

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR CITRUS COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NUMBER: 2022-CF-261-A

IAN JOSEPH KING,

Defendant.

-----/

VOLUME I

TRANSCRIPT OF JURY TRIAL PROCEEDINGS BEFORE THE
HONORABLE JOEL D. FRITTON

TAKEN AT: Citrus County Courthouse

DATE & TIME: 8 August 2022
8:42 a.m.

TRANSCRIBED BY: PAUL K. SPANGLER, RMR,
Certificates of Merit and
Proficiency, Notary Public

JOY HAYES COURT REPORTING
407 Courthouse Square
Inverness, Florida 34450
(352) 726-4451

1 APPEARANCES:

2 For the State:

3 TARA HARTMAN, ESQUIRE
4 KAITLYN MANNIS, ESQUIRE
Assistant State Attorneys

5 For the Defendant:

6 ALEXEI LIZANICH, ESQUIRE
7 ERIN SCHLICHTER, ESQUIRE
Assistant Public Defenders

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1 (8:42 a.m.) P R O C E E D I N G S

2 (Session I)

3 (Jury selection, Trial Day-1, August 8, 2022)

4 (8:42 a.m. 09-2022-CF-000261-A King, Ian
5 Joseph)

6 (8:42 a.m. Appearances: Tara Hartman/Kaitlyn
7 Mannis, ASA; Alexei Lizanich/ Erin Schlichter, APD;
8 defendant (in-custody)

9 THE COURT: Is everyone ready to start or do
10 you need some more time?

11 MS. HARTMAN: We're ready, Your Honor.

12 MR. LIZANICH: Your Honor, we, uh, provided
13 Mr. King with some clothes, as soon as he's, uh,
14 dressed out and ready --

15 THE COURT: Okay.

16 MR. LIZANICH: -- I think we're ready.

17 THE COURT: I didn't look at the, uh, jury
18 downstairs to see how far along they are, but --

19 THE BAILIFF: Your Honor, reference your jury,
20 you start here at one?

21 THE COURT: Yeah, I think one's over here,
22 right?

23 MS. HARTMAN: Yes.

24 THE COURT: I'm not changing anything with
25 that.

1 what I would like to do, however, is --

2 **THE BAILIFF:** I have 22 seats up there.

3 **THE COURT:** Okay.

4 when we're discussing strikes and so on, I
5 don't know how big that room is back there, but I'd
6 like the jury to be outside of the room for that. I
7 think it's a little more cumbersome to have them up
8 at the bench as everyone's whispering about what
9 they don't like about certain responses and so on.
10 So they'll probably be cozy in -- in that room, but
11 I -- I don't know where else you would put them.

12 **THE DEPUTY CLERK:** Do you think we could line
13 them back up --

14 **THE COURT:** I don't want to do that. We'll try
15 that, and if that doesn't work, we'll reassess.

16 **THE DEPUTY CLERK:** We doing, uh -- prefilling
17 out questionnaires or --

18 **THE COURT:** Have they been brought up or no?
19 Have you received the questionnaires or no?

20 **MS. HARTMAN:** No, Your Honor.

21 **THE DEPUTY CLERK:** No, we didn't get any
22 instructions. Christina said she didn't hear
23 anything from you on Friday, so we weren't sure if
24 you were going to do that (unintelligible). If so,
25 I can go ahead and --

1 **THE COURT:** Yeah, let's get that done.

2 **MS. HARTMAN:** And then, Judge, the only thing
3 on the jury instructions that I thought about this
4 morning was usually Judge Howard doesn't let them
5 bring a phone in, but you are letting them bring it
6 in or are you going to tell them --

7 **THE COURT:** I hadn't -- I hadn't addressed it.
8 Uh, they're not collected downstairs, normally?

9 **MS. HARTMAN:** No. So they're told to keep them
10 in the back in the room --

11 **THE COURT:** Okay.

12 **MS. HARTMAN:** -- usually, or you can allow them
13 to keep it with them, but just turn it off.

14 **THE COURT:** Uh, I'd prefer that they kept them
15 out of the courtroom --

16 **MS. HARTMAN:** Okay, okay.

17 **THE COURT:** -- like the other --

18 **MS. HARTMAN:** That's how the current
19 instruction is.

20 (Pause.)

21 **THE COURT:** Uh, this is 2022-CF-261 for the
22 record.

23 (Pause.)

24 His name's pronounced Ian, right?

25 **MS. HARTMAN:** Yes.

1 **MR. LIZANICH:** Yes, Your Honor.

2 **THE COURT:** There's that NFL announcer that
3 spells it Ian and pronounces it Ian. Ian Eagle.

4 **MR. LIZANICH:** Hum.

5 (Pause.)

6 **MS. HARTMAN:** Okay, thank you.

7 (Pause.)

8 **THE COURT:** Has the defense reviewed these
9 instructions?

10 **MR. LIZANICH:** We have, Your Honor.

11 (Pause.)

12 **THE COURT:** Any objections to them?

13 **MR. LIZANICH:** No, Your Honor.

14 **THE COURT:** Looks like the only nonstandard
15 would be the edited recording.

16 **MR. LIZANICH:** I believe that is a standard.

17 **THE COURT:** It's not the term I meant to use.

18 **MS. HARTMAN:** Ha ha.

19 **MR. LIZANICH:** I understand.

20 **THE COURT:** Less common?

21 **MR. LIZANICH:** Yes, sir.

22 **MS. HARTMAN:** There's a couple, Your Honor.

23 And I did -- Mr. Lizanich and I did talk about it
24 this weekend, uh, as far as like the independent act
25 instruction isn't usually given unless there's some

1 testimony about that, which I think both of us
2 aren't sure if that is going to come in.

3 THE COURT: Right. May need to be.

4 MS. HARTMAN: And if it does, uh, I'll request
5 it be removed at that time.

6 MR. LIZANICH: Do we have, uh, the list?

7 MS. HARTMAN: Not yet.

8 MR. LIZANICH: Jury list.

9 MS. HARTMAN: When they come up.

10 MR. LIZANICH: Okay.

11 THE COURT: Yeah, I just asked for that a
12 minute ago.

13 (Pause.)

14 THE DEPUTY CLERK: Your Honor, those
15 questionnaires, once they're filled out downstairs,
16 do you want those scanned and emailed to me or just
17 for them to bring them up when they come up?

18 THE COURT: Just bring them up.

19 THE DEPUTY CLERK: Okay.

20 (Pause.)

21 THE COURT: Was he dressed?

22 MS. SCHLICHTER: Yes, Judge, he is.

23 THE COURT: Good timing.

24 Is he all ready, Mr. Lizanich?

25 MR. LIZANICH: Yes, Your Honor.

1 **THE COURT:** You ready to bring him out?

2 **MR. LIZANICH:** Yes, Your Honor.

3 **THE COURT:** Let's bring him out.

4 (Defendant entering courtroom 8:53 a.m.)

5 **THE COURT:** All right, good morning.

6 **THE BAILIFF:** Turn around and face me.

7 (Pause.)

8 The only time you can have (unintelligible).

9 **THE COURT:** All right, good morning.

10 We're here on the State of Florida versus Ian
11 King, Case Number 22-CF-261.

12 Mr. King, raise your right hand.

13 Do you swear to tell the truth, the whole truth
14 and nothing but the truth so help you God?

15 **THE DEFENDANT:** Yes, sir.

