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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

Case No. 5:06-cr-22-Oc-10GRJ

January 14, 2008
Ocala, Florida

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY TRENT SNIPES,
EDDIE RAY KAHN and
DOUGLAS P. ROSILE,

Defendants.

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TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE WM. TERRELL HODGES,
SENIOR UNITED STATES DISTRICT JUDGE, and a Jury

Appearances of Counsel:

For the Government:

Mr. Robert E. O'Neill
Mr. M. Scotland Morris
Mr. Jeffrey A. McLellan

For Defendant Snipes:

Mr. Robert G. Bernhoft
Mr. Robert E. Barnes
Ms. Linda G. Moreno
Mr. Daniel R. Meachum
Ms. Kanan B. Henry

1 Appearances of Counsel (continued):

2 For Defendant Kahn:

3 Mr. Eddie Ray Kahn, pro se
4 Mr. Michael William Nielsen, standby counsel

5 For Defendant Rosile:

6 Mr. David Anthony Wilson

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Reported by: Dennis Miracle, Official Reporter, and
 Kelly Owen McCall, Freelance Reporter

P R O C E E D I N G S

(Prospective jury panel present.)

THE COURT: Be seated, please, everyone.

Good morning, counsel. And ladies and gentlemen of the jury panel, good morning to each of you. As you heard the Marshal announce just a moment ago in opening court, my name is Terrell Hodges. I am, obviously, one of the judges of the Court, and it's my pleasant duty this morning to welcome all of you as you make your initial appearance here in response to the jury summons that required your attendance this morning. And I speak not only for myself but for all of the judges of the Middle District of Florida and our entire court family.

And I want you to know that we fully understand that many of you might well prefer to be elsewhere tending to your jobs or homes or families or other things that require your attention on a daily basis.

On the other hand, if you haven't already done so, I hope that you will pause for a moment to reflect upon the extreme importance of the service that you will render indeed or are already rendering by your presence here as members of the jury panel.

The right to trial by jury is one of our most cherished constitutional rights in the United States so that if you or I or anyone else should become involved in a civil disagreement or dispute, or if we should be charged with the

1 commission of a criminal offense, we would have the absolute
2 constitutional right in most such cases to have the matter
3 heard and decided by a jury of our fellow citizens selected
4 just as you have been at random from the voter registration
5 rolls of the various counties in this instance comprising the
6 Ocala Division of the Middle District of Florida.

7 So my point is that while you're here, you will be
8 discharging nothing less than a constitutional function,
9 participating directly in the administration of justice
10 deciding cases or controversies between your fellow citizens
11 or between your citizens and the United States.

12 So that entails not only an obligation or a
13 responsibility but also an opportunity, as I said, to
14 participate in the administration of justice, and I hope that
15 when you have viewed the matter in that way through the prism
16 of the Constitution, so to speak, that you will be able then
17 to put aside altogether any feeling of annoyance or
18 unhappiness or displeasure that you might have felt when you
19 initially received your summons requiring your attendance here
20 this morning.

21 And I'm confident that, when you have done so,
22 you'll be able to view your opportunity and responsibility in
23 an appropriate frame of mind and when you have finished your
24 work here, that you'll be able then to go away with the
25 satisfaction that always comes with a job well done.

1 And I promise to you to do all that I can
2 consistently with my own responsibility for the orderly
3 administration of the Court's business to see that your jury
4 service is a positive experience in every way.

5 I do, however, ask for your patience and for your
6 understanding if there are times when it may seem to you that
7 there are delays or that you're being kept waiting, or the
8 like, because the administration of a court's trial docket is
9 a very complex undertaking because of the numbers of people
10 involved in the trial of any case such that there are often
11 last-minute changes affecting one side or another or the
12 witnesses, or the like, such that there may occasionally, if
13 you're selected as a member of a jury to hear and decide a
14 case, be some delays or interruptions, and I would ask for
15 your patient understanding if that should occur.

16 I do at least hope to be able to explain to you in
17 those circumstances, should they occur, what is going on so
18 that you will understand that neither I nor counsel are
19 deliberately squandering or wasting your time in any way.

20 On the contrary, I will do all that I can, as I said
21 before, consistent with my own responsibilities, to see that
22 your time is not wasted and that, indeed, it is utilized to
23 the maximum extent possible whenever you are here for service.

24 Now, as you can see from the presence of these
25 persons at counsel table inside the rail, we do have a case

1 that has been scheduled for trial this morning that will
2 require the impanelment of a jury to hear and decide the
3 matter, and we will be going forward in just a few moments
4 with the jury selection procedure, so let me explain to you
5 now what that procedure will be.

6 When I finish these remarks, I'm going to ask the
7 Marshal to draw at random from a box of numbers that he has
8 over there initially 37 prospective jurors to come forward as
9 a prospective jury in the case.

10 When he calls out a number, I will make reference to
11 a list that I have here of your names. I will call the name
12 that we have associated with that number. And if your name is
13 called, I will ask, please, that you step forward, come
14 through the gate there in the center of the courtroom, and
15 step up initially into the jury box over here to your right as
16 you're facing me here in the courtroom this morning.

17 The first person who is called, please, should step
18 up into the first row of the jury box -- that's the middle row
19 there as you're looking at it from where you are -- taking the
20 seat at this end nearest me and then filling the first row of
21 the jury box in order working from this end toward the middle
22 of the room.

23 When that row of chairs is filled, we will then
24 begin filling the seats against the wall to your right
25 beginning, once again, with the chair at this end nearest me

1 working toward the center of the room.

2 When the jury box itself is filled in that fashion,
3 we will then begin filling the chairs that you see placed here
4 in front of the jury box that have been put there for purposes
5 of the jury selection procedure.

6 We will fill first the chair at this end nearest me
7 and then the remaining chairs, again, working toward the
8 center of the room.

9 Then you will notice we have four chairs over there
10 between the jury box and the pew that's inside the rail. We
11 will fill those chairs next in sequence beginning with the
12 chair nearest the wall working toward the center of the room,
13 and finally we will then utilize the pew which is occupied
14 there by some members of the panel already, the one just
15 inside the rail, starting with the position against the wall
16 and working toward the center of the room.

17 When those persons have been seated as members of
18 the panel subject to what we call voir dire examination, I
19 will give an explanation concerning what I understand this
20 case to be about, and I will then begin to ask those of you
21 who have been called forward a series of questions known, as I
22 said a moment ago, as the Court's voir dire examination of the
23 jury, questions that are all designed to enable you in the
24 first instance and the Court and counsel secondarily to
25 determine whether, if selected as a juror in this case, you

1 could serve in a completely fair, impartial and objective
2 manner.

3 The questions will cover a broad range of subjects
4 such as, for example, whether or not you already know
5 something about this proceeding from some prior source of
6 information, whether you're acquainted, perhaps, with any of
7 the parties that will be participating in the trial, the
8 lawyers and the parties and others, whether you're acquainted
9 with any of the potential witnesses whose names will be read
10 to you, and whether or not you've had some experience on your
11 part or in your family life in the past that might conceivably
12 have some bearing upon the nature of this particular case and
13 would make it difficult for you to serve in a completely fair
14 and impartial manner.

15 On some occasions it may seem to you that the
16 questions that I will ask are somewhat personal or intrusive
17 in manner, but I assure you I will never ask a question that
18 is intended to embarrass you in any way.

19 On the contrary, I will avoid doing so to the
20 maximum extent possible, but you will understand, I think,
21 when you hear the question the necessity that they be asked in
22 the Court's effort to obtain a fair and impartial jury in this
23 case.

24 At the end of the questioning process, a number of
25 you will be excused and will be asked to return to your seats

1 in the courtroom. If that should be your experience, I ask
2 that you not be offended or embarrassed in any way by that
3 circumstance, because it will almost certainly mean nothing
4 more than the simple fact that a sufficient number of others
5 are available to complete the selection of the jury without
6 necessity of your serving.

7 If you are selected as a member of the jury in this
8 or, indeed, in any other case tried in this court, then you
9 will be expected to be here each business day from 9:00 in the
10 morning until 5:00 in the afternoon on a regular basis until
11 the case is completed.

12 There will be no long or overtime hours. If it
13 should become necessary on a given day to work a few moments
14 into the evening beyond 5:00 for some reason as, for example,
15 to complete the testimony of a particular witness, we might do
16 that. But certainly as a general rule or policy, we will not
17 be working long or overtime hours or any time over a weekend
18 or a holiday or anything of that kind. So if you've been
19 concerned about that possibility, you may put that concern
20 aside.

21 Now, let me then conclude these remarks as I began
22 them by reassuring all of you that we do appreciate your
23 presence here. I hope that you will find your jury experience
24 to be a positive and perhaps even challenging or informative
25 experience.

1 And if you do have any questions or encounter any
2 problems related to your jury service, I know that you will
3 find the clerk and the Marshal and the members of our court
4 family more than willing to answer your questions or to work
5 with you in any reasonable way in attempting to solve any
6 problem that you might encounter, although we hope that there
7 won't be any.

8 Now, the case that has been scheduled for trial this
9 morning is the case of the United States against Wesley Trent
10 Snipes, Eddie Ray Kahn, and Douglas P. Rosile. This is Case
11 Number 06-criminal-22 on the Court's docket.

12 This is a criminal proceeding as distinguished from
13 a civil case, as I shall explain more fully in a few moments.

14 Each of the three defendants -- Mr. Snipes,
15 Mr. Kahn, and Mr. Rosile -- have entered pleas of not guilty
16 with respect to any count of the Indictment in which they
17 individually are charged, and the case is, therefore, called
18 this morning for the impanelment of a jury to hear and decide
19 the matter.

20 Mr. O'Neill, you're here with your colleagues there
21 for the United States?

22 MR. O'NEILL: Yes, Your Honor. Good morning.

23 THE COURT: Good morning.

24 I'm aware that there are some matters pending that
25 will require the Court's attention before the jury may be

1 impaneled. But are you otherwise ready to proceed with jury
2 selection?

3 MR. O'NEILL: Yes, Your Honor.

4 THE COURT: All right. Mr. Bernhoft, good morning
5 to you.

6 MR. BERNHOFT: Good morning, Your Honor.

7 THE COURT: You are here with your colleagues, I
8 see, as well as Mr. Snipes, of course. And as I said to
9 Mr. O'Neill, I'm aware that there are matters that need to be
10 taken up before the jury is impaneled. But are you ready to
11 proceed now with jury selection?

12 MR. BERNHOFT: Yes, sir.

13 THE COURT: Thank you.

14 Mr. Kahn, good morning to you.

15 DEFENDANT KAHN: Good morning, Judge Hodges.

16 THE COURT: I make the same remarks to you. Are you
17 ready now to go forward with jury selection.

18 DEFENDANT KAHN: No, sir.

19 THE COURT: Why is that, Mr. Kahn?

20 DEFENDANT KAHN: Because I'm just here to read a
21 statement into the record, and that's all I'm planning on
22 doing.

23 THE COURT: All right. Well, we'll come to that
24 subsequently, then.

25 DEFENDANT KAHN: All right.

1 THE COURT: Mr. Wilson, good morning to you.

2 MR. WILSON: Good morning, Your Honor.

3 THE COURT: You represent Mr. Rosile, who is seated
4 there with you, I believe. Are you ready to proceed with jury
5 selection?

6 MR. WILSON: Yes, Your Honor, we're ready.

7 THE COURT: All right. Thank you.

8 All right. Marshal, let's call 37 prospective
9 jurors, please.

10 THE COURT SECURITY OFFICER: Number 19.

11 THE COURT: Victor James Costanzi.

12 All the way down to the next chair that's put over
13 there, Mr. Costanzi. Thank you, sir.

14 All right.

15 THE COURT SECURITY OFFICER: Number 31.

16 THE COURT: Pamela Rae Havelly. Is that the right
17 pronunciation, ma'am?

18 PROSPECTIVE JUROR: It is, Havelly.

19 THE COURT: Havelly?

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: Thank you. All right.

22 THE COURT SECURITY OFFICER: Number 2.

23 THE COURT: Thomas Amodeo. All right.

24 THE COURT SECURITY OFFICER: Number 44.

25 THE COURT: Geraldine Martin. All right.

1 THE COURT SECURITY OFFICER: Number 49.
2 THE COURT: Robert Eugene Oliver. All right.
3 THE COURT SECURITY OFFICER: Number 11.
4 THE COURT: Marylou Sullivan Bruno. All right.
5 THE COURT SECURITY OFFICER: Number 22.
6 THE COURT: Loyd Elkins. All right.
7 THE COURT SECURITY OFFICER: Number 43.
8 THE COURT: Randall Lynch. All right.
9 THE COURT SECURITY OFFICER: Number 4.
10 THE COURT: Robert Austin. All right.
11 THE COURT SECURITY OFFICER: Number 33.
12 THE COURT: Paula Holtsclaw. All right.
13 THE COURT SECURITY OFFICER: Number 41.
14 THE COURT: Jack Lazinsk. All right.
15 THE COURT SECURITY OFFICER: Number 54.
16 THE COURT: Christine Perkins. All right.
17 THE COURT SECURITY OFFICER: Number 76.
18 THE COURT: Frank Tuttle. All right.
19 THE COURT SECURITY OFFICER: Number 78.
20 THE COURT: Charles Weller. All right.
21 THE COURT SECURITY OFFICER: Number 23.
22 THE COURT: James Ferrara. All right.
23 THE COURT SECURITY OFFICER: Number 66.
24 THE COURT: Michael Sheehan. All right.
25 THE COURT SECURITY OFFICER: Number 3.

1 THE COURT: Carolyn Artman. All right.
2 THE COURT SECURITY OFFICER: Number 71.
3 THE COURT: Frances Taylor. All right.
4 THE COURT SECURITY OFFICER: Number 18.
5 THE COURT: Tina Cooke-Yarborough. All right.
6 THE COURT SECURITY OFFICER: Number 75.
7 THE COURT: Marie Tuck. All right.
8 THE COURT SECURITY OFFICER: Number 39.
9 THE COURT: Natalie Lynnette Kenney. All right.
10 THE COURT SECURITY OFFICER: Number 63.
11 THE COURT: Catherine Saraceni. All right.
12 THE COURT SECURITY OFFICER: Number 67.
13 THE COURT: Michele Smith. All right.
14 THE COURT SECURITY OFFICER: Number 36.
15 THE COURT: Don W. Johnson. All right.
16 THE COURT SECURITY OFFICER: Number 57.
17 THE COURT: Robert Rossdeutscher. All right.
18 THE COURT SECURITY OFFICER: Number 61.
19 THE COURT: Gary Salisbury. All right.
20 THE COURT SECURITY OFFICER: Number 8.
21 THE COURT: Sandi Gray Boykin. All right.
22 THE COURT SECURITY OFFICER: Number 12.
23 THE COURT: Nancy Bussey.
24 All right. Now, may I ask those ladies and
25 gentlemen who are seated there on the front pew, if you would

1 move back into the courtroom now to the extent seats are
2 available for you there, if you would, please. Thank you.

3 All right.

4 THE COURT SECURITY OFFICER: Number 17.

5 THE COURT: Seventeen?

6 THE COURT SECURITY OFFICER: Yes, sir.

7 THE COURT: Kenneth Colen. All right.

8 THE COURT SECURITY OFFICER: Number 1.

9 THE COURT: Donald Akers. All right.

10 THE COURT SECURITY OFFICER: Number 9.

11 THE COURT: Arlene Bradshaw. All right.

12 THE COURT SECURITY OFFICER: Number 64.

13 THE COURT: David Allen Scott. All right.

14 THE COURT SECURITY OFFICER: Number 42.

15 THE COURT: Catherine Lewis. All right.

16 THE COURT SECURITY OFFICER: Number 68.

17 THE COURT: Patricia Stoneman. All right.

18 THE COURT SECURITY OFFICER: Number 34.

19 THE COURT: Johnye Hoppe. All right.

20 THE COURT SECURITY OFFICER: Number 13.

21 THE COURT: Chad Cannaday. And one more, please.

22 THE COURT SECURITY OFFICER: Number 69.

23 THE COURT: Lonnie Monroe Strickland.

24 All right. Thank you, ladies and gentlemen.

25 Now, to those of you who are seated in the audience

1 section of the courtroom who are members of the jury panel,
2 let me ask, please, that you move forward and fill the seats
3 that may be available to you that are closer to me or the
4 front of the courtroom because it's entirely likely that many
5 of you may yet be called as prospective jurors in this case,
6 and it may eliminate the need for repetition later on if
7 you're fully familiar with all that is said and done from this
8 point on in this proceeding.

9 I will, however, for the time being be addressing
10 myself now exclusively to the 37 of you who have just come
11 forward to take your seats as prospective jurors.

12 And give me just a moment to sort these papers,
13 please.

14 (Pause.)

15 THE COURT: By the way, let me begin by saying,
16 ladies and gentlemen, that ordinarily during the course of any
17 trial day with the jury I try to pause at midmorning and again
18 at midafternoon after a lunch break, of course, in order that
19 we might all go to the restroom or otherwise refresh
20 ourselves.

21 And since we began rather late this morning, it
22 would be my intention to continue with this proceeding until
23 the lunch hour, and then we'll stop for lunch and resume again
24 this afternoon.

25 But if any of you feel the need -- a desperate

1 need -- for some break or recess before lunch, just raise your
2 hand, let me know, and we will accommodate you.

3 Now, as you heard me say before, the case to be
4 tried commencing this morning before a jury we will now select
5 from among your number is the case of the United States
6 against Mr. Wesley Trent Snipes, Mr. Eddie Ray Kahn and
7 Mr. Douglas P. Rosile, the defendants or the accused persons
8 in this case since it is a criminal proceeding, as I said
9 before, as distinguished from a civil case or a civil
10 proceeding of any kind. And the case was started or initiated
11 by the return and filing of what is known as an Indictment by
12 the grand jury of the court charging, in this instance,
13 Mr. Snipes, Mr. Kahn, and Mr. Rosile with several criminal
14 offenses designated as counts in the Indictment.

15 Each of the defendants has entered a plea of not
16 guilty with respect to any charge made against him in the case
17 and it is, therefore, as I said before, called this morning
18 for trial by jury before a jury that we will now proceed to
19 select from among your number.

20 You should understand, as I said, however, that this
21 is a criminal case as distinguished from a civil proceeding
22 and, therefore, it is the burden or responsibility of the
23 United States to prove the charge, or charges, made in the
24 Indictment by evidence which excludes any reasonable doubt
25 concerning the guilt of a defendant as distinguished from

1 proof by a preponderance of the evidence which applies in a
2 civil case, as I shall explain more fully in a few moments.

3 And when a defendant in a criminal proceeding, such
4 as this one, does enter a plea of not guilty, as in this case,
5 then the defendants, and each of them, are presumed or assumed
6 by the law to be not guilty of any criminal offense and has no
7 burden or obligation or responsibility to undertake to prove
8 his innocence or produce any evidence at all.

9 The burden of proof or the burden of persuasion, as
10 we refer to it, upon the entry of a plea of not guilty by the
11 defendant lies exclusively upon the United States.

12 And, furthermore, the Indictment itself, that is,
13 the accusation -- formal accusation which causes the trial to
14 be held, is not, in and of itself, evidence of guilt on the
15 part of the defendants or anyone else. It's nothing more than
16 a formal charge which sets the framework for the trial upon
17 the entry, as in this case, of a plea of not guilty.

18 So with that understanding as to the role of the
19 Indictment in the case, let me summarize for you briefly what
20 the charge, or charges, are in the Indictment so that you will
21 have a better understanding of what the case involves.

22 It is alleged or stated or charged, as we sometimes
23 use those terms interchangeably, in Count One of the
24 Indictment, the first charge that is made against each of the
25 three defendants, that from in or about 1999 through the date

1 of the return of the Indictment itself, which was in October
2 of 2006, in Lake and Orange Counties, in the Middle District
3 of Florida and elsewhere, Mr. Wesley Trent Snipes, Mr. Eddie
4 Ray Kahn and Mr. Douglas P. Rosile, the defendants, did
5 knowingly and willfully conspire or agree with each other, and
6 with others, to defraud the United States by impeding,
7 impairing, obstructing, and defeating the lawful government
8 functions of the IRS, that is, the Internal Revenue Service,
9 an agency of the United States, in the IRS' ascertainment,
10 computation, assessment and collection of the revenue, to wit:
11 income taxes, all in violation of Title 18, United States
12 Code, Section 371.

13 The Indictment goes on to allege in Count One what
14 are called the manner and means of the alleged conspiracy or
15 unlawful agreement and also a number of so-called overt acts;
16 that is to say, transactions or events allegedly carried out
17 by one or more of the alleged conspirators in an effort to
18 accomplish the charged conspiracy objective, namely, the
19 collection of the revenue by the Internal Revenue Service.
20 And this is, as I said before, an alleged conspiracy offense
21 to defraud the United States, in violation of Title 18, United
22 States Code, Section 371.

23 Then in Count Two of the Indictment the second
24 charge is made against each of the three defendants, and it
25 alleges that on or about April 11 of 2001, in Lake County, in

1 the Middle District of Florida and elsewhere, the three
2 defendants -- Mr. Snipes, Mr. Kahn, and Mr. Rosile -- did
3 knowingly make and present or cause to be made and presented a
4 fraudulent claim for payment upon and against the
5 United States by presenting to the Treasury Department,
6 Internal Revenue Service, an agency of the United States, a
7 false, fictitious and fraudulent claim.

8 Specifically, the defendants, it is alleged or
9 stated in the Indictment, presented to the Internal Revenue
10 Service an amended federal income tax return for the
11 defendant, Mr. Snipes, for the tax year 1997 wherein a claim
12 for an income tax refund in the amount of \$7,360,755 was made
13 knowing, it is charged, such claim to be false, fictitious and
14 fraudulent. This is said in the Indictment to have been a
15 violation of Title 18, United States Code, Section 287, a
16 so-called false claim against the government charge.

17 And then finally in Counts Three through Eight,
18 inclusive and respectively, the Indictment charges only
19 Mr. Snipes. Mr. Kahn and Mr. Rosile are not charged or
20 included in Counts Three through Eight. And in those counts
21 it is alleged, or charged, as against Mr. Snipes that he was,
22 during the calendar years 1999 through 2004, inclusive and
23 respectively, a resident of Windermere, in Orange County,
24 Florida, that he had received gross income substantially in
25 excess of the minimum filing amounts established by law for

1 each such year, and that he was, it is charged, required by
2 law to make an income tax return to the Internal Revenue
3 Service specifying the items of his gross income and any
4 deductions or the like to which he was entitled. However, it
5 is alleged, well knowing all of the foregoing, the defendant,
6 Mr. Snipes, did willfully fail to make an income tax return
7 for such years to the Internal Revenue Service.

8 And it is charged that the failure to file a tax
9 return for each of those years, 1999 through 2004, each year
10 constituting a separate count or separate alleged offense in
11 the Indictment, was a violation of Title 26, United States
12 Code, Section 7203, commonly referred to as a failure to file
13 offense.

14 Now, those in summary are the allegations of the
15 Indictment. I reiterate that each of the defendants has
16 entered a plea of not guilty with respect to any offense with
17 which he is charged, and he is, therefore, presumed by the law
18 to be innocent or not guilty of that offense, the burden of
19 proof being upon the United States.

20 So let me begin now my questioning of you by asking
21 each of you whether for whatever reason any of you may have
22 some preconceived opinion or conviction in opposition to any
23 of the basic principles of law that you've heard me state
24 already as being applicable to this case. And I refer to the
25 principle that the Indictment is not evidence of guilt; that

1 the defendant upon entering a plea of not guilty, as in this
2 case, is presumed or assumed by the law to be not guilty; that
3 because of the presumption of innocence the defendant is not
4 required by the law to produce any evidence or to undertake to
5 prove his innocence in any way; that instead the exclusive
6 burden of proof or burden of persuasion in the case is upon
7 the prosecution, that is, the United States, to prove the
8 charge, or charges, made in the Indictment beyond any
9 reasonable doubt before a defendant may be found guilty of an
10 offense or, indeed, to our system of trial by jury itself. If
11 any of you oppose any of those concepts, please raise your
12 hand now. Anybody? All right.

13 Understand, ladies and gentlemen, as I do go forward
14 asking you questions, including that one, that it is your
15 solemn responsibility to raise your hand clearly and
16 distinctly so that I can see it, make a note of it, perhaps
17 ask a follow-up question, if necessary. Otherwise, each of
18 you will be shown by the record, which is being made here, to
19 have given a "no" or a negative answer to my question.

20 Mr. O'Neill, would you introduce yourself --

21 MR. O'NEILL: Yes, sir.

22 THE COURT: -- please, to the members of the panel
23 and those seated with you at counsel table?

24 MR. O'NEILL: Yes, Your Honor. Good morning,
25 everybody. My name is Robert O'Neill. Together with

1 Mr. Morris and Mr. McLellan, we will be the prosecutors
2 representing the United States in this case.

3 Also seated at counsel table to my immediate left is
4 Cameron Lalli and to my right Gary Graf, both Special Agents
5 with the Internal Revenue Service, Criminal Investigations.
6 And they have assisted in the investigation and will assist in
7 the presentation of evidence in an expeditious manner. Thank
8 you.

9 THE COURT: All right. Thank you.

10 Mr. Bernhoft, would you do the same, please?

11 MR. BERNHOFT: Yes. Thank you, Judge.

12 Good morning, ladies and gentlemen. My name is Bob
13 Bernhoft. With me at counsel table representing Mr. Snipes is
14 attorney Linda Moreno.

15 MS. MORENO: Good morning.

16 MR. BERNHOFT: To Mr. Snipes immediate left is
17 attorney Robert Barnes; Mr. Dan Meachum, co-counsel in this
18 case --

19 MR. MEACHUM: Good morning.

20 MR. BERNHOFT: -- and attorney Kanan Henry. We're
21 pleased to be here. Thank you.

22 THE COURT: All right. Mr. Kahn, would you rise,
23 please, and introduce yourself to the jury panel?

24 DEFENDANT KAHN: My name is Eddie Ray Kahn.

25 THE COURT: Thank you.

1 Mr. Wilson?

2 MR. WILSON: Good morning, ladies and gentlemen. My
3 name is David Wilson, and seated next to me is Douglas Rosile.

4 THE COURT: All right. Thank you.

5 Mr. O'Neill or Mr. Morris, will someone get before
6 you there the list of the government's possible witnesses and
7 be prepared to read that in just a moment or two?

8 MR. O'NEILL: Yes, Your Honor.

9 THE COURT: All right. Now, my question of you,
10 ladies and gentlemen, is whether any of you have any reason to
11 believe that you have ever met or associated with in any way
12 any of these people who were just introduced to you as the
13 lawyers or other participants in this trial. If so, raise
14 your hand, please.

15 All right. Mr. Colen, you're raising your hand.

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Whom is it here that you know,
18 Mr. Colen?

19 PROSPECTIVE JUROR: I can't be certain, sir -- it
20 was back a number of years, ten years ago, maybe more -- I had
21 a social dinner, and I believe one of the defendants may have
22 been present. Again, my memory is flawed. It's ten years or
23 more.

24 THE COURT: Which gentleman would that have been?

25 PROSPECTIVE JUROR: Mr. Rosile, I believe.

1 THE COURT: Mr. Rosile?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: All right. What --

4 PROSPECTIVE JUROR: I can't be certain.

5 THE COURT: What was the occasion of your dinner,
6 Mr. Colen? Your description suggested that you were the
7 host -- were you? -- of the dinner?

8 PROSPECTIVE JUROR: No. No. I was invited to the
9 dinner.

10 THE COURT: I see.

11 PROSPECTIVE JUROR: I was invited to the dinner. It
12 was at Bella Luna. And the topic of discussion was of tax
13 structures that could completely avoid --

14 THE COURT: All right.

15 PROSPECTIVE JUROR: -- tax filing.

16 THE COURT: And you think you recognize Mr. Rosile
17 as being present there?

18 PROSPECTIVE JUROR: I cannot be sure, but there's a
19 faint recognition.

20 THE COURT: All right. Thank you, sir. I take it,
21 given the nature of your description, that that was the first
22 time that --

23 MR. BARNES: Sidebar, Your Honor, if you may, just
24 briefly?

25 THE COURT: Negative. Make a note, as the record

1 will show, that you've risen to request one, Mr. Barnes, but
2 we'll take it up --

3 MR. BARNES: Thank you, Judge.

4 THE COURT: -- subsequently.

5 I take it you had not seen Mr. Rosile before that
6 occasion and have not seen him since, Mr. Colen; would that be
7 fair?

8 PROSPECTIVE JUROR: That would be correct.

9 THE COURT: All right. Do you remember who it was
10 that had invited you to this dinner?

11 PROSPECTIVE JUROR: It was a referral from a
12 stockbroker that I had done business with for many, many
13 years. He was not --

14 THE COURT: It was not Mr. Rosile himself?

15 PROSPECTIVE JUROR: Oh. No.

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

17 Was there any other hand in response to that
18 question?

19 All right. Now, in just a moment I'm going to ask
20 Mr. O'Neill to read a list of the names of the persons who
21 might be called as witnesses during the presentation of the
22 government's case-in-chief in this trial, and I'm going to
23 ask, if you would, members of the jury panel, that you listen
24 to these names to determine whether or not you may know any of
25 the possible witnesses. If so, make a mental note of the

1 name, or names, that sound familiar to you so that you can
2 call them to my attention when he has finished.

3 And I should point out that the list may be lengthy,
4 but it is improbable that all of those persons will be called
5 as witnesses during the course of the trial. Typically, they
6 are not. But most or many, at least, will be, and it's
7 important that we know whether any of you are acquainted with
8 any of the potential witnesses who may be called at trial.

9 I'll ask also, Mr. Bernhoft, that someone on the
10 defense side try and eliminate any duplications, if you can,
11 and then I will ask the defense in a moment to read the names
12 of other potential witnesses.

13 MR. BERNHOFT: Thank you, Judge.

14 THE COURT: Mr. O'Neill, come to the lectern, if you
15 will --

16 MR. O'NEILL: Yes, sir.

17 THE COURT: -- and read the names of the possible
18 witnesses, please.

19 MR. O'NEILL: Yes, Your Honor. The following
20 individuals are potential witnesses for the United States in
21 this prosecution --

22 THE COURT: Excuse me just a moment, Mr. O'Neill.

23 MR. O'NEILL: Yes, sir.

24 THE COURT: This is one of the instances, ladies and
25 gentlemen, out in the audience section of the courtroom where

1 members of the jury panel that -- you should pay close
2 attention as well. And you needn't call to my attention when
3 he has finished because you're not yet a prospective juror in
4 this case, but it will eliminate the need of reading the list
5 again later on, perhaps, if all of you pay close attention now
6 and make a mental note of any possible witness that you may
7 know so that you can call it to my attention if the occasion
8 arises later on and you're asked about that question.

9 MR. O'NEILL: Thank you, Your Honor. Craig
10 Alexander, who is associated with New Line Cinema Corporation,
11 Los Angeles, California. Kurt Andersen, an employee of the
12 Internal Revenue Service, Denver, Colorado. Mike Anderson, a
13 special agent with the Internal Revenue Service, out of
14 Atlanta, Georgia. Kathleen Arth, A-R-T-H, a revenue agent
15 with the Internal Revenue Service, Sarasota, Florida. Carmen
16 Baker, Concord, North Carolina. Cynthia Barsa, B-A-R-S-A,
17 Tampa, Florida. John Barsa, Tampa, Florida. Tanya Burgess,
18 special agent, Internal Revenue Service, Pensacola, Florida.
19 Michael Canter, associated with Starr & Company, New York
20 City. Raymond Thomas Coudriet, Windermere, Florida. Robert
21 Combs, a revenue agent with the Internal Revenue Service, out
22 of Maitland, Florida. Paul Crowley with the Internal Revenue
23 Service out of Andover, Massachusetts. Gary Graf who is
24 seated at counsel's table, special agent with the Internal
25 Revenue Service. Shauna Henline, associated with the Internal

1 Revenue Service, out of Ogden, Utah. Amie Huse, H-U-S-E, out
2 of Tybee Island, Georgia, formerly known as Amie Bennett and
3 Amie Carbino. Paris Johnson, special agent, Federal Bureau of
4 Investigation. The Country of Panama is where he's assigned.
5 William Kerr, K-E-R-R, Office of the Comptroller of the
6 Currency, retired, out of Washington, D.C. Cameron Lalli,
7 special agent with the Internal Revenue Service, who was
8 introduced and seated at counsel table. Gus R. Lesnevich out
9 of Martinsburg, Pennsylvania. David Lokeitz out of
10 Mount Dora, Florida. Bianca Menezes, M-E-N-E-Z-E-S, out of
11 Mount Dora, Florida. Chris Nashawaty out of Entertainment
12 Weekly. John Nichols, Venice, Florida. Carla Nichols,
13 Sarasota, Florida. Mark Patterson, Philadelphia,
14 Pennsylvania. Wayne Rebuck, Pennsylvania. Scott Schneider,
15 special agent with the Internal Revenue Service, out of
16 Pensacola, Florida. William Shepherd, out of North Port,
17 Florida. Kenneth Starr, associated with Starr & Company from
18 New York City. Ronald Starr, associated with Starr & Company
19 from New York City. Stewart Stich, a revenue agent with the
20 Internal Revenue Service out of Sarasota, Florida. Charis
21 True, out of Deltona, Florida. And Brian Tucker, special
22 agent with the Internal Revenue Service, out of Fort Myers,
23 Florida. Thank you, Your Honor.

24 THE COURT: Thank you, Mr. O'Neill. So did any of
25 those names sound familiar to any of you ladies and gentlemen

1 as being someone that you may know in some way? If so, raise
2 your hands, please. Anybody? All right.

3 Now, then, the 37 of you who have taken your seats
4 here a few moments ago as prospective jurors in this case,
5 have any of you ever known or associated with each other in
6 the past before you became acquainted here this morning? Does
7 that apply to any of you? If so, raise your hands, please.

