

#333

APR - 9 2015

MARC J. SANTOS, ESQ.

CLERK

1 (With the juror.)

2 A Good morning.

3 Q Good morning. I gather you brought something to the
4 court officer's attention this morning?

5 A I did.

6 Q If you could -- and you're the one who took a
7 picture? If you could first just tell us what you
8 remember seeing?

9 A Okay. When we got off the bus yesterday, I was
10 walking down towards my truck; and when I got towards my
11 truck, there was a Ford Explorer that I saw stop. When it
12 stopped, the guy looked at me, and then he quickly went up
13 and took a right and then came up and went around the
14 church and came back. And when I was going --

15 Q Okay. The guy looked at you, and he --

16 A I didn't see the -- I saw the person turning.

17 Q Okay. And then what did he do?

18 A They went up. He took the first right around the
19 church, he came back.

20 Q He did?

21 A Yeah, the car. They went around the church, they
22 came back down the side street off to the right, and then
23 he stopped again. And I pulled up behind him and just
24 took the picture. But I thought it was very strange that
25 I saw the same vehicle go up, come back, and then I saw

1 him again on the other side. You could clearly see it
2 stopped.

3 Q And were you parked in the parking lot?

4 A Yes.

5 Q And then so when you came back behind him, you took a
6 picture?

7 A Yes. When I pulled out, we went down the side
8 street; and then when I took the left, I took it right
9 there when I got behind him, because we had to stop.
10 There was some traffic.

11 (Showing the Court his phone.)

12 Q Thanks. First of all, let me tell you -- anything at
13 all about that that would in any way affect your ability
14 to --

15 A No, not at all.

16 Q -- continue deliberating in this case fairly and
17 impartially?

18 A Absolutely not. I just wanted to bring it to your
19 attention because I didn't think it was a police officer.

20 Q That's totally appropriate. And did you --

21 A I haven't discussed this with anyone either.

22 Q Have you discussed this with any other juror?

23 A The only person I discussed it with was Jocelyn the
24 court officer.

25 Q Right. Anyone else at all?

1 A [REDACTED] was somewhat near me. I think she saw it
2 too. I didn't discuss it with anyone else.

3 Q Is she the other juror who had made the observation?

4 A They brought her with me as well.

5 Q And what did you and her say to each other?

6 A She said she saw it. That was it. When we were
7 coming up the hallway, that's when she said she thinks she
8 saw it too. That's all.

9 Q Anything else?

10 A Nope.

11 Q I'm just going to ask you to step -- I'm going to (A)
12 ask you not to delete the picture at the moment.

13 A Want me to leave it right here?

14 Q No, no. You can take --

15 A Just don't delete it you said?

16 Q Yeah.

17 A I have a couple more if you want. I took a series.

18 Q Sure. The phones are not allowed in the deliberation
19 room in any event.

20 A Oh, they put it in a bag.

21 Q But I'm just going to ask you not to delete the
22 pictures at this point. And if you have others, I'd look
23 -- did you say you had others?

24 (Showing the Court the phone again.)

25 A It clears up. This was just when we were coming

1 around the corner.

2 Q Thank you. I'd ask you to step aside for a moment.

3 MR. SULTAN: Could we have just a moment, your Honor?

4 THE COURT: Sure.

5 (Counsel conferred off the record.)

6 MR. SULTAN: Thank you, your Honor.

7 THE COURT: Any other questions?

8 MR. SULTAN: No, your Honor.

9 THE COURT: Anything else?

10 MR. MCCAULEY: I'd just -- the only question is just
11 as a result of this, does that affect --

12 THE COURT: I asked him that. He said absolutely no.

13 MR. MCCAULEY: Oh, okay.

14 THE COURT: I'm just going to bring him back and just
15 tell him not to discuss it.

16 MR. MCCAULEY: Great. Thank you.

17 (Back with the juror.)

18 BY THE COURT:

19 Q Thank you. I'm going to ask you to return to the
20 jury room and not to talk about this with anyone else.

21 A I won't.

22 Q Thank you.

23 A Thank you.

24 (With another juror.)

25 Q Good morning.

1 A Hi. Good morning.

2 Q I gather you may have seen something yesterday as you
3 went back to the bus or something like that?

4 A Yeah. Yesterday when we got back to the parking lot
5 and we were going to our cars, we seen the silver Explorer
6 that was standing there. Because where we go out through
7 the driveway and the parking lot, the Explorer was there,
8 and then it was -- started to drive slow as they seen it
9 was us, and they were looking at us, and then they went
10 down the road and then turned up the street on the other
11 side of where the parking lot is.

12 Q Do you know how many people -- did you see more than
13 one person in the van?

14 A I seen one person, the driver.

15 Q Okay. Anything at all about that that would in any
16 way affect your ability to be fair and impartial?

17 A No.

18 Q And have you talked about this with anyone at all?

19 A No.

20 Q And are you confident that this will not have any
21 effect on you at all?

22 A No, not at all.

23 Q Thank you very much. I'm just going to ask you step
24 aside for a moment.

25 A Okay.

1 (Counsel conferred off the record.)

2 MR. SULTAN: Nothing further, your Honor.

3 THE COURT: I don't see any need to interview all --

4 MR. SULTAN: No. I agree.

5 MR. MCCAULEY: I agree as well.

6 MR. FEE: She should be told not to discuss it --

7 THE COURT: I will. As I did with the other. And
8 then I propose after that we bring the jurors in so that
9 they're not --

10 MR. SULTAN: Sure.

11 THE COURT: -- wasting time while we deal with --

12 MR. SULTAN: Yes, your Honor.

13 THE COURT: -- the media.

14 (Back with the juror.)

15 BY THE COURT:

16 Q Thank you. I'm going to ask you to return to the
17 jury room and please don't talk to anyone at all about
18 what we've been talking about or what you may have seen.

19 A Okay.

20 Q Thank you very much.

21 A Thanks.

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