16 **THE COURT:** Thank you.

17 Thereupon,

18 IAN JOSEPH KING,

19 the defendant, having been duly sworn, testified as
20 follows:

21 **THE COURT:** All right. I see that you're
22 dressed out.

23 All right, have all plea offers been
24 communicated to the defense?

25 **MS. HARTMAN:** Yes, Your Honor.

1 **THE COURT:** All right.
2 What's the maximum penalty in this case, state?
3 **MS. HARTMAN:** Sixteen years.
4 **THE COURT:** I'm sorry?
5 **MS. HARTMAN:** Sixteen years. Fifteen on Count
6 One, one on Count Two.
7 **THE COURT:** Sixteen years is the maximum.
8 Do you understand that, Mr. King?
9 **THE DEFENDANT:** Yes, sir.
10 **THE COURT:** All right. And all offers have
11 been declined at this point; is that correct?
12 **MR. LIZANICH:** Your Honor, uh, declined or
13 indicated that he wouldn't accept the offer at
14 Friday.
15 **THE COURT:** Okay.
16 **MR. LIZANICH:** We were planning on going to
17 trial, Your Honor.
18 **THE COURT:** Okay.
19 (Pause.)
20 All right, you understand, Mr. King, that you
21 have the opportunity now if you so choose to plead
22 open to the Court?
23 **THE DEFENDANT:** Yes, sir.
24 **THE COURT:** I'm not making any sort of, uh,
25 indication as to any offer the Court would accept.

1 I did previously indicate that I would not accept
2 the guidelines offer that was tendered I think that
3 was Friday. Do you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right.

6 Is your intent at this point based on the
7 comments of your counsel to move forward with a
8 trial; is that correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right.

11 All right. Are there any pretrial issues that
12 need to be addressed?

13 MS. HARTMAN: A couple, Judge, but I think we
14 can address them after jury selection.

15 THE COURT: Okay.

16 Anything from the defense?

17 MR. LIZANICH: Your Honor, uh, we have several
18 recordings the state may introduce. Uh, I believe
19 before Thursday, the state can let me know which
20 ones they might actually want to use. We can
21 analyze and probably negotiate any editing that
22 needs to be done or perhaps there will be a motion
23 Thursday.

24 THE COURT: Is this audio recordings or video?

25 MR. LIZANICH: Audio.

1 **THE COURT:** okay.

2 (Pause.)

3 And we believe this is two days, all day
4 Thursday, all day Friday, or part of the day Friday.
5 What do you --

6 **MS. HARTMAN:** I believe probably part of the
7 day Friday. My hope is that we'll close probably by
8 1:00, 1:30 on Thursday. Defense has a couple
9 witnesses. And then my expectation is
10 (unintelligible) Friday morning.

11 **THE COURT:** You'll close by 1:00, 1:30 on
12 Friday?

13 **MS. MANNIS:** On Thursday.

14 **THE COURT:** On Thursday.

15 (Pause.)

16 How long do you think your case will take?

17 **MR. LIZANICH:** Your Honor, I -- I don't
18 anticipate taking three hours. We might be able to
19 wrap it up Thursday.

20 **THE COURT:** okay.

21 I've got the jury instructions. Defense
22 indicated that these seemed to be appropriate at
23 this point in time.

24 Do we have the questionnaires, uh, yet?

25 **THE DEPUTY CLERK:** No. They're filling them

1 out downstairs.

2 **THE COURT:** Okay, we'll be in recess until
3 then. I want you all to take a look at them first.

4 **THE BAILIFF:** All rise, please. Court is in
5 recess.

6 (Session II)

7 (Court reconvenes at 9:28 a.m.)

8 **THE COURT:** All right, back on the record.
9 State and defense both have the questionnaires?

10 **THE BAILIFF:** Yes, sir.

11 **THE COURT:** Okay.

12 **THE DEPUTY CLERK:** I just left a message to
13 send them on up.

14 **THE COURT:** Okay.

15 (Pause.)

16 **THE COURT:** Now, when the jurors are up here,
17 is everyone ready to proceed?

18 **MS. HARTMAN:** Yes.

19 **MR. LIZANICH:** Yes, sir.

20 **THE COURT:** Okay, we'll have them brought right
21 in then.

22 (Pause.)

23 **MS. HARTMAN:** Judge, the only thing is, uh,
24 because we didn't ask it in person does anyone know
25 anyone either professional -- professionally or

1 personally in the courtroom, we might have to ask
2 that kind of the first question to make sure because
3 I don't think they know who else is in the
4 courtroom.

5 **THE COURT:** You talking about in reference to
6 the attorneys?

7 **MS. HARTMAN:** To the attorneys, the defendant,
8 the bailiffs, the clerk, yourself.

9 **THE COURT:** I planned on asking it. I didn't
10 think about the bailiff, though.

11 (Pause.)

12 **MS. HARTMAN:** As well as the, uh, calendar
13 being cleared days because some of them put question
14 mark, yes, question, no, question mark.

15 **THE COURT:** What number?

16 **MS. HARTMAN:** Uh, someone said they have a
17 doctor's appointment, David Corne, which is number
18 20.

19 **THE COURT:** No, what number on the
20 questionnaire is it?

21 **MS. HARTMAN:** Eleven.

22 (Pause.)

23 **THE COURT:** We can probably hit it when they
24 read these.

25 (Pause.)

1 (Parties review juror questionnaire.)

2 THE COURT: I don't know how they would know
3 the answer to that question if they haven't been --

4 MS. HARTMAN: Correct.

5 THE COURT: -- told when it's going to be.

6 MS. HARTMAN: Ha ha.

7 THE COURT: You can address it or we'll address
8 it when they say it.

9 There's a couple, though, yeah, you're right.

10 (Pause.)

11 A few.

12 (Pause.)

13 Rise for the entry of the jury, please.

14 (Jury panel enters courtroom.)

15 THE BAILIFF: Your Honor, I got the first
16 couple.

17 Alan Jackson.

18 Glenn.

19 Michael.

20 Franklin.

21 Aleshia.

22 Brad.

23 Then virginia, you're going to get the last
24 seat on the second row.

25 Then Dennis.

1 Cindy.

2 Dale.

3 Judith.

4 And Corey.

5 All right.

6 (Pause.)

7 Michael.

8 (Pause.)

9 **THE COURT:** Did we lose half you guys?

10 **THE BAILIFF:** (Unintelligible).

11 **MS. HARTMAN:** Won't all fit in the elevator at
12 the same time.

13 **THE COURT:** That's true.

14 (Pause.)

15 **THE BAILIFF:** Right this way, folks.

16 (Pause.)

17 Claudia.

18 Just file in.

19 (Pause.)

20 Right there.

21 **THE BAILIFF:** All right, be seated, please.

22 **THE COURT:** Good morning.

23 **ALL PARTIES:** Good morning.

24 **THE COURT:** All right, that wasn't bad for a
25 Monday, right?

1 All right, a few preliminary issues, folks.
2 Everything that is said in this courtroom is being
3 recorded. The little blue man here, when that is
4 solid, that indicates that the recording system is
5 on. So when you're asked questions, uh, do your
6 best to verbalize your response because you'll be
7 asked again if you don't. So no head shakes or nods
8 or anything like that.

9 All right?

10 **THE PROSPECTIVE JURORS:** All right.

11 **THE COURT:** Perfect.