8 All right. Let me ask first -- Ms. Tuck, I believe,
9 you're raising your hand.

10 PROSPECTIVE JUROR: Yes, Your Honor.

11 THE COURT: Whom do you know here, Ms. Tuck?

12 PROSPECTIVE JUROR: Arlene Bradshaw. Our husbands
13 are cousins. Arlene Bradshaw.

14 THE COURT: Ms. Bradshaw? All right.

15 Ms. Bradshaw, you recognize Ms. Tuck?

16 PROSPECTIVE JUROR: Yes. I recognize her face. I
17 couldn't remember her name.

18 THE COURT: Oh. All right. And what is the
19 relationship, did you say, Ms. Tuck?

20 PROSPECTIVE JUROR: Our husbands are distantly
21 related.

22 THE COURT: All right.

23 PROSPECTIVE JUROR TUCK: Correct?

24 PROSPECTIVE JUROR BRADSHAW: We're not sure.

25 (Laughter.)

1 THE COURT: When before you came here this morning
2 had you last seen Ms. Bradshaw, Ms. Tuck?

3 PROSPECTIVE JUROR BRADSHAW: Probably, if you don't
4 mind me answering, I think it would be in excess of five years
5 ago when my daughter was --

6 THE COURT: All right. So I take it while there is
7 this distant family relationship in your respective husbands,
8 the two of you have not socially interacted with any frequency
9 because of that; would that be a fair description, Ms. Tuck?

10 PROSPECTIVE JUROR: That is true.

11 THE COURT: Have you had dinner in Ms. Bradshaw's
12 home, Ms. Tuck?

13 PROSPECTIVE JUROR: No, never.

14 THE COURT: Has she had dinner in your home, do you
15 know?

16 PROSPECTIVE JUROR: No.

17 THE COURT: All right. And it was five years ago,
18 Ms. Bradshaw, or thereabouts, since you last saw Ms. Tuck, you
19 said?

20 PROSPECTIVE JUROR: Yes, Your Honor, it was.

21 THE COURT: I ask these questions, for everyone's
22 benefit, because if you should be selected and seated on the
23 jury the obligation of each member of the jury at the end of
24 the case is to deliberate together, which means to fully and
25 fairly and freely discuss the case with one another, each of

1 the other members of the jury, and to weigh and entertain the
2 ideas and views of other members of the jury who are strangers
3 to you and to give fair consideration to what others have to
4 say, and without unduly placing reliance on one person to the
5 exclusion of another or, conversely, ignoring what one has to
6 say and taking into account views of others so that if you've
7 known each other before and you're particularly friendly with
8 each other, let's say, the question arises whether you might
9 depend upon each other more so than you would other members of
10 the jury in trying to reach a deliberative decision or,
11 conversely, if you have known each other and have had some
12 disagreement or grudge or dispute in the past and don't
13 particularly like each other, you might have the tendency to
14 disregard what the other has to say, which would be totally
15 inconsistent with the way in which a jury is supposed to
16 function, you understand.

17 So in that context, my question, Ms. Tuck, is
18 whether or not, if you were seated with Ms. Bradshaw, you
19 would be able to treat her as a stranger in the same way the
20 other members of the jury would be to you and to fairly and
21 objectively consider what she has to say during jury
22 deliberations; you would be able to do that?

23 PROSPECTIVE JUROR: Yes, Your Honor.

24 THE COURT: Ms. Bradshaw, what do you say? Would
25 you be able or not be able to function in that way?

1 PROSPECTIVE JUROR: Yes, Your Honor, I would be able
2 to.

3 THE COURT: All right. Now, were there any other
4 hands raised, others who may know each other? Mr. Amodeo?

5 PROSPECTIVE JUROR: Your Honor, to go back to the
6 question about the witnesses --

7 THE COURT: All right.

8 PROSPECTIVE JUROR: -- my personnel -- my office
9 personnel -- we deal with IRS a lot of times on different
10 occasions for things. Me not knowing one of the names that my
11 office personnel may know, what kind of trouble would I get
12 into by not saying I knew one of the witnesses' names and not
13 realize they were dealing with my business?

14 THE COURT: Well, the question is what you know
15 individually, Mr. Amodeo. And, of course, if you were seated
16 as a member of the jury when we finished this proceeding, one
17 of the instructions that I'm going to give all the members of
18 the jury is not to have any discussions from that point on
19 about the case with fellow workers or anyone else, for that
20 matter, that might have anything to do with the case.

21 So the question at the moment is whether or not you
22 did hear any names that you personally know as someone that
23 you perhaps have met or dealt with in some way.

24 And your answer, I take it, to that question is
25 what?

1 PROSPECTIVE JUROR: I'm not recalling any names that
2 I know.

3 THE COURT: All right. Thank you.

4 Now, I was asking -- we hadn't quite finished, I
5 think, with the question whether any of you have ever known
6 each other before, and I did -- there was another hand, I
7 think, back there.

8 Mr. Akers, whom is it here that you think you know,
9 sir?

10 PROSPECTIVE JUROR: Yes, Your Honor. I was employed
11 by Mr. Colen approximately four years ago --

12 THE COURT: I'm having -- I'm going to have to ask
13 all of you to speak up more loudly than you're accustomed to
14 talking in this environment, as I'm doing now, so that
15 everyone in the courtroom can hear what you say, especially
16 those of us like me that have a hearing problem to begin with.

17 When the trial begins, of course, everyone who is
18 speaking will have amplification, and it will be much easier
19 for all of us to hear. But in this setting it's difficult for
20 me to hear what many of you have to say, especially those
21 seated as far away as the pew over there.

22 Now, I heard you say, Mr. Akers, that you were
23 employed, I believe, by Mr. Colen at one time, but I didn't
24 hear what you said after that. Would you say it again?

25 PROSPECTIVE JUROR: In real estate sales.

1 THE COURT: As a real estate salesman?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Mr. Colen, you're in the real estate
4 business, I take it, or were?

5 PROSPECTIVE JUROR: Yes, sir. I still am.

6 THE COURT: All right. And you employed Mr. Akers
7 at one point?

8 PROSPECTIVE JUROR: I believe he was an independent
9 contractor, yes.

10 THE COURT: All right. What was the nature, then,
11 of your business relationship? What was it that Mr. Akers was
12 doing for you, or vice versa?

13 PROSPECTIVE JUROR: Representing sales in On Top of
14 the World communities.

15 THE COURT: All right. What about socially; was
16 there ever any social interaction? Did you have dinner in his
17 home, or did he have dinner in yours, or anything of that
18 kind?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: All right. I'll ask you, Mr. Akers, how
21 long were you associated with Mr. Colen?

22 PROSPECTIVE JUROR: Approximately six months.

23 THE COURT: Six months? All right.

24 And when the association ended, was it on friendly
25 terms?

1 PROSPECTIVE JUROR: Yes, Your Honor.

2 THE COURT: All right. Both of you heard the
3 explanation I gave a moment ago about why I'm asking these
4 questions in the first place.

5 Let me ask you, Mr. Colen, if you were seated on the
6 jury with Mr. Akers, would you be able effectively to treat
7 him as though you had never met him before in the same way as
8 the other jurors in the room?

9 PROSPECTIVE JUROR: Yes, Your Honor.

10 THE COURT: You're confident of that?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: How say you, Mr. Akers?

13 PROSPECTIVE JUROR: Yes, Your Honor.

14 THE COURT: You would be able to treat Mr. Colen as
15 a stranger, would you?

16 PROSPECTIVE JUROR: Yes, Your Honor.

17 THE COURT: All right. Now, for my next
18 question I'm -- perhaps for the next several questions I'm
19 going to break you up into groups, because I anticipate there
20 may be a number of affirmative responses given.

21 To the 16 of you who are seated up in the jury box
22 itself, the two rows counting from the wall, how many of you,
23 if any, have ever served on a jury before in any state or
24 Federal Court in the past to be actually selected as a juror
25 and to sit during a trial? Would you raise your hands,

1 please? All right. Thank you.

2 PROSPECTIVE JUROR ARTMAN: Does that include this
3 row?

4 THE COURT: I'm sorry?

5 PROSPECTIVE JUROR ARTMAN: That doesn't include this
6 row, right?

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR ARTMAN: That didn't include this
9 row, right?

10 THE COURT: Yes, if -- have you served as a juror
11 here before?

12 PROSPECTIVE JUROR ARTMAN: Yes.

13 THE COURT: But I'll come to your chairs in just a
14 few moments, Ms. Artman.

15 PROSPECTIVE JUROR ARTMAN: Okay.

16 THE COURT: Let's see. Mr. Elkins, you raised your
17 hand. When and where, sir, did you serve on a jury before?

18 PROSPECTIVE JUROR: Marion County, about four months
19 ago, five months ago.

20 THE COURT: Did you serve, sir, on one case or more
21 than one?

22 PROSPECTIVE JUROR: One case.

23 THE COURT: Was it a civil or a criminal case?

24 PROSPECTIVE JUROR: It was a criminal.

25 THE COURT: Was the jury able to reach agreement and

1 return a verdict?

2 PROSPECTIVE JUROR: No. The judge dismissed the
3 charges before we had a chance to get it.

4 THE COURT: All right. Before he gave instructions
5 to the jury, final instructions?

6 PROSPECTIVE JUROR: Right.

7 THE COURT: All right. Have you had occasion to
8 serve on a jury at any other time, Mr. Elkins?

9 PROSPECTIVE JUROR: I didn't serve on a jury, but I
10 was on a jury pool, which was a very large pool.

11 THE COURT: Like you are here this morning?

12 PROSPECTIVE JUROR: Right.

13 THE COURT: Where was that?

14 PROSPECTIVE JUROR: That was in Maryland.

15 THE COURT: All right. Now, on the back row,
16 Mr. Austin, you raised your hand, I believe. When and where,
17 sir, did you serve on a jury before?

18 PROSPECTIVE JUROR: It was in Connecticut. It was
19 involved with a motorcycle accident, I believe, and this was
20 about 40 years ago. And it was settled -- turned out to be
21 settled out of court.

22 THE COURT: All right. It sounds like a civil
23 action.

24 PROSPECTIVE JUROR: I believe so.

25 THE COURT: And it was settled and the jury was

1 discharged before the judge instructed you on the law or
2 after, do you remember?

3 PROSPECTIVE JUROR: I believe after, Your Honor.

4 THE COURT: After?

5 PROSPECTIVE JUROR: I believe so. It was so long
6 ago I have a --

7 THE COURT: All right.

8 PROSPECTIVE JUROR: -- hard time remembering.

9 THE COURT: Of course.

10 Well, let me pause for a moment, in any event,
11 Mr. Austin, and make some remarks about that for your benefit
12 as well as everyone else.

13 In a civil case where one party or private citizen
14 or corporation is suing someone else generally for a money
15 judgment for damages to provide compensation for personal
16 injury or perhaps some commercial loss of some kind, a civil
17 disagreement or dispute, the law requires the plaintiff, that
18 is, the party making the claim or bringing the action, to
19 prove his, her or its case by what's known as a preponderance
20 of the evidence, sometimes referred to as the greater weight
21 of the evidence, which is defined in most instances to mean
22 evidence which is sufficient to persuade the jury that what
23 the plaintiff is alleging or claiming to have happened is more
24 likely so or more likely true than not true, in which event
25 the plaintiff is entitled to prevail in the case.

1 If the evidence is equally balanced or, indeed,
2 favors the defendant, then, of course, the defendant is
3 entitled to prevail in the case. But the standard is a
4 preponderance of the evidence which weighs more heavily for
5 the plaintiff than the defendant.

6 On the other hand, in a criminal prosecution, such
7 as this one, as I've already stated and will explain more
8 fully at the end of the trial, the law requires the state or,
9 in this instance, the United States -- that is, the
10 prosecution -- to prove a criminal charge beyond any
11 reasonable doubt, which is obviously a heavier or stricter
12 standard than the one that applies in civil cases.

13 And those of you especially who have served in civil
14 cases in the past need to understand that there is that
15 important distinction between civil disputes, on the one hand,
16 and criminal prosecutions on the other as it relates to what
17 we call the burden of persuasion or the burden of proof.

18 And I will have some more instructions about that
19 later on. But for now, you should know that the standard that
20 applies in a criminal case with respect to the proof that the
21 United States must produce is a heavier or stricter standard
22 than one that applies in a civil case.

23 But the one you served on did not require a jury
24 deliberation, as I understand it, Mr. Austin.

25 PROSPECTIVE JUROR: That's correct, Your Honor.

1 THE COURT: Have you served on any other jury at any
2 other time?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: All right. Now, there was another hand
5 in the middle of the back row. Ms. Perkins, when and where
6 did you serve on a jury before, ma'am?

7 PROSPECTIVE JUROR: When I lived in Maine.

8 THE COURT: In Maine?

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: How long ago? A number of years?

11 PROSPECTIVE JUROR: Yes, several.

12 THE COURT: Did you serve on one case or more than
13 one?

14 PROSPECTIVE JUROR: One case.

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

16 PROSPECTIVE JUROR: Criminal.

17 THE COURT: Was the jury able to reach agreement and
18 return a verdict?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: All right. And there was at least one
21 other hand. Mr. Weller, when and where did you serve before,
22 sir?

23 PROSPECTIVE JUROR: State of New York.

24 THE COURT: How long ago?

25 PROSPECTIVE JUROR: Sixties.

1 THE COURT: Pardon?

2 PROSPECTIVE JUROR: Sixties.

3 THE COURT: In the sixties?

4 PROSPECTIVE JUROR: Uh-huh.

5 THE COURT: And you served one time or more than
6 once?

7 PROSPECTIVE JUROR: More than one time.

8 THE COURT: The most recent being in the sixties, I
9 take it?

10 PROSPECTIVE JUROR: Correct.

11 THE COURT: Altogether, how many juries have you
12 served on, Mr. Weller?

13 PROSPECTIVE JUROR: I think four.

14 THE COURT: Four. How many of those were civil; how
15 many criminal cases, do you remember?

16 PROSPECTIVE JUROR: Two civil and two criminal.

17 THE COURT: Two and two.

18 PROSPECTIVE JUROR: Two and two.

19 THE COURT: Were all the juries able to reach
20 agreement and return a verdict?

21 PROSPECTIVE JUROR: On one the defendant copped a
22 plea of guilty.

23 THE COURT: All right. Before the case was
24 submitted to the jury?

25 PROSPECTIVE JUROR: Yes, sir. Yes, sir.

1 THE COURT: And except for that, the other three
2 cases went to verdict, did they?

3 PROSPECTIVE JUROR: That is correct.

4 THE COURT: All right. Thank you.

5 Was there any other hand up in the jury box itself?

6 Now the chairs here in front of the jury box, the
7 question is: How many of you have previously served on a jury
8 before in some court at an earlier time?

9 Ms. Artman, you have, and there was another --
10 several other hands.

11 All right. When and where, Ms. Artman, did you
12 serve before?

13 PROSPECTIVE JUROR: Bradenton, Manatee County.

14 THE COURT: In Manatee County. How long ago?

15 PROSPECTIVE JUROR: In the nineties. Eighties,
16 nineties.

17 THE COURT: All right. Ten, 15 years ago?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Somewhere in that neighborhood?

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: Did you serve on one jury or more than
22 one?

23 PROSPECTIVE JUROR: Four.

24 THE COURT: Four of them?

25 PROSPECTIVE JUROR: Uh-huh.

1 THE COURT: Were they all civil, all criminal cases,
2 or some of each?

3 PROSPECTIVE JUROR: Three were criminal; one was
4 domestic.

5 THE COURT: All right. And were all of the --
6 pardon?

7 PROSPECTIVE JUROR: I didn't say anything.

8 THE COURT: I'm sorry.
9 Did all of the juries on which you have served reach
10 agreement and return a verdict?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. And some -- at least one was
13 civil and some were criminal?

14 PROSPECTIVE JUROR: Three were criminal. They were
15 very bad criminals.

16 THE COURT: I see. And one was civil?

17 PROSPECTIVE JUROR: One was domestic, yeah.

18 THE COURT: And you heard the difference that I've
19 explained?

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: All right. Thank you.

22 Ms. Taylor, you raised your hand. When and where
23 did you serve on a jury before?

24 PROSPECTIVE JUROR: In Lake County.

25 THE COURT: Lake County. How long ago, roughly?

1 PROSPECTIVE JUROR: Fifteen years ago.

2 THE COURT: Some years?

3 PROSPECTIVE JUROR: Fifteen years ago. Nineties or
4 eighties, I guess, seventies.

5 THE COURT: I'm sorry?

6 PROSPECTIVE JUROR: A long time ago.

7 THE COURT: All right.

8 PROSPECTIVE JUROR: Seventies to nineties.

9 THE COURT: All right.

10 PROSPECTIVE JUROR: I was an alternate once and -- I
11 was an alternate once, and then I served on a jury that we
12 deliberated.

13 THE COURT: All right. And were both of those cases
14 criminal cases, you say?

15 PROSPECTIVE JUROR: This is -- I do not remember.
16 One was a drunk driving. The other one I don't remember, it
17 was so far back.

18 THE COURT: All right.

19 PROSPECTIVE JUROR: I'm not sure.

20 THE COURT: In any event, the jury on which you
21 deliberated, was it able to reach agreement and return a
22 verdict?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: All right. Thank you. And have you
25 served at any other time?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Thank you.

3 There was another hand or two. Thank you.

4 Ms. Saraceni --

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: -- is that the right pronunciation?

7 PROSPECTIVE JUROR: That's correct. Uh-huh.

8 THE COURT: Thank you. When and where did you serve
9 before, ma'am?

10 PROSPECTIVE JUROR: Marion County.

11 THE COURT: How long ago?

12 PROSPECTIVE JUROR: Ninety-five -- I mean '05.

13 THE COURT: All right.

14 PROSPECTIVE JUROR: '05.

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

16 PROSPECTIVE JUROR: Civil.

17 THE COURT: Civil case?

18 PROSPECTIVE JUROR: Uh-huh.

19 THE COURT: Was the jury able to reach agreement and
20 return a verdict?

21 PROSPECTIVE JUROR: Yes. Yes.

22 THE COURT: And you've heard me describe the
23 important --

24 PROSPECTIVE JUROR: Uh-huh.

25 THE COURT: -- difference between civil and criminal

1 cases, didn't you?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: All right. Thank you. And is that your
4 only prior jury experience?

5 PROSPECTIVE JUROR: I was called but never -- I
6 guess the case was settled before they even made -- got the
7 jury.

8 THE COURT: All right. Thank you. I understand.

9 Was there any other hand, now, any past jury
10 experience on a sitting jury?

11 In the chairs out there between the jury box and the
12 pews, anyone?

13 All right. On the pews themselves? Thank you.

14 Mr. Colen, when and where did you serve on a jury before, sir?

15 PROSPECTIVE JUROR: In Marion County.

16 THE COURT: How long ago?

17 PROSPECTIVE JUROR: In the early eighties.

18 THE COURT: In the eighties?

19 PROSPECTIVE JUROR: Early eighties, yes, sir.

20 THE COURT: How many times did you serve?

21 PROSPECTIVE JUROR: Just once.

22 THE COURT: Was it a civil or a criminal case?

23 PROSPECTIVE JUROR: A criminal case.

24 THE COURT: Was the jury able to reach agreement and
25 return a verdict?

1 PROSPECTIVE JUROR: I was seated as an alternate and
2 released just as the trial was beginning.

3 THE COURT: I see. All right. And that is your
4 only jury experience, I take it?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Thank you.

7 Mr. Akers, what is your jury experience, sir?

8 PROSPECTIVE JUROR: Approximately 20 years ago --

9 THE COURT REPORTER: Could the juror stand, please?

10 THE COURT: The reporter -- could you please stand
11 so that -- you're mixed in back there among people and it's
12 hard to see and hear from here.

13 PROSPECTIVE JUROR: Yes, Your Honor.

14 It was approximately 20 years ago. It was in
15 Lexington, Kentucky. I served on four different juries, all
16 criminal. There was a verdict reached in all four cases.

17 THE COURT: Thank you, Mr. Akers. And that's the
18 full extent of your jury experience, I take it?

19 PROSPECTIVE JUROR: I was on a jury pool about one
20 year ago here in Marion County.

21 THE COURT: All right. Thank you.

22 There was another hand there, I believe. Mr. Scott?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Mr. Scott, when and where did you
25 previously serve on a jury, sir?

1 PROSPECTIVE JUROR: Late nineties in Sumter County.

2 THE COURT: How many cases?

3 PROSPECTIVE JUROR: Just one.

4 THE COURT: Was it a civil or a criminal case?

5 PROSPECTIVE JUROR: Criminal.

6 THE COURT: Was the jury able to reach agreement --

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: -- and return a verdict?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Thank you.

11 Was there another hand there, anyone? Thank you.

12 Ms. Hoppe --

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: -- when and where, ma'am, did you serve
15 before?

16 PROSPECTIVE JUROR: I was an alternate in Dade
17 County, Florida.

18 THE COURT: I'm sorry. Could you stand and say that
19 again?

20 PROSPECTIVE JUROR: I was an alternate in Dade
21 County, Florida.

22 THE COURT: I see. How long ago was that, roughly?

23 PROSPECTIVE JUROR: In the eighties.

24 THE COURT: Was it a civil or a criminal case?

25 PROSPECTIVE JUROR: It was criminal.

1 THE COURT: All right. I take it you did not
2 participate in deliberations?

3 PROSPECTIVE JUROR: It didn't get that far.

4 THE COURT: I see.

5 PROSPECTIVE JUROR: There was a perjury involved.

6 THE COURT: All right. And that's your only jury
7 experience?

8 PROSPECTIVE JUROR: I've been called about four
9 times. Two months ago here in civil.

10 THE COURT: All right. But not seated as a --

11 PROSPECTIVE JUROR: No.

12 THE COURT: -- member of the jury?

13 All right. Thank you, ma'am.

14 Was there anyone else? All right. Thank you.

15 Mr. Cannaday --

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: -- when and where, sir, did you serve
18 before?

19 PROSPECTIVE JUROR: Racine, Wisconsin, in the
20 seventies. And it never got to deliberation.

21 THE COURT: Was it a civil or a criminal case?

22 PROSPECTIVE JUROR: Criminal case.

23 THE COURT: All right. Thank you, Mr. Cannaday. Is
24 that your only jury experience?

25 PROSPECTIVE JUROR: No. There's one other time a

1 year ago, and that also didn't get to deliberation. That was
2 a criminal case.

3 THE COURT: I didn't hear what you said.

4 PROSPECTIVE JUROR: It did not get to the point of
5 deliberation as well.

6 THE COURT: All right. But it was a criminal case?

7 PROSPECTIVE JUROR: It was a criminal case.

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

9 Is there anyone else now whose hand I may have
10 overlooked in response to that question, which was whether
11 you've had prior jury experience? Anyone?

12 All right. Let me ask, then, whether any of you in
13 your past jury experience may have had what you regarded as a
14 bad or distasteful or unpleasant experience of some kind as a
15 juror which made you apprehensive or reluctant, perhaps, to
16 serve again. It doesn't happen often, I'm happy to say. But
17 sometimes in a particularly difficult case people react
18 adversely to the decision-making process in a jury
19 environment. And if you had any kind of experience of that
20 kind, would you just raise your hand again, please. All
21 right. Ms. Artman?

22 PROSPECTIVE JUROR: I was kind of leery because
23 after we gave our verdict on two different cases, the officers
24 walked us to our cars.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR: The officers would walk us to
2 our cars --

3 THE COURT: I see.

4 PROSPECTIVE JUROR: -- when we left.

5 THE COURT: All right.

6 PROSPECTIVE JUROR: That was kind of scary.

7 THE COURT: You had a scary experience.

8 PROSPECTIVE JUROR: They were two bad cases.

9 THE COURT: I see. All right. And did that make
10 you somewhat apprehensive about serving?

11 PROSPECTIVE JUROR: It makes me a little leery.

12 THE COURT: All right.

13 PROSPECTIVE JUROR: It makes me be more aware of
14 what's going on around me.

15 THE COURT: Thank you, Ms. Artman. That's the
16 reason for the question.

17 Anyone else have a similar experience? Ms. Hoppe,
18 you did?

19 PROSPECTIVE JUROR: The person who perjured me --

20 THE COURT: Well, we don't have to go into it but --

21 PROSPECTIVE JUROR: But it was the arresting
22 officer.

23 THE COURT: All right.

24 PROSPECTIVE JUROR: And that upset me. And for a
25 while I didn't want anything to do with court. But since then

1 I don't feel that way.

2 THE COURT: Did that happen before or after your
3 verdict, or the case was tried?

4 PROSPECTIVE JUROR: We didn't even get to the
5 verdict. It happened when he was testifying.

6 THE COURT: All right. Thank you, Ms. Hoppe. Do
7 you think -- let me ask the two of you this question
8 individually, or respectively -- do you think, Ms. Artman,
9 that that experience might now be in the back of your mind or
10 cause you some apprehension if you were seated as a member of
11 the jury in this case?

12 PROSPECTIVE JUROR: I would just be careful, you
13 know, walking to my car. It -- it puts a little bit of fear
14 in you.

15 THE COURT: It is something --

16 PROSPECTIVE JUROR: Regardless of what the case is
17 about --

18 THE COURT: All right.

19 PROSPECTIVE JUROR: -- it makes you want to --

20 THE COURT: That's why I'm asking the question.

21 PROSPECTIVE JUROR: Right.

22 THE COURT: Do you feel the same way, Ms. Hoppe?

23 PROSPECTIVE JUROR: I would really watch to see if
24 anybody is lying, to be honest with you. I would be very,
25 very conscientious of that.

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

2 Next, then, let me ask how many of you by chance
3 have ever served on a grand jury before in any state or
4 Federal Court in the past? Have any of you ever had grand
5 jury service? Mr. Weller. Anyone else?

6 Mr. Weller, when and where, sir, did you serve on a
7 grand jury?

8 PROSPECTIVE JUROR: In the State of New York.

9 THE COURT: How long ago?

10 PROSPECTIVE JUROR: Sixties.

11 THE COURT: All right. You understand, Mr. Weller,
12 that an Indictment by a grand jury, as I've already stated
13 here earlier today, is not evidence of guilt and is nothing
14 more than a formal charge which sets the framework for trial
15 if the defendant enters a plea of not guilty; you understand
16 that?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: Do you think that you would be able to
19 accept and abide by that principle if you were selected and
20 seated as a member of the trial jury in this case?

21 PROSPECTIVE JUROR: I do.

22 THE COURT: All right. Earlier I asked Mr. O'Neill
23 to read the names of persons that might be called as a witness
24 by the United States. Mr. Bernhoft, are you prepared -- have
25 you eliminated possible duplications, and are you prepared to

1 read the names of possible witnesses by the defense?

2 MR. BERNHOFT: Yes, Your Honor.

3 THE COURT: With a full understanding, as I've
4 instructed the panel already, the defense is not required to
5 call any witnesses, ladies and gentlemen, but, of course, will
6 have the opportunity to do so when the government has
7 finished. And if the defense decides to call any witnesses,
8 then I'm going to ask Mr. Bernhoft if he will announce the
9 names so we can find out whether any of you are familiar with
10 any of these people.

11 MR. BERNHOFT: I appreciate that, Judge.
12 Muhammad Ali. Tayra Antolick. Josh Armstrong. Claudie
13 Baker. Jo Anne Barnhart. Milton Baxley. Jeffrey Berg.
14 Deanna Bone. Anthony Bresciani. Tom Brokaw. Dennis Brown.
15 Tina Brown. Attorney John Brownlee. John Cannistraci. Jeff
16 Dalla-Betta. Jon Davidson. Dr. Ward Dean. Howard Deutch.
17 Jenny Driggers. Patricia Duff. Erica Ebersole. Mark
18 Everson. Gail Fanaro. Sandra Farrior. Teresa Franklin.
19 Judd Funk. Jay Ghiya. Carrie Gosnell. Richard Green.
20 Robert Hanke. Woody Harrelson. Goldie Hawn. Shauna Henline.
21 Roy Hirschhorn. Kent Hovind. Jennifer Hubbard. Steven
22 Hunter. Carolyn Johnson. Melissa Kelley. Melody King.
23 Heather Kirtly. Donald Kolb. Vernice Kuglin. Spike Lee.
24 Fredda Levitt. Chrissy Main. Brian Malatesta. Ginny
25 Martino. David Matlof. Andrew Matthews. Londell McMillian.

1 Nate Miller. Shannon Miller. Mike Nichols. Paul O'Neil.
2 Henry Paulson. Tasha Pierson. Cody Pope. Hal Prince. Paul
3 Prokop. Esther Reinhold. Leila Richardson. Jeffrey Robin.
4 Diane Sawyer. Robert Schmetterer. Eric Shiarla. Neil Simon.
5 Paul Simon. John Snow. Sylvester Stallone. Bob Stollberg.
6 Lawrence Summers. Allan Tanguay. Godfrey Thompson. Lea
7 Thompson. Renee Tobias. Daniel True. John Turner. Gus
8 Van Sant. Barbara Walters. Greg Weingart. J.R. Williamson.
9 And Harold Woolfalk. Thank you, Judge.

10 THE COURT: Thank you.

11 Did any of those names, ladies and gentlemen, sound
12 familiar to you as someone that you have personally met or
13 known in some way?

14 All right. Mr. Austin?

15 PROSPECTIVE JUROR: I met Muhammad Ali on a
16 Pan American flight to Europe one time when I was the captain
17 on the flight, and I took the opportunity to go down and
18 introduce myself to him and talked to him for a couple of
19 minutes.

20 THE COURT: How long ago was that, sir.

21 PROSPECTIVE JUROR: I'm guessing probably in the
22 seventies.

23 THE COURT: All right. So you met him for a few
24 moments?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And talked to him?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Have you seen him since?

4 PROSPECTIVE JUROR: No.

5 THE COURT: All right. Anyone else hear a name
6 being someone that you may have met or known personally in
7 some way? All right. Thank you.

8 Mr. Kahn, did you have any names that you wish
9 mentioned to the jury as potential witnesses or other names
10 that might be mentioned during trial?

11 DEFENDANT KAHN: No, sir.

12 THE COURT: Mr. Wilson?

13 MR. WILSON: No, Judge.

14 THE COURT: All right.

15 All right. Next let me ask, members of the jury
16 panel -- and, again, I'm going to break you up into groups for
17 purposes of this question because there may be quite a number
18 of hands -- to those of you seated up in the jury box itself,
19 how many of you have heard something or read something or had
20 conversations with others about this case before you came here
21 this morning? If that applies to you in any way, would you
22 raise your hands, please?

23 All right. Thank you. Mr. Costanzi, I'll start
24 with you. What, sir, is the source of your prior information
25 about the case?

1 PROSPECTIVE JUROR: Just hearing different things on
2 the radio.

3 MR. BARNES: Briefly, Your Honor, sidebar, if you
4 may, Your Honor?

5 THE COURT: I don't see the need for it, Mr. Barnes.

6 MR. BARNES: It would be pursuant to our earlier --
7 to our motion, Your Honor, for individualized voir dire.

8 THE COURT: I understand, and I'm carrying it with
9 the case.

10 MR. BARNES: Thank you, Judge.

11 THE COURT: By the way, I don't want any of you to
12 tell me what it is you may have heard or have been told or
13 read or what have you about the case. Listen to my specific
14 questions, if you will, as we go along, and try to just give
15 me a "yes" or "no" answer. It will save us a lot of time and
16 will get us through this process.

17 So let me start again, Mr. Costanzi. What is the
18 source of your prior information that you would now relate to
19 this case in some way?

20 PROSPECTIVE JUROR: Media, radio.

21 THE COURT: All right. What about newspapers?

22 PROSPECTIVE JUROR: No, I never read nothing about
23 it.

24 THE COURT: All right. What about the Internet, do
25 you --

1 PROSPECTIVE JUROR: No.

2 THE COURT: -- get your news from the Internet?

3 PROSPECTIVE JUROR: No, I don't.

4 THE COURT: All right. So your information would be
5 conversations with others?

6 PROSPECTIVE JUROR: It was just what I heard on the
7 radio.

8 THE COURT: And the radio, you said.

9 PROSPECTIVE JUROR: Yeah. The radio, yes.

10 THE COURT: All right. Do you remember what radio
11 station you were listening to?

12 PROSPECTIVE JUROR: No, sir, I don't.

13 THE COURT: How many times have you heard something
14 on the radio that you would now associate with the case?

15 PROSPECTIVE JUROR: Maybe two or three times in the
16 past -- I don't know -- maybe month or so or two months,
17 whatever it's been.

18 THE COURT: All right. With respect to those
19 comments on the radio, Mr. Austin (sic), how would you
20 describe them in terms of their length? Was it just a brief
21 mention or something that went on two, three, four, five
22 minutes?

23 PROSPECTIVE JUROR: It was just brief, brief
24 mentions of something going on.

25 THE COURT: That the case was pending?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: All right. Do you remember anything
3 being said on -- you say two or three times you heard
4 something on the radio?

5 PROSPECTIVE JUROR: I guess, yeah.

6 THE COURT: On any one of those occasions, do you
7 remember anything being said -- think hard -- about the case,
8 some description of the case or anyone having anything to do
9 with the case that you haven't already heard here this morning
10 in court?

11 PROSPECTIVE JUROR: No. There was really, you know,
12 only one thing mentioned.

13 THE COURT: All right.

14 PROSPECTIVE JUROR: One name.

15 THE COURT: But don't -- pardon?

16 PROSPECTIVE JUROR: One name mentioned.

17 THE COURT: All right. And what name was that?

18 PROSPECTIVE JUROR: It was Mr. Snipes.

19 THE COURT: Mr. Snipes?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: All right. So you heard Mr. Snipes had
22 this case pending here.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: It's a criminal case, and that's all you
25 remember?

1 PROSPECTIVE JUROR: That's pretty much all. It
2 didn't really go into detail or nothing like that.

3 THE COURT: All right.

4 All right. I'll come back with some general
5 questions later, Mr. Austin (sic). We had quite a number of
6 hands there --

7 MR. MEACHUM: Excuse me, Your Honor. I'm sorry to
8 interrupt you. I thought that that juror's last name was
9 James Costanzi.

10 PROSPECTIVE JUROR: It's Victor Costanzi.

11 THE COURT: Did I --

12 MR. MEACHUM: Costanzi. And I thought Mr. Austin
13 was behind him.

14 THE COURT: I'm sorry. You're right, Mr. Meachum.
15 I hope I didn't confuse you gentlemen.

16 Mr. Costanzi --

17 PROSPECTIVE JUROR: Right.

18 THE COURT: -- I was speaking to.

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Mr. Havelly, did you raise your hand?

