

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

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4 **STATE OF FLORIDA,**

5 PLAINTIFF,

6 **vs.**

7 **JOHN W. DOBBS,**

8 DEFENDANT./



CASE NUMBER: 48-2006-CF-15201-0

DIVISION NUMBER: 16

9 **SENTENCING PROCEEDINGS**

10 **BEFORE**

11 **THE HONORABLE LISA T. MUNYON**

12
13 In the Orange County Courthouse
14 Courtroom 10-D
15 Orlando, Florida 32801
16 March 8, 2007
17 Tammy L. Kriner, RMR

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

19 **KIMBERLY LASKOFF, ATTORNEY**

20 Assistant State Attorney
21 415 North Orange Avenue
22 Orlando, Florida 32801
23 On behalf of the State

24 **CATHERINE CHIEN, ATTORNEY**

25 **MELISSA VICKERS, ATTORNEY**

Assistant Public Defender
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On behalf of the Defendant

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RE CROSS
Andre Blanco	156	186		
Francisco Gotay	192	212	216	217
Anthony Riollano	219	238	242	

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P R O C E E D I N G S

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

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

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

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

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

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

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

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

16 **THE COURT:** And the trial will take how long?

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

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

21 **MS. CHIEN:** Yes.

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

24 **MS. VICKERS:** Yes.

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

1 co-counsel, Deborah Barra with me.

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

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

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

8 **MS. CHIEN:** Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 already getting a panel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **THE COURT:** The bandit?

8 **MS. CHIEN:** Yes.

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

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

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

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

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

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

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

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

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

8 **THE COURT:** On what?

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

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

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

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

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

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

1 **MS. CHIEN:** No.

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

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

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

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

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

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

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

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

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

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

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

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

8 **THE COURT:** Anything else?

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

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

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

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

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

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

23 **MS. CHIEN:** Okay.

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

1 admissible. Anything else?

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

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

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

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

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

22 **MS. CHIEN:** Okay.

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

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

1 observation.

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

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

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

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

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

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

17 **MS. VICKERS:** Correct.

18 **THE COURT:** All right.

19 (Whereupon, the Venire entered the courtroom.)

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

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

23 **THE VENIRE:** Good morning.

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

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

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

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

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

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

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

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

23 **THE VENIRE:** Yes.

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

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

6 **THE VENIRE:** Yes.

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

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

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

25 **A JUROR:** Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **MR. CAPPADORO:** Perfect.

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

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

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

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

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

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

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

14 Ms. Pedersen.

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

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

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

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

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

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

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

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

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

6 **THE COURT:** Thank you.

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

8 **MS. QUAEDVlieg:** Quaedvlieg.

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

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

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

15 **MS. QUAEDVlieg:** Right.

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

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

19 **THE COURT:** Today?

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **MR. MORT:** Yes.

23 **THE COURT:** Thank you.

24 Mr. Saunders?

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

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

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

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

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

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

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

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

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

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

25 **THE COURT:** All right.

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

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

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

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

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

9 Ms. Cruz?

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

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

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

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

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

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

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

19 **MR. BURKE:** Yes.

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

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

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

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

1 additional hands.

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

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

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

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

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

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

3 **THE VENIRE:** Yes.

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

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

13 **THE VENIRE:** Yes.

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

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

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

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

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

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

13 **THE VENIRE:** Yes.

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

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

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

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

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

5 **THE VENIRE:** Yes.

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

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

25 **THE VENIRE:** Yes.

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

2 **THE VENIRE:** Yes.

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

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

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

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

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

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

14 **MR. MORT:** Criminal.

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

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

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

19 **MR. MORT:** Yes.

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

22 **MR. MORT:** No.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 uncomfortable in serving again?

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

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

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

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

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

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

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

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

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

16 **MR. SEEGER:** No.

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

19 **MR. SEEGER:** Yes.

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

22 **MR. SEEGER:** No.

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

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

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

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

2 **MS. LAUREANO:** Yes.

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

4 **MS. LAUREANO:** Criminal.

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

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

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

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

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

11 **MS. LAUREANO:** No.

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

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

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

16 **MR. MANN:** Yes.

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

18 **MR. MANN:** Criminal.

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

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

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

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

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

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

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

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

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

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

5 **MS. HIGHTOWER:** Yes.

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

7 **MS. HIGHTOWER:** Criminal.

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

9 **MS. HIGHTOWER:** No.

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

11 **MS. HIGHTOWER:** Yes.

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

14 **MS. HIGHTOWER:** No.

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

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

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

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

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

21 **MR. LANCE:** Criminal.

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

23 **MR. LANCE:** No.

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

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

1 going to trial.

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

4 **MR. LANCE:** No.

5 **THE COURT:** Anyone that I have missed?

6 Ms. Cruz, how long ago did you serve, ma'am?

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

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

10 **MS. CRUZ:** Yes.

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

12 **MS. CRUZ:** Criminal.

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

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

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

16 **MS. CRUZ:** Yes.

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

19 **MS. CRUZ:** Yes.

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

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

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

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

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

17 Ms. Laskoff?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **MR. BURKE:** No.

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

24 State, you may inquire.

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

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

9 **THE VENIRE:** Yes.

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

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

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

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

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

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

4 **THE VENIRE:** Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **MR. SAUNDERS:** Yes.

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

C E R T I F I C A T E

1
2 STATE OF FLORIDA:

3 COUNTY OF ORANGE:

4 I, Tammy L. Kriner, RMR, Official Court
5 Reporter of the Ninth Judicial Circuit of Florida,
6 do hereby certify pursuant to Florida Statute 29,
7 that I was authorized to and did report in
8 stenographic shorthand the foregoing proceedings,
9 and that thereafter my stenographic shorthand notes
10 were transcribed to typewritten form by the process
11 of computer-aided transcription, and that the
12 foregoing pages contain a true and correct
13 transcription of my shorthand notes taken therein.

14
15 Signed this 15th day of May, 2007, in the City of
16 Orlando, County of Orange, State of Florida.

17
18
19 _____
20 Tammy L. Kriner, RMR

C E R T I F I C A T E

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16 **Orlando, County of Orange, State of Florida.**

17
18
19 
20 **Tammy L. Kriner, RMR**