12 All right, if there are any issues that arise,
13 uh, during this process, please bring it to the
14 attention of the bailiff, okay?

15 All right. My name is Joel Fritton. I'm a
16 Circuit Judge here in Inverness, and one of my
17 assignments is the criminal docket. I will be
18 presiding over this trial.

19 This case is anticipated to be tried on
20 Thursday and potentially Friday. The jury selection
21 will obviously occur today. Uh, this will not take
22 the majority of the day. This will at most be a
23 couple of hours I anticipate, but Thursday all day
24 is a likelihood. Uh, I've spoken with counsel prior
25 to you all coming in here this morning, and Thursday

1 is a definite and if necessary it will continue into
2 Friday, okay?

3 All right, uh, to start, counsel for the state,
4 go ahead and introduce yourself.

5 **MS. HARTMAN:** Tara Hartman on behalf of the
6 State of Florida.

7 **MS. MANNIS:** And Kaitlyn Mannis on behalf of
8 the state.

9 **THE COURT:** Okay.

10 And counsel for the defense?

11 **MR. LIZANICH:** Alex Lizanich on behalf of
12 Mr. Ian King.

13 **MS. SCHLICHTER:** Erin Schlichter.

14 **THE COURT:** All right.

15 And Mr. King.

16 **THE DEFENDANT:** Ian King.

17 **THE COURT:** All right, thank you.

18 All right, Ms. Hartman, can you read your
19 potential witness list.

20 **MS. HARTMAN:** Yes, Your Honor.

21 The, uh, possible witnesses in this case are
22 Detective Michael Kelly.

23 Deputy Nicholas Belfry.

24 Deputy Edward Valencia.

25 And Amanda Jimenez.

1 **THE COURT:** okay.

2 All right, are there any potential witnesses
3 for the defense?

4 **MR. LIZANICH:** There is Amanda Jimenez and
5 Heather Agastein [phonetic].

6 **THE COURT:** All right.

7 Does anyone know any of the potential witnesses
8 as read by counsel?

9 Sir, who do you know?

10 **THE PROSPECTIVE JUROR:** Uh, Detective Michael
11 Kelly.

12 **THE COURT:** okay.

13 All right that's something the, uh, attorneys
14 may want to explore with you.

15 Okay, does anyone know the attorneys?

16 Does anyone know Mr. King?

17 **THE PROSPECTIVE JURORS:** No.

18 **THE COURT:** All right, hearing nothing.

19 **THE PROSPECTIVE JURORS:** No.

20 **THE COURT:** okay.

21 Does anyone know me?

22 **THE PROSPECTIVE JURORS:** No.

23 **THE COURT:** And why is it that you know me and
24 potentially the, uh, law enforcement witnesses?

25 **THE PROSPECTIVE JUROR:** Uh, I work for the

1 clerk's office, so I --

2 THE COURT: All right.

3 THE DEPUTY CLERK: I don't know the attorneys,
4 but I've seen them in passing in the building.

5 THE COURT: Okay.

6 No personal relationships or anything like
7 that?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: Nothing that will affect your
10 ability to be a fair and impartial juror in this
11 case?

12 THE PROSPECTIVE JUROR: No, sir.

13 THE COURT: All right, does anyone know the
14 bailiff or the clerk?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Bailiffs?

17 THE PROSPECTIVE JUROR: No.

18 THE PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Same response?

20 THE PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: Okay.

22 How about anybody else that does not work for
23 the clerk of court?

24 THE PROSPECTIVE JURORS: No.

25 THE COURT: Okay, very good.

1 All right, if needed, we'll take breaks along
2 the way. If someone has an issue, notify the
3 bailiff and we can handle it, okay?

4 It's not our intention to keep you sitting here
5 for eight hours at a time.

6 All right. Thursday, Friday.

7 All right, Madam Clerk, can you read the
8 Information.

9 **THE DEPUTY CLERK:** Yes, Your Honor.

10 In the Circuit Court of the Fifth Judicial
11 Circuit of the State of Florida in and for
12 Citrus County.

13 State of Florida versus Ian Joseph King.

14 Case Number 22-CF-261.

15 In the name and by the authority of the State
16 of Florida, William M. Gladson, State Attorney for
17 the Fifth Judicial Circuit of the State of Florida
18 in and for Citrus County prosecuting for the State
19 of Florida by and through the undersigned Assistant
20 State Attorney in the said county under oath,
21 information makes that in the County of Citrus in
22 the State of Florida, Ian Joseph King on or about
23 February 26th, 2022 through February 28th, 2022 did
24 unlawfully write or compose and send or procure the
25 sending of a letter, inscribed communication or

1 electronic communication containing a threat to kill
2 or do bodily injury to Amanda Lee Jimenez, the
3 person to whom said letter or inscribed
4 communication was sent or to kill or do bodily
5 injury to a member of her family in violation of
6 Florida Statute 836.10.

7 Ian Joseph King on or about March 9th, 2022
8 through August 3rd, 2022 did having been previously
9 arrested for an act of domestic violence on
10 March 8th, 2022 unlawfully and willfully violate a
11 condition of pretrial release, to wit, having
12 contact with the victim Amanda Jimenez which
13 condition had been imposed by Court order by the
14 honorable Judge Bruce Carney in violation of Florida
15 Statutes 903.047 and 741.29(6), State of Florida,
16 County of Citrus.

17 **THE COURT:** All right, thank you.

18 The clerk has just read the Information to you.
19 The Information is a formal charging instrument. It
20 is not evidence. It's not to be considered as
21 evidence.

22 Does everyone understand?

23 **THE PROSPECTIVE JURORS:** Yes.

24 **THE COURT:** You may not be influenced by the
25 fact that an Information or an Indictment has been

1 filed. The Information is simply how charges are
2 brought in our legal system.

3 Does everyone understand?

4 **THE PROSPECTIVE JURORS:** Yes.

5 **THE COURT:** All right.

6 You've heard a statement about relating to what
7 the case is about. Do any of you know anything
8 about this case either through personal knowledge or
9 discussion with anyone else or reading or hearing
10 about anything in the media?

11 **THE PROSPECTIVE JURORS:** No.

12 **THE COURT:** Okay.

13 Very good.

14 You picked up on that recording thing, haven't
15 you?

16 **THE PROSPECTIVE JURORS:** Yes.

17 **THE COURT:** All right.

18 The Court, counsel for the state and counsel
19 for the defendant will be asking you questions about
20 your qualifications here to serve as jurors in this
21 particular case. This part of the case is known as
22 voir dire. It literally means to speak the truth.

23 The examination is for the purpose of -- of
24 determining if your decision in this case would be
25 in any way influenced by opinions that you or by

1 some personal experience you may have concerning the
2 subject matter to be tried.

3 The object is to obtain six people who will
4 impartially try the issues of this case upon the
5 evidence presented in this courtroom -- courtroom
6 without being influenced by other factors.

7 Understand that this questioning is not for the
8 purpose of prying into your affairs, although it may
9 feel like it, uh, for personal reasons, and is only
10 for the purpose of obtaining an impartial jury.

11 Each side has a certain number of peremptory
12 challenges by which it means either side can
13 challenge you and ask that you be excused without
14 giving any reason at all.

15 If you are challenged, please do not feel
16 offended or feel that your honesty, integrity or
17 character is being questioned. It is not. Does
18 everyone understand?

19 **THE PROSPECTIVE JURORS:** Yes.