21 PROSPECTIVE JUROR: I did.

22 THE COURT: What is the source, ma'am, of your prior
23 information about the case?

24 PROSPECTIVE JUROR: Just what I've read in the
25 Star Banner.

1 THE COURT: All right. You subscribe to the
2 Star Banner?

3 PROSPECTIVE JUROR: I do.

4 THE COURT: It's delivered to your home every day?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: You read it with some care?

7 PROSPECTIVE JUROR: Most days, yes.

8 THE COURT: All right. What about radio,
9 television, the Internet; do you generally listen to or
10 observe any of those news sources?

11 PROSPECTIVE JUROR: Not the Internet at all.
12 Television, but I haven't heard anything regarding this.

13 THE COURT: All right. So the source, then, of your
14 prior information would be the Star Banner.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: All right. How many occasions do you
17 recall reading an article in the Star Banner that had
18 something to do with this case?

19 PROSPECTIVE JUROR: Three.

20 THE COURT: Three?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: When was the most recent of those?

23 PROSPECTIVE JUROR: Yesterday, just a blurb.

24 THE COURT: All right. And before that how long ago
25 was it that you recall, roughly?

1 PROSPECTIVE JUROR: It's all been within a week.

2 THE COURT: All within the past week?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: All right. And do you remember anything
5 being said -- well, wait a minute. Let me ask you this
6 question first: Did you read any or all of those articles
7 within the past week with some care, or did you just scan
8 them, would you say?

9 PROSPECTIVE JUROR: I'd say I just kind of scanned
10 them.

11 THE COURT: All right. You read the headlines?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Read the first two or three paragraphs?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: And then scanned the rest?

16 PROSPECTIVE JUROR: Yes. That's correct.

17 THE COURT: Typically the way most of us read our
18 newspaper.

19 PROSPECTIVE JUROR: The way I do.

20 THE COURT: All right. Even so, Mr. Havelly, do you
21 recall any statement being made, any fact being recited in any
22 of those articles having to do with some feature or some
23 detail of the case that you haven't heard here yet this
24 morning?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Mr. Amodeo, did you raise your hand? I
2 don't think you did -- or did you?

3 PROSPECTIVE JUROR: I have heard about the same as
4 Mister -- not to waste time about -- the same as he did, TV,
5 briefly, radio.

6 THE COURT: All right. During what period of time,
7 Mr. Amodeo?

8 PROSPECTIVE JUROR: Throughout the last couple of
9 months, I guess.

10 THE COURT: You have heard from time to time mention
11 on radio?

12 PROSPECTIVE JUROR: Radio, TV, yes, sir.

13 THE COURT: And TV. All right. With respect to the
14 radio, would that be while you're in your automobile or
15 vehicle, or would you listen to the radio at home?

16 PROSPECTIVE JUROR: Automobile.

17 THE COURT: All right. And you watch television,
18 you say, at home presumably?

19 PROSPECTIVE JUROR: Nightly news, yes, sir.

20 THE COURT: All right. And you recall mention being
21 made of this case on radio and television?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Have you had any conversation with
24 anybody else about the case?

25 PROSPECTIVE JUROR: Not really, no, sir.

1 THE COURT: Well, when you say "not really," I don't
2 know whether that's a "yes" or a "no," Mr. Amodeo.

3 PROSPECTIVE JUROR: Well, we've done some work over
4 here at the courthouse, and some of the guys around there were
5 mentioning Wesley Snipes coming to town.

6 THE COURT: Mentioning Mr. Snipes what?

7 PROSPECTIVE JUROR: Was coming to town.

8 THE COURT: In connection with the case?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: All right. Do you recall any fact being
11 stated or anything recited in -- by the television or radio or
12 by the people at work that you've mentioned that you haven't
13 heard here in court this morning?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: All right. Ms. Martin, did you raise
16 your hand?

17 PROSPECTIVE JUROR: Yes,.

18 THE COURT: What's the source of your prior
19 information?

20 PROSPECTIVE JUROR: The radio, one time, this
21 morning, just as I was turning into whatever the street is to
22 get here.

23 THE COURT: Coming to court?

24 PROSPECTIVE JUROR: 207 Northeast, or Northwest,
25 Second Street.

1 THE COURT: All right. What radio station were you
2 listening to?

3 PROSPECTIVE JUROR: On the traffic report.

4 THE COURT: Pardon?

5 PROSPECTIVE JUROR: It was on the traffic report. I
6 just changed -- I lost my Orlando station, country western, so
7 I got to -- the next thing that came up on my scan --

8 THE COURT: All right.

9 PROSPECTIVE JUROR: -- was giving a traffic report
10 mentioning there would be probably a tie-up because of this
11 case.

12 THE COURT: All right. And no mention about any of
13 the details of the case or anybody involved?

14 PROSPECTIVE JUROR: No, just that there would be
15 detours.

16 THE COURT: All right. Thank you.

17 Mr. Oliver, have you read or heard or discussed
18 anything about this case before?

19 PROSPECTIVE JUROR: Yes. When the case was first
20 announced, it seems to me Mr. Snipes was out of the country.
21 He said he would take care of it, you know, later.

22 And yesterday when I told friends that I had to be
23 here this morning, they said, Ah, you'll probably get picked
24 for that jury. I said, I doubt it. And then I heard one
25 report on the radio this morning driving up --

1 THE COURT: All right.

2 PROSPECTIVE JUROR: -- driving into town.

3 THE COURT: The one that you --

4 PROSPECTIVE JUROR: The thing that got me -- caught
5 my attention is it said six to eight weeks.

6 THE COURT: Wait. Wait. Wait a minute. Remember,
7 I don't want you to get --

8 PROSPECTIVE JUROR: General --

9 THE COURT: -- into anything that you've heard
10 unless I ask you specifically.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: So let's deal with the radio station you
13 were listening to this morning. You heard something mentioned
14 about this case?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: All right. Did you hear anything about
17 the case, any statement made, any description that was given
18 that you haven't already heard here in court this morning?

19 PROSPECTIVE JUROR: Just the proposed length.

20 THE COURT: All right. Nothing about the --

21 PROSPECTIVE JUROR: No.

22 THE COURT: -- detailing of the parties or the
23 evidence --

24 PROSPECTIVE JUROR: No.

25 THE COURT: -- or anything like that?

1 All right. And except for that radio broadcast this
2 morning, you mentioned two other times when the case first
3 started --

4 PROSPECTIVE JUROR: Right.

5 THE COURT: -- sometime ago, and then what was the
6 second occasion you said?

7 PROSPECTIVE JUROR: Talking to friends yesterday --

8 THE COURT: Talking to friends yesterday.

9 PROSPECTIVE JUROR: -- that knew I would be
10 reporting here this morning.

11 THE COURT: All right. Thank you, Mr. Oliver.

12 Ms. Bruno, did you raise your hand?

13 PROSPECTIVE JUROR: I did. Channel 9 out of Orlando
14 I saw just a blurb.

15 THE COURT: All right.

16 PROSPECTIVE JUROR: It showed Mr. Snipes, just a
17 flash.

18 THE COURT: Channel 9 in Orlando. How -- when did
19 this occur? When did you see that?

20 PROSPECTIVE JUROR: Well, within the last couple of
21 weeks.

22 THE COURT: Within the last couple of weeks?

23 PROSPECTIVE JUROR: Couple of weeks, yeah.

24 THE COURT: You haven't read anything in the
25 newspaper?

1 PROSPECTIVE JUROR: I did see something in the Daily
2 Sun, but I just scanned it.

3 THE COURT: All right. Let's take it one at a time.
4 You saw something in what?

5 PROSPECTIVE JUROR: The Daily Sun newspaper.

6 THE COURT: Daily Sun?

7 PROSPECTIVE JUROR: Uh-huh.

8 THE COURT: What newspaper -- where is that
9 published?

10 PROSPECTIVE JUROR: The Villages.

11 THE COURT: In the Villages. All right.

12 When did you see an article in the Daily Sun?

13 PROSPECTIVE JUROR: I saw it this morning.

14 THE COURT: This morning.

15 PROSPECTIVE JUROR: But I was kind of in a hurry to
16 get here, so I didn't read it.

17 THE COURT: All right. But you did see that it
18 related to this case.

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: That's because of the headline, was it?

21 PROSPECTIVE JUROR: I think -- I think there was
22 a -- something with Mr. Snipes' name.

23 THE COURT: Mr. Snipes' name --

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: -- caught your attention.

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: All right. Was there anything stated in
3 that article that you saw there this morning, any detail of
4 any kind?

5 PROSPECTIVE JUROR: No. I -- no.

6 THE COURT: All right. And then you mentioned
7 Channel 9 in Orlando, correct?

8 PROSPECTIVE JUROR: Right. Uh-huh.

9 THE COURT: How many times have you observed
10 something on Channel 9 that you would now relate to this case?

11 PROSPECTIVE JUROR: Just one time.

12 THE COURT: When was that?

13 PROSPECTIVE JUROR: I think it was in the last two
14 weeks.

15 THE COURT: All right. Was it a news broadcast?

16 PROSPECTIVE JUROR: On the news. It was just a
17 short flash of Mr. Snipes.

18 THE COURT: Saying what, do you remember?

19 PROSPECTIVE JUROR: He didn't say anything.

20 THE COURT: All right.

21 PROSPECTIVE JUROR: It just showed him.

22 THE COURT: Just something about this case?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: That's all you remember?

25 PROSPECTIVE JUROR: That's all I remember.

1 THE COURT: All right. Thank you, Ms. Bruno.

2 Mr. Elkins, did you raise your hand?

3 PROSPECTIVE JUROR: Yes, I did.

4 THE COURT: What, sir, is the source, or sources, of
5 your prior information that you would now relate in some way
6 to this case?

7 PROSPECTIVE JUROR: The only thing is just the
8 evening news. The evening news.

9 THE COURT: All right. On television?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Do you ever get any news from the
12 Internet?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Newspaper?

15 PROSPECTIVE JUROR: No -- well, I read the
16 newspaper, but I haven't read anything on this.

17 THE COURT: All right. How many times, then, have
18 you -- do you recall having seen something on the evening news
19 on television that you would now relate to this case?

20 PROSPECTIVE JUROR: Probably twice, maybe three
21 times at the most.

22 THE COURT: Over what period of time?

23 PROSPECTIVE JUROR: Last eight months, I guess, six
24 months, somewhere in that ballpark.

25 THE COURT: All right. When was the most recent of

1 those occasions, would you say, your best guess or estimate?

2 PROSPECTIVE JUROR: Probably last week. Last week,
3 something like that.

4 THE COURT: All right. And do you remember anything
5 being said in any of those newscasts, Mr. Elkins, about the
6 case, any statement, any description that you haven't heard
7 here in court?

8 PROSPECTIVE JUROR: No. I have heard more in court
9 than I heard in the newscast.

10 THE COURT: All right. Mr. Lynch, did you raise
11 your hand?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: What is the source of your prior
14 information?

15 PROSPECTIVE JUROR: Just headlines back when the
16 story first came out. That's about it. I didn't really
17 follow the story. I haven't heard anything more than I have
18 heard in here.

19 THE COURT: All right. But you mentioned headlines
20 which I associate with newspapers.

21 PROSPECTIVE JUROR: Well, just, you know, over the
22 news.

23 THE COURT: What newspaper do you read, Mr. Lynch?

24 PROSPECTIVE JUROR: I really don't read nothing much
25 more than sports, to be honest. Not much more than sports,

1 really. I don't stay up with newspapers.

2 THE COURT: All right. Do you recall ever hearing
3 anything on radio or television about the case?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Do you ever go online and use the
6 Internet as your news source?

7 PROSPECTIVE JUROR: No.

8 THE COURT: So the most you can say is that you
9 recall seeing some headlines in the newspaper --

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: -- about the case and that's it?

12 PROSPECTIVE JUROR: Uh-huh. Yes, sir.

13 THE COURT: All right. Mr. Austin, did you raise
14 your hand?

15 PROSPECTIVE JUROR: I did, sir.

16 THE COURT: What is the source, sir, of your prior
17 information about the case?

18 PROSPECTIVE JUROR: The Star Banner. When the story
19 first came out in the paper, I glanced at a couple of the
20 articles. This was several months ago.

21 Since I got my summons for jury duty, I specifically
22 avoided reading or listening or hearing anything about the
23 case because I didn't want to know about it in case I was
24 selected for this particular case.

25 THE COURT: I see. All right. What about radio or

1 television; any mention on radio or television you can
2 remember?

3 PROSPECTIVE JUROR: Just last night when I was in
4 the bathroom and my wife was watching the news on TV, she
5 yelled in to me that there was a story about the fact that it
6 was starting today. That's the only thing.

7 THE COURT: What was starting today? How did she
8 describe it?

9 PROSPECTIVE JUROR: This case, this trial.

10 THE COURT: Against Mr. Snipes?

11 PROSPECTIVE JUROR: Right.

12 THE COURT: All right. What about the Internet; do
13 you go on the Internet for your news?

14 PROSPECTIVE JUROR: I do, but I never read anything
15 about this case on there, no.

16 THE COURT: All right. So to summarize, you
17 remember -- help me -- reading articles in the newspaper some
18 months ago?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: What newspaper would that be?

21 PROSPECTIVE JUROR: Star Banner.

22 THE COURT: The Star Banner.

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: You read any other newspaper for your
25 news?

1 PROSPECTIVE JUROR: Not really, no. No, sir.

2 THE COURT: How many times have you seen an article
3 in the Star Banner, would you say, Mr. Austin?

4 PROSPECTIVE JUROR: A couple of times.

5 THE COURT: How would you describe your reading of
6 those articles?

7 PROSPECTIVE JUROR: Casually.

8 THE COURT: You didn't read them carefully all the
9 way through?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Do you recall any statement, recitation
12 of fact, description of any kind in any of those articles you
13 read that you haven't heard mentioned here already today?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: All right. Ms. Holtsclaw, did you raise
16 your hand?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: What is the source of your prior
19 information about this case?

20 PROSPECTIVE JUROR: I heard initially when the case
21 was initially mentioned on the television news, and then I
22 didn't pay any attention more to it until probably Saturday;
23 my father mentioned, I bet you get that case when you go in on
24 Monday, and that's all I've heard, except for them saying on
25 the news again that it was starting today.

1 THE COURT: All right. Everything you described
2 sounds like radio or television.

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: You haven't seen anything in the
5 newspaper?

6 PROSPECTIVE JUROR: No, sir.

7 THE COURT: On the Internet?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: And let's go over it again. How many
10 times do you recall something being said on television -- was
11 it radio or television or both?

12 PROSPECTIVE JUROR: It's both.

13 THE COURT: Both?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: The television presumably you were
16 watching at home?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: What about the radio?

19 PROSPECTIVE JUROR: In my car.

20 THE COURT: In your car.

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: How many times -- let's separate those.
23 How many times would you say that you have seen a television
24 newscast about the case?

25 PROSPECTIVE JUROR: Once initially I saw it was

1 mentioned that it was starting today, last night, and again
2 this morning, both on Channel 10 news out of Tampa. Basically
3 they said the same thing, that the -- what they reported was
4 almost exactly the same --

5 THE COURT: Uh-huh.

6 PROSPECTIVE JUROR: -- that it was just starting
7 today in Ocala.

8 THE COURT: This case was starting.

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: All right. And then your father made
11 some remark to you that you might be where you're seated now.

12 PROSPECTIVE JUROR: Correct. I had no idea that --
13 until that point that it was -- that it was here, that this
14 would happen.

15 THE COURT: All right. And that's the full extent
16 of --

17 PROSPECTIVE JUROR: Other than a radio this morning,
18 again, just a blurb as far as it starting today and that there
19 would be traffic issues.

20 THE COURT: All right. Were there traffic issues?

21 PROSPECTIVE JUROR: Yes, sir. I gave myself an hour
22 and a half to get here, and it took me an hour and a half to
23 get to the door.

24 THE COURT: But you were on time.

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Well, that's important. Let me say to
2 everyone here that promptness in connection with this or any
3 other judicial proceeding is absolutely essential because you,
4 yourself, may be essential; and if you're late, then everyone
5 else has to wait. So it's very important in connection with
6 this, or any other judicial proceeding in which you're ever
7 involved, that you be on time. As far as I know, most, if not
8 all of you, were this morning, and I appreciate that.

9 Does that cover the waterfront with you,
10 Ms. Holtsclaw?

11 PROSPECTIVE JUROR: Yes, it does.

12 THE COURT: Mr. Lazinsk -- is that the right
13 pronunciation?

14 PROSPECTIVE JUROR: Lazinsk.

15 THE COURT: Did you raise your hand?

16 PROSPECTIVE JUROR: Yes, I did.

17 THE COURT: What, sir, is the source of your prior
18 information concerning this case?

19 PROSPECTIVE JUROR: Recently, television. In the
20 past, either television or radio.

21 THE COURT: All right. Television and radio?

22 PROSPECTIVE JUROR: As well as co-workers.

23 THE COURT: As well as --

24 PROSPECTIVE JUROR: Some co-workers.

25 THE COURT: Co-workers?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: All right. We can exclude newspapers;
3 you haven't seen anything in a newspaper?

4 PROSPECTIVE JUROR: That's correct.

5 THE COURT: How many times would you say that you
6 have had occasion to see or hear something on television and
7 radio that had to do with this case, Mr. Lazinsk?

8 PROSPECTIVE JUROR: Approximately two or three.

9 THE COURT: Two or three times?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: When was the most recent of those?

12 PROSPECTIVE JUROR: Yesterday.

13 THE COURT: And before that?

14 PROSPECTIVE JUROR: Sometime in the past I heard
15 about it.

16 THE COURT: All right. Yesterday the mention -- was
17 it television or radio?

18 PROSPECTIVE JUROR: That was television.

19 THE COURT: On television.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Did you hear anything on that television
22 newscast going into detail about the case in any way?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Did you hear any statement made or
25 description given that you haven't heard here in court?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: It was just the case was starting?

3 PROSPECTIVE JUROR: For the most part.

4 THE COURT: Same question about the earlier
5 couple -- would it be two or three times before you heard it
6 on the --

7 PROSPECTIVE JUROR: I just recall hearing it. I
8 don't recall what was discussed or how many times, but I had
9 heard it prior to yesterday.

10 THE COURT: Something about the case --

11 PROSPECTIVE JUROR: Right.

12 THE COURT: That the case was pending?

13 PROSPECTIVE JUROR: That is correct.

14 THE COURT: All right. And then you had some
15 discussions with fellow workers?

16 PROSPECTIVE JUROR: Correct.

17 THE COURT: When was that?

18 PROSPECTIVE JUROR: Yesterday as well.

19 THE COURT: Where do you work?

20 PROSPECTIVE JUROR: For a homebuilder.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR: For a homebuilder in Orlando.

23 THE COURT: All right. How many other people were
24 involved in the conversation?

25 PROSPECTIVE JUROR: I had a conference call last

1 night. There was approximately eight people involved in that
2 call.

3 THE COURT: A conference call?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: On the telephone --

6 PROSPECTIVE JUROR: Not regarding this subject.

7 THE COURT: I understand. It was a business call.

8 PROSPECTIVE JUROR: That is correct.

9 THE COURT: And during that, how did the subject
10 come up?

11 PROSPECTIVE JUROR: When I told them I would not see
12 them today, they said I probably would be sitting where I am
13 sitting.

14 THE COURT: I see. And that was the extent of that
15 discussion?

16 PROSPECTIVE JUROR: Yes. I didn't think that would
17 be the case. And some other people disputed that as well, and
18 that was about it.

19 THE COURT: All right. And is that it; does that
20 cover all of your prior information concerning --

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: -- this case?

23 All right. Ms. Perkins, did you raise your hand?

24 PROSPECTIVE JUROR: Yes, I did.

25 THE COURT: What, ma'am, is the source of your

1 information?

2 PROSPECTIVE JUROR: Just brief news.

3 THE COURT: Radio or television?

4 PROSPECTIVE JUROR: Television.

5 THE COURT: Have you read anything in the

6 newspaper --

7 PROSPECTIVE JUROR: No.

8 THE COURT: -- you associate with this case?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Do you subscribe to the newspaper?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What newspaper is that?

13 PROSPECTIVE JUROR: Star Banner.

14 THE COURT: I'm sorry?

15 PROSPECTIVE JUROR: Star Banner.

16 THE COURT: All right. But you don't recall any

17 article in the Star Banner having to do with this case?

18 PROSPECTIVE JUROR: No. My husband usually reads
19 the paper and said, Oh, I saw that on television. So that's
20 the way we do the newspaper and the television.

21 THE COURT: I see. All right. So you don't
22 remember anything in the newspaper, but you did see a
23 television newscast about the case, you think?

24 PROSPECTIVE JUROR: Yes. Just brief.

25 THE COURT: How long ago was this?

1 PROSPECTIVE JUROR: Last night.

2 THE COURT: Last night?

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Before last night, had you ever seen or
5 heard anything in any news source about the case that you
6 remember?

7 PROSPECTIVE JUROR: Just briefly on television a
8 couple of times.

9 THE COURT: All right. And how long ago was that,
10 would you say?

11 PROSPECTIVE JUROR: A month or two ago.

12 THE COURT: I'm sorry?

13 PROSPECTIVE JUROR: A month or two ago.

14 THE COURT: All right. And do you recall on any of
15 those newscasts, Ms. Perkins, any statement that was made, any
16 description that was given, any detail about the case or
17 anyone involved in the case that you haven't heard here this
18 morning?

19 PROSPECTIVE JUROR: No, sir. I think I heard the
20 top figure number one time and I said, Oh.

21 THE COURT: All right. And that's the extent of
22 your --

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: You had no conversation with your
25 husband about the -- about the case?

1 PROSPECTIVE JUROR: No. No. Like I said, Oh, no.

2 THE COURT: I'm sorry?

3 PROSPECTIVE JUROR: He said, Oh, no. And I had to
4 come.

5 THE COURT: Oh. The jury this morning, you mean?

6 PROSPECTIVE JUROR: Yes. He knew what was ahead.

7 THE COURT: He thought it was this case?

8 PROSPECTIVE JUROR: Uh-huh.

9 THE COURT: And said so to you?

10 PROSPECTIVE JUROR: Uh-huh.

11 THE COURT: All right. Mr. Weller, did you raise
12 your hand?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Excuse me. I overlooked Mr. Tuttle.
15 Mr. Tuttle, did you raise your hand?

16 PROSPECTIVE JUROR: Not really, no.

17 THE COURT: You said "not really." I --

18 PROSPECTIVE JUROR: I knew something was going on
19 when I saw the news trucks outside.

20 THE COURT: I see. All right. So you've had --

21 MR. BERNHOFT: Excuse me, Your Honor. I'm sorry,
22 Your Honor. May I prevail upon the Court for a break at this
23 time? It's about ten after 12:00

24 THE COURT: I couldn't hear you, Mr. Bernhoft.

25 MR. BERNHOFT: Yes, sir. Judge, may I prevail upon

1 the Court for a break?

2 THE COURT: Yes. All right. We're in the lunch
3 hour, ladies and gentlemen, and this is going on for a while.
4 I think it is appropriate that we recess now for lunch, but I
5 have a couple of things to say to you before we leave the
6 courtroom.

7 First of all, to the 37 of you who are seated here
8 as prospective jurors already, the ones that I've been talking
9 to this morning, please note the particular chair or seat or
10 position in which you're presently located so that after lunch
11 you can return, please, to the same chair or same position,
12 and in that way I'll be able to discern who you are.

13 To those of you seated in the audience section of
14 the courtroom, I would ask, of course, that all -- who are
15 members of the jury panel that all of you should return as
16 well after lunch and take up a seat as near to the front of
17 the courtroom as you can. It's important that you continue to
18 participate in these proceedings even though you're not at the
19 moment called as a prospective juror.

20 And I will instruct all of you, both those who have
21 been called and those not yet called, that during this recess
22 or any other break that we might hereafter have during the
23 course of these proceedings that you should not have any
24 conversation or discussion among yourselves or with anyone
25 else having anything to do with this case or with this jury

1 selection procedure. And with particular reference to the
2 lawyers involved or others whom you may come to recognize as
3 having some connection with the case, if -- if they should
4 seem rude to you because they don't even bid you good morning
5 or good afternoon, or anything of that kind, you should not
6 regard that as disrespectful in any way but simply a
7 recognition on their part that members of the jury panel
8 should not be discussing the case in any way. And insofar as
9 people associated with the case are concerned, it's best that
10 they not have any conversation at all with any members of the
11 panel, so that will explain that behavior.

12 And it's likely that you will come in contact
13 because we only have one elevator that serves the floor, and
14 it obviously gets crowded when many people are trying to come
15 and go at once.

16 And because of the numbers involved and the
17 difficulty in getting in and out of the building, we'll recess
18 for lunch until 1:30 -- that's about an hour and 15 minutes --
19 which should be adequate to get lunch and return after lunch.

20 And I appreciate very much your patient attention
21 this morning during this somewhat tedious procedure, but we'll
22 get on with it at 1:30 this afternoon. And until that time
23 all of you are now excused for lunch.

24 (The luncheon recess was taken.)

25 (Prospective jury panel present.)

1 THE COURT: I appreciate your promptness, ladies and
2 gentlemen. I see that you are all in place and I do
3 appreciate that.

4 Now, I was asking those of you who had raised your
5 hands in response to this question about whether or not you
6 had ever heard anything about this case before coming to court
7 this morning.

8 I think I was down to -- Mr. Tuttle, I had covered
9 it with you, I think.

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Mr. Weller, had I gotten to you yet?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Did you raise your hand in response to
14 the question?

15 PROSPECTIVE JUROR: Yes, I did.

16 THE COURT: Thank you. So we will start where we
17 left off before lunch. What, sir, is the source or sources of
18 information that you had about this case before coming to
19 court this morning?

20 PROSPECTIVE JUROR: Channel 9 out of Orlando and the
21 Orlando Sentinel.

22 THE COURT: All right. You subscribe to the
23 Sentinel, do you?

24 PROSPECTIVE JUROR: Yes, I do.

25 THE COURT: All right. Do you subscribe to any

1 other newspaper?

2 PROSPECTIVE JUROR: I do not.

3 THE COURT: How about the Internet? Do you ever go
4 on the Internet as --

5 PROSPECTIVE JUROR: I go on the Internet a lot, but
6 I have never heard anything or read anything of this case on
7 the Internet.

8 THE COURT: All right. So it's the Sentinel and
9 Channel 9?

10 PROSPECTIVE JUROR: Channel 9, correct.

11 THE COURT: Let's start with Channel 9. How many
12 times, if you can recall, have you had occasion to hear or see
13 or see and hear something on Channel 9 that you would
14 associate with this case?

15 PROSPECTIVE JUROR: Probably two or three times.

16 THE COURT: Over what period of time?

17 PROSPECTIVE JUROR: Six months.

18 THE COURT: All right. When was the most recent of
19 those that you can remember?

20 PROSPECTIVE JUROR: Probably over the last two or
21 three days.

22 THE COURT: And the first time would have been six
23 months ago, you say?

24 PROSPECTIVE JUROR: Yes, uh-huh.

25 THE COURT: All right. Do you remember anything

1 from those newscasts or broadcasts on television during which
2 some statement or description or recitation was made that you
3 haven't heard here in court today?

4 PROSPECTIVE JUROR: No, sir, I have not.

5 THE COURT: All right. And the Sentinel, how many
6 times have you read an article in the Sentinel about this
7 case?

8 PROSPECTIVE JUROR: Probably four or five times; and
9 the most recent this morning.

10 THE COURT: Oh, really. And before that, when was
11 the last time you remember reading something?

12 PROSPECTIVE JUROR: Probably a couple of weeks ago.

13 THE COURT: All right. And before that, when was
14 the first time, roughly, would you say that you saw something
15 in the Sentinel about the case?

16 PROSPECTIVE JUROR: Maybe six months ago. It's hard
17 to remember, but I can remember it was much earlier than now.

18 THE COURT: All right. So that's a total of about
19 four articles, I think.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Did you read any of those articles
22 thoroughly, all the way through from beginning to end?

23 PROSPECTIVE JUROR: I think like most people, I read
24 the first paragraph and headlines.

25 THE COURT: And then --

1 PROSPECTIVE JUROR: That was it.

2 THE COURT: All right. Do you remember any
3 description, statement or account of any kind that sticks in
4 your mind coming out of any of those articles, Mr. Weller --

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: -- that you haven't heard here in court?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: All right. Thank you.

9 Mr. Ferrara, did you raise your hand, sir?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: What, sir, is your source of news that
12 produced some information about this case?

13 PROSPECTIVE JUROR: The Star-Banner and WESH 2 News.

14 THE COURT: And WESH 2 News.

15 PROSPECTIVE JUROR: Out of Orlando.

16 THE COURT: Yes. Do you subscribe to the
17 Star-Banner at home?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: How many times have you read something
20 in the Star-Banner about this case?

21 PROSPECTIVE JUROR: I would say six times.

22 THE COURT: Beginning when, approximately?

23 PROSPECTIVE JUROR: Three months ago.

24 THE COURT: And the most recent being when?

25 PROSPECTIVE JUROR: Sunday.

1 THE COURT: Did you have occasion, in reading the
2 Star-Banner with respect to any of those articles,
3 Mr. Ferrara, of reading it thoroughly, all the way through?

4 PROSPECTIVE JUROR: Sunday, I read it thoroughly
5 Sunday. I read the article thoroughly Sunday.

6 THE COURT: All right. And do you recall anything
7 being said or described or recited in that article on Sunday
8 in particular about the case or anyone involved in the case
9 that you haven't already heard here today?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: How many times have you seen something
12 on WESH News about the case that you remember?

13 PROSPECTIVE JUROR: Usually early in the morning,
14 just briefly going over the trial date and what's going on.
15 That's probably about five times.

16 THE COURT: All right. During what period of time?

17 PROSPECTIVE JUROR: I would say the same; about
18 three months' worth.

19 THE COURT: And the same question about those
20 broadcasts. Do you remember any statement or accounts
21 concerning some particular detail, something someone said or
22 did perhaps that you haven't heard about here in court
23 already?

24 PROSPECTIVE JUROR: No.

25 THE COURT: All right. Mr. Sheehan, did you raise

1 your hand?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: What, sir, is the source of your news
4 information about this case?

5 PROSPECTIVE JUROR: TV news and the Star-Banner.

6 THE COURT: I'm sorry?

7 PROSPECTIVE JUROR: TV news and the Star-Banner.

8 THE COURT: All right. Do you subscribe to the
9 Star-Banner?

10 PROSPECTIVE JUROR: Yes, I do.

11 THE COURT: Any other newspaper?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Do you generally go on the Internet from
14 time to time to get news?

15 PROSPECTIVE JUROR: I haven't seen anything on the
16 Internet about it.

17 THE COURT: I am not sure I asked you that question,
18 Mr. Ferrara. Do you have occasion to go on the Internet for
19 news occasionally?

20 PROSPECTIVE JUROR: No.

21 THE COURT: So, Mr. Sheehan, back to you. The
22 Star-Banner and what broadcast --

23 PROSPECTIVE JUROR: Usually Channel 9 news.

24 THE COURT: Channel 9?

25 PROSPECTIVE JUROR: Yeah.

1 THE COURT: How many times have you read something
2 in the Star-Banner that had to do with this case or someone
3 involved in it?

4 PROSPECTIVE JUROR: Three to four times.

5 THE COURT: Two to four?

6 PROSPECTIVE JUROR: Three to four.

7 THE COURT: Three to four. Starting when, do you
8 remember?

9 PROSPECTIVE JUROR: Probably the last six months.

10 THE COURT: And the most recent being when?

11 PROSPECTIVE JUROR: This morning.

12 THE COURT: Same question of you. Think hard and
13 see if you can remember for yourself any statement or
14 description or recitation of any feature about the case that
15 you haven't already heard here in court.

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: All right. And was that something in
18 the newspaper or on television or both?

19 PROSPECTIVE JUROR: In the newspaper.

20 THE COURT: In the newspaper?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: All right. I think that covers everyone
23 up in the jury box itself.

24 Ms. Artman, did you raise your hand? Have you read
25 or --

1 PROSPECTIVE JUROR: I have, but --

2 THE COURT: I'm sorry?

3 PROSPECTIVE JUROR: I have, but I didn't raise my
4 hand because you didn't ask --

5 THE COURT: We haven't asked yet?

6 PROSPECTIVE JUROR: I know.

7 THE COURT: Well, that's a good reason. Let me ask.
8 Those in the front row, how many of you have read or heard
9 something about this case or discussed it with others before
10 you came here this morning? Anybody?

11 (Prospective jurors indicating.)

12 THE COURT: Everybody. Okay. So, Ms. Artman, what
13 are your sources of information concerning --

14 PROSPECTIVE JUROR: WESH 2 News out of Gainesville.

15 THE COURT: WESH 2 News?

16 MR. BERNHOFT: WESH 2 News out of Gainesville. My
17 husband reads the paper. I don't.

18 THE COURT: Okay. What paper does he read?

19 PROSPECTIVE JUROR: The star-Banner.

20 THE COURT: But you haven't read anything in the
21 Star-Banner about the case?

22 PROSPECTIVE JUROR: No. No.

23 THE COURT: Your husband hasn't discussed it with
24 you?

25 PROSPECTIVE JUROR: He just said the date, and he

1 said that might be the case you're on.

2 THE COURT: I see. Referring to today's date?

3 PROSPECTIVE JUROR: Right.

4 THE COURT: But you remember something on
5 television?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: How many times do you remember seeing or
8 hearing something on television about it?

9 PROSPECTIVE JUROR: Probably three or four times.

10 THE COURT: Starting when?

11 PROSPECTIVE JUROR: A couple of months ago.

12 THE COURT: Ending when?

13 PROSPECTIVE JUROR: Either Friday or Saturday night
14 when I was watching the news.

15 THE COURT: All right. In those broadcasts, as you
16 think back on it now, can you remember anything that was said
17 describing someone's behavior or a statement or description of
18 any kind going beyond or in addition to what you have already
19 heard here in court.

20 PROSPECTIVE JUROR: Nothing other than what I have
21 heard here and a fair trial, that's all.

22 THE COURT: All right. Thank you.

23 Ms. Taylor, I think you raised your hand.

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: What is the source of your prior

1 information about this case?

