were you at Cleo's?

25 **A** Maybe thirty minutes to an hour, if that.

1 **Q** All right. And then you went from Cleo's to Thee
2 Dollhouse?

3 **A** No. We went to Diamonds and stayed there about
4 20, thirty minutes, if that, and then decided to go to Thee
5 Dollhouse.

6 **Q** Okay. What was the occasion, why were you-all
7 going from club to club?

8 **A** We just haven't been out in a long time, all
9 together. I mean, all of us have families, so we just
10 started to go out that night all together.

11 **Q** Okay. And what time is it that everybody arrived
12 at Thee Dollhouse roughly, your group?

13 **A** Maybe one o'clock, 12:30. One o'clock, something
14 like that.

15 **Q** All right. And when you got to Thee Dollhouse,
16 where did you guys go within the club?

17 **A** We went straight to VIP.

18 **Q** All right. And why did you go to VIP?

19 **A** We bought a bottle of champagne and it is pretty
20 much sectioned off from the rest of the club.

21 **Q** All right. And who all sat up in the VIP section,
22 everybody? All four of you?

23 **A** All four of us.

24 **Q** Was there anybody else in the VIP section?

25 **A** Umm, just dancers. That's it.

1 **Q** And how long was it that you-all sat up there?

2 **A** Umm, till the closing.

3 **Q** And what time is it that the club closed?

4 **A** I believe it is 2:00.

5 **Q** All right. Now, what was the atmosphere like when
6 you were all inside of Thee Dollhouse?

7 **A** Oh, everything was fine. We were having a great
8 time.

9 **Q** And everybody was drinking a little bit, correct?

10 **A** Uh-huh.

11 **Q** And inside the club, was there any point where
12 there was a problem with any of your group with anybody
13 else?

14 **A** No. Not until we walked out.

15 **Q** Okay. And can you tell the jury who walked out of
16 the club? Did you-all walk out of the club together?

17 **A** No.

18 **Q** Who walked out of the club first?

19 **A** Andre walked out first.

20 **Q** And was he alone or --

21 **A** He was alone, and then I walked out behind him,
22 maybe about five minutes after him.

23 **Q** And then what happened, who left after that?

24 **A** Umm, Anthony and William left together.

25 **Q** How come they left last?

1 **A** I believe Anthony was paying a bill and Will was
2 having a discussion with the defendant.

3 **Q** Well, let me ask you this. Did you see him having
4 a discussion, Will, or is this something you have heard?

5 **A** No. Basically it was kind of a, a little
6 argument. I heard a little cursing, but I didn't pay it no
7 mind. You know, at the time I was a little tipsy so I just
8 wanted to get home so I just went out to the car because I
9 -- I didn't think nothing of it.

10 **Q** I didn't hear that last part?

11 **A** I didn't think anything of it.

12 **Q** Why did you think there might be some kind of an
13 argument, though, can you tell the jury that?

14 **MS. VICKERS:** Objection, calls for speculation.

15 **THE COURT:** Sustained.

16 **BY MS. LASKOFF:**

17 **Q** What did you observe?

18 **A** Basically I just heard like profanity being used.

19 **Q** From who? Who was making profane statements?

20 **MS. VICKERS:** Objection, hearsay.

21 **THE COURT:** Overruled.

22 **THE WITNESS:** Mr. Dobbs and William.

23 **BY MS. LASKOFF:**

24 **Q** Both them were saying profane things to each
25 other?

1 **A** Uh-huh, yes.

2 **Q** I am sorry?

3 **A** Yes.

4 **Q** And did you get what the gist of their
5 conversation was about?

6 **A** No.

7 **Q** All right. And was anybody else involved in the
8 argument?

9 **A** No.

10 **Q** And how long was it that you observed them in this
11 verbal argument?

12 **A** Umm, maybe --

13 **MS. VICKERS:** Objection as to characterization.

14 **THE COURT:** Overruled.

15 **THE WITNESS:** Maybe a minute or two.

16 **BY MS. LASKOFF:**

17 **Q** Minute or two?

18 **A** It was as I was walking out of the club. It
19 wasn't long.

20 **Q** Did you take it as something that was a serious
21 incident at that point?

22 **MS. VICKERS:** Objection, calls for speculation.

23 **THE COURT:** Overruled.

24 **THE WITNESS:** No. Not at the time.

25

1 **BY MS. LASKOFF:**

2 **Q** And then so you left, correct?

3 **A** Yes.

4 **Q** And when was the next time that you saw Will?

5 **A** Umm, basically they was walking toward the car. I
6 was towards the middle of, like when you walk out there's
7 like a canopy, and basically I was walking out of the club,
8 and as I was passing the canopy going towards the cars in
9 the back where our car was, Anthony and Will were walking
10 right behind me. I would say about 20 steps back.

11 **Q** Okay. I am showing you -- it is marked as C5
12 Composite, part of State's 2. Do you see what this is?

13 **A** Uh-huh.

14 **Q** And would this help you show to the jury what it
15 is you were just talking about?

16 **A** Yeah.

17 **Q** Okay. Let me put it on the overhead.

18 **MS. LASKOFF:** If I may, Your Honor?

19 **BY MS. LASKOFF:**

20 **Q** When you started to walk out, what happened?

21 **A** When I started to walk out, basically I was
22 walking toward the car. I seen Andre, you know, at the car.

23 **Q** So Andre, he was already at the car?

24 **A** Yeah. Basically, yeah. And as I was walking out,
25 the defendant and his girlfriend, I guess, pulled up on the