20 **THE COURT:** All right.

21 (Pause.)

22 All right. At the present time, does anyone
23 have any feeling toward any of the parties or
24 attorneys to this action which might affect your
25 ability to serve as an impartial juror?

1 **THE PROSPECTIVE JURORS:** No.

2 **THE COURT:** All right.

3 These first, uh, preliminary questions, I'm
4 going to ask them as a group, and then we're going
5 to go one by one after this, okay?

6 And then counsel for the state and counsel for
7 the defense are going to have the opportunity to
8 speak to you.

9 All right. To each of you, if you're selected
10 as a juror in this case, can you render a fair and
11 impartial verdict basing your verdict solely upon
12 the evidence presented in this courtroom?

13 **THE PROSPECTIVE JURORS:** Yes.

14 **THE COURT:** Okay.

15 To overcome the defendant's presumption of
16 innocence, the state has the burden of proving that
17 a crime -- that the crime which the defendant is
18 charged as read by the clerk was committed and the
19 defendant is the person who committed the crime.
20 The defendant is not required to present evidence or
21 prove anything.

22 Is everyone all right with that concept?

23 **THE PROSPECTIVE JURORS:** Yes.

24 **THE COURT:** Okay.

25 Whenever the words reasonable doubt are used,

1 you must consider the following:

2 A reasonable doubt is not a mere possible
3 doubt, a speculative, imaginary or forced doubt.
4 Such a doubt must not influence you to return a
5 verdict of not guilty if you have an abiding
6 conviction of guilt.

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

15 A reasonable doubt as to the guilt of the
16 defendant may arise from the evidence, a conflict in
17 the evidence or lack of evidence. If you have a
18 reasonable doubt, you should find the defendant not
19 guilty. If you have no reasonable doubt, you should
20 find the defendant guilty.

21 Does everyone understand that concept and that
22 definition of reasonable doubt?

23 **THE PROSPECTIVE JURORS:** Yes.

24 **THE COURT:** All right. Each of you, will you
25 promise to accept and follow the Court's instruction

1 to you on the law even if you find that you disagree
2 with the law and wish it were different?

3 **THE PROSPECTIVE JURORS:** Yes.

4 **THE COURT:** All right.

5 Later in trial if selected, I will instruct you
6 that a defendant in a criminal case is presumed to
7 be innocent unless and until the evidence produced
8 at trial proves he or she -- he in this case is
9 guilty. Do all of you understand this principle?

10 **THE PROSPECTIVE JURORS:** Yes.

11 **THE COURT:** All right. Will you accept it and
12 apply it to the defendant in this case?

13 **THE PROSPECTIVE JURORS:** Yes.

14 **THE COURT:** Will you agree to require the state
15 to prove each and every element of the offense
16 beyond and to the exclusion of a reasonable doubt
17 before you return any verdict of guilty in this case
18 or not guilty?

19 **THE PROSPECTIVE JURORS:** Yes.

20 **THE COURT:** All right.

21 All right. And if the state fails to prove
22 that the defendant is guilty beyond a reasonable
23 doubt, will you agree to return a verdict of not
24 guilty?

25 **THE PROSPECTIVE JURORS:** Yes.

1 **THE COURT:** All right.

2 On the other hand, if the evidence convinces
3 you beyond and to the exclusion of a reasonable
4 doubt that the defendant is guilty, will you agree
5 to set aside any sympathy you may feel for the
6 defendant and return a verdict of guilty?

7 **THE PROSPECTIVE JURORS:** Yes.

8 **THE COURT:** All right.

9 In other words, each of you agrees to give both
10 the state and the defendant a fair trial in this
11 matter?

12 **THE PROSPECTIVE JURORS:** Yes.

13 **THE COURT:** All right.

14 It is the Judge's responsibility to sentence,
15 not the jury. Does everyone understand that
16 concept?

17 **THE PROSPECTIVE JURORS:** Yes.

18 **THE COURT:** All right.

19 We're going to start with these questionnaires
20 that you each filed out. And we're going to
21 start -- we're going to have Mr. Jackson start.

22 If you want to stand, you can. If not, uh --
23 oh, you don't have a copy of yours, do you?

24 All right.

25 (Pause.)

1 Counsel approach.

2 what I'm doing now is called a sidebar. You're
3 going to hear some noise because we're going to
4 discuss some matters that are outside of your
5 attention.

6 (Begin sidebar.)

7 **THE COURT:** Do they -- do they normally have
8 their own and read it?

9 **MS. HARTMAN:** Usually they'll have a -- they'll
10 each have a blank one on their sheet, and then
11 they'll go through and read the questions out loud.

12 **THE COURT:** (Unintelligible.)

13 **MS. HARTMAN:** Yeah, I think that's cause you
14 had them pull them out.

15 **THE COURT:** Yeah, I can have them, uh -- you
16 know, why don't I give them my copy.

17 Mr. Bailiff.

18 **MS. HARTMAN:** If they have a blank one, they
19 can just pass it down to each other, though.

20 **THE COURT:** I hate to do that. I'd rather give
21 them their own.

22 (Pause.)

23 (Unintelligible). what I'm going to do is I'm
24 going to give them my copy. I'm going to have you pass
25 them out to them. They are in order. I want them to be

1 able to read their own.

2 (Pause.)

3 Mr. Jackson's on top.

4 Thank you.

5 (End of sidebar)

6 **THE COURT:** Folks, I'm going to give you a copy
7 of the questionnaire you filled out. Once we get to
8 you, we're going to have you stand if you wish. If
9 not, remain seated. And you're going to read off
10 your -- the question and the answers, okay?

11 (Pause.)

12 (Jury questionnaires handed out by bailiff to
13 prospective jurors.)

14 (Pause.)

15 **THE COURT:** So the first thing I want you to do
16 is make sure you have your own. They should be in
17 order, though.

18 (Pause.)

19 All right, go ahead, Mr. Jackson.

20 **THE PROSPECTIVE JUROR:** Uh, Alan Jackson.

21 You want me to go through and answer every
22 question?

23 **THE COURT:** Sure.

24 **THE PROSPECTIVE JUROR:** Uh, Floral City.

25 Uh, I'm not employed. Currently retired.

1 Uh, I was a telephone worker for Verizon
2 Communications.

3 I am married.

4 Uh, my wife's retired.

5 No minor children.

6 Uh, no immediate family in law enforcement.

7 I have, uh, served on a jury before.

8 **THE COURT:** Now, what type of jury?

9 **THE PROSPECTIVE JUROR:** I was on a civil trial
10 in Pasco County, and then I was on a, uh, criminal
11 trial here in Citrus maybe four or five years ago.

12 **THE COURT:** So you're an old pro.

13 **THE PROSPECTIVE JUROR:** Yeah, right.

14 **THE COURT:** All right.

15 Now, without mentioning what the verdict was in
16 those cases, were you able to reach a verdict in
17 each case?

18 **THE PROSPECTIVE JUROR:** Yes.

19 **THE COURT:** Very good. Okay, go ahead.

20 **THE PROSPECTIVE JUROR:** Uh, I do not know of
21 anybody in this courtroom either professionally or
22 personally.

23 Uh, I have been involved in a trial as a party
24 or witness.

25 Uh, my personal calendar is clear.

1 And I can follow the law as I'm instructed.

2 **THE COURT:** when you say you were a party or a
3 witness, which one was it?