2 PROSPECTIVE JUROR: I recall reading in the Orlando
3 Sentinel that the case would be here. That was whenever it
4 was first announced, I guess. And then my husband told me it
5 was in the paper yesterday. I didn't read yesterday's paper.
6 And he said that might be what you are going for.

7 And then he told me this morning that the news said
8 the media would be here. And that's all I have heard or know.

9 THE COURT: All right. So --

10 PROSPECTIVE JUROR: Don't use the Internet. I mean,
11 I do, but not the news.

12 THE COURT: Not for this case?

13 PROSPECTIVE JUROR: No.

14 THE COURT: I mean, you haven't seen anything on the
15 Internet?

16 PROSPECTIVE JUROR: No. No, sir.

17 THE COURT: You are indicating negatively, too, Ms.
18 Artman.

19 PROSPECTIVE JUROR: Right. I use the Internet, but
20 I haven't seen anything on there about that.

21 THE COURT: So, let's see, Ms. Taylor. You,
22 yourself, heard something on television on one of the --

23 PROSPECTIVE JUROR: No, I didn't hear anything on
24 television. My husband said -- this morning, he came in and
25 told me they were announcing it on Channel 9 that that they

1 would cover the case all day.

2 And I only read it in the newspaper back when it was
3 first announced, that -- you know, whenever that was, that
4 there would be a case here in Ocala. I noticed that. I don't
5 even remember or recall the article.

6 THE COURT: Do you remember anything from that
7 article; any detail, any circumstance, anything at all that
8 you haven't heard here today?

9 PROSPECTIVE JUROR: No. I think I just scanned it,
10 saw "Ocala," and --

11 THE COURT: That was it?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: All right. Ms. Cooke-Yarborough, did
14 you raise your hand?

15 PROSPECTIVE JUROR: Yes, I did.

16 THE COURT: What is the source of your prior
17 information?

18 PROSPECTIVE JUROR: The news, Channel 2, and also
19 the newspaper, and people at work talking about mainly the
20 date, you know, knowing when I was coming to jury duty.

21 THE COURT: I see. Well, let's go over each of
22 those. You said the newspaper. What newspaper do you read?

23 PROSPECTIVE JUROR: The Star-Banner.

24 THE COURT: All right. You subscribe to it at home?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: How many times have you had occasion to
2 read an article in the Star-Banner about the case?

3 PROSPECTIVE JUROR: It was only one time in
4 particular that I saw it. I think it was, I think it was last
5 week. And --

6 THE COURT: All right. That's the only one you
7 really remember, I take it?

8 PROSPECTIVE JUROR: Just that one in particular was
9 the one from last week.

10 THE COURT: And did you read that carefully, all the
11 way through?

12 PROSPECTIVE JUROR: No. I read the front page, and
13 then I glanced to the middle section. And there were all
14 these different years and dates with figures. And I pretty
15 much glanced with that and closed it up. I didn't pay much
16 attention to it.

17 THE COURT: All right. Do you then remember any
18 specific recitation or fact or description or account that
19 sticks in your mind about the case that you haven't heard here
20 in court?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: And you said there was discussion at
23 work, I believe.

24 PROSPECTIVE JUROR: Yeah. I went to work this
25 morning before I came here. And I was getting ready to leave,

1 you know, and somebody had said where was I going. And I said
2 I had to go to jury duty, and they said you will probably be
3 on that case.

4 THE COURT: Where do you work?

5 PROSPECTIVE JUROR: Home Depot.

6 THE COURT: All right. Ms. Tuck, did you raise your
7 hand?

8 PROSPECTIVE JUROR: Yes, Your Honor.

9 THE COURT: What is the source of your prior
10 information concerning this case, ma'am?

11 PROSPECTIVE JUROR: The Star-Banner and friends and
12 family.

13 THE COURT: Okay. No television or radio?

14 PROSPECTIVE JUROR: No radio. There was something
15 on TV last night, but I didn't have the sound up.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR: I didn't have the sound on.

18 THE COURT: Oh, I see.

19 PROSPECTIVE JUROR: So I didn't hear anything. And
20 I don't recall anything prior to that.

21 THE COURT: All right. So we're down to the
22 newspaper, I think you said. Star-Banner?

23 PROSPECTIVE JUROR: Star-Banner.

24 THE COURT: You subscribe to the Star-Banner?

25 PROSPECTIVE JUROR: That's right.

1 THE COURT: And discussion at work?

2 PROSPECTIVE JUROR: Well, in particular, a friend.

3 THE COURT: A friend. All right. Well, let's start
4 with the Star-Banner. How many times have you read something
5 about the case in the Star-Banner?

6 PROSPECTIVE JUROR: I think about three times.

7 THE COURT: During what period of time?

8 PROSPECTIVE JUROR: Maybe November, starting in
9 November maybe, a couple of months ago.

10 THE COURT: And what about more recently? When was
11 the last time you saw something?

12 PROSPECTIVE JUROR: Thursday -- I was out of town.
13 Thursday's paper was saved for me about another article. Then
14 I noticed Mr. Snipes' picture on the front page, but I didn't
15 read the article. And that was last night when I got home.

16 THE COURT: The article that you did read, November,
17 you say?

18 PROSPECTIVE JUROR: No; more recently. I think
19 maybe the first one was in November. The most recent would
20 have been several weeks up until last week maybe.

21 THE COURT: All right. So I have gotten myself
22 confused.

23 PROSPECTIVE JUROR: I'm sorry.

24 THE COURT: No, no, no. It's my fault. How many
25 times all together have you read something in the Star-Banner

1 about the case?

2 PROSPECTIVE JUROR: Three or four times.

3 THE COURT: All right. How many of those times did
4 you read the article carefully all the way through, would you
5 say?

6 PROSPECTIVE JUROR: Maybe once.

7 THE COURT: Was that the first time or --

8 PROSPECTIVE JUROR: That was after I was summonsed,
9 and it was about the date.

10 THE COURT: I see. All right. And you read the
11 article carefully?

12 PROSPECTIVE JUROR: (Nodding head.)

13 THE COURT: Do you remember anything being talked
14 about in the article, mentioned, described or what-have-you
15 that you haven't heard here?

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: And you said you had a conversation with
18 a friend about it.

19 PROSPECTIVE JUROR: With a friend.

20 THE COURT: When was that?

21 PROSPECTIVE JUROR: About two-and-a-half weeks ago.

22 THE COURT: What was the occasion, what prompted
23 that discussion?

24 PROSPECTIVE JUROR: I told him that I would not be
25 available today and I told him why, and he said probably I

1 would be here. And he did tell me something that I have not
2 heard here.

3 THE COURT: Okay. Thank you. And that covers the
4 waterfront as far as your prior information?

5 PROSPECTIVE JUROR: Yes, sir. Yes, sir.

6 THE COURT: Ms. Kenney, did you raise your hand?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: Never heard of this case before?

9 PROSPECTIVE JUROR: I must live in a cave. I did
10 not know anything about it until actually was signing in at
11 the door, and I thought, boy, yeah, he looks familiar. And I
12 thought, oh, this is why I'm here. But I do live in this
13 world. I just did not know.

14 THE COURT: No. I have sat here a long time and it
15 frequently happens.

16 PROSPECTIVE JUROR: I had zero clue.

17 THE COURT: So don't feel anything about that. It's
18 very common.

19 Ms. Saraceni, is that the right pronunciation?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: You would tell me if I was wrong?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Have you had prior information about
24 this case?

25 PROSPECTIVE JUROR: Channel 9 news.

1 THE COURT: Pardon me?

2 PROSPECTIVE JUROR: Channel 9 news.

3 THE COURT: Channel 9. All right. No newspaper?

4 PROSPECTIVE JUROR: No newspaper.

5 THE COURT: No radio?

6 PROSPECTIVE JUROR: No radio.

7 THE COURT: No Internet?

8 PROSPECTIVE JUROR: No Internet.

9 THE COURT: Channel 9.

10 PROSPECTIVE JUROR: That's it.

11 THE COURT: How many times has Channel 9 mentioned
12 this in your hearing?

13 PROSPECTIVE JUROR: About three times.

14 THE COURT: Over what period of time?

15 PROSPECTIVE JUROR: Sometime in the summertime; and
16 then I would say recently this past week one day.

17 THE COURT: All right. And on any of those
18 occasions, was anything stated about the case, a description
19 of some account or event or something somebody said or did
20 that you haven't already heard about here in court?

21 PROSPECTIVE JUROR: No, not at all.

22 THE COURT: All right. Ms. Smith, do you have prior
23 information about this case?

24 PROSPECTIVE JUROR: (Shaking head.)

25 THE COURT: You live in the same cave with

1 Ms. Kenney?

2 PROSPECTIVE JUROR KENNEY: We now reside together.

3 THE COURT: So you knew nothing about this case
4 until you came this morning?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Good for you.

7 Mr. Johnson?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: You have prior information about the
10 case?

11 PROSPECTIVE JUROR: I have heard of the case, yes,
12 sir.

13 THE COURT: All right. What is the source of your
14 information or sources of your information?

15 PROSPECTIVE JUROR: Television, the radio and the
16 newspaper.

17 THE COURT: All right. Let's start with the
18 newspaper. What newspaper do you read?

19 PROSPECTIVE JUROR: The Daily Sun.

20 THE COURT: That's in The Villages.

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: How many articles do you recall having
23 seen in the Daily Sun?

24 PROSPECTIVE JUROR: Only one. And it was the leader
25 on the story. When I was reading the paper today at lunch, I

1 saw the article on page three, and it said "Wesley Snipes" --

2 THE COURT: No, don't tell me what it said. It may
3 be something I don't want to hear. But did you read it?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Just some headline that referred to the
6 case?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: And that was today?

9 PROSPECTIVE JUROR: An hour ago.

10 THE COURT: Now, prior to today, before today, how
11 many times had you read something in the Daily Sun?

12 PROSPECTIVE JUROR: Never.

13 THE COURT: Oh, you had not?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: But you had heard about it where, on
16 television?

17 PROSPECTIVE JUROR: I heard it on television and on
18 the radio.

19 THE COURT: You listen to the radio at home or in
20 your car or both?

21 PROSPECTIVE JUROR: In my car.

22 THE COURT: How many times do you recall having
23 heard something on your car radio about the case?

24 PROSPECTIVE JUROR: This morning while I was driving
25 up here.

1 THE COURT: That's the only time?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Did that go into any detail or --

4 PROSPECTIVE JUROR: No. It was primarily dealing
5 with the fact that Mr. Snipes' trial was going to be starting
6 today. And I was headed here.

7 THE COURT: All right. And what does that leave us?
8 You had heard about it once or twice before, I think, you said
9 on television.

10 PROSPECTIVE JUROR: Once before on television, yes,
11 sir.

12 THE COURT: How long ago was that?

13 PROSPECTIVE JUROR: About six weeks ago.

14 THE COURT: What channel was that? Do you recall
15 what station?

16 PROSPECTIVE JUROR: It was one of the all-news
17 stations. It was either CNBC or MSNBC.

18 THE COURT: I see. Do you recall anything being
19 said during that telecast, some description of what someone
20 said or did or anything of that kind, that you haven't heard
21 here in court?

22 PROSPECTIVE JUROR: Well, it wasn't a conversation
23 as much as it was one of the crawls that go along the bottom
24 of the screen.

25 THE COURT: I see. The question remains -- and just

1 try to answer "yes" or "no," either you did or you didn't,
2 remember something from that that is something more than you
3 have heard here in court?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: All right. And does that cover the
6 subject with you, Mr. Johnson, to the extent of what you have
7 heard outside of court?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: All right. Thank you.

10 Mr. -- well, I haven't asked. Those of you in the
11 chairs seated there, how many of you, if any, have some prior
12 information about the case before you came here this morning?
13 Would you raise your hands, please.

14 (Prospective jurors indicating.)

15 THE COURT: I think all of you seated there.

16 Mr. Rossdeutscher, is that the right pronunciation?

17 PROSPECTIVE JUROR: Yes, sir, that's correct.

18 THE COURT: Thank you. And I appreciate your
19 standing from over there. It's much easier for us to see and
20 hear you, if you can do that for a moment.

21 What, sir, is the source or sources of your prior
22 information that you would associate now with this case?

23 PROSPECTIVE JUROR: Television and newspaper.

24 THE COURT: The newspaper and what?

25 PROSPECTIVE JUROR: And television.

1 THE COURT: And television?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: What newspaper do you read, sir?

4 PROSPECTIVE JUROR: The Orlando Sentinel.

5 THE COURT: Do you subscribe to it?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: How many articles have you seen in the
8 Sentinel about this case?

9 PROSPECTIVE JUROR: I don't know; three or four.

10 THE COURT: Starting when? Do you remember about
11 when?

12 PROSPECTIVE JUROR: A few months ago. I don't
13 remember exactly when, but a few months ago. I am like most
14 people. I read the headline and skim it and that's it.

15 THE COURT: All right. When was the last article?
16 Do you recall?

17 PROSPECTIVE JUROR: Yesterday.

18 THE COURT: All right. In any of those articles,
19 Mr. Rossdeutscher, do you remember any description being
20 given, an account or statement or recitation about the case or
21 anybody involved in the case that you haven't heard here in
22 court this morning?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: And you mentioned television.

25 PROSPECTIVE JUROR: Right.

1 THE COURT: What channel do you watch? Do you
2 recall?

3 PROSPECTIVE JUROR: Channel -- WESH 2 and Channel 9.

4 THE COURT: All right. Do you remember -- did you
5 remember seeing something on both of those channels about the
6 case?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: How many times, would you say?

9 PROSPECTIVE JUROR: Probably a couple of times each.

10 THE COURT: All right. The most recent being when?

11 PROSPECTIVE JUROR: I think it was yesterday, last
12 night.

13 THE COURT: Same question about that. Do you
14 recall -- think hard. Do you recall anything that was said or
15 described during any of those telecasts about anyone involved
16 in the case, somebody saying something or describing some fact
17 or event or transaction that you haven't heard about here in
18 court?

19 PROSPECTIVE JUROR: No. No, sir.

20 THE COURT: Thank you, sir.

21 Mr. Salisbury, you raised your hand, I believe.

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: What, sir, are the sources of your
24 information?

25 PROSPECTIVE JUROR: Newspapers and television, also.

1 THE COURT: What newspapers?

2 PROSPECTIVE JUROR: St. Pete Times and the
3 Chronicle.

4 THE COURT: The st. Pete Times?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: And what other paper?

7 PROSPECTIVE JUROR: Citrus Chronicle.

8 THE COURT: Citrus Chronicle. And television, you
9 said?

10 PROSPECTIVE JUROR: Yes, Your Honor; Channel 8 news.

11 THE COURT: Channel 8 news. You live in Citrus
12 County?

13 PROSPECTIVE JUROR: Yes, Your Honor.

14 THE COURT: Well, let's start with the newspaper
15 articles. I think you said the St. Pete Times you read?

16 PROSPECTIVE JUROR: Yes, Your Honor.

17 THE COURT: By the way, do you subscribe to both of
18 those papers?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: How many articles did you read in the
21 St. Petersburg Times, Mr. Salisbury, that had to do with this
22 case that you remember?

23 PROSPECTIVE JUROR: The first one, maybe six months
24 ago, initial; and just headlines after that.

25 THE COURT: And the Citrus Chronicle?

1 PROSPECTIVE JUROR: None.

2 THE COURT: You don't remember any article?

3 PROSPECTIVE JUROR: I mean, it's pretty much
4 redundant at that point. I just go in really for the local
5 news.

6 THE COURT: Okay. When then was the most recent
7 article that you can remember reading roughly about the case?

8 PROSPECTIVE JUROR: Probably in the St. Pete Times
9 about two weeks ago; and television was this morning.

10 THE COURT: All right. And do you remember anything
11 at all from any of those articles making a description of some
12 transaction, occurrence or event that you haven't already
13 heard about here in court?

14 PROSPECTIVE JUROR: Yes, Your Honor.

15 THE COURT: All right. And you said, I believe,
16 that you also heard something on television, Mr. Salisbury.
17 Channel 8, I think you said.

18 PROSPECTIVE JUROR: Yes, Your Honor; that the trial
19 was going to be starting this morning. But, honestly, I
20 thought I was here for Grand Jury, so it was a surprise this
21 morning.

22 THE COURT: All right. How many times do you recall
23 hearing something on television about the case then?

24 PROSPECTIVE JUROR: Probably three or four times;
25 just the opening news and that's about it.

1 THE COURT: All right. Well, same question with
2 respect to that. Do you recall anything on any of those
3 telecasts making a description of the case or transactions or
4 events or what somebody said or did relating to the case --

5 PROSPECTIVE JUROR: Yes, Your Honor.

6 THE COURT: -- that you haven't heard here in court?

7 PROSPECTIVE JUROR: Yes, Your Honor.

8 THE COURT: All right. Thank you.

9 Ms. Boykin, did you raise your hand?

10 PROSPECTIVE JUROR: Yes, sir. Yes, sir.

11 THE COURT: What is the source of your information
12 before you came here this morning?

13 PROSPECTIVE JUROR: Recently, I believe it was last
14 Tuesday, I read a headline in the Orlando Sentinel. Prior to
15 that, radio and television news.

16 THE COURT: One headline in the Orlando Sentinel.
17 And then what did you say?

18 PROSPECTIVE JUROR: Radio and television news.

19 THE COURT: On television.

20 PROSPECTIVE JUROR: And radio.

21 THE COURT: And radio.

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: How many times did you hear something on
24 television about the case?

25 PROSPECTIVE JUROR: I would guess about four times.

1 THE COURT: Four times?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Any particular station?

4 PROSPECTIVE JUROR: Channel 9 out of Orlando, the
5 news.

6 THE COURT: And radio, do you listen to the radio in
7 your car?

8 PROSPECTIVE JUROR: On the way to work.

9 THE COURT: And you don't have the radio on at home?

10 PROSPECTIVE JUROR: No.

11 THE COURT: How many times did you hear something on
12 the radio about the case, would you say?

13 PROSPECTIVE JUROR: Twice last week; and prior to
14 that, maybe two other times.

15 THE COURT: All right. Now, going back to the
16 Orlando Sentinel, you said you saw a headline about the case?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Did you read the article?

19 PROSPECTIVE JUROR: I did not read the article.

20 THE COURT: It was just the headline?

21 PROSPECTIVE JUROR: I just read the headline.

22 THE COURT: All right. And on the -- in that
23 headline or on television or radio, did you hear anything that
24 you remember that was a description of what somebody said or
25 did or some transaction or event having to do with the case

1 that you haven't already heard about here in court?

2 PROSPECTIVE JUROR: I don't recall any other
3 details, other than what has been stated here.

4 THE COURT: All right. Thank you then. Does that
5 cover it with you, as far as what you have heard?

6 PROSPECTIVE JUROR: I think so.

7 THE COURT: All right. Is it Ms. Bussey or Bussey?

8 PROSPECTIVE JUROR: Bussey.

9 THE COURT: You raised your hand, I believe,
10 Ms. Bussey. What is the source of your prior information
11 concerning this case?

12 PROSPECTIVE JUROR: Listening to the radio while in
13 the car in the morning.

14 THE COURT: And that's it?

15 PROSPECTIVE JUROR: That's all.

16 THE COURT: No newspaper, no television?

17 PROSPECTIVE JUROR: No.

18 THE COURT: No Internet?

19 PROSPECTIVE JUROR: No.

20 THE COURT: No conversation with friends?

21 PROSPECTIVE JUROR: No.

22 THE COURT: On the radio?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: How many times would you say you have
25 had occasion to hear something on the radio about the case?

1 PROSPECTIVE JUROR: Twice.

2 THE COURT: Twice?

3 PROSPECTIVE JUROR: Twice.

4 THE COURT: I still didn't hear.

5 PROSPECTIVE JUROR: Twice.

6 THE COURT: Twice. And one was this morning, I

7 think you said.

8 PROSPECTIVE JUROR: That's right.

9 THE COURT: When was the other time?

10 PROSPECTIVE JUROR: Last week.

11 THE COURT: Did you hear anything mentioned during
12 either of those radio commentaries that described the case in
13 any kind of detail or what somebody had said or done beyond
14 what you have heard here in court?

15 PROSPECTIVE JUROR: No.

16 THE COURT: All right. Mr. Colen -- well, no, I
17 should ask everyone. How many on the pews there have heard
18 about this case before?

19 (Prospective jurors indicating.)

20 THE COURT: Looks like everyone or almost everyone.

21 So, Mr. Colen, what is the source of your prior
22 information about this case, sir?

23 PROSPECTIVE JUROR: The Ocala Star-Banner.

24 THE COURT: You subscribe to the Star-Banner?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: How many times -- well, in addition to
2 the Star-Banner, have you ever heard anything on television,
3 radio, the Internet or conversation with friends?

4 PROSPECTIVE JUROR: There was a very short blurb
5 this morning on WRUF, the Gainesville station. Didn't go into
6 any detail.

7 THE COURT: All right. So it would be an article or
8 articles in the Star-Banner then?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: I think I asked you. You subscribe to
11 the Star-Banner?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: How many times have you had occasion to
14 see something in the Star-Banner about the case or someone
15 involved in the case, Mr. Colen?

16 PROSPECTIVE JUROR: Three or four times.

17 THE COURT: Over what period of time? Can you
18 recall?

19 PROSPECTIVE JUROR: Beginning with the very earliest
20 indictment, arraignment, to the present, yesterday.

21 THE COURT: All right. Did you ever have occasion
22 to read any of those articles thoroughly from beginning to
23 end?

24 PROSPECTIVE JUROR: Yes, sir, I did.

25 THE COURT: How many of them? All of them?

1 PROSPECTIVE JUROR: All of them. It doesn't take
2 long to read the Star-Banner.

3 THE COURT: I'm sorry. I missed that one.

4 PROSPECTIVE JUROR: It doesn't take long to read the
5 Star-Banner, sir.

6 THE COURT: All right. Then let me ask whether you
7 recall anything that was recounted in the Star-Banner in any
8 of those articles by way of an account of what is going on or
9 a description of what somebody said or did, anything at all
10 having to do with this case that you haven't heard about here
11 in court?

12 PROSPECTIVE JUROR: I would have to say "yes."

13 THE COURT: All right. Thank you, Mr. Colen.
14 Mr. Akers, you raised your hand?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: What, sir, is the source or sources of
17 your prior information about this case?

18 PROSPECTIVE JUROR: Television, and possibly a
19 newspaper.

20 THE COURT: Do you subscribe to a newspaper at home?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: What newspaper would you have occasion
23 to see then from time to time?

24 PROSPECTIVE JUROR: The Citrus County Chronicle.

25 THE COURT: What's the name of the newspaper there?

1 Citrus County what?

2 PROSPECTIVE JUROR: Chronicle.

3 THE COURT: Chronicle. How many articles do you
4 recall having seen in the Chronicle, Mr. Akers?

5 PROSPECTIVE JUROR: Possibly one.

6 THE COURT: All right. And about when was that?

7 PROSPECTIVE JUROR: I guess it was probably about a
8 month ago.

9 THE COURT: A month ago?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Do you recall -- well, let me ask first,
12 did you read that article carefully from beginning to end?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: Even so, do you recall anything being
15 said in that article, an account or description, so forth --

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: -- that you haven't heard about here?

18 PROSPECTIVE JUROR: No. I just read the headline.

19 THE COURT: All right. Now, television, you said.
20 How many times have you seen something on television about
21 this case?

22 PROSPECTIVE JUROR: Possibly three or four times.

23 THE COURT: Starting and ending when?

24 PROSPECTIVE JUROR: Probably three months ago,
25 ending about a week ago.

1 THE COURT: What channel or station would that have
2 been? Or was it more than one?

3 PROSPECTIVE JUROR: Probably more than one; on
4 Channel 2, 6 and possibly Channel 9.

5 THE COURT: All right. Do you recall anything from
6 any of those television broadcasts that sticks in your mind as
7 something that you haven't heard about here?

8 PROSPECTIVE JUROR: No, sir, I don't.

9 THE COURT: All right. Thank you, Mr. Akers.
10 Ms. Bradshaw, did you raise your hand?

11 PROSPECTIVE JUROR: Yes, sir, I did.

12 THE COURT: What, ma'am, is the source of your prior
13 information?

14 PROSPECTIVE JUROR: The Ocala Star-Banner and my
15 husband.

16 THE COURT: Let's start with the latter.

17 PROSPECTIVE JUROR: It was my husband who brought to
18 my attention that the summons I received may have to do with
19 this case.

20 THE COURT: All right. And was that the extent of
21 the conversation?

22 PROSPECTIVE JUROR: No, sir. He also informed me
23 of --

24 THE COURT: Wait just a minute. There was some
25 additional discussion about the case, I take it?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: During the course of that discussion,
3 did he make any comment concerning anything about the case or
4 description of the case that you haven't heard here already?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: When did this conversation occur, by the
7 way?

8 PROSPECTIVE JUROR: After January 5th. That's when
9 we returned to town.

10 THE COURT: Sometime within the last ten days?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: All right. And then what else? You
13 mentioned something -- television?

14 PROSPECTIVE JUROR: Ocala Star-Banner.

15 THE COURT: Star-Banner?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: You subscribe to the Star-Banner?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: How many times did you read some article
20 in the Star-Banner that had to do with this case, if you
21 remember?

22 PROSPECTIVE JUROR: I read an article in full late
23 last week. And then prior to that, I may have seen other
24 headlines, but I did not read those.

25 THE COURT: There was an article late last week.

1 Did you say you read it in full? Was that your word?

2 PROSPECTIVE JUROR: I believe I read it in full,
3 yes, sir.

4 THE COURT: All right. And do you recall anything
5 in that article, statement or account -- you have heard the
6 question -- that sticks in your mind that you haven't heard
7 about here?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: All right. Thank you, Ms. Bradshaw.
10 Mr. Scott, did you raise your hand?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: What, sir, is the source or sources of
13 your prior information about this case?

14 PROSPECTIVE JUROR: TV and radio.

15 THE COURT: What television station or stations do
16 you watch, Mr. Scott?

17 PROSPECTIVE JUROR: Channel 9 out of Orlando.

18 THE COURT: All right. So whatever you saw would
19 have been on Channel 9?

20 PROSPECTIVE JUROR: Correct.

21 THE COURT: How many times do you recall having seen
22 or heard something on Channel 9 about the case?

23 PROSPECTIVE JUROR: Maybe three to four times.

24 THE COURT: Starting and ending when, roughly?

25 PROSPECTIVE JUROR: Starting this morning -- or

1 three months ago, and ending this morning.

2 THE COURT: All right. Do you remember from any of
3 those broadcasts, sir, any statement being made or description
4 being given or an account recited, any way you wish to
5 describe it, of some fact or circumstance that sticks out in
6 your mind as something you haven't heard about here in court?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: All right. And the radio, where do you
9 listen to your radio, Mr. Scott?

10 PROSPECTIVE JUROR: In the car. The car.

11 THE COURT: In your vehicle?

12 PROSPECTIVE JUROR: Correct.

13 THE COURT: How many times do you recall hearing
14 something on your radio about the case?

15 PROSPECTIVE JUROR: Only this morning. That was
16 coming here.

17 THE COURT: All right. And that had to do with --

18 PROSPECTIVE JUROR: The media.

19 THE COURT: All right. Thank you, Mr. Scott.

20 Ms. Lewis, did you raise your hand?

21 PROSPECTIVE JUROR: Yes, Your Honor.

22 THE COURT: What, ma'am, is the source or are the
23 sources of your prior information concerning this case?

24 PROSPECTIVE JUROR: One headline or blurb on Channel
25 9; and then mostly radio on my way to work; and a brief

1 conversation with my husband.

2 THE COURT: When did that conversation occur?

3 PROSPECTIVE JUROR: Just before we left before the
4 Christmas holidays to go on a family vacation, because I had
5 gotten the summons at that time. And he knew that this court
6 case would be here in Ocala, or thought it would be here in
7 Ocala.

8 THE COURT: So he said to you it looked like you
9 might be serving as a juror in this case?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: That was the extent of the conversation?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: You haven't seen anything in the
14 newspaper about it?

15 PROSPECTIVE JUROR: No. I don't read the newspaper.

16 THE COURT: Haven't seen it on the Internet?

17 PROSPECTIVE JUROR: No.

18 THE COURT: But you have seen or heard something on
19 Channel 9?

20 PROSPECTIVE JUROR: That's correct.

21 THE COURT: How many times?

22 PROSPECTIVE JUROR: I would say once with Channel 9.
23 Most of my news comes from the radio. I don't watch a lot of
24 TV. So one time at the beginning of the whole indictment
25 process is the time that I would have heard something on

1 Channel 9, and the rest of it would have been on the radio.

2 THE COURT: All right. I take it then you don't
3 remember anything from -- well, don't let me put words in your
4 mouth, but from Channel 9, from what you've just said, I take
5 it you don't remember any detail beyond what you have heard
6 here.

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: But, now, radio, how many times have you
9 heard something on the radio about the case?

10 PROSPECTIVE JUROR: Maybe three or four different
11 times.

12 THE COURT: How recently?

13 PROSPECTIVE JUROR: As recently as this morning, and
14 going back probably before the Christmas holidays.

15 THE COURT: All right. Do you recall anything ever
16 being said on the radio that you overheard having to do with
17 this case concerning any account or description or the like
18 that you haven't heard about here this morning?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: All right. Thank you, Ms. Lewis.
21 Ms. Stoneman, did you raise your hand?

22 PROSPECTIVE JUROR: Yes, Your Honor.

23 THE COURT: What, ma'am, are the sources of your
24 prior information about this case?

25 PROSPECTIVE JUROR: Only one time on TV that I

1 really paid attention to it.

2 THE COURT: All right. When was that?

3 PROSPECTIVE JUROR: Probably three, at least three
4 months ago.

5 THE COURT: What channel would that have been? Do
6 you recall?

7 PROSPECTIVE JUROR: I'm not positive. I am thinking
8 it could have been Fox, because I watch Fox news a lot. It
9 was either Fox or CNN. I am not for really sure which one.

10 THE COURT: That would be one of the national --

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: -- the cable newscasts.

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: And you can remember one time, you say,
15 that you paid attention or con --

16 PROSPECTIVE JUROR: When I watched that one time, I
17 paid a lot of attention to what I was listening to.

18 THE COURT: All right. And did you hear anything
19 being discussed or recited about the case or anybody involved
20 in the case that you haven't heard already described here this
21 morning --

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: -- or this afternoon?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: All right. Aside from that one

1 broadcast, do you remember any detail about the case from any
2 other source that you haven't heard here?

3 PROSPECTIVE JUROR: Just that one time.

4 THE COURT: All right. Thank you, Ms. Stoneman.

5 Ms. Hoppe, did you raise your hand?

6 PROSPECTIVE JUROR: Yes, I did.

7 THE COURT: Thank you. What are the sources, ma'am,
8 of your information about this case?

9 PROSPECTIVE JUROR: The newspaper.

10 THE COURT: What newspaper would that be?

11 PROSPECTIVE JUROR: The Star-Banner, Gainesville TV
12 and family.

13 THE COURT: And family, you said?

14 PROSPECTIVE JUROR: (Nodding head.)

15 THE COURT: How many times have you discussed this
16 case with members of your family?

17 PROSPECTIVE JUROR: When I got the summons saying
18 that I was going to be on the jury pool -- well, it started
19 before that, when I got a notice saying that I was on the
20 list. My daughter said don't look at anything that says
21 Federal. And then when I got the notice for this day, she
22 said she thought it would be this trial.

23 THE COURT: All right. That doesn't sound as though
24 you discussed the details of the asserted facts of the case or
25 anything of that kind.

1 PROSPECTIVE JUROR: No.

2 THE COURT: Just your likelihood of being a juror.

3 PROSPECTIVE JUROR: That's right.

4 THE COURT: All right. But, now, you have read the
5 Star-Banner. You subscribe to the Star-Banner, do you?

6 PROSPECTIVE JUROR: Yes, we do.

7 THE COURT: How many times have you read something
8 in the Star-Banner about the case?

9 MR. BERNHOFT: I purposely made a point, since I
10 found out the trial was going to be in Ocala, that if I saw
11 his name, I didn't read the article.

12 THE COURT: All right. So you have seen something
13 in the Star-Banner, but you deliberately avoided reading it?

14 PROSPECTIVE JUROR: Right.

15 THE COURT: And then you mentioned Gainesville TV.

16 PROSPECTIVE JUROR: Right. That's when I did my --
17 I don't know what station it is. We have -- it's 20 on my TV.

18 THE COURT: All right. WCJB, I think it is. But,
19 whatever, how many times did you see something on television
20 about the case?

21 PROSPECTIVE JUROR: Again, when I would hear that, I
22 would turn the station, you know, if I even heard mention of
23 the trial that it was coming or anything. I deliberately
24 avoided.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR: I deliberately avoided anything
2 to do with it, and anything to do with any other one that
3 looked like it was going to be a Federal case.

4 THE COURT: All right. So, in reality, you had no
5 information about the case before you came here, other than
6 the fact --

7 PROSPECTIVE JUROR: I did hear one thing. And I was
8 in the post office, and somebody mentioned something that has
9 not been brought up here.

10 THE COURT: All right. When was that?

11 PROSPECTIVE JUROR: About two weeks ago.

12 THE COURT: And you were in the post office, you
13 say?

14 PROSPECTIVE JUROR: Yes, I was.

15 THE COURT: And you overheard -- was this person
16 known to you?

17 PROSPECTIVE JUROR: Postmaster.

18 THE COURT: The postmaster?

19 PROSPECTIVE JUROR: Yeah. It's a small post office.

20 THE COURT: All right. Does that cover your prior
21 knowledge then, Ms. Hoppe?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Thank you.

24 Mr. Cannaday, did you raise your hand?

25 PROSPECTIVE JUROR: Yes, I did.

1 THE COURT: What, sir, are the sources of your prior
2 information that you would relate to this case?

3 PROSPECTIVE JUROR: Friends. I have three friends
4 that informed me when they heard what date I was going to be,
5 well, set for jury duty.