4 **THE PROSPECTIVE JUROR:** Oh, that was --
5 actually that was way back, uh, in my early 20s
6 probably. I was just a witness to an auto accident.

7 **THE COURT:** Okay.

8 All right.

9 You have to help me with your last name, sir.
10 Boulerice?

11 **THE PROSPECTIVE JUROR:** Yes, sir.

12 **THE COURT:** Mr. Boulerice.

13 Okay, go ahead, Mr. Boulerice.

14 **THE PROSPECTIVE JUROR:** My name is Glenn
15 Boulerice.

16 I live here in Lecanto.

17 I'm currently a part-time laborer.

18 Not married.

19 I have no children.

20 I have no known family immediately in law
21 enforcement.

22 My first time doing jury duty.

23 I don't know anyone in this courtroom
24 professionally or personally.

25 I haven't been involved in a trial as a party

1 or a witness.

2 My calendar is free.

3 **THE COURT:** Okay, very good.

4 Mr. Sippel.

5 **THE PROSPECTIVE JUROR:** Uh, Mike Sippel.

6 I live here in Inverness.

7 Uh, I am employed in Florida.

8 I am in retail.

9 I am married.

10 My wife is a housewife.

11 Uh, I have two, uh, children, 11 and 13. They
12 do attend school here.

13 I do not have any, uh -- know anybody in law
14 enforcement.

15 I have, uh, been on a jury duty before.

16 **THE COURT:** What kind of jury was it?

17 **THE PROSPECTIVE JUROR:** Uh, both criminal.

18 **THE COURT:** Okay.

19 And in those cases without mentioning what the
20 verdict was, were you able to reach a verdict?

21 **THE PROSPECTIVE JUROR:** Yes, sir.

22 **THE COURT:** Okay. Each time?

23 **THE PROSPECTIVE JUROR:** Yes, sir.

24 **THE COURT:** Okay, very good.

25 **THE PROSPECTIVE JUROR:** I don't know anybody,

1 uh, in the room.

2 I've never been a witness.

3 My personal calendar is open.

4 And yes to the last one.

5 **THE COURT:** Okay, the personal calendar
6 question, by the way, you're asked that before
7 you're told, uh, what day this trial is set to
8 commence. So now you have an idea. This is very
9 likely, uh, possibly a two-day trial, but, uh, it's
10 likely that it's going to be a Thursday trial, but
11 we can go into Friday. So that's -- that's the
12 intent of that question, but you didn't have that
13 information at the time.

14 All right. Mr. Roberts.

15 **THE PROSPECTIVE JUROR:** My name's Frank
16 Roberts.

17 I live in Hernando.

18 I'm the chief deputy of court services for the
19 clerk of court's office.

20 **THE COURT:** So if you have any complaints,
21 folks.

22 **THE PROSPECTIVE JURORS:** Ha ha ha.

23 **THE PROSPECTIVE JUROR:** On the clerk's side.

24 Uh, not retired obviously.

25 Yes, I am married.

1 My wife and I own a skin care facility.

2 Uh, no minor children. No children.

3 Uh, I have -- do not have any immediate family
4 in law enforcement.

5 I have never served on a jury.

6 Uh, I do know people in the courtroom
7 professionally.

8 Uh, I have been a witness several times.

9 Uh, my personal calendar can be clear for this.
10 And yes, I can follow the law.

11 **THE COURT:** Okay.

12 Based on your employment and your professional,
13 uh, relationship with individuals in the courthouse
14 and this courtroom, uh, do you believe you can be a
15 fair and impartial juror?

16 **THE PROSPECTIVE JUROR:** I do.

17 **THE COURT:** It will not affect that in any way?

18 **THE PROSPECTIVE JUROR:** No.

19 **THE COURT:** Okay.

20 All right.

21 Was that the last one on there?

22 **THE PROSPECTIVE JUROR:** Yes, sir.

23 **THE COURT:** Okay.

24 All right, Ms. Oller.

25 Is that Oller or Oller?

1 **THE PROSPECTIVE JUROR:** oller.

2 **THE COURT:** oller, okay.

3 **THE PROSPECTIVE JUROR:** Uh, yeah, my name is
4 Aleshia oller.

5 Uh, I live in Citrus County.

6 Uh, I currently have a business in Tampa, my
7 husband and I. I manage the office.

8 I am married.

9 My husband's the production manager there.

10 I have no minor children, but I have two
11 children.

12 Uh, no immediate family in law enforcement.

13 No jury service at this time.

14 Uh, I don't know anyone in the courtroom.

15 Uh, I've never been involved in any trial or
16 party as a witness.

17 And, uh, my personal calendar is free.

18 And I can, uh, be fair and impartial.

19 **THE COURT:** Very good.

20 Mr. Peck.

21 **THE PROSPECTIVE JUROR:** My name is Brad Peck.

22 I live in Crystal River.

23 Citrus County School Board as a farmer.

24 Yes, I am married.

25 My wife is a landlord.

1 No minor children.
2 Nobody in law enforcement.
3 Uh, never served on a jury.
4 I do not know anybody in this courtroom.
5 Uh, I have been involved as a party in a trial.
6 **THE COURT:** what kind of trial?
7 **THE PROSPECTIVE JUROR:** An assault?
8 **THE COURT:** Were you a witness?
9 **THE PROSPECTIVE JUROR:** No, I was the party.
10 **THE COURT:** You were the party?
11 **THE PROSPECTIVE JUROR:** Yeah.
12 **THE COURT:** Okay.
13 **THE PROSPECTIVE JUROR:** I was found innocent.
14 **THE COURT:** Okay.
15 **THE PROSPECTIVE JUROR:** Uh, my calendar is
16 clear.
17 **THE COURT:** About how long ago was that?
18 **THE PROSPECTIVE JUROR:** Uh, lived here eight
19 years. Eight years ago.
20 **THE COURT:** Okay, very good.
21 Calendar is clear.
22 Now, you said your wife's a landlord.
23 **THE PROSPECTIVE JUROR:** My wife is, and I'm a
24 landlord as well.
25 **THE COURT:** Okay.

1 So you own residences or --

2 **THE PROSPECTIVE JUROR:** Houses, yes.

3 **THE COURT:** Okay, interesting.

4 All right.

5 Mr. Apgar.

6 I'm sorry, Ms. Apgar.

7 **THE PROSPECTIVE JUROR:** My name is Virginia
8 Apgar.

9 I live in Crystal River.

10 I'm currently unemployed. I am retired as a
11 caregiver.

12 Not married.

13 Uh, no minor children.

14 And I have -- I don't know anyone here as in
15 law enforcement.

16 And no prior jury service.

17 And I don't know anybody in the courtroom.

18 And I have never been a witness.

19 And, uh, my calendar is clear.

20 And I can be fair and impartial.

21 **THE COURT:** Okay.

22 Did you say you're retired?

23 **THE PROSPECTIVE JUROR:** Yes, sir.

24 **THE COURT:** Okay, very good.

25 All right, Mr. Pelamati.

1 **THE PROSPECTIVE JUROR:** My name is Dennis
2 Pelamati.

3 I live in Inverness.

4 I'm retired.

5 I was an inspector general for Raytheon
6 Corporation.

7 I am married.

8 My spouse is retired.

9 No minor children.

10 I have no immediate family in law enforcement.

11 No prior jury service.

12 I know no one in this courtroom.

13 I've never been involved in a trial.

14 My calendar is clear.

15 I can follow the law as instructed.

16 **THE COURT:** Okay.