6 THE COURT: Did this occur at one setting or three
7 different conversations?

8 PROSPECTIVE JUROR: Actually, three different
9 conversations.

10 THE COURT: All right. All on the same day, I take
11 it?

12 PROSPECTIVE JUROR: No.

13 THE COURT: No. Over what period of time?

14 PROSPECTIVE JUROR: Over a couple of days.

15 THE COURT: All right. How would you describe --
16 without going into exactly what was said, Mr. Cannaday, how
17 would you describe those conversations? Did any of your
18 friends, any one of them mention to you anything about the
19 case, other than the fact that it was coming on for trial?

20 PROSPECTIVE JUROR: Yes, Your Honor. I didn't know
21 about the case at all. I had never heard of it, so they
22 brought up --

23 THE COURT: All right. So in the course of those
24 conversations, was anything mentioned that you haven't heard
25 about here in court?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: All right. Perhaps I asked -- when did
3 those conversations occur, Mr. Cannaday, how long ago?

4 PROSPECTIVE JUROR: Approximately two weeks ago,
5 give or take.

6 THE COURT: All right. Mr. Strickland, did you
7 raise your hand, sir?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: What is the source, sir, or sources of
10 your prior information about the case?

11 PROSPECTIVE JUROR: Television.

12 THE COURT: Television?

13 PROSPECTIVE JUROR: Television.

14 THE COURT: What channel?

15 PROSPECTIVE JUROR: Channel 2.

16 THE COURT: How many times, sir, have you had
17 occasion to hear or see something on Channel 2 about the case
18 or someone involved in it?

19 PROSPECTIVE JUROR: Three or four times.

20 THE COURT: Haven't read anything in the newspaper?

21 PROSPECTIVE JUROR: No, sir. I did see an article
22 perusing in the paper this morning, and just saw the headline
23 regarding it, and I was already here.

24 THE COURT: And you haven't had any conversations
25 with others about the case?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: You haven't seen anything on the
3 Internet on the case?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Channel 2?

6 PROSPECTIVE JUROR: Channel 2.

7 THE COURT: Three or four times?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Beginning and ending when, would you
10 say?

11 PROSPECTIVE JUROR: Probably right after I got the
12 summons. I generally don't focus on an article unless it's
13 potentially going to affect me. And I noticed it, that that
14 one might affect me. So that's when I recall starting to see
15 the articles on Channel 2.

16 THE COURT: So that would mean within the last six
17 weeks, thereabouts?

18 PROSPECTIVE JUROR: Yes, sir. Yes, sir.

19 THE COURT: Do you recall any account being stated
20 or related on any of those telecasts on Channel 2,
21 Mr. Strickland, that mentioned something that you do remember,
22 stands out in your mind that you haven't already heard about
23 here in court?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: All right. Thank you, Mr. Strickland.

1 Now then, let me go back to everyone again. Those
2 of you who did raise your hand indicating that you had heard
3 about the case before you came here this morning -- which I
4 think is most of you -- with respect to what you have heard or
5 read or seen about this case or anyone involved in this case
6 before you came here this morning, have any of you, however
7 slightly, formed any kind of an opinion about anybody involved
8 in the case?

9 Apart from the case itself -- I'm going to ask two
10 questions; about anyone involved in the case or the case
11 itself, the nature of the case and the proceeding, generally.

12 The first question being whether you have had
13 occasion, based on what you have seen or read or heard or
14 discussed with others, any of you believe that you have formed
15 an opinion about any of the people involved in the case or any
16 individual involved in the case in any way? If so, please
17 raise your hand. Any of you?

18 (Prospective jurors indicating.)

19 THE COURT: All right. Thank you, Mr. Sheehan and
20 Mr. Colen.

21 Anybody else?

22 PROSPECTIVE JUROR: I have.

23 THE COURT: All right. Ms. Stoneman. All right.
24 Then it would be Mr. Sheehan, Mr. Colen and Ms. Stoneman.
25 Anybody else?

1 (No response.)

2 THE COURT: All right. Now, the second part of that
3 question, which is a slightly different inquiry, whether any
4 of you believe that you have formed an opinion of some kind,
5 one way or the other, about the nature of the proceeding or
6 the case itself because of what you have read or heard before?
7 Does that apply to any of you? If so, raise your hand.

8 (No response.)

9 THE COURT: All right. Now then, let me move on to
10 another subject for the moment. How many of you or members of
11 your immediate family -- and a number of questions that I am
12 going to ask from this point on will have to do with your
13 family, as well as yourselves, individually.

14 How many of you have ever been the victim of any
15 serious crime or criminal act, the victim of any serious crime
16 or criminal act, such as a burglary, robbery, a mugging or any
17 other felony-type of offense, a serious matter?

18 If that applies to you -- I will take the jury box
19 first -- raise your hands, if you would, please.

20 (Prospective jurors indicating.)

21 THE COURT: All right. Thank you. Mr. Amodeo, was
22 it yourself or some member of your family?

23 PROSPECTIVE JUROR: Member of my family.

24 THE COURT: All right. How long ago was this?

25 PROSPECTIVE JUROR: Three-and-a-half years ago.

1 THE COURT: And in just a word or so, can you tell
2 me what your relationship was to the person and what the
3 nature of the offense was.

4 PROSPECTIVE JUROR: Stepbrother-in-law,
5 stepbrother-in-law robbed our office.

6 THE COURT: Was robbed?

7 PROSPECTIVE JUROR: Robbed our office.

8 THE COURT: Your stepbrother-in-law robbed your
9 office?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: All right. So the perpetrator was
12 obviously known to you.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Was he arrested and charged with the
15 offense?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Did you have occasion to attend any
18 judicial proceedings relating to it?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: All right. Thank you.

21 And there was another hand. Ms. Martin, was it
22 yourself or some member of your family?

23 PROSPECTIVE JUROR: Ourselves, myself and my
24 husband, our house was broken into.

25 THE COURT: How long ago was that?

1 PROSPECTIVE JUROR: About 25, 30 years ago.

2 THE COURT: All right. Things of value were taken
3 from you?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Were they ever restored or returned to
6 you?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Try to answer audibly so the recorder
9 can capture it.

10 PROSPECTIVE JUROR: No. I'm sorry.

11 THE COURT: Was anyone arrested or charged with the
12 offense?

13 PROSPECTIVE JUROR: No, Your Honor.

14 THE COURT: All right. In the front row there, was
15 there another hand? I will come to the chairs in just a
16 moment.

17 Thank you. Ms. Holtsclaw, how does this question
18 apply to you, ma'am?

19 PROSPECTIVE JUROR: I have actually two instances.
20 My home was broken into about ten years ago. Nothing was
21 stolen. It was a juvenile and he was skipping school. And my
22 late husband was the victim of an assault prior to our
23 becoming involved.

24 THE COURT: All right. So I take it you had little
25 or no knowledge at the time of that assault.

1 PROSPECTIVE JUROR: No, no; afterwards.

2 THE COURT: All right. You had no occasion to
3 attend a trial or any judicial proceedings on either of those
4 circumstances?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: I believe there was another -- thank
7 you. Mr. Lazinsk.

8 PROSPECTIVE JUROR: Yes. Myself and my wife, I had
9 an item of large value stolen from me in person.

10 THE COURT: When was that, sir?

11 PROSPECTIVE JUROR: I'm sorry?

12 THE COURT: When did that happen?

13 PROSPECTIVE JUROR: Probably about eight years ago.
14 And I believe my wife was, in a previous job before we met,
15 part of a robbery at her place of business.

16 THE COURT: All right. Was anyone ever arrested and
17 charged with either of those offenses, to your knowledge?

18 PROSPECTIVE JUROR: Not that I am aware of, no.

19 THE COURT: You never had occasion to give testimony
20 or attend a trial or anything of that kind?

21 PROSPECTIVE JUROR: Never got that far.

22 THE COURT: All right. Mr. Ferrara, did you raise
23 your hand?

24 PROSPECTIVE JUROR: No.

25 THE COURT: It was Mr. Sheehan. How does the

1 question apply to you, sir?

2 PROSPECTIVE JUROR: I was burglarized twice.

3 THE COURT: When was the most recent of those, sir?

4 PROSPECTIVE JUROR: It was about 25 years ago.

5 THE COURT: I see. All right. And was anyone
6 arrested or charged with those offenses?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Was there any other hand in
9 the jury box that I may have overlooked?

10 There were several here in the front row. May I see
11 them again, if you or your family have been the victim of a
12 serious offense.

13 Thank you. Ms. Cooke-Yarborough, how does that
14 question apply to you? Was it yourself or some member of your
15 family?

16 PROSPECTIVE JUROR: Myself and my family, we were
17 held up at gunpoint in our front yard.

18 THE COURT: When was this?

19 PROSPECTIVE JUROR: About 29 years ago.

20 THE COURT: Was anyone arrested and charged with
21 that offense?

22 PROSPECTIVE JUROR: Yes, he was.

23 THE COURT: Did you have occasion to give testimony
24 or attend a trial or anything of that kind?

25 PROSPECTIVE JUROR: It never went to trial. We did

1 get -- I don't know. We had to sit down and give a statement
2 and tell exactly what had happened.

3 THE COURT: You had that experience?

4 PROSPECTIVE JUROR: Uh-huh.

5 THE COURT: But it's not clear to me. Was anyone
6 arrested and charged with the offense?

7 PROSPECTIVE JUROR: Yes, he was.

8 THE COURT: All right. Thank you.

9 Ms. Tuck, how does the question apply to you, ma'am?

10 PROSPECTIVE JUROR: Indirectly. My husband's
11 businesses, approximately 100 times in the last
12 eight-and-a-half-years, armed robbery.

13 THE COURT: Have been what?

14 PROSPECTIVE JUROR: Armed robbery.

15 THE COURT: That many times? What is his business?

16 PROSPECTIVE JUROR: Convenience stores.

17 THE COURT: Have you ever been present during the
18 course of one of these offenses?

19 PROSPECTIVE JUROR: (Shaking head.)

20 THE COURT: All right. Have you ever had occasion
21 to attend a deposition perhaps being given by your husband
22 with respect to one or more of these offenses or anything of
23 that kind?

24 PROSPECTIVE JUROR: No.

25 THE COURT: All right. Anyone else there?

1 Thank you. Ms. Smith, how does that apply to you,
2 ma'am?

3 PROSPECTIVE JUROR: Myself and my children, we were
4 hit head-on by a drunk driver.

5 THE COURT: When was that?

6 PROSPECTIVE JUROR: October of 2001.

7 THE COURT: Was anyone seriously injured, Ms. Smith?

8 PROSPECTIVE JUROR: Yes. I was in a wheelchair for
9 six months and my son was in a coma for a month.

10 THE COURT: I take it the drunk driver was
11 identified, he was arrested, charged with the offense?

12 PROSPECTIVE JUROR: He was charged and arrested. It
13 never went to trial. He got 13 continuances, his license
14 back, and he died drunk driving.

15 THE COURT: You are not particularly happy with the
16 criminal justice system as a result with that?

17 PROSPECTIVE JUROR: My problem is more with drunk
18 drivers.

19 THE COURT: Pardon?

20 PROSPECTIVE JUROR: My problem is more with drunk
21 drivers than the justice system.

22 THE COURT: All right. Since I have touched on
23 that, now is a good time to ask it. Do you think, Ms. Smith,
24 that the experience that you did have on that occasion with
25 the criminal justice system, which understandably was not a

1 happy one from your point of view, would affect your ability
2 to be a fair and impartial juror in a criminal case?

3 PROSPECTIVE JUROR: Not at all. I don't see how
4 they are related in any way. Like I said, my problem is with
5 drunk drivers.

6 THE COURT: Drunk drivers. How about everyone else,
7 have any of you or any members of your family ever had what
8 you regarded as a bad or unpleasant or unsatisfactory
9 experience with any aspect of the criminal justice system
10 starting with law enforcement on the street up through court
11 itself, that might make it difficult for you to serve fairly
12 and impartially as a juror in the system? Does that apply to
13 any of you?

14 (No response.)

15 THE COURT: All right. Mr. Johnson, did you raise
16 your hand?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: No. All right. In the chairs there in
19 the middle, any of you or any members of your family ever the
20 victim of a serious offense of some kind?

21 Mr. Rossdeutscher, how does that apply to you or
22 your family, sir?

23 PROSPECTIVE JUROR: Our house was robbed a little
24 over two years ago.

25 THE COURT: I'm sorry. I didn't hear.

1 PROSPECTIVE JUROR: Our house was robbed a little
2 over two years ago.

3 THE COURT: Were you present at the time?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Something of value taken?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Was it ever returned or recovered?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Anyone ever arrested and charged with
10 the offense?

11 PROSPECTIVE JUROR: No.

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

13 Was there another hand there? Anyone on the pews,
14 the pew rather in the immediate rear there?

15 Mr. Colen, how does that apply to you, sir?

16 PROSPECTIVE JUROR: A large drug drop on our
17 property, and I was a material witness to a purse-snatching
18 where a bystander died.

19 THE COURT: When was that, Mr. Colen?

20 PROSPECTIVE JUROR: The drug drop was in the early
21 eighties, 1982, I want to say; and the purse-snatching was
22 probably 1983 or -4.

23 THE COURT: Did you have occasion to give testimony
24 in any trial or judicial proceeding on either of those
25 occasions?

1 PROSPECTIVE JUROR: Yes, sir, I did.

2 THE COURT: All right. Thank you.

3 There was another hand there somewhere. Thank you.

4 Ms. Hoppe?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: How does the question apply to you or
7 your family, Ms. Hoppe?

8 PROSPECTIVE JUROR: My son's house was robbed.

9 THE COURT: How long ago?

10 PROSPECTIVE JUROR: About five years ago. And then
11 I had a home invasion. And that was about 12 years ago.

12 THE COURT: That implies that you were personally
13 confronted by the invaders of your home.

14 PROSPECTIVE JUROR: Oh, yeah. But I got my gun and
15 he ran real fast.

16 THE COURT: That was the end of the matter, once you
17 became armed, I take it?

18 PROSPECTIVE JUROR: That was it.

19 THE COURT: Somehow, I can understand that.

20 PROSPECTIVE JUROR: Hey, I lived in Miami.

21 THE COURT: Were the offenders arrested and charged
22 with an offense, Ms. Hoppe?

23 PROSPECTIVE JUROR: No. No. He never came back.

24 THE COURT: And you were unable to identify who they
25 were, I take it?

1 PROSPECTIVE JUROR: I only saw the young man, but I
2 could not identify him. He ran so fast, it wasn't funny when
3 he saw me getting that gun.

4 THE COURT: All right. Thank you.

5 Now, was there anyone else who has been the victim,
6 you or members of your family, of some criminal offense?

7 (No response.)

8 THE COURT: How about apart from crimes involving
9 physical violence or threats of violence, which I think would
10 apply to almost everything I've heard about here? What about
11 commercial transactions; fraud, deception, that sort of thing
12 in a commercial sense? In other words, involved with a
13 commercial transaction. Does that apply to any of you or
14 members of your family? No?

15 Oh, yes, Mr. Lazinsk.

16 PROSPECTIVE JUROR: Through work, fraud and those
17 types of things, yes.

18 THE COURT: Yourself or a member of your family,
19 sir?

20 PROSPECTIVE JUROR: No. I have to come in contact
21 with that often, maybe people involved in that.

22 THE COURT: In what connection do you come in
23 contact with them?

24 PROSPECTIVE JUROR: Often to terminate employment,
25 things of that nature.

1 THE COURT: What's the nature of your work, sir?

2 PROSPECTIVE JUROR: Management.

3 THE COURT: I see. Do you own and operate your own
4 business or are you employed by someone else?

5 PROSPECTIVE JUROR: I am employed.

6 THE COURT: And by whom?

7 PROSPECTIVE JUROR: A corporation, a home builder.

8 THE COURT: All right. A home builder, you say?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: All right. We will come back to that
11 later on.

12 Those of you who then have raised your hand and with
13 whom I have discussed the fact that you or some member of your
14 family has at one point in time been the victim of an offense,
15 let me ask whether or not your experience in that regard may
16 have caused you to form an opinion or conviction about crime
17 or the criminal justice system, in general, that might make it
18 difficult for you to serve fairly and impartially in a
19 criminal case, simply because it is a criminal proceeding,
20 such as this one?

21 If you think that experience might in any way
22 prevent you, however slightly, even subconsciously perhaps,
23 from being a fair and impartial juror, just raise your hand
24 again, please. Anybody?

25 Mr. Lazinsk?

1 PROSPECTIVE JUROR: (Nodding head.)

2 THE COURT: All right. Anyone else?

3 (No response.)

4 THE COURT: Thank you. Now, let me ask that
5 question the other way around, so to speak. And we aren't
6 going into any detail about this because I realize it could be
7 a source of some embarrassment, but I must ask whether any of
8 you or members of your immediate family have ever in the past
9 been charged in State or Federal court with the commission of
10 some offense, other than traffic-related matters, but
11 including drunk driving. Regardless of the outcome of the
12 proceeding, if that's ever been your experience or the
13 experience of someone in your family, would you simply raise
14 your hand, please.

15 (Prospective jurors indicating.)

16 THE COURT: All right. I see several hands. Thank
17 you. Mr. Elkins, you raised your hand?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Was it yourself or some member of your
20 family?

21 PROSPECTIVE JUROR: Myself.

22 THE COURT: All right. How long ago was this, sir?

23 PROSPECTIVE JUROR: Seventeen, 18 years.

24 THE COURT: It is, obviously, over and done with
25 now.

1 PROSPECTIVE JUROR: Over and done with, yes.

2 THE COURT: All right. And so I can know whether it
3 has anything similar to this case, can you tell me in a word
4 what the charge was, Mr. Elkins.

5 PROSPECTIVE JUROR: Assault on a person that was
6 harassing my young son.

7 THE COURT: I see. All right. Thank you, sir.

8 Ms. Holtsclaw, was it yourself or some member of
9 your family?

10 PROSPECTIVE JUROR: My late husband.

11 THE COURT: How long ago was this?

12 PROSPECTIVE JUROR: Sixteen years ago.

13 THE COURT: All right. And so, obviously, that's
14 all over and done with, for more than one reason.

15 PROSPECTIVE JUROR: Yes, sir. Yes, sir.

16 THE COURT: Nevertheless, can you tell me what the
17 nature of the charge was at the time?

18 PROSPECTIVE JUROR: It was a worthless check.

19 THE COURT: All right. Thank you.

20 There was another hand or two up in the jury box.
21 Thank you. Mr. Lynch, was it yourself, sir, or some member of
22 your family?

23 PROSPECTIVE JUROR: It was a brother.

24 THE COURT: Your brother?

25 PROSPECTIVE JUROR: Uh-huh.

1 THE COURT: How long ago?

2 PROSPECTIVE JUROR: About 25 years ago.

3 THE COURT: So that's over and done with. In a
4 word, what was the nature of the charge?

5 PROSPECTIVE JUROR: It was robbery.

6 THE COURT: All right. Mr. Sheehan, you raised your
7 hand?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Yourself or some member of your family?

10 PROSPECTIVE JUROR: Myself, myself.

11 THE COURT: How long ago?

12 PROSPECTIVE JUROR: About 20 years ago.

13 THE COURT: All right. And in a word, sir, what was
14 the nature of the charge on that?

15 PROSPECTIVE JUROR: Illegal dumping.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR: Illegal dumping.

18 THE COURT: All right. Anyone else up in the jury
19 box itself that raised their hand in response to that
20 question?

21 It was one or two here, I believe. Thank you.

22 Mr. Johnson, was it yourself, sir, or some member of your
23 family?

24 PROSPECTIVE JUROR: A member of my family.

25 THE COURT: What was your relationship to the

1 person?

2 PROSPECTIVE JUROR: My uncle.

3 THE COURT: How long ago was this?

4 PROSPECTIVE JUROR: About 15 years.

5 THE COURT: Over and done with now?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: What was the nature of the charge?

8 PROSPECTIVE JUROR: Eventually, it ended up to be
9 vehicular manslaughter.

10 THE COURT: All right. In the chairs there, does
11 this apply to anyone, you or some member of your family
12 previously charged with a serious offense?

13 Mr. Salisbury, was it yourself, sir, or some member
14 of your family?

15 PROSPECTIVE JUROR: Member of my family; half-
16 brother, assault, 15 years ago.

17 THE COURT: Thank you, sir.

18 Anybody else there in the -- Ms. Bradshaw, you are
19 holding up your hand?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: Was it yourself or some member of your
22 family?

23 PROSPECTIVE JUROR: My nephew.

24 THE COURT: How long ago?

25 PROSPECTIVE JUROR: Five years ago.

1 THE COURT: It's over and done with now?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: What was the nature of the charge?

4 PROSPECTIVE JUROR: Growing marijuana with intent to
5 sale.

6 THE COURT: I'm sorry?

7 PROSPECTIVE JUROR: Growing marijuana with intent to
8 sell.

9 THE COURT: All right. Thank you.

10 Was there another hand? Ms. Lewis?

11 PROSPECTIVE JUROR: Did you say we needed to
12 disclose traffic violations?

13 THE COURT: I'm sorry. I couldn't hear.

14 PROSPECTIVE JUROR: Did you say we needed to
15 disclose traffic violations?

16 THE COURT: Yes; no need to.

17 PROSPECTIVE JUROR: Okay. Yes; thirteen years.

18 THE COURT: Okay. And there was somebody else.
19 Ms. Hoppe?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Was it yourself or some member of your
22 family?

23 PROSPECTIVE JUROR: It was a brother-in-law.

24 THE COURT: Brother-in-law?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: How long ago?

2 PROSPECTIVE JUROR: About 15, 20 years ago.

3 THE COURT: So that, also, is over and done with, I
4 assume.

5 PROSPECTIVE JUROR: (Nodding head.)

6 THE COURT: Still, what was the nature of the
7 charge, ma'am?

8 PROSPECTIVE JUROR: He was drug trafficking.

9 THE COURT: All right. Thank you.

10 Anyone else?

11 PROSPECTIVE JUROR: Judge, going back to that other
12 question, I worked in a bank. I wasn't personally involved,
13 but tellers stealing or something like that.

14 THE COURT: You were present in the bank when
15 robberies occurred?

16 PROSPECTIVE JUROR: Yeah, I worked there when
17 somebody was caught.

18 THE COURT: I understand. Thank you. I take it you
19 never had to appear as a witness, give testimony or anything
20 of that kind?

21 PROSPECTIVE JUROR: No. No.

22 THE COURT: All right. Back to where we were, those
23 of you who have had the experience in the past of coming into
24 contact, either personally or through the family member you
25 mentioned with the criminal justice system, whether there was

1 anything about that experience that may make it difficult for
2 you to serve completely and fairly and impartially in this
3 case as a juror, considering that it is a criminal
4 prosecution?

5 (No response.)

6 THE COURT: Think about it. And if you think you
7 may be influenced in some way, however slightly, by that
8 experience that you have had, raise your hand again, please.

9 PROSPECTIVE JUROR: Your Honor?

10 THE COURT: Yes, Mr. Costanzi.

11 PROSPECTIVE JUROR: I am not saying it would
12 influence my decision in any way, but I am a retired
13 correctional officer.

14 THE COURT: Well, you anticipate my very next
15 question.

16 PROSPECTIVE JUROR: Oh, I did. It was coming.

17 THE COURT: And you are sitting in the first chair
18 there. So my next question is, unless there is another hand
19 in response to the last one, and I didn't see one, how many of
20 you have ever held a job or occupation having any law
21 enforcement authority or responsibility, including, for
22 example, that of a corrections officer?

23 Mr. Costanzi. No one else? I see two other hands.

24 Or family members, immediate family members, as
25 well, ever held a job or occupation having law enforcement

1 authority or responsibility? That produces a few more.

2 Mr. Costanzi, we will start with you then. You were
3 a corrections officer?

4 PROSPECTIVE JUROR: Yes, I was.

5 THE COURT: For whom and for what period?

6 PROSPECTIVE JUROR: Dutchess County, New York,
7 almost 18 years.

8 THE COURT: When did you leave that position?

9 PROSPECTIVE JUROR: 2002.

10 THE COURT: So that was your primary employment
11 during your most recent employment experience, I take it?

12 PROSPECTIVE JUROR: Well, no. I am employed now
13 with public services, construction. Me and my wife moved down
14 here because my mother fell ill, so --

15 THE COURT: I see. But you served as a county
16 corrections officer for 17 years, you say?

17 PROSPECTIVE JUROR: Seventeen years, yeah.

18 THE COURT: All right. Ms. Havelly, you raised your
19 hand?

20 PROSPECTIVE JUROR: My son-in-law is a police
21 officer.

22 THE COURT: Where does he serve?

23 PROSPECTIVE JUROR: In Carmel, Indiana.

24 THE COURT: In Indiana. How long has he been
25 employed in that position?

1 PROSPECTIVE JUROR: Twenty years.

2 THE COURT: All right. In the front row there -- I
3 think there was no more hands in the back -- no. Mr. Tuttle,
4 how does that apply to you, sir?

5 PROSPECTIVE JUROR: My brother-in-law is a police
6 officer.

7 THE COURT: Your brother-in-law?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Where is that?

10 PROSPECTIVE JUROR: In Nashville.

11 THE COURT: Nashville, Tennessee?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: All right. Mr. Ferrara?

14 PROSPECTIVE JUROR: My brother is retired. He was a
15 police officer down in west Miami.

16 THE COURT: I didn't hear the last part. Your
17 brother --

18 PROSPECTIVE JUROR: Was a police officer in west
19 Miami, Florida.

20 THE COURT: In Miami?

21 PROSPECTIVE JUROR: (Nodding head.)

22 THE COURT: Now retired?

23 PROSPECTIVE JUROR: (Nodding head.)

24 THE COURT: Mr. Sheehan, you raised your hand.

25 PROSPECTIVE JUROR: Yes. I have of two sons that

1 are police officers.

2 THE COURT: Presently so employed?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Here in the front row there were some
5 hands, I think. Ms. Tuck?

6 PROSPECTIVE JUROR: This may be too -- my husband's
7 grandfather was killed in the line of duty.

8 THE COURT: As a police officer?

9 PROSPECTIVE JUROR: (Nodding head.)

10 THE COURT: This was some years ago?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. Ms. Kenney, you raised your
13 hand?

14 PROSPECTIVE JUROR: Yes, sir. My father-in-law and
15 brother-in-law are both corrections officers.

16 THE COURT: For whom? Where do they work?

17 PROSPECTIVE JUROR: The women's prison around here
18 and then the maximum security men's prison around here. I do
19 not even -- that's sad, but I don't know the names of them.

20 PROSPECTIVE JUROR: Lowell.

21 PROSPECTIVE JUROR: Lowell. Lowell is one of them,
22 yes. It's not in a cave, so I don't know.

23 THE COURT: Thank you, Ms. Kenney.

24 Mr. Johnson, you raised your hand?

25 PROSPECTIVE JUROR: Yes, sir. My brother-in-law was

1 a New York City police officer.

2 THE COURT: All right. Now retired?

3 PROSPECTIVE JUROR: About 20 years, sir.

4 THE COURT: All right. And Mr. Salisbury?

5 PROSPECTIVE JUROR: U.S. Army criminal investigator.

6 THE COURT: You are, yourself?

7 PROSPECTIVE JUROR: Was; was until 1993.

8 THE COURT: All right. For whom?

9 PROSPECTIVE JUROR: U.S. Army.

10 THE COURT: There was another hand there, I think,
11 somewhere, or hands. Ms. Bradshaw?

12 PROSPECTIVE JUROR: Yes. My husband worked as a
13 police officer I believe for several agencies; Florida State
14 University, Leesburg Police, Marion County Sheriff's Office,
15 and is currently on reserve unit with the Gulf County
16 Sheriff's Office.

17 THE COURT: That's your husband?

18 PROSPECTIVE JUROR: That's my husband.

19 THE COURT: Thank you.

20 Ms. Hoppe?

21 PROSPECTIVE JUROR: My sister was a 99 -- 911
22 operator for Coral Springs, and I have a granddaughter who is
23 a 911 operator for Fort Myers.

24 THE COURT: All right. Thank you.

25 Anyone else? Yes, Mr. Strickland.

1 PROSPECTIVE JUROR: Yes, sir. I work for the
2 Department of Corrections. I do not have law authority. I
3 work in the health services. I don't know if that counts or
4 not.

5 THE COURT: Well, yes and no. Thank you, anyway,
6 Mr. Strickland. How long have you been employed in that
7 position, sir?

8 PROSPECTIVE JUROR: Thirteen years.

9 THE COURT: Thank you. Anyone else with law
10 enforcement in your family or in your personal background?

11 (No response.)

12 THE COURT: Those of you who raised your hand in
13 response to that question, let me ask whether your
14 affiliation, for lack of a better term, in your family or
15 personally with law enforcement activity or responsibility
16 might in any way influence or affect, however slightly, your
17 ability to be a fair juror in this case, considering that it
18 is a criminal prosecution?

19 You may, because of your experience tend to favor
20 the prosecution or favor the defense, either way. If you
21 think so, if you think you might be influenced, please raise
22 your hand again.

23 Ms. Bradshaw, you are raising your hand?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Thank you. Anyone else? Anyone else?

1 (No response.)

2 THE COURT: Let me ask you, those of you who raised
3 your hand, a slightly different question about that. Suppose
4 during the course of the trial a witness is called who
5 identifies himself or herself as a law enforcement officer or
6 agent or some law enforcement agency and testifies as a
7 witness, and then someone else is called to testify as a
8 witness who is not a law enforcement officer or agent, do you
9 think you would have the inclination to give the testimony of
10 the law enforcement officer more credence or believability
11 than you would the testimony of the other witness solely
12 because one happens to be an officer and the other is not? Do
13 you think any of you would do that?

14 (No response.)

15 THE COURT: All right. Have any of you or members
16 of your family ever had an experience that you regarded as
17 unhappy or unsatisfactory with a lawyer or law firm or court
18 perhaps that might now tend to affect your ability to be a
19 juror in this case? Because the case is going to be tried by
20 these lawyers who were previously introduced in this court.

21 If that applies to any of you, would you raise your
22 hands, please.

23 Ms. Tuck, you have had some such experience, have
24 you?

25 PROSPECTIVE JUROR: My husband.

1 THE COURT: Pardon?

2 PROSPECTIVE JUROR: My husband.

3 THE COURT: All right. And you think it might
4 affect your ability to be a fair juror in this case?

5 PROSPECTIVE JUROR: The way you mentioned it the
6 first time, yes. Just that, no, but -- it affected me, yes.
7 I don't know if I can -- I don't know. Possibly.

8 THE COURT: You are in doubt about it?

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: Did you raise your hand,
11 Ms. Cooke-Yarborough?

12 PROSPECTIVE JUROR: Yes. I was -- before, I was
13 married to a tax attorney. And I don't know, but -- I mean,
14 if that would influence, I don't think it would influence me.
15 The other thing is my half-sister is a tax attorney with the
16 Treasury.

17 THE COURT: Well, you anticipated my next question,
18 as well. I didn't see any other hands in response to the
19 previous one, so let me ask that. How many of you or members
20 of your immediate family have ever had any job experience or
21 training in the field of accountancy or in the preparation and
22 filing of tax returns of any kind? If that applies to you,
23 would you raise your hands, please.

24 (Prospective jurors indicating.)

25 THE COURT: All right. Thank you. I will have to

1 probably ask for those again.

2 PROSPECTIVE JUROR: Could you repeat that for me,
3 please? Could you repeat that for me, please?

4 THE COURT: I will. My question was -- and perhaps
5 I can state it in different words and make it a better
6 question. It was whether any of you or members of your
7 immediate family have ever had a job or training with respect
8 to accountancy or the preparation and filing of tax returns
9 for others?

10 So let me start -- but before I do,
11 Ms. Cooke-Yarborough, you did not -- my question did not
12 relate to your own experience?

13 PROSPECTIVE JUROR: Well, I thought I had already
14 answered. That's why I didn't say anything.

15 THE COURT: Okay. I will come back to you then in a
16 moment.

17 Ms. Bruno, you raised your hand. Is it yourself or
18 some member of your family?

19 PROSPECTIVE JUROR: Two of my sons are CPAs.

20 THE COURT: All right. Are they presently
21 practicing accountancy?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Where, by the way?

24 PROSPECTIVE JUROR: Montana --

25 THE COURT: In Montana.

1 PROSPECTIVE JUROR: -- and Tucson. Tucson, Arizona,
2 and Montana with the Governor.

3 THE COURT: Okay. Thank you.

4 There were a couple of other hands up there.
5 Mr. Lazinsk.

6 PROSPECTIVE JUROR: My father does accounting. He
7 is currently a comptroller locally.

8 THE COURT: All right. Thank you.

9 There was another hand up there, I think. Thank
10 you. Mr. Weller, how does that apply to you, sir?

11 PROSPECTIVE JUROR: I have a minor in accounting and
12 I understand accounting very well.

13 THE COURT: All right. Have you ever worked in the
14 field?

15 PROSPECTIVE JUROR: Yes, sir, for a period of time.

16 THE COURT: Pardon?

17 PROSPECTIVE JUROR: Yes, for a period of time.

18 THE COURT: All right. Have you ever prepared
19 someone else's tax return for a fee?

20 PROSPECTIVE JUROR: Never.

21 THE COURT: All right. Was there another hand up
22 in -- there were some here.

23 Ms. Cooke-Yarborough, now, how does the question
24 apply to you? And, again, the question is accountancy or
25 training in accountancy matters or preparation and filing of

1 tax returns.

2 PROSPECTIVE JUROR: Well, like I said, my first
3 husband was a CPA and a tax attorney, and my sister is a tax
4 attorney now with the Treasury.

5 THE COURT: Employed by the United States?

6 PROSPECTIVE JUROR: Yeah. She is in D.C.,
7 Washington, D.C.

8 THE COURT: By what agency?

9 PROSPECTIVE JUROR: I don't know what agency. I
10 just know she says she works for the Treasury doing --

11 THE COURT: For the Treasury Department?

12 PROSPECTIVE JUROR: Yeah; and she is a tax attorney.

13 THE COURT: All right. Was there another hand?
14 Yes, thank you. Ms. Saraceni?

15 PROSPECTIVE JUROR: Yes. My daughter was at --
16 worked for H & R Black for one year. She took the training,
17 but she is no longer involved in that. And my daughter-in-law
18 is an auditor for the liquor -- United States liquor company;
19 you know, they do the auditing for that.

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

21 There was a hand or two out there, I think, in the
22 chairs. Mr. Rossdeutsch, how does the question apply to
23 you, sir?

24 PROSPECTIVE JUROR: My stepdaughter is a -- has a
25 degree in accounting, is an office manager in an office in

1 Chicago.

2 THE COURT: All right. Thank you.

3 Yes, Ms. Lewis.

4 PROSPECTIVE JUROR: My mother is a retired chief
5 financial officer for a steel company in Michigan.

6 THE COURT: Your brother, you said?

7 PROSPECTIVE JUROR: My mother.

8 THE COURT: Your mother?

9 PROSPECTIVE JUROR: My mother.

10 THE COURT: All right. Thank you.

11 Anyone else? Yes, Ms. Hoppe.

12 PROSPECTIVE JUROR: My daughter-in-law is -- she
13 does accounting, but she used to have her own little firm, but
14 now she is back in college. She is specializing in social
15 work.

16 THE COURT: She used to have her own firm doing
17 what?

18 PROSPECTIVE JUROR: She used to have a little
19 business running the accounting, you know, for businesses.

20 THE COURT: Bookkeeping services?

21 PROSPECTIVE JUROR: In a way, yeah. She did the
22 taxes and got the money, you know, the whole thing. She was
23 paid.

24 THE COURT: Okay. Anyone else?

25 (No response.)

1 THE COURT: Do any of you who responded to that
2 question have reason to believe that that particular
3 experience, given the nature of the charges made in this case
4 might affect your ability to be a fair and impartial juror in
5 any way? If so, raise your hand again.

6 (No response.)

7 THE COURT: All right. It is the middle of the
8 afternoon and it is time to take a break. I think we're
9 making some progress here. This is a tedious proceeding, I
10 know, but I appreciate your patience and your indulgence, all
11 of you, those in the courtroom, as well as those of you seated
12 here.

13 We will take a 15-minute break and then get on with
14 this.

15 Again, I ask all of you who are seated here in a
16 particular chair or position to remember where you should be
17 sitting. And those of you in the courtroom, of course, can
18 return, to the extent seats are available, as close as you can
19 get to the front of the room.

20 And I would ask during this break, please, that you
21 avoid having any conversation or discussion among or between
22 yourselves or with anyone else concerning anything having to
23 do with this case, and prohibiting anyone from discussing it
24 in your presence. And we will take a 15-minute break.

25 (A recess was taken.)

1 (Prospective jury panel present.)

2 THE COURT: Thank you. Be seated everyone, please.

3 MR. MEACHUM: Your Honor, before we proceed, while
4 we were on the elevator coming up, coming from downstairs,
5 there were two prospective jurors on the elevator. We didn't
6 know that they were. But the ladies asked us were they on the
7 right floor. We told them no, it was on the third floor.
8 Then I asked them, Are you prospective jurors? And they said,
9 Yes. So I want the Court to know that that was an exchange
10 that we just had.

11 THE COURT: Thank you.

12 MR. MEACHUM: I don't know the ladies. And if I
13 look, I can't recognize them, but they said that they were
14 prospective jurors.

15 THE COURT: Thank you. That's appreciated,
16 Mr. Meachum.

17 Now, members of the panel, you have heard me
18 describe the nature of the charges that are made in the
19 Indictment having to do with an alleged conspiracy offense to
20 defraud the United States, specifically the Internal Revenue
21 Service, a so-called substantive offense having to do with the
22 making of a false claim against the United States and several
23 failure to file an income tax return charges against
24 Mr. Snipes individually.

25 My question of you is whether or not there's

1 anything about the nature of those offenses about which you
2 may have formed some opinion or conviction that the law deals
3 too sternly with those types of matters on the one hand or,
4 conversely, that the law does not deal sternly enough in your
5 view; in other words, whether you have some previously-formed
6 opinion about the nature of the offenses charged in this case
7 such that you might not be able to serve as a fair and
8 impartial juror simply because of the nature of the charges
9 made in the Indictment before you've heard anything about the
10 evidence, or lack of evidence, in this particular case. If
11 that should apply to any of you, would you raise your hands,
12 please? Anybody?

13 Have any of you or any members of your immediate
14 family ever had your income tax returns audited by the
15 Internal Revenue Service? If that applies to you, would you
16 raise your hands, please? Quite a few.

17 Well, we'll start up in the jury box. Ms. Havelly,
18 you've had that experience?

19 PROSPECTIVE JUROR: Yes, several years ago.

20 THE COURT: When was this?

21 PROSPECTIVE JUROR: Probably --

22 THE COURT: Some years ago?

23 PROSPECTIVE JUROR: Yes, late eighties.

24 THE COURT: It's a closed matter now?

25 PROSPECTIVE JUROR: Oh. Yeah.

1 THE COURT: Was it satisfactorily resolved as far as
2 as you were concerned?

3 PROSPECTIVE JUROR: Yes. Everything -- I think it
4 was just a random thing.

5 THE COURT: All right.

6 PROSPECTIVE JUROR: Everything was fine.

7 THE COURT: Okay. No lingering grudge against the
8 Internal Revenue Service?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Mr. Amodeo, you raised your hand?

11 PROSPECTIVE JUROR: Yes, sir. Our company was
12 audited, I think, for '95. We had a small fine to pay. No
13 big deal.

14 THE COURT: This was 12, 13 years ago?

15 PROSPECTIVE JUROR: No. It was -- we were just
16 audited last year for --

17 THE COURT: For 1995?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: All right. But, nevertheless, it's
20 closed now, is it?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: And your relationship or dealings with
23 the IRS were satisfactory?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Who else on the front row up in the jury

1 box raised their hand? Anybody? In the back row there were a
2 couple of hands. Mr. Weller?

3 PROSPECTIVE JUROR: In the sixties.

4 THE COURT: All right. So that's obviously closed?

5 PROSPECTIVE JUROR: Correct.

6 THE COURT: Was your experience good or bad?

7 PROSPECTIVE JUROR: It was okay.

8 THE COURT: Okay. That's a -- that's a good
9 answer -- a descriptive answer, I should say.

10 Mr. Sheehan, you raised your hand.

11 PROSPECTIVE JUROR: Yes. In the nineties.

12 THE COURT: In the eighties?

13 PROSPECTIVE JUROR: In the nineties.

14 THE COURT: It's closed now?

15 PROSPECTIVE JUROR: Yes, it is.

16 THE COURT: How would you describe your experience
17 with the IRS: good, bad or okay?

18 PROSPECTIVE JUROR: Good.

19 THE COURT: All right. Anyone else up in the jury
20 box? Mr. Austin?

21 PROSPECTIVE JUROR: It was in 1991. It was very
22 fair, although it cost me some money.

23 THE COURT: All right. So you were satisfied with
24 the experience?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Anyone else up in the jury box?
2 Here in the chairs in front were there any hands?
3 All right. Ms. Taylor, how does that apply to you,
4 ma'am?

5 PROSPECTIVE JUROR: I believe it was in the
6 nineties, and it was on our personal income and on our giving.
7 And they questioned it, and it's all -- everybody was
8 satisfied in the end.

9 THE COURT: All right. Anyone else there? Yes,
10 Ms. Cooke-Yarborough?

11 PROSPECTIVE JUROR: It was 21 years ago. I think it
12 was in '86. My dad had sold a business, and he didn't report
13 the sale. And they put a lien on his house, the IRS. I don't
14 know that much more about it because he doesn't talk about it.

15 THE COURT: All right. So you weren't personally
16 involved or affected by it at that time; is that the essence
17 of what you're saying?

18 PROSPECTIVE JUROR: I was personally affected by it
19 because he was pretty quiet and, you know, pretty much stayed
20 away from everybody in the family.

21 THE COURT: I see. So it was not --

22 PROSPECTIVE JUROR: I mean, it wasn't me personally.

23 THE COURT: Yes. These kinds of things are never
24 pleasant, I guess, but it wasn't -- was it an unpleasant
25 experience that might cause you to have difficulty serving as

1 a fair juror, do you think?

2 PROSPECTIVE JUROR: No.

3 THE COURT: No? All right.

4 Ms. Tuck, did you raise your hand?

5 PROSPECTIVE JUROR: No, Your Honor.

6 THE COURT: No? Ms. Kenney, you did --

7 PROSPECTIVE JUROR: Uh-huh.

8 THE COURT: -- I believe. When were you or your
9 family audited?

10 PROSPECTIVE JUROR: I was audited in 1998 and --

11 THE COURT: It's closed now?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: When was it closed, roughly?

14 PROSPECTIVE JUROR: When I received the paper and
15 paid the fine.

16 THE COURT: All right. But it's been sometime ago?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: All right. So it was resolved -- how
19 would you describe it? Unpleasantly?

20 PROSPECTIVE JUROR: Oh. No. They told me what I
21 owed and I paid it.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR: That was it.

24 THE COURT: Who else there? Thank you.

25 Ms. Saraceni?

1 PROSPECTIVE JUROR: Back in the eighties, and it was
2 resolved.

3 THE COURT: I'm sorry?

4 PROSPECTIVE JUROR: It was resolved.

5 THE COURT: All right. Satisfactorily?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: All right. Anyone else back here?

8 Thank you. Ms. Lewis?

9 PROSPECTIVE JUROR: I'm not -- I'm going to join the
10 cave now. I'm not exactly sure what the issue is, but I know
11 our taxes for 2005 are being reviewed. And that's all I know.

12 THE COURT: All right.

13 PROSPECTIVE JUROR: Like I said, I am going to join
14 the cave.

15 THE COURT: What was the first thing you said to me
16 a moment ago? You're now what?

17 PROSPECTIVE JUROR: Joining the cave. I feel like
18 everyone's going --

19 THE COURT: Oh. Oh. Oh. Oh. The cave again. All
20 right.

21 And Ms. Hoppe?

22 PROSPECTIVE JUROR: I was audited in the 1970's, and
23 it was extremely satisfactory. I got more money.

24 THE COURT: All right. I can understand.

25 Mr. Strickland?

1 PROSPECTIVE JUROR: Seventies.

2 THE COURT: Resolved satisfactorily?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Anybody else? Yes, Mr. Colen?

5 PROSPECTIVE JUROR: My case was resolved in 1978.

6 It was brought in '68. It resulted in a ten-year battle with
7 the IRS through the courts. Resolved on all counts in our
8 favor.

9 THE COURT: All right. Thank you, Mr. Colen.

10 Ms. Boykin, did you raise your hand?

11 PROSPECTIVE JUROR: Yes, sir. We had to provide
12 clarification. I believe it was 2005. Not a true audit, but
13 we had to provide clarification.

14 THE COURT: Was it satisfactorily resolved?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: All right. Thank you.

17 Anyone else, now, on that subject?

18 How many of you, if any, by chance have a
19 deep-seated religious conviction or moral scruple against
20 sitting in judgment of another person? Does that apply to any
21 of you? Nobody?

22 PROSPECTIVE JUROR KENNEY: Can you clarify that?

23 THE COURT: Well, there are some persons who have as
24 a tenet of their religion that they should not sit in judgment
25 of other people; that is to say, pass judgment on the actions

1 of other people; or if it's not grounded in a religion, some
2 people adhere to the same principle because of moral scruples,
3 and those who adhere to that belief obviously would find it
4 difficult sitting on a jury because in -- at least in some
5 views of the matter, people sitting on a jury in a criminal
6 case are called upon to pass judgment upon another.

7 So my question is whether any of you would have that
8 experience if you sat on a jury. Does that clarify the
9 matter, Ms. Kenney?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Now, as you might have supposed from the
12 nature of the proceeding and the witness list and the
13 circumstances in general, members of the panel, it is
14 anticipated that this case is going to take somewhat longer to
15 try than most cases that come before the Court. It's
16 impossible to know exactly how long it might require because
17 that's true in any criminal trial these days given the numbers
18 of people involved, witnesses coming and going, things
19 changing at the last moment, sometimes unexpectedly. And it's
20 just very difficult to estimate even by those of us who have
21 considerable experience in the matter exactly how long it's
22 going to take to try a particular case. And the more
23 protracted a case might be, the more difficult it is to
24 predict.

25 But this case is expected to take upward of a month

1 to try. It could be more, could be less. There are some --
2 and I have tried some cases much longer than that. Many are
3 tried in much lesser time. But this, nevertheless, is a case
4 which I think might be regarded as a protracted one because it
5 probably will take a month to try.

6 Whatever it takes we're going to be both constant
7 yet leisurely in our approach to it in the sense that, as I
8 announced earlier this morning, we're going to work each
9 business day from 9:00 to 5:00 and keep our nose to the
10 grindstone but without working overtime or holidays or
11 weekends until the case is completed. So some might regard
12 that as a long case. At least it is of moderately protracted
13 length.

14 I'm not going to ask you whether if you were seated
15 and impaneled as a juror in this case and expected to be here
16 for the next month or so whether or not that would cause you
17 any inconvenience. I can assume that already. You all have
18 other things to do on a daily basis. You're not professional
19 jurors, obviously.

20 So as I say, I can assume that all of you would
21 perhaps have other things that would be making demands on your
22 time that you will have to account for in some way. But I
23 will ask whether or not within the coming month you have
24 something coming up or going on in your life that is
25 impossible to rearrange or accommodate in some other way and

1 is so important to you that it would be a distraction if you
2 were here as a juror and you're able to persuade the person
3 seated next to you that they should serve and you should not.

4 Now, if you meet all of those conditions and can't
5 serve on this jury because of the expected length of the
6 trial, raise your hand now.

7 All right. Mr. Amodeo, what is it, sir, that you
8 have going on that you think Ms. Martin should serve in your
9 place?

10 PROSPECTIVE JUROR: I have several contracts that
11 we're on deadline and --

12 THE COURT: What's the nature of your business, sir?

13 PROSPECTIVE JUROR: Demolition work.

14 THE COURT: Pardon?

15 PROSPECTIVE JUROR: Demolition work. One is the
16 courthouse across the street. We've got some scheduled work
17 there to do, and we're on very strict timelines there.

18 THE COURT: Do you own and operate your own
19 business?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: How many employees do you have?

22 PROSPECTIVE JUROR: Six.

23 THE COURT: Do you manage the business on a daily
24 basis yourself, or do you have a superintendent in your
25 employ?

1 PROSPECTIVE JUROR: I have a couple of
2 superintendents, but I make all the decisions -- all the
3 scheduling, all the bidding, and attend most of the jobs as
4 well.

5 THE COURT: All right. In the first row of the jury
6 box? Ms. Martin?

7 PROSPECTIVE JUROR: I have a commitment on
8 February 19 for one day.

9 THE COURT: I'm sorry?

10 PROSPECTIVE JUROR: For one day.

11 THE COURT: May I ask what the nature of that
12 commitment is, Ms. Martin?

13 PROSPECTIVE JUROR: I've been called to do a
14 deposition in an automobile accident.

15 THE COURT: Deposition in an automobile accident?

16 PROSPECTIVE JUROR: For an automobile accident.

17 I don't know if that can be changed or not.

18 THE COURT: Well, perhaps it could be.

19 Are you a party in that case?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Are you plaintiff or defendant?

22 PROSPECTIVE JUROR: I was the driver, but I was the
23 first car and we were rear-ended. And my husband suffered
24 serious injury.

25 THE COURT: All right. You're suing someone or

1 someone is suing you, or is it both? --

2 PROSPECTIVE JUROR: We don't know. We're just going
3 over the case.

4 THE COURT: I'm sorry?

5 PROSPECTIVE JUROR: We're just going over the case.
6 We're not sure what's happening. I think my lawyer is suing
7 the other people.

8 THE COURT: Okay. Thank you. Was there --
9 Mr. Oliver?

10 PROSPECTIVE JUROR: Me and my wife have a trip
11 planned to Biloxi, Mississippi, a bus trip. We've already
12 paid for it. Plus, I have doctors' appointments.

13 THE COURT: When is this trip supposed to --

14 PROSPECTIVE JUROR: Third, fourth, fifth and sixth
15 of February.

16 THE COURT: All right. Mr. Weller?

17 PROSPECTIVE JUROR: I'm moving my wife down from
18 Virginia, and I have to -- I have airline tickets to fly up on
19 the 14th. And I won't be finished up with that until, like,
20 the 21st or 22nd.

21 THE COURT: We're talking February?

22 PROSPECTIVE JUROR: February. I'm good up to that
23 time.

24 THE COURT: Is your wife disabled, sir?

25 PROSPECTIVE JUROR: No, she is not.

1 THE COURT: All right. Ms. Holtsclaw?

2 PROSPECTIVE JUROR: Yes. I had a scheduled vacation
3 for February 2nd through the 9th.

4 THE COURT: A vacation scheduled?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: For when?

7 PROSPECTIVE JUROR: February 2nd through the 9th.

8 There are very specific days that I was able to go.

9 THE COURT: All right. Mr. Amodeo -- excuse me --
10 Mr. Lazinsk?

11 PROSPECTIVE JUROR: Yes, sir. I'm conducting a
12 training. I'm the sole trainer for a new hire group.

13 THE COURT: What is your place of employment, sir?

14 PROSPECTIVE JUROR: A homebuilder.

15 THE COURT: What's the name of the company?

16 PROSPECTIVE JUROR: KB Home.

17 THE COURT: What?

18 PROSPECTIVE JUROR: KB Home.

19 THE COURT: KB Homes?

20 PROSPECTIVE JUROR: Home. No S.

21 THE COURT: All right. There was another hand, I
22 believe. Mr. Sheehan?

23 PROSPECTIVE JUROR: I have several doctors'
24 appointments for my wife. She gets weekly injections for
25 blood.

1 THE COURT: Over what period of time, sir? When is
2 this?

3 PROSPECTIVE JUROR: Every week. Every week I go.

4 THE COURT: I see.

5 PROSPECTIVE JUROR: She doesn't drive.

6 THE COURT: All right. Were there hands here in the
7 front row? Thank you. Ms. Cooke-Yarborough?

8 PROSPECTIVE JUROR: I'm having surgery on January
9 the 28th.

10 THE COURT: Has this been scheduled for some time,
11 Ms. Cooke-Yarborough?

12 PROSPECTIVE JUROR: For the last probably four weeks
13 or so.

14 THE COURT: All right. Is there anyone else?
15 Ms. Kenney?

16 PROSPECTIVE JUROR: Yes. I am scheduled to close on
17 my house and move.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR: I'm scheduled to close on our
20 house and move at the end of January. I would just have to
21 have something that would allow me to delay that.

22 THE COURT: Is it presently scheduled for a
23 particular date and time?

24 PROSPECTIVE JUROR: It is scheduled for January 25,
25 but the contractors have not completely signed off on the

1 house so to me that's not in stone. But I'm sure there's
2 other arrangements -- I just want to state that I would
3 probably need a valid reason for not showing up at closing
4 that we could push it back.

5 THE COURT: All right. Anyone else in the chairs in
6 the -- Mr. Colen, you're raising your hand?

7 PROSPECTIVE JUROR: Yes, sir. I have a first cousin
8 who is probably days away from passing, so our intention is to
9 bring the body back and bury her in Clearwater. I just don't
10 know when, but she's slipping in and out of consciousness by
11 taking nourishment.

12 And for the last -- middle of February, the 15th
13 through 24th, we have scheduled a family vacation in that time
14 frame.

15 THE COURT: All right. I understand. Anyone else
16 there? Yes, Ms. Bradshaw?

17 PROSPECTIVE JUROR: Yes, sir. My mother, who lives
18 out of town, is critically ill. I'm supposed to retrieve her
19 within approximately two weeks for a medical evaluation here
20 in Ocala.

21 THE COURT: All right. Was there another hand
22 there? Mr. Scott?

23 PROSPECTIVE JUROR: I'm self-employed. It
24 definitely would be a hardship on me. I have a couple of
25 contracts pending now.

1 THE COURT: What's the nature of your business,
2 Mr. Scott?

3 PROSPECTIVE JUROR: Flooring. Flooring.

4 THE COURT: Pardon?

5 PROSPECTIVE JUROR: Flooring.

6 THE COURT: Flooring?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Did you previously write in and ask to
9 be excused on account of that hardship, Mr. Scott?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Why not?

12 PROSPECTIVE JUROR: I never thought it would be here
13 for a month. There's just a couple of days that are a
14 problem.

15 THE COURT: Okay. Anyone else?

16 I see some hands in the audience, but I'll deal with
17 those if and when, ladies and gentlemen, you might be called
18 as a prospective juror in the case.

19 Mr. Strickland?

20 PROSPECTIVE JUROR: Yes, sir. We have 40-plus new
21 positions coming on in the institution in this month that have
22 to be hired. I handle all of that for the health services at
23 the institution. And we also have a federal review coming up
24 with the correctional medical authority due the first part --

25 THE COURT: What institution are you employed at,

1 Mr. Strickland?

2 PROSPECTIVE JUROR: I'm senior health services
3 administrator at Lowell.

4 THE COURT: At Lowell?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: All right. Thank you.

7 All right. Give me just a moment, please.

8 (Pause.)

9 THE COURT: Let me ask, ladies and gentlemen,
10 whether any of you are presently suffering any temporary or
11 permanent loss of hearing that might have made it difficult
12 for you to hear me during the course of the day. Does that
13 apply to any of you? Was there a hand -- yes, Ms. Saraceni?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: You've had difficulty hearing me?

16 PROSPECTIVE JUROR: At times. Sometimes.

17 THE COURT: Well, you tell me, Ms. Saraceni, whether
18 or not you think it would impair your ability to be a juror in
19 this case. I'm speaking here, I think, largely without
20 amplification. During the course of the trial there will be
21 amplification, as you can see from these microphones.

22 PROSPECTIVE JUROR: Well, if it's amplified, I can
23 probably be all right.

24 THE COURT: All right. Am I being amplified here,
25 Madam Clerk?

1 THE DEPUTY CLERK: Yes.

2 THE COURT: I am?

3 Well, I'm told that I'm being amplified here. I
4 sometimes am; sometimes I'm not.

5 And you've had difficulty hearing me, have you,
6 Ms. Saraceni?

7 PROSPECTIVE JUROR: It's been all right, you know,
8 so far. But if someone has a low voice or maybe a tone --
9 different tone of voice, that's where I have difficulty. I
10 can't pick up low tones.

11 THE COURT: Do you wear any hearing aids --

12 PROSPECTIVE JUROR: No.

13 THE COURT: -- or enhancements for your hearing?

14 PROSPECTIVE JUROR: No. I have no medical thing on
15 it; I just don't hear.

16 THE COURT: All right. Anyone else?

17 How many of you served as a career in any branch of
18 the United States military services? Does that apply to any
19 of you: You were career service people? If so, raise your
20 hands, please.

21 All right. Thank you. Mr. Oliver, what branch of
22 the service?

23 PROSPECTIVE JUROR: Air Force.

24 THE COURT: Air Force?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: For how long?

2 PROSPECTIVE JUROR: Eight years. A little over
3 eight years.

4 THE COURT: And what was your rank at the time of
5 your separation?

6 PROSPECTIVE JUROR: E5.

7 THE COURT: All right. Mr. Austin, you raised your
8 hand?

9 PROSPECTIVE JUROR: Navy for nine and a half years,
10 lieutenant commander.

11 THE COURT: Thank you. Mr. Tuttle?

12 PROSPECTIVE JUROR: United States Army.

13 THE COURT: For how long?

14 PROSPECTIVE JUROR: Almost five years.

15 THE COURT: And your rank at separation?

16 PROSPECTIVE JUROR: E4. E4.

17 THE COURT: E4?

18 Anyone else? Oh. I'm sorry. Ms. Holtsclaw?

19 PROSPECTIVE JUROR: It was a half. It's not exactly
20 a career. Almost four years and E4.

21 THE COURT: All right. Thank you.

22 Yes. Let me get back to my charts. Ms. Smith?

23 PROSPECTIVE JUROR: I was in the army for five
24 years. I got out in '02.

25 THE COURT: All right. What was your rank?

1 PROSPECTIVE JUROR: Captain.

2 THE COURT: Captain.

3 And there were a couple of other hands.

4 Mr. Rossdeutscher?

5 PROSPECTIVE JUROR: The army for three years, rank
6 of E5.

7 THE COURT: Mr. Salisbury?

8 PROSPECTIVE JUROR: U.S. Army, 15 years, '03,
9 captain.

10 THE COURT: Mr. Colen, you raised your hand, I
11 believe. No? I'm sorry.

12 Anyone else? Mr. Akers?

13 PROSPECTIVE JUROR: Air Force, E4.

14 THE COURT: How long were you in, sir?

15 PROSPECTIVE JUROR: Four years.

16 THE COURT: Four years.

17 Anyone else that I missed? Yes, Mr. Strickland?

18 PROSPECTIVE JUROR: I had four years in the Air
19 Force, E4.

20 THE COURT: All right. Thank you.

21 Now, one of the defendants, members of the panel,
22 Mr. Snipes, is a well-known public figure. He is a famous
23 actor, has appeared in a number of very successful movies.

24 How many of you have had occasion to observe one or
25 more of Mr. Snipes' movies in which he appeared as a principal

1 actor? Would you raise your hands?

2 Almost -- let's do it the other way around. It
3 might be easier. How many of you have not yet seen one of
4 Mr. Snipes' movies; would you raise your hands, please? Hold
5 them up, if you will. Counsel may wish to note this. If
6 you'll hold up your hands while I'm holding up mine.

7 All right. And I'm not going to ask whether or not
8 you thought the movies were good, bad or indifferent, but I
9 will ask whether or not Mr. Snipes' well-deserved celebrity
10 might in any way influence or affect your ability to serve as
11 a fair and impartial juror in this case.

12 Search your own conscience. And if you believe that
13 you might tend or be inclined to on one side give Mr. Snipes
14 more favorable consideration than you might someone else
15 because he's a well-known or famous person, or the other way
16 around, that you might subconsciously for whatever reason
17 treat him less favorably than you might someone else because
18 of his celebrity for whatever reason, either way, if you think
19 you might have some such inclination, please raise your hand.
20 Anybody? All right.

21 Now, it also happens that Mr. Snipes is an
22 African-American or a black person. Have any of you had any
23 unpleasant or dissatisfactory experience with an
24 African-American or African-Americans generally of any kind
25 that could possibly influence or affect your ability to serve

1 as a juror? We're not going into the details of the matter.
2 But if in your conscience you should give an affirmative
3 answer to that question, please raise your hand now. Anyone?

4 Do any of you believe that African-Americans
5 generally commit disproportionately more crimes than other
6 ethnic groups? Raise your hand if you think that's true.

7 All right. Thank you, Mr. Johnson.

8 Anyone else share that view? Ms. Holtsclaw.

9 All right. Anyone else? Ms. Tuck?

10 PROSPECTIVE JUROR: May I explain?

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR: May I explain?

13 THE COURT: It's not necessary.

14 PROSPECTIVE JUROR: Well, it's only in my husband's
15 business; that's it.

16 THE COURT: In your husband's business?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: I understand.

19 PROSPECTIVE JUROR: That's my only thought.

20 THE COURT: Obviously, ladies and gentlemen, while
21 I've asked those questions having to do with sensitive racial
22 issues, it follows, of course, that any person in this country
23 appearing in this or any other court in this country under our
24 Constitution is entitled to the same even-handed, fair and
25 impartial treatment as any other person regardless of race,

1 religion, creed, ethnic origin, or classifications of that
2 kind.

3 And the Court will so instruct the jury at the
4 conclusion of this case that it must be decided without bias
5 or prejudice of any kind or sympathy, on the other hand, and a
6 verdict must be rendered in accordance with the evidence, as
7 the jury will find the evidence -- or find the facts, rather,
8 from the evidence -- applying to those facts the rules of law
9 that I should state to the jury as being the governing law in
10 the case without substituting your own notion or opinion as to
11 what the law ought to be.

12 So several questions come out of that. Number one
13 is, do you think that you would have any difficulty in, first
14 of all, treating each of the defendants individually,
15 considering his case separately and independently from the
16 cases of the other defendants and consider the charge made in
17 each count separately and individually without being
18 influenced by the decision that might be reached with respect
19 to any other count? If you think you would have any
20 difficulty in considering the case in that way, please raise
21 your hand.

22 Do any of you think that you might have any
23 difficulty in applying the law as I shall state it to be the
24 law whether you agree with it or not? Would that be difficult
25 for you? If so, raise your hand.

1 Do any of you or any members of your family now or
2 in the past have belonged to any organization that holds among
3 its beliefs that citizens of this country should not be
4 required to pay income taxes or that the IRS should be
5 abolished? Does that apply to any of you?

6 Apart from the Internal Revenue Service that I have
7 already asked about, I think, have any of you or members of
8 your immediate family ever had any dispute with any other
9 agency of the United States? And there are many of them,
10 obviously: The Veterans Administration, perhaps, the Social
11 Security Administration, any other federal agency. Have you
12 had an ongoing dispute or disagreement with any such agency?
13 If that applies to any of you, would you raise your hands,
14 please? Nobody? All right.

15 As you've heard me say in several different ways, I
16 think, it will be the responsibility of the jury selected to
17 decide this case, to determine the facts of the case from the
18 evidence presented doing so without bias or prejudice of any
19 kind, on the one hand, or sympathy on the other, to call it as
20 it is, in other words, with regard to what the facts are from
21 the evidence, and then to apply to those facts those rules of
22 law that I shall state for the benefit of the jury at the end
23 of the case as being applicable to the case or governing the
24 case, whether you agree with that law or not, and through that
25 process to reach a just verdict on the facts and the law.

1 And my question of you is whether any of you for any
2 reason we have not already discussed during this lengthy day
3 have reason to believe that you might not be able to serve in
4 this case as a fair and impartial juror, to decide it in that
5 manner, whatever the reason might be that, as I say, we
6 haven't already discussed or touched upon. If that applies to
7 any of you, would you raise your hand now, please?

8 All right. It is now almost 4:15. I have promised
9 that we would stop at 5:00 each day. We're not going to be
10 able to complete this procedure to a conclusion this
11 afternoon, but there are a couple of other matters that I wish
12 to try to complete before we recess for the day, so we will
13 get started with it now.

14 You don't have to remember all of the things I'm
15 about to say because this is simply a heads-up, in effect, as
16 to what we will now embark upon, but I'm going to ask each of
17 you in the order in which you came forward today as a
18 prospective juror, starting with Mr. Costanzi in just a
19 moment, to stand, and I'm going to ask you to tell us your
20 full name, your occupation or employment, how long you have
21 lived in this area, the extent, perhaps, of your education;
22 whether you are married, if so, that fact, and the occupation
23 or employment of your husband or wife, as the case might be.
24 And as I say, you don't have to remember all of those things.
25 I will be asking the questions as we go along.

1 Mr. Costanzi, would you stand, please, sir, and tell
2 me first your full name and where you live?

3 PROSPECTIVE JUROR: Victor James Costanzi. I live
4 in Clermont, Florida.

5 THE COURT: How long have you lived in Lake County,
6 sir?

7 PROSPECTIVE JUROR: 2002.

8 THE COURT: Six years?

9 PROSPECTIVE JUROR: Six years, yes, sir.

10 THE COURT: What's your occupation, sir?

11 PROSPECTIVE JUROR: Public services, street
12 department.

13 THE COURT: Employed by the City of Clermont?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: How long have you worked there?

16 PROSPECTIVE JUROR: Coming up on two years in April.

17 THE COURT: All right. Before that what was your
18 employment?

19 PROSPECTIVE JUROR: I worked for public works for
20 Lake County.

21 THE COURT: All right.

22 PROSPECTIVE JUROR: And I was there for about --

23 THE COURT: And you have lived in Lake County six
24 years or so?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Where did you live before that?

2 PROSPECTIVE JUROR: Poughkeepsie, New York.

3 THE COURT: Were you a native of New York?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Are you married, sir?

6 PROSPECTIVE JUROR: Yes. Yes, I am.

7 THE COURT: What is your wife's occupation?

8 PROSPECTIVE JUROR: She's a nurse for hospice.

9 THE COURT: All right. What, sir, is the extent of
10 your education?

11 PROSPECTIVE JUROR: Just graduated high school.

12 THE COURT: All right. Thank you, Mr. Costanzi.

13 Ms. Havelly, please, would you stand first and tell
14 us, please, your full name and where you live?

15 PROSPECTIVE JUROR: It's Pamela Rae Havelly, and I
16 live in Belleview, Florida.

17 THE COURT: How long have you lived in
18 Marion County?

19 PROSPECTIVE JUROR: Five years.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR: I'm retired.

22 THE COURT: From what?

23 PROSPECTIVE JUROR: I worked in the mental health
24 field, a mental health institution for 20 years.

25 THE COURT: In what capacity?

1 PROSPECTIVE JUROR: In billing, and I -- I also took
2 crisis calls, but just about everything.

3 THE COURT: In the management side, office side of
4 the institution?

5 PROSPECTIVE JUROR: Yes. Yes.

6 THE COURT: And how long were you employed in that
7 industry?

8 PROSPECTIVE JUROR: Twenty years.

9 THE COURT: Where was that most of the time?

10 PROSPECTIVE JUROR: Indiana.

11 THE COURT: You're a native of Indiana?

12 PROSPECTIVE JUROR: Yes, I am.

13 THE COURT: And you've lived in Florida for how
14 long?

15 PROSPECTIVE JUROR: Five years.

16 THE COURT: Five years. Are you married?

17 PROSPECTIVE JUROR: Yes, I am.

18 THE COURT: What's your husband's occupation?

19 PROSPECTIVE JUROR: He's also retired.

20 THE COURT: From what?

21 PROSPECTIVE JUROR: He's a pipe insulator,
22 construction.

23 THE COURT: All right. And what is the extent of
24 your education?

25 PROSPECTIVE JUROR: One year of North Manchester

1 Bible College -- well, high school and then one year of
2 college.

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

4 Mr. Amodio, would you stand, please, and tell us
5 your full name and where you live?

6 PROSPECTIVE JUROR: Thomas Frank Amodio. Been in
7 Ocala for 30 years.

8 THE COURT: And your business -- you've already
9 described you're in the demolition business --

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: -- which you own and operate yourself.

12 PROSPECTIVE JUROR: Yes, sir. Fourteen --

13 THE COURT: For how long?

14 PROSPECTIVE JUROR: Fourteen years.

15 THE COURT: Here in Ocala?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Are you married?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: What is your wife's occupation?