17 Now, you said you were a former inspector
18 general for Raytheon?

19 **THE PROSPECTIVE JUROR:** Yes.

20 **THE COURT:** What does that entail?

21 **THE PROSPECTIVE JUROR:** Uh, my part of it was,
22 uh, inspecting precision mechanical parts for
23 missile systems.

24 **THE COURT:** That's a cooler job than I have.

25 **THE PROSPECTIVE JURORS:** Ha ha ha.

1 **THE COURT:** well, did you have clearance and
2 all that fun stuff?

3 **THE PROSPECTIVE JUROR:** Yes.

4 **THE COURT:** Yeah, I imagine so.

5 All right, Ms. Hammock.

6 **THE PROSPECTIVE JUROR:** I'm Cindy hammock.

7 I live in Citrus County.

8 **THE COURT:** Just try and speak up just a little
9 bit, ma'am. You're soft spoken.

10 **THE PROSPECTIVE JUROR:** I'm a receptionist.

11 I'm married.

12 My husband does construction.

13 I have no minor children.

14 Uh, no immediate family in law enforcement.

15 Uh, I was picked for a jury, but I didn't serve
16 on the case.

17 And I don't know anybody in this courtroom.

18 And I've never been a witness to a trial or a
19 party witness or anything.

20 And, uh, my calendar is not really clear.

21 Uh, and I can follow the law as I'm instructed
22 and be fair and impartial.

23 **THE COURT:** Okay, couple questions.

24 what type of case were you picked for?

25 **THE PROSPECTIVE JUROR:** Uh, it was a really

1 long, long time ago for, uh, somebody, uh, who, uh,
2 was -- wasn't very nice to a young child and --

3 THE COURT: Was it a criminal case?

4 THE PROSPECTIVE JUROR: Uh, I don't think so.
5 I'm not sure.

6 THE COURT: Okay.

7 All right. Then you also indicated your
8 calendar is not really clear. I can't remember
9 exactly what you said.

10 THE PROSPECTIVE JUROR: Yeah, it's not clear.
11 I mean, I work. Uh, I'd have to put in -- we're
12 shorthanded at work, and, uh, I have --

13 THE COURT: That seems to be a common theme.

14 THE PROSPECTIVE JUROR: Yeah, so I have to --
15 and I have lot of health issues. I got
16 Alzheimer's and I'm a diabetic.

17 THE COURT: Everyone go ahead and turn your
18 cell phones off, please.

19 THE PROSPECTIVE JUROR: Pardon.

20 THE COURT: All right, does everyone else have
21 their cell phones off?

22 Thank you.

23 Go ahead, ma'am. Say that --

24 THE PROSPECTIVE JUROR: I have a lot of health
25 issues. I have Alzheimer's and I'm a diabetic, and

1 I'm on medication. Some days I don't feel good and
2 (unintelligible). You know, I don't know if I would
3 be a good candidate for --

4 **THE COURT:** Okay.

5 This -- this may be a topic that, uh, both
6 counsels may want to explore.

7 **THE PROSPECTIVE JUROR:** Okay.

8 **THE COURT:** All right.

9 Mr. Martin.

10 **THE PROSPECTIVE JUROR:** Dale Martin.

11 Crystal River.

12 Plasterer.

13 Not retired.

14 Not married.

15 One minor child age eight in school.

16 Don't know anyone in law enforcement.

17 No prior jury service.

18 Don't know anyone in the courtroom.

19 Never been a party or a witness.

20 Calendar is clear.

21 And yes, I can follow directions.

22 **THE COURT:** Very good.

23 Ms. Beltowski.

24 **THE PROSPECTIVE JUROR:** Judith Beltowski.

25 Live in Beverly Hills.

1 I'm retired.

2 I was an office manager.

3 I'm married.

4 My husband's retired. He was in home
5 improvement.

6 Uh, no minor children.

7 I don't know anyone in law enforcement.

8 I was on a jury before here about two, maybe
9 three years ago.

10 Do you have -- uh, nobody I know in here.

11 I have never been a witness.

12 My calendar is clear.

13 And yes, I can follow instructions.

14 **THE COURT:** what type of case were you a juror
15 on?

16 **THE PROSPECTIVE JUROR:** Criminal.

17 **THE COURT:** Were you able -- not -- don't tell
18 me what the verdict was, but were you able to reach
19 a verdict?

20 **THE PROSPECTIVE JUROR:** (Unintelligible).

21 **THE COURT:** Were you the foreperson?

22 **THE PROSPECTIVE JUROR:** No.

23 **THE COURT:** Okay.

24 Mr. Kuzel.

25 **THE PROSPECTIVE JUROR:** Corey Kuzel.

1 From Homosassa.
2 I'm an escalator repair foreman.
3 Uh, I am married.
4 She's a mental health counselor.
5 Three minor children, two, 12 and 16.
6 My mother-in-law is a retired LEO for
7 Citrus County.
8 Never been on jury service.
9 Don't know anyone in here.
10 Never been in a trial as a party or a witness.
11 Clear calendar.
12 And yes, I can follow instructions.
13 **THE COURT:** All right.
14 Mr. Higginbotham.
15 **THE PROSPECTIVE JUROR:** Uh, Michael
16 Higginbotham.
17 I live in Crystal River.
18 I'm a sheet metal fabricator.
19 I am married.
20 She's a day-care teacher.
21 No children.
22 No immediate family in law enforcement.
23 Never done jury duty.
24 I don't know anybody in the room.
25 Uh, never been involved in a trial as a party

1 or a witness.

2 My calendar is clear.

3 And I can follow the law.

4 **THE COURT:** Okay, thank you.

5 Ms. Ratcliff.

6 **THE PROSPECTIVE JUROR:** My name is Claudia
7 Ratcliff.

8 I live in Homosassa.

9 I'm a restaurant manager and a realtor.

10 I'm not married.

11 No minor children.

12 Uh, no immediate family in law enforcement.

13 No jury service anywhere.

14 I do not know anyone in this room
15 professionally or personally.

16 I have not been involved in a trial.

17 And I can clear my calendar and follow
18 directions and be fair and impartial.

19 **THE COURT:** Very good, thank you.

20 Mr. Uvanni.

21 **THE PROSPECTIVE JUROR:** I live in Crystal
22 River.

23 I'm a supervisor for Duke Relay.

24 Yes, I'm married.

25 My wife's been retired.

1 I have no minor children.

2 I have no immediate family in law -- law
3 enforcement.

4 I served on a jury here in a criminal case.
5 And yes, we did find a verdict, and I was the
6 foreperson.

7 And no, I don't know anybody in the courtroom.

8 And yes, have I ever been involved in a trial
9 as a party? Yes, as a party, uh, one time running
10 from the police in 19 -- 1979. In 1985, I was
11 charged with obstruction of justice. Both -- I was
12 found guilty in both trials.

13 Uh, is your personal calendar -- yes, I'm free.

14 And have been involved with law enforcement.

15 Yes, I can be fair and impartial.

16 **THE COURT:** All right, very good.

17 Ms. Gibson.

18 **THE PROSPECTIVE JUROR:** My name is Christina
19 Gibson.