20 PROSPECTIVE JUROR: She runs the office for me.

21 THE COURT: All right. What's the extent of your
22 education, sir?

23 PROSPECTIVE JUROR: High school.

24 THE COURT: Where did you go to high school?

25 PROSPECTIVE JUROR: Vanguard, here in Ocala.

1 THE COURT: You're a native of Ocala?

2 PROSPECTIVE JUROR: Five years old when I moved
3 here.

4 THE COURT: From where?

5 PROSPECTIVE JUROR: New York.

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

7 Ms. Martin, please, would you tell us, ma'am, your
8 full name and where you live?

9 PROSPECTIVE JUROR: Geraldine M. Martin. I live in
10 Sorrento, Florida. I've been there for two years and 11
11 months.

12 THE COURT: Before that where did you live?

13 PROSPECTIVE JUROR: Connecticut.

14 THE COURT: What's your occupation, ma'am?

15 PROSPECTIVE JUROR: Project assistant and staffing
16 assistant in a major insurance company.

17 THE COURT: That's your present employment?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: How long have you held that job?

20 PROSPECTIVE JUROR: A total of nine years with the
21 company that I'm with and nine years of insurance with a prior
22 company.

23 THE COURT: Are you married, ma'am?

24 PROSPECTIVE JUROR: I'm married. My husband is
25 retired from insurance.

1 THE COURT: An insurance agency?

2 PROSPECTIVE JUROR: No. He was a claims adjuster
3 and subrogation manager.

4 THE COURT: Where was that?

5 PROSPECTIVE JUROR: In Connecticut.

6 THE COURT: In Connecticut?

7 PROSPECTIVE JUROR: And he did Florida claims when
8 we first moved here.

9 THE COURT: I'm sorry?

10 PROSPECTIVE JUROR: He did Florida claims when we
11 first moved here.

12 THE COURT: All right.

13 PROSPECTIVE JUROR: But he's totally retired after
14 35 years.

15 THE COURT: All right. Thank you, Ms. Martin.

16 Mr. Oliver, please, would you tell us, sir, your
17 full name and where you live?

18 PROSPECTIVE JUROR: Robert Eugene Oliver in
19 Homosassa, Florida.

20 THE COURT: How long have you lived in Citrus
21 County?

22 PROSPECTIVE JUROR: About two and a half years now.

23 THE COURT: Where did you live before that?

24 PROSPECTIVE JUROR: Madison, Wisconsin.

25 THE COURT: You're a native of Wisconsin?

1 PROSPECTIVE JUROR: No. We were there about 30
2 years. I grew up in California.

3 THE COURT: And you've lived here, what did you say,
4 two years?

5 PROSPECTIVE JUROR: Two and a half, yes.

6 THE COURT: Two and a half years. What's your
7 occupation, sir?

8 PROSPECTIVE JUROR: I'm a retired technician from
9 the old AT&T.

10 THE COURT: How long were you employed by AT&T?

11 PROSPECTIVE JUROR: A little over 35 years.

12 THE COURT: Are you married, sir?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What's your wife's occupation?

15 PROSPECTIVE JUROR: She's retired from a plastics
16 company up north in Madison.

17 THE COURT: What was her job there?

18 PROSPECTIVE JUROR: Plastics tech. She ran a
19 machine.

20 THE COURT: Oh. A technician. You said that.

21 What is the extent of your education, Mr. Oliver?

22 PROSPECTIVE JUROR: High school graduate.

23 THE COURT: Thank you, sir.

24 Ms. Bruno, please, would you tell us, ma'am, your
25 full name and where you live?

1 PROSPECTIVE JUROR: Marylou Bruno. I was born and
2 raised in Butte, Montana, and we've lived here in
3 Sumter County for ten years.

4 THE COURT: What is your occupation, ma'am?

5 PROSPECTIVE JUROR: I retired for ten years, but I
6 was a banker, an installment lender in banking. And my
7 husband was an administrator for the State of Montana.

8 THE COURT: In what agency?

9 PROSPECTIVE JUROR: Alcohol and drug division.

10 THE COURT: I see. And the extent of your
11 education?

12 PROSPECTIVE JUROR: High school.

13 THE COURT: Thank you, ma'am.

14 Mr. Elkins, please, your full name and where you
15 live, first?

16 PROSPECTIVE JUROR: Loyd Gene Elkins. I live in the
17 Villages.

18 THE COURT: How long have you lived there, sir?

19 PROSPECTIVE JUROR: Almost five years.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR: Part-time right now, semi
22 retired. Prior to that I was 40 years in the HVAC industry,
23 which is heating, ventilation and air conditioning, in
24 Montgomery County, Maryland.

25 THE COURT: You're a native of Maryland?

1 PROSPECTIVE JUROR: No, sir. I'm a native of
2 North Carolina.

3 THE COURT: All right. You spent most of your life
4 in Maryland, I take it?

5 PROSPECTIVE JUROR: Most of it since 1963.

6 THE COURT: Okay. And then you moved here when?

7 PROSPECTIVE JUROR: Approximately -- it will be five
8 years March the 1st.

9 THE COURT: Okay. To the Villages?

10 PROSPECTIVE JUROR: To the Villages.

11 THE COURT: Are you married, sir?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: What is your wife's occupation?

14 PROSPECTIVE JUROR: My wife is a retired beautician.
15 She works part-time for the Villages food services at Sumter
16 Landing.

17 THE COURT: What is the extent of your education,
18 Mr. Elkins?

19 PROSPECTIVE JUROR: I have a high school education,
20 trade school and some college.

21 THE COURT: Thank you, sir.

22 Mr. Lynch, please, would you tell us, sir, first
23 where -- your full name and where you live?

24 PROSPECTIVE JUROR: It's Randall Wade Lynch. I live
25 in Crystal River, Florida.

1 THE COURT: Crystal River?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: How long have you lived in Citrus
4 County?

5 PROSPECTIVE JUROR: Since 1979.

6 THE COURT: What is your occupation?

7 PROSPECTIVE JUROR: I'm a supervisor for a
8 residential, commercial electrical company.

9 THE COURT: How long have you held that job?

10 PROSPECTIVE JUROR: Four years here and 11 at a
11 previous company.

12 THE COURT: Where was that?

13 PROSPECTIVE JUROR: In Crystal River. Now I'm in
14 Hudson, Florida -- working out of Hudson, Florida.

15 THE COURT: You're a native of Citrus County?

16 PROSPECTIVE JUROR: No. I moved down from Danville,
17 Illinois.

18 THE COURT: From Illinois?

19 PROSPECTIVE JUROR: Yeah.

20 THE COURT: When was that?

21 PROSPECTIVE JUROR: In 1979.

22 THE COURT: Seventy-nine. You said that. I'm
23 sorry.

24 And what is the extent of your education, Mr. Lynch?

25 PROSPECTIVE JUROR: High school diploma.

1 THE COURT: Are you married?

2 PROSPECTIVE JUROR: Yeah. My wife is a medical
3 assistant at a doctor's office.

4 THE COURT: Thank you, Mr. Lynch.

5 Mr. Austin, please, would you tell us first, sir,
6 your full name and where you live?

7 PROSPECTIVE JUROR: Robert Frederick Austin, live in
8 Summerfield.

9 THE COURT: How long have you lived there?

10 PROSPECTIVE JUROR: Six years.

11 THE COURT: What is your occupation, sir?

12 PROSPECTIVE JUROR: I'm a retired airline pilot.

13 THE COURT: How long have you been retired?

14 PROSPECTIVE JUROR: Since '91.

15 THE COURT: Have you engaged in some gainful
16 activity since that time?

17 PROSPECTIVE JUROR: No, I haven't.

18 THE COURT: Good for you.

19 And you moved to Florida when did you say?

20 PROSPECTIVE JUROR: In '93.

21 THE COURT: Ninety-three. What's the extent of your
22 education, sir?

23 PROSPECTIVE JUROR: College graduate.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: What is your wife's occupation?

2 PROSPECTIVE JUROR: Housewife.

3 THE COURT: Thank you, sir.

4 Ms. Holtsclaw, please, would you tell us first your
5 full name and where you live?

6 PROSPECTIVE JUROR: Paula Marie Holtsclaw, in
7 Crystal River.

8 THE COURT: How long have you lived in Citrus
9 County?

10 PROSPECTIVE JUROR: Except for three years, 36
11 years.

12 THE COURT: What is your occupation?

13 PROSPECTIVE JUROR: I'm a special events coordinator
14 for a non-profit organization.

15 THE COURT: What organization is that?

16 PROSPECTIVE JUROR: The Key Training Center in
17 Lecanto.

18 THE COURT: How long have you worked there?

19 PROSPECTIVE JUROR: Four and a half years.

20 THE COURT: What's the extent of your education.

21 PROSPECTIVE JUROR: I have an associate of science
22 degree from Central Florida.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR: I'm a widow.

25 THE COURT: I think you said that, Ms. Holtsclaw.

1 Thank you.

2 Mr. Lazinsk, please, would you tell us, sir, your
3 full name and where you live?

4 PROSPECTIVE JUROR: Jack Lazinsk, Clermont, Florida.

5 THE COURT: How long have you lived in Lake County,
6 sir?

7 PROSPECTIVE JUROR: Three years.

8 THE COURT: Before that where did you live?

9 PROSPECTIVE JUROR: Davenport for one year.

10 THE COURT: Davenport, Florida?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What is your occupation, sir.

13 PROSPECTIVE JUROR: Sales manager and trainer.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: What is your wife's occupation?

17 PROSPECTIVE JUROR: Currently homemaker with our
18 newborn and also does real estate.

19 THE COURT: Real estate?

20 PROSPECTIVE JUROR: Real estate.

21 THE COURT: She has a real estate license?

22 PROSPECTIVE JUROR: Yes, she does.

23 THE COURT: I think that covers it. Thank you,
24 Mr. Lazinsk.

25 Ms. Perkins, please, would you tell us your full

1 name and where you live, please?

2 PROSPECTIVE JUROR: My name is Christine Marie
3 Perkins. I live in Dunnellon.

4 THE COURT: How long have you lived there?

5 PROSPECTIVE JUROR: Six and a half years.

6 THE COURT: On the Marion County side?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Before that where did you live?

9 PROSPECTIVE JUROR: I lived in Albany, New York, for
10 ten years, but I'm originally from Maine.

11 THE COURT: From Maine. What is your occupation,
12 ma'am?

13 PROSPECTIVE JUROR: I'm retired.

14 THE COURT: From what?

15 PROSPECTIVE JUROR: I was a maintenance worker for a
16 local newspaper.

17 THE COURT: Was that in --

18 PROSPECTIVE JUROR: Maine.

19 THE COURT: In Maine?

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: What is your husband's occupation?

24 PROSPECTIVE JUROR: He's a chemical engineer,
25 lifetime chemical engineer for the paper industry.

1 THE COURT: All right. And what is the extent of
2 your education?

3 PROSPECTIVE JUROR: High school grad.

4 THE COURT: Thank you, Ms. Perkins.

5 Mr. Tuttle, please, would you tell us, sir, your
6 full name and where you live?

7 PROSPECTIVE JUROR: Frank Carmen Tuttle, Jr., from
8 Groveland, Florida.

9 THE COURT: From Groveland?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: How long have you lived in Lake County,
12 I guess it is?

13 PROSPECTIVE JUROR: A little over two years.

14 THE COURT: Before that where did you live?

15 PROSPECTIVE JUROR: Gainesville, Georgia.

16 THE COURT: What is your occupation, sir?

17 PROSPECTIVE JUROR: Automobile transporter.

18 THE COURT: How long have you been engaged in that
19 business?

20 PROSPECTIVE JUROR: Almost five years.

21 THE COURT: Do you own and operate your own
22 equipment --

23 PROSPECTIVE JUROR: No.

24 THE COURT: -- or work for someone else?

25 PROSPECTIVE JUROR: I work for someone else.

1 THE COURT: And you've been doing that five years,
2 you say?

3 PROSPECTIVE JUROR: Almost five years.

4 THE COURT: Are you married, sir?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: What is your wife's occupation?

7 PROSPECTIVE JUROR: She runs the front desk at a
8 doctor's office.

9 THE COURT: What's the extent of your education,
10 Mr. Tuttle?

11 PROSPECTIVE JUROR: High school and a little bit of
12 college.

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

14 Mr. Weller, please, would you tell us, sir, your
15 full name and where you live?

16 PROSPECTIVE JUROR: Charlie Weller. I live in
17 Eustis, Florida.

18 THE COURT: How long have you lived there?

19 PROSPECTIVE JUROR: About a month and a half.
20 Before that, Leesburg.

21 THE COURT: In Leesburg. How long did you live in
22 Leesburg?

23 PROSPECTIVE JUROR: About five years.

24 THE COURT: And where did you live before that, sir?

25 PROSPECTIVE JUROR: I lived in Ocoee.

1 THE COURT: Here in Marion County?

2 PROSPECTIVE JUROR: No. Orange County.

3 THE COURT: Orange County?

4 PROSPECTIVE JUROR: Orange County.

5 THE COURT: What's your occupation, Mr. Weller?

6 PROSPECTIVE JUROR: I'm an airport manager.

7 Leesburg International.

8 THE COURT: All right. Presently so employed?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: How long have you worked there?

11 PROSPECTIVE JUROR: Five years. Before that, 35
12 years with Kodak in Rochester.

13 THE COURT: I'm sorry?

14 PROSPECTIVE JUROR: Before that, 35 years for Kodak
15 in Rochester.

16 THE COURT: New York.

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Are you married, sir?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: What is your wife's occupation?

21 PROSPECTIVE JUROR: She's seventh and eighth grade
22 math and science teacher.

23 THE COURT: What is the extent of your education,
24 Mr. Weller?

25 PROSPECTIVE JUROR: Four-year technical degree.

1 THE COURT: Thank you, sir.

2 Mr. Ferrara, please, would you tell us your full
3 name and where you live, sir?

4 PROSPECTIVE JUROR: James Ferrara. I live in Ocala,
5 Florida.

6 THE COURT: How long have you lived in
7 Marion County?

8 PROSPECTIVE JUROR: Two years.

9 THE COURT: Before that, where did you live?

10 PROSPECTIVE JUROR: Hernando, in Citrus County for
11 ten years.

12 THE COURT: What is your occupation, sir?

13 PROSPECTIVE JUROR: I'm a banker, credit union
14 manager.

15 THE COURT: How long have you been engaged in the
16 banking industry?

17 PROSPECTIVE JUROR: Nine years.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: What is your wife's occupation?

21 PROSPECTIVE JUROR: She's a teacher at Lecanto
22 Primary.

23 THE COURT: Primary school teacher?

24 PROSPECTIVE JUROR: (Nods head up and down.)

25 THE COURT: What's the extent, sir, of your

1 education?

2 PROSPECTIVE JUROR: High school.

3 THE COURT: Thank you, Mr. Ferrara.

4 Mr. Sheehan, please, would you tell us, sir, your
5 full name and where you live?

6 PROSPECTIVE JUROR: Michael Thomas Sheehan, in
7 Ocala, Florida.

8 THE COURT: How long have you lived in
9 Marion County?

10 PROSPECTIVE JUROR: Two and a half years.

11 THE COURT: Before that, where did you live?

12 PROSPECTIVE JUROR: Highhand Mills, New York.

13 THE COURT: Your occupation?

14 PROSPECTIVE JUROR: Retired from Verizon.

15 THE COURT: Verizon?

16 PROSPECTIVE JUROR: Verizon.

17 THE COURT: How long did you -- oh. Ryder?

18 PROSPECTIVE JUROR: No. The phone company.

19 THE COURT: How long did you work there, sir?

20 PROSPECTIVE JUROR: Twenty-nine years.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR: Yes, I am.

23 THE COURT: What is your wife's occupation?

24 PROSPECTIVE JUROR: She's retired.

25 THE COURT: From what?

1 PROSPECTIVE JUROR: A bus agent up in New York.

2 THE COURT: What's the extent, sir, of your
3 education?

4 PROSPECTIVE JUROR: High school.

5 THE COURT: Thank you, sir.

6 Ms. Artman, would you please stand and tell us,
7 ma'am, your full name and where you live?

8 PROSPECTIVE JUROR: Carolyn Artman. I live in
9 Ocala. I moved here from Bradenton; lived in Bradenton for 35
10 years. I have been here for six.

11 THE COURT: What's your occupation, Ms. Artman?

12 PROSPECTIVE JUROR: Housewife, retired.

13 THE COURT: All right. And you are married, then?

14 PROSPECTIVE JUROR: I've never retired from being a
15 housewife.

16 THE COURT: No. No. My wife tells me there is no
17 retirement.

18 PROSPECTIVE JUROR: No, there isn't.

19 THE COURT: You are married?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: What is your husband's occupation?

22 PROSPECTIVE JUROR: He was a transformer coil winder
23 supervisor.

24 THE COURT: In what industry?

25 PROSPECTIVE JUROR: Transformer coil winder.

1 THE COURT: The electrical industry?

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: And --

4 PROSPECTIVE JUROR: He's retired.

5 THE COURT: All right. What's the extent, ma'am, of
6 your education?

7 PROSPECTIVE JUROR: High school.

8 THE COURT: Thank you, Ms. Artman.

9 Ms. Taylor, please, would you tell us, ma'am, your
10 full name and where you live?

11 PROSPECTIVE JUROR: Frances Elaine Taylor, and I
12 live in Leesburg.

13 THE COURT: For how long?

14 PROSPECTIVE JUROR: Thirty-six years.

15 THE COURT: What is your occupation?

16 PROSPECTIVE JUROR: I'm a retired school teacher.

17 THE COURT: How long have you been retired?

18 PROSPECTIVE JUROR: Seven years.

19 THE COURT: Are you married?

20 PROSPECTIVE JUROR: Yes, I am.

21 THE COURT: What's your husband's occupation?

22 PROSPECTIVE JUROR: My husband is an attorney in
23 Leesburg.

24 THE COURT: What is the nature of his practice?

25 PROSPECTIVE JUROR: He has a civil practice.

1 THE COURT: Does that involve tax matters?

2 PROSPECTIVE JUROR: Not -- no. Real estate and
3 wills. And he's kind of winding down, too.

4 THE COURT: I see. I see.

5 And what is the extent of your education,
6 Ms. Taylor?

7 PROSPECTIVE JUROR: I'm a college graduate.

8 THE COURT: Thank you, ma'am.

9 Ms. Cooke-Yarborough, please, would you tell us your
10 full name and where you live?

11 PROSPECTIVE JUROR: My name is Tina Marie
12 Cooke-Yarborough, and I live in Ocala, Florida.

13 THE COURT: You've lived in Marion County for how
14 long?

15 PROSPECTIVE JUROR: Thirteen and a half years.

16 THE COURT: What is your occupation?

17 PROSPECTIVE JUROR: A scheduler for Home Depot.

18 THE COURT: How long have you worked there?

19 PROSPECTIVE JUROR: Twelve years.

20 THE COURT: Are you married?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: What is your husband's occupation?

23 PROSPECTIVE JUROR: He's a salesman for Pulte Homes.

24 THE COURT: What's the extent of your education?

25 PROSPECTIVE JUROR: High school and some college.

1 THE COURT: Thank you.

2 Ms. Tuck, please, would you tell us your name and
3 where you live?

4 PROSPECTIVE JUROR: Marie Rickenbach Tuck, and I
5 live in Ocala all my life, all of my years.

6 THE COURT: All right. What is your occupation?

7 PROSPECTIVE JUROR: Housewife.

8 THE COURT: And your husband's involved in the
9 convenience store business?

10 PROSPECTIVE JUROR: Yes, Your Honor.

11 THE COURT: I think you described that for us
12 previously.

13 What is the extent of your education, ma'am?

14 PROSPECTIVE JUROR: College graduate. College
15 graduate.

16 THE COURT: All right. Thank you.

17 Ms. Kenney, please, would you tell us your full name
18 and where you live, please, ma'am?

19 PROSPECTIVE JUROR: My full name is Natalie Lynnette
20 Kenney. I live in Citrus Springs, Florida. I've been --
21 Citrus County.

22 THE COURT: Citrus County?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: How long have you lived in Citrus
25 County?

1 PROSPECTIVE JUROR: Fourteen years.

2 THE COURT: Before that, where did you live?

3 PROSPECTIVE JUROR: I lived in Middletown, Ohio.

4 THE COURT: What is your occupation?

5 PROSPECTIVE JUROR: I am -- I home school my
6 children, so I am a housewife slash teacher.

7 THE COURT: All right. What is your husband's
8 occupation?

9 PROSPECTIVE JUROR: He is a certified roofer and
10 youth pastor.

11 THE COURT: All right. And what is the extent of
12 your education?

13 PROSPECTIVE JUROR: High school.

14 THE COURT: Thank you, Ms. Kenney.

15 Ms. Saraceni, please, would you tell us your full
16 name and where you live?

17 PROSPECTIVE JUROR: It is Catherine Jane Saraceni,
18 and I live in Dunnellon.

19 THE COURT: Marion County?

20 PROSPECTIVE JUROR: Marion County.

21 THE COURT: How long have you lived there?

22 PROSPECTIVE JUROR: Just over six years.

23 THE COURT: Before that, where did you live?

24 PROSPECTIVE JUROR: Allentown, Pennsylvania.

25 THE COURT: What is your occupation, ma'am?

1 PROSPECTIVE JUROR: Retired.

2 THE COURT: From what?

3 PROSPECTIVE JUROR: Managing a mini storage for 12
4 years.

5 THE COURT: A mini storage?

6 PROSPECTIVE JUROR: Mini storage, yes.

7 THE COURT: Are you married?

8 PROSPECTIVE JUROR: Yes, I am.

9 THE COURT: What is your husband's occupation?

10 PROSPECTIVE JUROR: He was, I guess -- he worked at
11 a bakery, Mrs. Smith's pies --

12 THE COURT: All right.

13 PROSPECTIVE JUROR: -- and freezer.

14 THE COURT: I understand. And what is the extent of
15 your education, ma'am?

16 PROSPECTIVE JUROR: Twelve years.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR: Uh-huh.

19 THE COURT: Ms. Smith, please, would you tell us
20 your full name and where you live?

21 PROSPECTIVE JUROR: Michele Elizabeth Smith,
22 Lecanto, Florida.

23 THE COURT: How long have you lived in Citrus
24 County?

25 PROSPECTIVE JUROR: I have lived in Citrus County

1 seven years.

2 THE COURT: Before that, where did you live?

3 PROSPECTIVE JUROR: Key West, Florida. Been away
4 for six months.

5 THE COURT: Well, before that, then.

6 PROSPECTIVE JUROR: Fayetteville, North Carolina.

7 THE COURT: What is your occupation, ma'am?

8 PROSPECTIVE JUROR: I am a merchandising manager.

9 THE COURT: For whom?

10 PROSPECTIVE JUROR: Sears Holdings.

11 THE COURT: How long have you worked there?

12 PROSPECTIVE JUROR: Almost three years.

13 THE COURT: Are you married?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: What is your husband's occupation?

16 PROSPECTIVE JUROR: He is a field supervisor for
17 Alumatech.

18 THE COURT: For whom?

19 PROSPECTIVE JUROR: Alumatech.

20 THE COURT: That's an aluminum dealer, I take it?

21 PROSPECTIVE JUROR: Yes, an aluminum construction
22 company in Ocala.

23 THE COURT: I see. What is the extent of your
24 education, ma'am?

25 PROSPECTIVE JUROR: I have a certification in

1 pharmaceutical research and some college in marketing.

2 THE COURT: Thank you.

3 Mr. Johnson, please, would you tell us, sir, your
4 full name?

5 PROSPECTIVE JUROR: Don William Johnson. Don
6 William Johnson.

7 THE COURT: Thank you. Where do you live,
8 Mr. Johnson?

9 PROSPECTIVE JUROR: I live in the Villages.

10 THE COURT: How long have you lived there?

11 PROSPECTIVE JUROR: Six years.

12 THE COURT: Before that, where did you live?

13 PROSPECTIVE JUROR: Williamsburg, Virginia, for
14 about four years.

15 THE COURT: What is your occupation, sir?

16 PROSPECTIVE JUROR: Retired.

17 THE COURT: From what?

18 PROSPECTIVE JUROR: I was worked for the Navy
19 Department, civil service, in northern Virginia for 30 years.

20 THE COURT: All right. Are you married, sir?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: What is your wife's occupation?

23 PROSPECTIVE JUROR: She's also retired.

24 THE COURT: From what?

25 PROSPECTIVE JUROR: Department of Defense.

1 THE COURT: And what is the extent, sir, of your
2 education?

3 PROSPECTIVE JUROR: I have an advanced degree in
4 mechanical engineering and nuclear engineering.

5 THE COURT: Thank you very much, Mr. Johnson.

6 Mr. Rossdeutscher, please, would you tell us, sir,
7 your full name and where you live?

8 PROSPECTIVE JUROR: Robert Neil Rossdeutscher. I
9 live south of Leesburg.

10 THE COURT: In Lake County?

11 PROSPECTIVE JUROR: In Lake County.

12 THE COURT: How long have you lived in Lake County,
13 sir?

14 PROSPECTIVE JUROR: Seven years.

15 THE COURT: Before that, where did you live?

16 PROSPECTIVE JUROR: Elk Grove, Illinois.

17 THE COURT: What is your occupation, sir?

18 PROSPECTIVE JUROR: Currently retired. Prior to
19 that, I worked for a school district in Illinois.

20 THE COURT: In what capacity?

21 PROSPECTIVE JUROR: I was the director of operations
22 and maintenance for a large elementary there.

23 THE COURT: I see. Are you married, sir?

24 PROSPECTIVE JUROR: I am.

25 THE COURT: What is your wife's occupation?

1 PROSPECTIVE JUROR: She's retired -- retired case
2 manager, psychiatric nurse.

3 THE COURT: All right. And what is the extent, sir,
4 of your education?

5 PROSPECTIVE JUROR: High school.

6 THE COURT: Thank you.

7 Mr. Salisbury, please, would you tell us, sir, your
8 full name and where you live?

9 PROSPECTIVE JUROR: Gary Russell Salisbury, Crystal
10 River, Florida.

11 THE COURT: How long have you lived in Crystal --
12 in -- you said Crystal River?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: How long have you lived there?

15 PROSPECTIVE JUROR: Twelve years, Your Honor.

16 THE COURT: Before that, where did you live?

17 PROSPECTIVE JUROR: Safety Harbor, five years.

18 THE COURT: What's your occupation, sir?

19 PROSPECTIVE JUROR: Retired.

20 THE COURT: From what?

21 PROSPECTIVE JUROR: Travelers Insurance Company.

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR: Travelers Insurance Company.

24 THE COURT: All right. Are you married, sir?

25 PROSPECTIVE JUROR: Single.

1 THE COURT: And what is your wife's occupation?

2 Oh. You said single. It's late in the day. I
3 apologize, Mr. Salisbury.

4 Did I ask you the extent of your education?

5 PROSPECTIVE JUROR: Four-year degree, master's
6 dropout.

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

8 Ms. Boykin, please.

9 PROSPECTIVE JUROR: Yes, sir. Sandi Gray Boykin.

10 THE COURT: Where do you live, Ms. Boykin?

11 PROSPECTIVE JUROR: I live in Clermont, Florida.

12 THE COURT: How long have you lived in Lake County?

13 PROSPECTIVE JUROR: I'm a native of Lake County.

14 THE COURT: What is your occupation?

15 PROSPECTIVE JUROR: I am a pediatric physical
16 therapist.

17 THE COURT: I'm sorry?

18 PROSPECTIVE JUROR: Pediatric physical therapist.

19 THE COURT: You're employed where?

20 PROSPECTIVE JUROR: I'm employed by Orange County
21 Public Schools.

22 THE COURT: How long have you held that position?

23 PROSPECTIVE JUROR: Twenty years.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: What is your husband's occupation?

2 PROSPECTIVE JUROR: My husband owns a construction
3 company in Lake County.

4 THE COURT: All right. What is the extent of your
5 education?

6 PROSPECTIVE JUROR: I'm a college graduate.

7 THE COURT: Thank you.

8 Ms. Bussey, please, would you tell us, ma'am, your
9 full name and where you live?

10 PROSPECTIVE JUROR: Nancy Taylor Bussey from
11 Clermont.

12 THE COURT: How long have you lived in Lake County?

13 PROSPECTIVE JUROR: Ten years.

14 THE COURT: Before that, where did you live?

15 PROSPECTIVE JUROR: Huntington Beach, California.

16 THE COURT: What is your occupation?

17 PROSPECTIVE JUROR: Executive assistant for the Golf
18 Channel.

19 THE COURT: How long have you held that position?

20 PROSPECTIVE JUROR: Three years.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: What is your husband's occupation?

24 PROSPECTIVE JUROR: He's retired.

25 THE COURT: From what?

1 PROSPECTIVE JUROR: The military service and
2 aerospace.

3 THE COURT: And the extent of your education?

4 PROSPECTIVE JUROR: High school and some college.

5 THE COURT: What is your handicap?

6 PROSPECTIVE JUROR: I don't golf.

7 THE COURT: I'm speaking of golf, of course.

8 Mr. Colen, please, would you tell us, sir, your full
9 name and where you live?

10 PROSPECTIVE JUROR: Kenneth David Colen,
11 unincorporated Marion County.

12 THE COURT: I'm sorry, I didn't hear you.

13 PROSPECTIVE JUROR: Unincorporated Marion County.

14 THE COURT: How long have you lived in
15 Marion County?

16 PROSPECTIVE JUROR: Thirty-two plus years.

17 THE COURT: What is your occupation, sir?

18 PROSPECTIVE JUROR: Builder, developer, real estate
19 broker.

20 THE COURT: Are you married?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: What's the extent of your education?

23 PROSPECTIVE JUROR: Bachelors of science in resource
24 development and several other trades.

25 THE COURT: Thank you, Mr. Colen.

1 Mr. Akers, would you tell us, sir, your full name
2 and where you live?

3 PROSPECTIVE JUROR: Donald Akers, Dunnellon.

4 THE COURT: Marion County side?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: How long have you lived there?

7 PROSPECTIVE JUROR: Six years.

8 THE COURT: Before that, where did you live?

9 PROSPECTIVE JUROR: Lexington, Kentucky.

10 THE COURT: What is your occupation, sir?

11 PROSPECTIVE JUROR: I'm retired three times.

12 THE COURT: Retired three times. How long have you
13 been retired three times, Mr. Akers?

14 PROSPECTIVE JUROR: I retired the first time about
15 15 years ago.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR: I retired about 15 years ago
18 from Sears; retired from legal services about eight years ago.
19 It's --

20 THE COURT: Where -- what was the nature of that
21 employment? By whom?

22 PROSPECTIVE JUROR: I was a housing coordinator in
23 eastern Kentucky.

24 THE COURT: Employed by an agency of the State of
25 Kentucky, I take it?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Are you married, sir?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: What is your wife's occupation?

5 PROSPECTIVE JUROR: She's retired.

6 THE COURT: What was her occupation at the time of
7 her retirement?

8 PROSPECTIVE JUROR: Sales.

9 THE COURT: Pardon?

10 PROSPECTIVE JUROR: Retail sales.

11 THE COURT: All right. And what is the extent of
12 your education, Mr. Akers?

13 PROSPECTIVE JUROR: Three years of college. Three
14 years of college.

15 THE COURT: Thank you, sir.

16 Ms. Bradshaw, please --

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: -- your full name and where you live,
19 please?

20 PROSPECTIVE JUROR: Arlene Bradshaw. I live in
21 Ocala, Florida.

22 THE COURT: How long have you lived here?

23 PROSPECTIVE JUROR: Approximately 20 years.

24 THE COURT: What is your occupation?

25 PROSPECTIVE JUROR: I'm a retired attorney, and

1 currently I'm a stay-at-home mom.

2 THE COURT: Your husband -- I think you told us at
3 one point, but I'm not sure -- what -- you are married.

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: What is your husband's occupation?

6 PROSPECTIVE JUROR: Right now he is CEO of Ocala
7 Family Medical Center. He is also an attorney.

8 THE COURT: Has he engaged in the private practice
9 of law in the past?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: What was the nature of his practice?

12 PROSPECTIVE JUROR: It was a private practice,
13 primarily plaintiffs' personal injury.

14 THE COURT: All right.

15 PROSPECTIVE JUROR: I worked there also.

16 THE COURT: And what is the extent of your
17 education, Ms. Bradshaw?

18 PROSPECTIVE JUROR: Juris doctor.

19 THE COURT: Thank you.

20 Have you engaged in the private practice of law?

21 PROSPECTIVE JUROR: No. I am currently in inactive
22 status with the Florida Bar for about eight years now.

23 THE COURT: Thank you.

24 Mr. Scott, please --

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: -- your name and where you live, sir?

2 PROSPECTIVE JUROR: David Scott, Centerville,
3 Florida.

4 THE COURT: How long have you lived there?

5 PROSPECTIVE JUROR: Almost 13 years.

6 THE COURT: What is your occupation?

7 PROSPECTIVE JUROR: Flooring, construction.

8 THE COURT: And you own and operate your own
9 business, do you?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Are you married, sir?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: What is your wife's occupation?

14 PROSPECTIVE JUROR: Housewife.

15 THE COURT: What is the extent of your education,
16 Mr. Scott?

17 PROSPECTIVE JUROR: High school. High school.

18 THE COURT: Thank you.

19 Ms. Lewis, please, would you tell us your full name
20 and where you live?

21 PROSPECTIVE JUROR: Catherine Mary Lewis, Montverde,
22 Florida.

23 THE COURT: How long have you lived there?

24 PROSPECTIVE JUROR: Six years.

25 THE COURT: Before that, where did you live?

1 PROSPECTIVE JUROR: Two years in Osceola County.

2 THE COURT: Osceola?

3 PROSPECTIVE JUROR: Osceola. Before that, Michigan.

4 THE COURT: What is your occupation?

5 PROSPECTIVE JUROR: I'm sorry?

6 THE COURT: What is your occupation?

7 PROSPECTIVE JUROR: I am an ESE, exceptional student
8 education teacher, for Grassy Lake Elementary.

9 THE COURT: What school system is that?

10 PROSPECTIVE JUROR: Lake County schools.

11 THE COURT: Lake County?

12 PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: How long have you been employed there?

14 PROSPECTIVE JUROR: I have been employed with Lake
15 County schools for six years.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR: I am.

18 THE COURT: What is your husband's occupation?

19 PROSPECTIVE JUROR: He is the -- he works at MIS for
20 Lake County schools as well. Technology.

21 THE COURT: All right. And what is the extent of
22 your education, Ms. Lewis?

23 PROSPECTIVE JUROR: I am six months from graduating
24 with my master's in literacy and reading.

25 THE COURT: Thank you, Ms. Lewis.

1 Ms. Stoneman, please, would you tell us, ma'am, your
2 full name and where you live?

3 PROSPECTIVE JUROR: My name is Patricia Stoneman,
4 and I live in Mineola. I have lived there five years. And I
5 lived in Orlando for 26 years prior to that.

6 THE COURT: Thank you. What is your occupation,
7 ma'am?

8 PROSPECTIVE JUROR: My last job was with Valencia
9 Community College and I don't -- I have retired. I'm not
10 working at all.

11 THE COURT: Are you married?

12 PROSPECTIVE JUROR: I am.

13 THE COURT: What is your husband's occupation?

14 PROSPECTIVE JUROR: He's retired. He retired from
15 Disney.

16 THE COURT: Retired what?

17 PROSPECTIVE JUROR: He retired from Disney -- with
18 Disney.

19 THE COURT: What is the extent of your education,
20 Ms. Stoneman?

21 PROSPECTIVE JUROR: It was high school.

22 THE COURT: Thank you.

23 Ms. Hoppe, please, would you tell us your full name
24 and where you live?

25 PROSPECTIVE JUROR: Johnye Jane Hoppe, and I live in

1 Anthony, Florida. I've been there ten years. Before that, I
2 was born and raised in Miami, Florida.

3 THE COURT: What is your occupation, ma'am?

4 PROSPECTIVE JUROR: My husband and I owned and
5 operated Hoppe's Auto Service in Miami for 17 years, auto
6 repair.

7 THE COURT: All right. What is the extent of your
8 education, Ms. Hoppe?

9 PROSPECTIVE JUROR: High school.

10 THE COURT: Thank you very much.

11 Mr. Cannaday, please, would you tell us, sir, your
12 full name and where you live?

13 PROSPECTIVE JUROR: Chad Charles Cannaday, and I
14 live in Ocala, Florida.

15 THE COURT: How long have you lived here, sir?

16 PROSPECTIVE JUROR: Twenty-eight years.

17 THE COURT: What is your occupation?

18 PROSPECTIVE JUROR: Well, I'm retired. Prior to
19 that, I was a real estate broker.

20 THE COURT: How long were you engaged in the real
21 estate business?

22 PROSPECTIVE JUROR: Since 1979.

23 THE COURT: Are you married, sir?

24 PROSPECTIVE JUROR: Single.

25 THE COURT: All right. And the extent of your

1 education?

2 PROSPECTIVE JUROR: College, Saint Luke's two years,
3 three years the University of Wisconsin.

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

5 And, Mr. Strickland, please, would you tell us, sir,
6 your full name and where you live?

7 PROSPECTIVE JUROR: Lonnie Monroe Strickland,
8 unincorporated Sumter County.

9 THE COURT: How long have you lived there, sir?

10 PROSPECTIVE JUROR: Ten years in Sumter County. I'm
11 a lifetime resident of the state of Florida.

12 THE COURT: Thank you, Mr. Strickland.

13 And you've already told us your employment at
14 Lowell. Are you married, sir?

15 PROSPECTIVE JUROR: Yes, sir. My wife's a nurse for
16 an ophthalmologist in Inverness.

17 THE COURT: And the extent of your education?

18 PROSPECTIVE JUROR: High school and formally trained
19 also as a physician assistant.

20 THE COURT: Thank you, sir. Indeed, thank you all,
21 ladies and gentlemen. It's coming up on 5:00, and this is a
22 convenient place to take a break. I need to confer with the
23 lawyers, among other things, before we can continue.

24 I think we've made -- although it may not seem like
25 it, we've made some good progress today, I think, and should

1 not be too far from conclusion of this proceeding.

2 But we'll recess now until 9:00 tomorrow morning.
3 I'm going to ask all of you to return, including those of you
4 seated in the courtroom who are members of the jury panel. I
5 appreciate the service that you've rendered today by your
6 presence there. I realize that this has, as I have said, been
7 a tedious proceeding for you and, indeed, all concerned, but
8 we are making progress.

9 And as I say, I'm going to ask all of you to return
10 tomorrow morning. And as we did today after lunch, I'm going
11 to ask you, please, to take up the same position again in the
12 morning that you're occupying at the present time.

13 And I do instruct all of you not to have any
14 conversation or discussion now even among or between
15 yourselves or with others over the evening concerning anything
16 having to do with this case or, indeed, with this proceeding.

17 And the reason, I might explain, that you are given
18 that instruction is because of the possibility that if you
19 engage in conversation about the case, especially with some
20 who have not been here today, something might be said that
21 could make an impression on you or linger in the back of your
22 mind and cause you to view the evidence somewhat differently
23 than you might otherwise have done or to form some subliminal
24 impression about the case that you would not otherwise have
25 formed and would prevent you from discharging your duty if

1 you're seated as a member of the jury of deciding the case, as
2 I've said, only on the basis of the testimony and evidence
3 presented here and not on the basis of any extraneous or
4 outside information of any kind.

5 So in order to achieve that objective, you are
6 instructed that you should not have any conversations with
7 others about the case.

8 I do appreciate your patient attention today, and
9 I'm going to excuse all members of the jury panel now until
10 9:00 tomorrow morning.

11 I'll ask counsel and the parties to remain, please.
12 We'll reconvene in ten minutes' time. I wish to confer with
13 you for a brief period of time this evening before we stop for
14 the day.

15 But the jurors are excused -- or the panel members
16 are excused until 9:00 tomorrow morning, and we'll take a
17 ten-minute recess.

18 (A recess was taken.)

19 (Prospective juror panel absent.)

20 THE COURT: Thank you. Be seated, please.

21 Let me have a minute, counsel, to organize some of
22 these papers here.

23 (Pause.)

24 THE COURT: Counsel, you may wish to listen
25 carefully and write down what I'm about to say. I'm prepared

1 to excuse of my own motion for cause based upon responses
2 given thus far in voir dire, subject to persuasive objection,
3 if any, and I will use the sequential numbers that have been
4 assigned to the jurors, that is, the sequence in which they
5 have been called forward: Number 16, Michael Sheehan; Number
6 20, Marie Tuck; Number 24, Don Johnson; Number 29, Ken Colen;
7 Number 31, Arlene Bradshaw; Number 34, Patricia Stoneman. I
8 think that's it.

9 Does anyone -- does the government object to my
10 excusing any of those venire persons for cause?

11 MR. O'NEILL: No, Your Honor.

12 THE COURT: Does the defendant Snipes object to my
13 excusing any of those persons for cause?

14 MR. BARNES: No, Your Honor.

15 THE COURT: Mr. Kahn, do you have any objection to
16 my excusing any of those persons for cause?

17 DEFENDANT KAHN: I'm not participating, sir, so it
18 wouldn't matter to me.

19 THE COURT: I didn't hear the last part of what you
20 said, sir.

21 DEFENDANT KAHN: I said, I'm not participating so it
22 doesn't matter to me.

23 THE COURT: All right. Mr. Wilson?

24 MR. WILSON: No, Your Honor.

25 THE COURT: Each of those venire persons are excused

1 for cause.

2 Mr. Kahn, you said earlier and you just remarked
3 that you're not participating in the case and that you had a
4 statement that you wished to read.

5 DEFENDANT KAHN: That's correct, sir.

6 THE COURT: Do you wish to read that statement to
7 the Court and for the record, or do you wish to read it for
8 the jury?

9 DEFENDANT KAHN: I wish to read it for the record,
10 sir.

11 THE COURT: How long is your statement, Mr. Kahn?

12 DEFENDANT KAHN: Not that long. It will be about,
13 you know -- I mean, it's not that long at all. It's about --
14 less than five minutes.

15 THE COURT: Come to the lectern, and I will hear
16 your statement.

17 DEFENDANT KAHN: All right.

18 THE COURT: Do you have it with you?

19 DEFENDANT KAHN: Yes, I do.

20 This is for the record, sir. The following
21 statements are my belief. They are the reasons I will not be
22 participating in these proceedings.

23 Number one. Judge Hodges, as you know, I got a copy
24 of your appointment affidavit under the Freedom of Information
25 Act. You had previously denied me the opportunity to subpoena

1 it even though it was a public document. I have placed it in
2 the county recorder's office in Lake County as a public record
3 and then filed a certified copy into the court record last
4 week.

5 It is evidence of your official government status.
6 The document is a Standard Form 61. It is a U.S. Civil
7 Service Commission form and states that fact on the form.

8 It states that on December 15 of 1971, you were
9 hired by the Executive Branch of government as a civil
10 servant.

11 The oath on that form is found at Title 5 of the
12 U.S. Code, Section 3331, and states in pertinent part, An
13 individual, except the President, elected or appointed to an
14 office of honor or profit in the Civil Service or uniform
15 services shall take the following oath. That's the end of the
16 quote.

17 You stated on the court record in a previous hearing
18 prior to me getting this document that you were not a civil
19 servant. However, your appointment affidavit states
20 otherwise.

21 As a civil servant you're an administrative judge,
22 not an Article III judge. As an administrative judge you have
23 no authority to try or sentence us without our consent as you
24 have no judicial power.

25 The bottom line is this: You, Magistrate Gary

1 Jones, the prosecuting attorneys, and the U.S. Marshals all
2 have one thing in common: You all signed a Standard Form 61.
3 You all received a Civil Service commission, which means you
4 all work for the Executive Branch of government. There is no
5 separation of power and hence no impartiality.

6 We are entitled to an impartial and independent
7 Article III judge. I have stated by affidavit that I will
8 consent and agree to be tried in an Article III court before
9 an Article III judge.

10 Conversely, I will not consent and will object and
11 protest to any attempt to try me in a non Article III court
12 before a non Article III judge.

13 Number two. Judge Hodges, when you were hired, you
14 took two oaths to uphold and defend the Constitution of the
15 United States. That includes defending Americans from overly
16 aggressive government agents.

17 The Fourth Amendment of the Constitution states in
18 pertinent part, No warrant shall issue but upon probable cause
19 supported by oath or affirmation, end of the quote.

20 There are no affidavits of probable cause on the
21 court record. There is no oath or affirmation on the court
22 record.

23 The Assistant U.S. Attorney, Scotland Morris, even
24 brazenly admitted in a letter to Michael Nielsen that there
25 were no such documents in existence.

1 That begs the question, if those documents are
2 required for an arrest warrant to issue, how did the arrest
3 warrant issue without them?

4 The U.S. Supreme Court stated in *Giordanello versus*
5 *U.S.* in talking about Federal Rules of Criminal Procedure
6 Rules 3 and 4, quote, Criminal rules 3 and 4 provide that an
7 arrest warrant shall be issued only upon a written and sworn
8 complaint, number one, setting forth the essential facts
9 constituting the offense charged and, two, showing that there
10 is probable cause to believe that such an offense has been
11 committed and the defendant has committed it, end of the
12 quote.

13 Just down a little bit further it says, quote,
14 Again, hence, Rule 3 was adopted to fulfill the oath
15 requirement of the Fourth Amendment. In *U.S. versus*
16 *Astrobal-Herrera*, it quotes, Apparently the government and its
17 agents do not fully appreciate or care to comply with Rule 3
18 of the Federal Rules of Criminal Procedure and its
19 requirements that complaints made -- be made under oath before
20 a Magistrate. Indeed, there is such importance and
21 significance attached to the oath requirement that a complaint
22 not so sworn is subject to dismissal, end of quote.

23 Back to *Giordanello versus U.S.* Quote: There the
24 Court pointed out that Rules 3 and 4 were to be read so as to
25 afford Fourth Amendment protection. Bearing this in mind, we

1 hold that the requirements of Rule 3 and 4 must be strictly
2 complied with so as to preclude the mischief which would
3 result if arrest warrants were issued on less than substantial
4 grounds. Casual accusations cannot be a basis for denying a
5 person his liberty.

6 The criminal process of the Court shall be invoked
7 only if the complaining party goes before an officer having
8 power to order persons committed for offenses against the
9 United States. Before such an officer the complainant shall
10 swear to the allegations of his complaint.

11 The importance of personal appearance is apparent
12 both from the Fourth Amendment and Rule 4. The officer
13 receiving the complaint must make a determination of probable
14 cause. And in the event he finds probable cause, he is
15 required under Rule 4 to issue criminal process, i.e., to
16 order the person of the accused seized.

17 Prior to his exercising this power, the issuing
18 officer is required to personally examine the complaint -- the
19 complainant with regard to both the information contained in
20 the complaint and the source of that information, end of the
21 quote.

22 According to U.S. Attorney Morris, none of the
23 required documents according to the U.S. Supreme Court and the
24 Constitution of the United States of America exist. The
25 Giordanello court stated that they must be there to invoke the

1 criminal process of the court.

2 So the question is: By what authority has this
3 Court's jurisdiction been invoked? I believe the Court is
4 totally without authority to proceed absent the aforementioned
5 documents.

6 Judge Hodges, as you're aware, I've been trying
7 since June of 2007 to hire competent, effective and qualified
8 assistance of counsel of my choice. I have contacted 40 law
9 firms, 33 by letter, and seven were contacted by phone. They
10 all advertise that they handle federal criminal cases. Four
11 responded with "no, thank you"; 35, no answer at all. Only
12 your man, Michael Nielsen, said yes. But he has refused to
13 answer the questions that I have posed to him regarding
14 competency, effectiveness and qualifications.

15 I have asked him for a copy of his license to
16 practice law in Florida. He could only produce a bar
17 membership card. However, the Florida Supreme Court in the
18 Florida Bar versus Martin case stated that you must be a
19 member of the bar and have a license to practice law. Thus,
20 he is not qualified and, in fact, is committing a third-degree
21 felony by practicing, as are the U.S. Attorneys if they can't
22 produce a license either, and I do not believe that they have
23 one.

24 Let's see. Excuse me.

25 (Pause.)

1 DEFENDANT KAHN: The U.S. Code, the law that is
2 being used to prosecute us, is private copyrighted law. I
3 cannot use it for my defense.

4 Number five. The question I have is: Can any
5 sanction be imposed on Mr. Snipes, Mr. Rosile, or myself
6 absent proof of jurisdiction on the record? I have seen no
7 proof of jurisdiction on the record, and I do not believe that
8 any exist.

9 According to the U.S. Supreme Court in Stanton
10 versus Olsen, it says no sanction can be imposed absent proof
11 of jurisdiction.

12 My conclusion is this: Since you're an officer
13 working for the Executive Branch of government, not an
14 Article III judge with judicial power, since there is no
15 criminal complaint with supporting oath or affirmation, and no
16 affidavits of probable cause as required by the Fourth
17 Amendment to invoke the Court's -- if it was an Article III
18 court -- criminal process, since we have not been accused of
19 violating an act of Congress but, rather, a private
20 copyrighted law that I cannot use in my defense, and since
21 there is no proof of jurisdiction on the record, and since I
22 have not been able to hire competent, effective and qualified
23 assistance of counsel to consult with me regarding this
24 matter, I will not accept your offer to adjudicate anything
25 concerning me as your appointment affidavit proves that you

1 are not an Article III judge, and I have a right to be heard
2 by one.

3 I do not consent to these proceedings. And if you
4 continue with it, it will be over my objection and protest,
5 and I will not -- I will not participate in what I believe to
6 be a sham proceeding.

7 And that's really all I have to say on the matter.

8 THE COURT: All right. You may be seated, Mr. Kahn.

9 Mr. Meachum, I note your presence.

10 MR. MEACHUM: Happy New Year, Judge.

11 THE COURT: Same to you.

12 How's your back?

13 MR. MEACHUM: Well, not as strong as yours, Your
14 Honor, but it's better than it's been in 15 years so...

15 THE COURT: You had your surgery, did you?

16 MR. MEACHUM: No, I didn't have surgery, but I lost
17 40 pounds. I increased my bench press by a hundred and
18 decreased my waistline by six inches.

19 THE COURT: Well, I'm curious as to what to do here,
20 Mr. Meachum.

21 MR. MEACHUM: And it's Meachum, Your Honor.

22 THE COURT: You at an earlier time filed a motion to
23 withdraw as counsel in this case --

24 MR. MEACHUM: That's correct, Your Honor.

25 THE COURT: -- because you had been accused of

1 rendering ineffective assistance of counsel to your client.

2 MR. MEACHUM: I think that the record reflected, if
3 you will recall, Your Honor, that the Court was presented with
4 a letter from my doctor which said that I needed 90 days to do
5 rehab on my back.

6 THE COURT: I understand, but my question was a
7 different one. The basis of your motion to withdraw, which
8 was granted after hearing, was that you and your colleagues
9 representing Mr. Snipes at the time had been relieved by him
10 because his belief was that he was receiving ineffective
11 assistance of counsel.

12 MR. MEACHUM: Well, the basis of my motion,
13 Your Honor, was that I was withdrawing for medical reasons and
14 that the other entire counsel of the defense counsel was
15 withdrawing for ineffective counsel.

16 THE COURT: Well, that's not what the record shows.
17 The record shows at Page 23 of the hearing which was conducted
18 on October the 9th on the motion to withdraw the following.
19 First, it was made clear in the early stages of that motion
20 because of what I perceived to be some ambiguity who was
21 making the motion, and at Page 4 I said, addressing
22 Mr. Martin, You made what you have entitled an emergency
23 motion to withdraw, and it's being made, I take it, although
24 the electronic filing makes this somewhat confusing, that
25 you're clearly -- you're seeking leave to withdraw. Is

1 Mr. Meachum seeking leave to withdraw as well?

2 Mr. Meachum, your response was, Well, Your Honor,
3 yes. Yes, Your Honor.

4 I said, All right.

5 Then at Page 22, you said, addressing the Court,
6 Your Honor, I think I'm the only attorney who has not turned
7 over the documents, speaking of your previous file being
8 turned over to Mr. Bernhoft.

9 Quote: The position that I took was that until the
10 Court granted our motion to withdraw, I was not going to do
11 that. With it being granted, I will so do that. I just
12 wanted the Court to know the only obstinate lawyer in this
13 group was not Mr. Martin or Mr. Bierman, but it was me, saying
14 that I wanted Judge Hodges to let me know what the direction
15 is. And with that being the case, I will make sure that my
16 office gets all those documents to Mr. Bernhoft's office.

17 I said: All right, Mr. Meachum.

18 You said then, quote, Your Honor, may I make one
19 statement?

20 I said, Mr. Meachum.

21 You said, quote, One of the things, Your Honor, that
22 I thought it was important to clarify is that it appears that
23 the motions focus on Mr. Martin, and I think the Court is well
24 aware that Mr. Martin and myself are co lead counsel. So to
25 the extent that there was any shortcomings on the part to

1 Mr. Snipes, it was the defense team. It is is my position, as
2 opposed to Mr. Martin, so I wanted to make that clear for the
3 record. I know that you have not read the motion and did not
4 think it was necessary to -- for us to address it, but I
5 wanted to in light of the fact that, when you read it, it is
6 my position that it was the defense team and not just
7 Mr. Martin and particularly -- particularly me in that we were
8 co lead counsel, and so I wanted to make that abundantly
9 clear.

10 And I said: All right, Mr. Meachum.

11 And you said: Thank you, Your Honor.

12 And I then subsequently granted the motion for leave
13 to withdraw to all of the lawyers of -- that have previously
14 appeared of record for Mr. Snipes as of that time.

15 Now, it seems to me, Mr. Meachum --

16 MR. MEACHUM: And that's -- that's -- allow me to
17 correct Your Honor. It's Meachum. It's Meachum.

18 THE COURT: Thank you. I have a friend by the name
19 of Meachum with a hard C-H. Yours is soft. I'll try to
20 remember that and I apologize.

21 MR. MEACHUM: That's okay, Your Honor.

22 THE COURT: What do you say to that?

23 MR. MEACHUM: Well, this is what I say to it,
24 Your Honor, in all candor. And I think that you know I'm a
25 straight-shooter.

1 Your Honor, I am never, in the 26 years that I've
2 been practicing, ever going to publicly criticize another
3 African-American lawyer. I'm not going to do it.

4 Now, I thought it was abundantly clear with the
5 Court that the reasons that I was withdrawing from this case
6 is that I needed 90 days in order to get my back together.

7 I think there was certain dialogue between the Court
8 and myself. You said, Well, Mr. Meachum, you know what? I
9 understand how it is about back problems. You should get that
10 taken care of. In fact, I had a back problem, and they don't
11 make a big incision; they make a small incision.

12 And I said at that time, Your Honor, that my doctor
13 had indicated to you that I needed 90 days, and I said if we
14 could get this case continued for 90 days that I could -- I
15 could participate.

16 I said in the current situation, Your Honor, though
17 I am now required -- because I am the attorney who hired the
18 other lawyers -- I am not comfortable representing my client,
19 and I don't have my back together.

20 So I thought it was appropriate -- and if there's
21 any miscommunications, I will take the blame for that -- but
22 if there was any -- any miscommunications, it was that I was
23 withdrawing for my back problems.

24 But in addition to that, Your Honor, I have a
25 philosophical problem -- and maybe it's because I'm an old

1 lawyer -- to just criticize lawyers who may have done what the
2 client was not pleased with. But as an African-American
3 lawyer, Your Honor, not today, not tomorrow, nor next week am
4 I going to go on record criticizing them. That's not who I
5 am. That's not how I'm raised. That's not the man that I am.
6 That's not the man that I was raised.

7 So I am never going to go on record publicly in a
8 case like this that is national criticizing another
9 African-American lawyer. It does not matter what I may think
10 about him in the quiet of a conference room or within the
11 confines of a discussion with a client, but I'm not going to
12 go on record putting that down.

13 THE COURT: I'm not asking you to.

14 MR. MEACHUM: Nor did I think that you were,
15 Your Honor. You were trying to ask me to explain that, and
16 that is what I am attempting to do to you -- or do for you.

17 THE COURT: Well, the matter concerning your back
18 had been considered at an earlier hearing. And as a basis for
19 a motion to continue largely because of the presence of other
20 able counsel in the case, that motion was denied. The hearing
21 on the 22nd of -- or, rather, the 9th of October dealt with an
22 entirely separate motion.

23 MR. MEACHUM: Your Honor, if you will recall -- and
24 maybe you don't, but I'll try to refresh your recollection --
25 I said to Your Honor -- you asked me, Well, Mr. Meachum, will

1 you be at the next hearing?

2 And I said, Your Honor, I will not show this Court
3 any disrespect by not showing up at an appointed hearing. I
4 could have stayed home, wanted to stay home, but I thought
5 that that would have been disrespectful to you and this Court.

6 THE COURT: Let me come to the bottom line of this,
7 Mr. Meachum. What the Court is presented with in these
8 circumstances, it seems to me, is an application for leave to
9 appear by a lawyer who has previously been granted leave to
10 withdraw under accusations of having rendered ineffective
11 assistance of counsel. Whether those accusations are
12 supportable or not is an entirely different matter.

13 I don't think that the Court can permit you to
14 appear as counsel of record. Now, you can sit in the
15 courtroom and advise whoever you want whenever you want,
16 including Mr. Snipes. But how can the Court justify admitting
17 as counsel of record, when the defendant is already
18 represented by other able counsel, one who has previously been
19 granted leave to withdraw at the request of the client on
20 grounds of ineffective assistance unless the client waives the
21 ineffective assistance claim? Is Mr. Snipes --

22 MR. MEACHUM: Well, I understand that, Your Honor.

23 THE COURT: Is Mr. Snipes -- and I'm asking you as a
24 lawyer seeking leave to appear -- is Mr. Snipes prepared to
25 waive any claim he may otherwise have had for ineffective

1 assistance of counsel by other counsel in earlier stages of
2 this proceeding?

3 MR. MEACHUM: I think Mr. Snipes would be the
4 appropriate person to answer that question, Your Honor.

5 THE COURT: Well, I don't want to catch him by
6 surprise. He may wish to think about it for a while. And
7 we'll all sleep on it overnight. But I don't think that the
8 Court can admit you in this case under these circumstances
9 only to be met later on with a claim of ineffective
10 assistance --

11 MR. MEACHUM: I understand what you're saying, Your
12 Honor.

13 THE COURT: -- of counsel. Pardon?

14 MR. MEACHUM: I understand what you're saying.

15 THE COURT: So let's sleep on it overnight. And
16 I'll find out -- you may wish to confer with Mr. Snipes; you
17 may wish to confer with other counsel for Mr. Snipes, but
18 that's my view of the matter, and it doesn't have anything to
19 do with you personally.

20 MR. MEACHUM: Your Honor, I have never, ever, for
21 the record, taken anything that you have said to me
22 personally. I have always respected you and what you're
23 doing, and I continue to do that --

24 THE COURT: Well, that's my --

25 MR. MEACHUM: -- even though you're trying to kick

1 me out of your courtroom --

2 THE COURT: I'm very nervous about admitting a
3 lawyer who's already been accused of ineffective assistance of
4 counsel, in my view, you understand?

5 MR. MEACHUM: I think, Your Honor -- and without
6 belaboring a point and I may want to go home -- I don't think
7 that the motions that were filed by -- and Mr. Bernhoft and
8 Mr. Barnes can speak on their own motions -- said anything
9 concerning my ineffectiveness of counsel, but I understand
10 what the Court is saying.

11 THE COURT: All right.

12 MR. MEACHUM: Okay?

13 THE COURT: We'll abandon that until tomorrow.

14 MR. MEACHUM: But I just wanted the Court to know, I
15 just didn't show up without Mr. Snipes' knowledge, request and
16 consent, so I don't do that and would not do that in this
17 case.

18 THE COURT: I'm sure of that, and I haven't heard
19 any suggestion that you're appearing pro bono in the case --

20 MR. MEACHUM: No, Your Honor.

21 THE COURT: -- either. We'll let this go until
22 tomorrow.

23 MR. MEACHUM: All right. Thank you, Your Honor.

24 THE COURT: Now, then --

25 MR. MEACHUM: I had the distinct feeling that you

1 and I would have this romantic conversation before the case
2 started. So I'm just glad to have the opportunity to say
3 happy New Year to you and merry Christmas to you, and I think
4 that after we confer, Your Honor, we'll have a decision, one
5 that you will be comfortable with.

6 THE COURT: That's fine.

7 MR. MEACHUM: All right. Thank you, Your Honor.

8 THE COURT: Mr. O'Neill?

9 MR. O'NEILL: Your Honor, if we could take up a
10 couple of housekeeping items? In terms of tomorrow's
11 scheduling, Your Honor, do you have any idea -- there's
12 out-of-state witnesses, out-of-town witnesses -- when you
13 possibly think -- and obviously it's a fluid --

14 THE COURT: Well, obviously once we get the jury
15 selected and seated, there's the matter of preliminary
16 instructions and then there's the matter of opening
17 statements, so I don't see how we can possibly get to a
18 witness tomorrow, if that's your question --

19 MR. O'NEILL: That's my question.

20 THE COURT: -- Mr. O'Neill. And if you wish to put
21 the witnesses off until Wednesday, that has my imprimatur.

22 MR. O'NEILL: One other thing, Your Honor. For
23 opening statements, we've asked the defense if they would have
24 any objections to using summary charts in opening statements.
25 Counsel for defendant Snipes stated they did not have any

1 objection, as did counsel for defendant Rosile.

2 THE COURT: All right. The record will so reflect.

3 MR. BERNHOFT: Judge, if I might -- and we spoke to
4 government counsel -- the defense will also use demonstratives
5 in opening. The government doesn't have any objection to the
6 process or that procedure, so --

7 MR. O'NEILL: That's correct, Judge, as long as we
8 see them. We've never been tendered them.

9 THE COURT: Let counsel see them, Mr. Bernhoft,
10 and --

11 MR. BERNHOFT: Yes, sir.

12 THE COURT: -- we'll proceed.

13 MS. MORENO: Your Honor, because I have not
14 practiced before this Court before, I am not familiar with
15 Your Honor's protocol in terms of the jury selection process
16 as we stand now going forward. There seemed to be a number of
17 jurors that the Court did not strike for cause that had
18 indicated they had heard facts different in the media than
19 they had heard --

20 THE COURT: We're coming to that, counsel.

21 MS. MORENO: Does the Court intend to question those
22 jurors in a sequestered manner?

23 THE COURT: I think so. As I say, we're coming to
24 that in just a moment.

25 Some of those that I might have otherwise examined

1 in a sequestered manner concerning pretrial publicity or the
2 like have already been excused for other reasons, for cause,
3 and need not be pursued.

4 Based upon -- well, let's see. Just a moment.

5 (Pause.)

6 THE COURT: Among those that I might be inclined to
7 extend the voir dire examination concerning pretrial publicity
8 is Mr. David Scott, Juror Number 64, who is in position number
9 32.

10 Mr. Scott, however, also asked to be excused on the
11 basis that he is self-employed in the flooring business with
12 employees who are dependent upon him for their livelihood, and
13 he, himself, would have difficulty serving, he says, because
14 of the nature of his business.

15 Under the circumstances I might be inclined to
16 excuse Mr. Scott for cause, although it's close.

17 Does anyone object? What does the government say to
18 my excusing Mr. Scott?

19 MR. O'NEILL: No objection, Your Honor.

20 THE COURT: What says the defense?

21 MR. BARNES: We would object, Your Honor.

22 THE COURT: All right. Does the defense agree that
23 Mr. Scott should be further examined with respect to his
24 exposure to adverse pretrial publicity?

25 MR. BERNHOFT: Yes, Judge.

1 MR. BARNES: Yes, Your Honor.

2 THE COURT: As I see it, then, I will extend the
3 voir dire examination on pretrial publicity, at least
4 presently, with juror in position number 26, Gary Salisbury;
5 32, David Scott; 33, Catherine Lewis; 35, Johnye Hoppe, and
6 36, Chad Cannaday. And we'll undertake that in the morning.

7 And I intend to review over the evening the
8 responses from some of the other jurors concerning the length
9 of the trial, although I must say I'm not impressed by most of
10 them.

11 There is one, Mr. Amodeo in Seat Number 3, who has
12 his own business with six employees and claims to be essential
13 to the continued operation of the business, although he does
14 say he has two superintendents in his employ. What does the
15 government say to my excusing him for cause?

16 MR. O'NEILL: No objection, Your Honor.

17 MR. BARNES: No objection, Your Honor.

18 MR. WILSON: No objection, Judge.

19 THE COURT: Do you wish to be heard about this,
20 Mr. Kahn?

21 DEFENDANT KAHN: No, sir.

22 THE COURT: I'll excuse Mr. Amodeo for cause.

23 With respect to Ms. Martin in Seat Number 4, she has
24 a deposition February the 19th. I don't think that rises to
25 the level of being excused for cause.

1 Similarly, Juror Number 5 -- or in position number
2 5, Mr. Oliver, has a trip planned to Biloxi, he says, in
3 February, and I do not regard that that's a sufficient
4 hardship to justify excusing for cause.

5 Similarly, with respect to juror in position number
6 14, Mr. Weller, he planned to assist his wife, if I understood
7 him, in moving from Virginia on February the 14th and days
8 following, but she's not a disabled person, and it does not
9 seem to me that that rises to the level of excusal for cause.

10 Similarly as to juror in position number 10,
11 Ms. Holtsclaw, she has a vacation scheduled for the period
12 February the 2nd through the 9th, and I don't think that rises
13 to the level of being excused for cause either.

14 Mr. Lazinsk, position number 11, claims hardship in
15 his employment, but I am not convinced that it rises to the
16 level of being an excuse for cause, as he described it.

17 MR. WILSON: Your Honor? I'm sorry. May I with
18 respect to Mr. Lazinsk, if we're going to be discussing it,
19 I -- I have in my notes that he said in response to one of the
20 Court's inquiries that he could not be fair. I don't know
21 whether the Court wants to discuss that.

22 THE COURT: Well, indeed, I do, because if he said
23 that, I didn't hear it.

24 Does someone else have the same recollection?

25 MS. MORENO: Yes, Your Honor.

1 MR. O'NEILL: My note shows, Your Honor, that he
2 said he might have a problem being fair.

3 THE COURT: I'll excuse him for cause. Does anyone
4 wish to object?

5 MR. O'NEILL: Not the government, Your Honor.

6 MR. BARNES: We would object to -- we would ask for
7 more follow-up questions, Your Honor, to find out what he
8 meant by that because it wasn't clear. He just said he
9 thought he might not be able to be fair on fraud. He didn't
10 explain what he meant or how he meant it. So we would ask for
11 a follow-up question or two as to what he meant by that,
12 Your Honor.

13 THE COURT: Well, I'll excuse him for cause on the
14 basis of that remark. Some things cannot be explained away,
15 and that's one of them, in my view, in a criminal case.

16 MS. MORENO: Your Honor, with respect to Juror
17 Number 10 whom you have discussed, Ms. Paula Holtsclaw, she
18 was one of the three jurors who raised their hands when
19 Your Honor posed the question if they believe that
20 African-Americans commit disproportionately more crimes. We
21 believe that would be a cause challenge. If the Court is not
22 so inclined to grant that, we would like further questioning.

23 THE COURT: I believe that may be well taken. I
24 remember that, though I did not note it for some reason at the
25 time.

1 Counsel is correct, I believe, Mr. O'Neill.

2 MR. O'NEILL: No objection, Your Honor.

3 THE COURT: I'll excuse her for cause.

4 Counsel, I think that's all we can accomplish this
5 evening. I'm tired and don't trust myself at the moment in
6 reviewing these papers. I'll do so over the evening, and
7 we'll resume with the voir dire examination in the morning.

8 My intent is to conduct individual voir dire,
9 sequestered voir dire of Salisbury, Scott, Lewis, Hoppe and
10 Cannaday and resume in the general questioning of replacement
11 veniremen when we excuse those who have been excused thus far
12 for cause. And, of course, we're still open to future
13 challenges for cause when we finish the voir dire.

14 We'll recess until 9:00 in the morning.

15 (Thereupon, the proceedings in this case for this
16 date were concluded at this time.)

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