20 I live in Crystal River.

21 I am a DMV clerk here at the Citrus County Tax
22 Collector.

23 I am married.

24 My husband is a super -- a gym supervisor,
25 personal trainer in Ocala.

1 I have no children.

2 No immediate family in law enforcement.

3 I have not served on a jury before.

4 I don't know anybody personally in the
5 courtroom or professionally.

6 I have never been a part of a trial.

7 My calendar can be cleared.

8 And I can follow directions.

9 **THE COURT:** Very good.

10 Thank you.

11 Ms. Johnson?

12 **THE PROSPECTIVE JUROR:** Yes, I'm Kathryn
13 Johnson.

14 I live in Inverness.

15 I work for the Florida Forest Service in
16 ecology.

17 Uh, I was married. I'm widowed.

18 No minor children.

19 Uh, I have no family in law enforcement.

20 I've never been on a jury.

21 I've never done anything in a courtroom.

22 Have you ever -- and I've never been involved
23 in a trial.

24 I can clear my calendar.

25 And can I follow the law as I'm -- yes.

1 **THE COURT:** So I heard you said you worked for
2 the Forest Service, but I didn't hear what you do.

3 **THE PROSPECTIVE JUROR:** I work in the ecology
4 department. I kill exotic basin weeds.

5 **THE COURT:** Oh, okay.

6 **THE PROSPECTIVE JUROR:** I drive around in an
7 ATV all day.

8 **THE COURT:** Yeah, that sounds -- that sounds
9 fun.

10 **THE PROSPECTIVE JURORS:** Ha ha ha.

11 **THE PROSPECTIVE JUROR:** Yeah, so nobody else
12 can do --

13 **THE COURT:** I may need some tips after this if
14 you saw my front yard.

15 **THE PROSPECTIVE JUROR:** Just don't kill the
16 wrong things.

17 **THE COURT:** Ms. Baughman.

18 **THE PROSPECTIVE JUROR:** My name's
19 Jennifer Baughman.

20 I live in Dunnellon.

21 **THE COURT:** Baughman it's pronounced?

22 **THE PROSPECTIVE JUROR:** Baughman, yes, sir.

23 **THE COURT:** Baughman.

24 **THE PROSPECTIVE JUROR:** Uh, I'm a hair stylist.
25 Uh, obviously not retired.

1 Not married.

2 Uh, no children.

3 I have no family in law enforcement.

4 First time jury duty.

5 I don't think -- I don't know anybody in here.

6 I have been a part of a trial, divorce court.

7 I can clear my personal calendar.

8 And I can be fair and impartial.

9 THE COURT: Now, you said in divorce court. As
10 a party?

11 THE PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Obviously, right?

13 THE PROSPECTIVE JUROR: It was 2018.

14 THE COURT: All right, Mr. Arcuri -- Arcuri.

15 THE PROSPECTIVE JUROR: Arcuri.

16 THE COURT: Arcuri. All right.

17 THE PROSPECTIVE JUROR: My name's Mike Arcuri.

18 I live in Crystal River.

19 I'm the owner of On The Spot Detailing and
20 Paint Protection Films.

21 Retired not really. I did 11 years as a
22 firefighter paramedic here in town.

23 Uh, I am married.

24 I have two children six and eight. They go to
25 school in Crystal River.

1 I have, uh, no immediate family in law
2 enforcement.

3 Uh, no jury, uh, service.

4 I do know people in the courtroom. Uh, of
5 course, a lot of deputies are familiar along with
6 him. I do know Michael Kelly, one of the gentlemen
7 or the detectives I believe.

8 Uh --

9 **THE COURT:** Is that through your work?

10 **THE PROSPECTIVE JUROR:** Through past, you know,
11 fire service through all the deputies. And then I
12 know Mrs. Crawley, uh, just through friends.

13 And, uh, personal calendar, I'm the owner of my
14 business, so I'm incredibly busy, but I can do what
15 I can do.

16 And, uh, I can be fair and impartial.

17 **THE COURT:** Obviously a man that understands
18 marketing. You didn't just say you were a detailee.
19 You plugged the name of the business and everything
20 in there.

21 **THE PROSPECTIVE JURORS:** Ha ha ha.

22 **THE COURT:** Very good.

23 All right, Mr. Corne.

24 **THE PROSPECTIVE JUROR:** Yes, sir.

25 Just one thing I want to say before we get

1 started.

2 **THE COURT:** Sure.

3 **THE PROSPECTIVE JUROR:** I'm hard of hearing.

4 **THE COURT:** We have -- in the courtroom we
5 have, uh, a device that'll assist you with that.
6 would you like that? They work well I'm told.

7 Everything that's spoke into a microphone is
8 projected to those.

9 (Pause.)

10 **THE PROSPECTIVE JUROR:** They working?

11 **THE COURT:** Can you hear me?

12 How about now, can you hear me?

13 **THE PROSPECTIVE JUROR:** I can hear you a little
14 bit better.

15 **THE COURT:** Okay, perfect.

16 **THE BAILIFF:** Turn it up a bit more.

17 **THE COURT:** There's a -- how about now?

18 **THE PROSPECTIVE JUROR:** I can hear you now.

19 **THE COURT:** Good. Okay, very good.

20 **THE PROSPECTIVE JUROR:** My name's David Corne.

21 I live in Beverly Hills, Florida.

22 I am on Social Security disability.

23 Retired from the manufactured home industry.

24 No minor children.

25 No marriage.

1 Nobody in law enforcement.

2 And yes, I have had prior jury duty service.

3 **THE COURT:** what kind of case?

4 **THE PROSPECTIVE JUROR:** It was a drug case.

5 **THE COURT:** Okay.

6 Now, without --

7 **THE PROSPECTIVE JUROR:** That was in Polk
8 County.

9 **THE COURT:** Polk County, okay.

10 Without mentioning what the verdict was, were
11 you able to reach a verdict?

12 **THE PROSPECTIVE JUROR:** No, we reached a
13 verdict.

14 **THE COURT:** Very good.

15 Were you the foreperson of the jury?

16 **THE PROSPECTIVE JUROR:** Still I'm having a hard
17 time.

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

20 **THE PROSPECTIVE JUROR:** I was one of the
21 juries. I can't remember which one I was.

22 **THE COURT:** Okay, very good.

23 Go ahead.

24 (Pause.)

25 **THE PROSPECTIVE JUROR:** I don't know anybody in

1 the courtroom.

2 (Pause.)

3 And I haven't been involved in nothing but just
4 a regular -- I was a juror.

5 **THE COURT:** Okay.

6 **THE PROSPECTIVE JUROR:** Tomorrow I have a
7 doctor's appointment 9:00 o'clock.

8 (Pause.)

9 Yes, sir, I can -- I'll go by the law what you
10 say.

11 **THE COURT:** Okay, very good.

12 All right. The doctor won't be an issue cause
13 we won't require any service tomorrow. So that's,
14 uh -- that's not an issue as far as your calendar
15 goes.

16 Ms. Crawley.

17 **THE PROSPECTIVE JUROR:** Yes. Uh, my name's
18 Clarissa Dawn Crawley.

19 I live here in Inverness.

20 I'm currently just a swim coach for Citrus High
21 School.

22 I'm uh -- I was a teacher.

23 I just resigned last year.

24 I'm married.

25 My husband is a business owner in town.

1 I have three children, one as a minor.
2 Uh, no immediate family in law enforcement.
3 No prior jury.
4 Uh, yes, I do know someone in the courtroom.
5 And I have never been involved in a trial.
6 My calendar is clear.
7 And I can follow the law.
8 **THE COURT:** Okay.
9 And the person you know would be Mr. Arcuri?
10 **THE PROSPECTIVE JUROR:** Yes.
11 **THE COURT:** Okay.
12 All right. And finally, Ms. Alkire?
13 **THE PROSPECTIVE JUROR:** Yes. You got it right.
14 My name is Tammy Alkire.
15 I live in Dunnellon.
16 I am self-employed.
17 Uh, I am married.
18 My husband is self-employed as well.
19 I have no minor children.
20 Uh, no family in law enforcement.
21 No prior jury service.
22 I do not know anyone in the courtroom.
23 I've never been involved with any trial.
24 And my personal calendar is not clear.
25 And I'm not sure I can be impartial if it has

1 to do with domestic violence.

2 **THE COURT:** Okay.

3 **THE PROSPECTIVE JUROR:** I have PTSD from that.

4 **THE COURT:** All right. That's an issue I
5 believe will likely be explored.

6 All right. I hope I didn't butcher anyone's
7 name, uh, too poorly, uh, being someone whose first
8 name is Joel. I'm routinely called Joel. I've
9 given up on correcting it, but if I did, I
10 apologize.

11 All right, state ready to inquire?

12 **MS. HARTMAN:** Yes, Your Honor.

13 **THE COURT:** Go ahead.

14 One moment, Ms. Hartman.

15 Sir?

16 **THE PROSPECTIVE JUROR:** I have a question.

17 **THE COURT:** Go ahead.

18 **THE PROSPECTIVE JUROR:** Question number seven.
19 It states is. What about was?

20 **THE COURT:** I don't have the form in front of
21 me. Can you read it.

22 **THE PROSPECTIVE JUROR:** Oh. It says is any of
23 your immediate family in law enforcement? What
24 about was?

25 **THE COURT:** So were any, uh, family members

1 prior law enforcement?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: who --

4 THE PROSPECTIVE JUROR: My father was a police
5 officer for 26 years.

6 THE COURT: Okay.

7 THE PROSPECTIVE JUROR: He's long since passed
8 away.

9 THE COURT: where was that?

10 THE PROSPECTIVE JUROR: Uh, Pinellas County,
11 Florida.

12 THE COURT: Okay.

13 Now, based on that observation, does that
14 change anybody else's answer?

15 Sir?

16 THE PROSPECTIVE JUROR: No.

17 THE PROSPECTIVE JUROR: My Uncle Edward used to
18 be a chief of police Brooksville.

19 THE COURT: Last name -- what's his last name?

20 THE PROSPECTIVE JUROR: Uh, Tincher.

21 THE COURT: Thought so. Okay.

22 Anybody else? I thought I saw one more.

23 Nope. All right, very good.

24 Ms. Hartman, go ahead.

25 MS. HARTMAN: Good morning.

1 **THE PROSPECTIVE JURORS:** Good morning.

2 **MS. HARTMAN:** I had to check to make sure it
3 was still morning time. It feel like a long day I'm
4 sure as it does for all of you.

5 My name is Tara Hartman along. And along with
6 Kaitlyn Mannis, we have the privilege of
7 representing the State of Florida in this matter.

8 Uh, as Judge told you guys, this is voir dire
9 or jury selection. And the purpose of this is not
10 to make you feel uncomfortable or uneasy, but it's
11 just to make sure that you're the most fair and
12 impartial jurors for this type of case, this
13 particular case.

14 Uh, if I ask you any questions and you're
15 uncomfortable answering that in front of your 22
16 newest best friends here in this room, uh, just
17 raise your hand and let me know, and we can approach
18 up to Judge with defense counsel, and this way you
19 can answer that question in private.

20 Is everyone okay with that?

21 **THE PROSPECTIVE JURORS:** Yes.

22 **MS. HARTMAN:** Okay.

23 So let me give you an example of, uh, why we
24 look for the most fair and impartial jurors for this
25 type of case.

1 Uh, Mr. Roberts have you been up North before?

2 **THE PROSPECTIVE JUROR:** Yes.

3 **MS. HARTMAN:** Have you seen snow?

4 **THE PROSPECTIVE JUROR:** Yes.

5 **MS. HARTMAN:** Have you seen it when it just
6 freshly covers the ground and it looks perfect and
7 it's not muddy and gross and nasty from everyone
8 driving through it, walking through it and
9 everything like that?

10 **THE PROSPECTIVE JUROR:** Yes.

11 **MS. HARTMAN:** So let's say you wake up one
12 morning, and you see that snow freshly covering the
13 ground, and you go, you say, I'm going to get a cup
14 of coffee. I'm going to come back, sit in the
15 window and just watch this nice snow before it gets
16 absolutely disgusting and destroyed.

17 So you go, you get a cup of coffee, and you
18 come back, but now there's footprints walking
19 through the snow. What do you think happened?

20 **THE PROSPECTIVE JUROR:** Somebody walked through
21 the snow.

22 **MS. HARTMAN:** What if I told you that your
23 neighbor who -- whoever was staying next to you up
24 North decided to teach their dog how to walk in
25 human shoes on hind legs so that they can go on

1 America's Got Talent. Is that possible?

2 **THE PROSPECTIVE JUROR:** It's possible.

3 **MS. HARTMAN:** But is it reasonable?

4 **THE PROSPECTIVE JUROR:** Hum, I don't know the
5 neighbor, so I couldn't say that.

6 **THE PROSPECTIVE JURORS:** Ha ha ha.

7 **THE PROSPECTIVE JUROR:** But most likely not.

8 **MS. HARTMAN:** Okay, so most likely not.

9 Does everyone understand the difference between
10 reasonable and, uh -- reasonable and possible doubt?

11 So my job as the state is to prove, uh, each
12 element beyond every reasonable doubt, but not every
13 possible doubt.

14 Does everyone agree to hold me to that burden?

15 **THE PROSPECTIVE JURORS:** Yes.

16 **MS. HARTMAN:** Okay.

17 So let's talk about being fair and impartial a
18 little bit.

19 Mr. Pelamati, am I saying that correctly?

20 **THE PROSPECTIVE JUROR:** Yes.

21 **MS. HARTMAN:** Okay.

22 Let's say you wake up today, and you park your
23 car in your driveway the same way every night. You walk
24 in, you hang up your keys on the hook right inside the
25 door ha ha and that's the same thing you always do.

1 well, now, you wake this morning to come here
2 for jury selection at what, 7:30 this morning,
3 8:00 o'clock this morning about?

4 **THE PROSPECTIVE JUROR:** 7:30.

5 **MS. HARTMAN:** Okay, 7:30. And you go outside,
6 but your car's not there anymore. You don't know
7 what happened. So now you're freaking out. Someone
8 stole your car. You have to call a neighbor for --
9 to drive you here. And you're hoping you get here
10 on time because you want to comply with your jury
11 selection service. And you've got a call, you have
12 no time for coffee, you're running out the door,
13 you're racing. You get here just at 7:30 on the
14 dot. You're in a panic. You get here, you find out
15 that this case is for a grand theft of a motor
16 vehicle.

17 Do you think that you'd be the most fair juror
18 that day?

19 **THE PROSPECTIVE JUROR:** No, I would not.

20 **MS. HARTMAN:** So does everyone see kind of the
21 difference of how our personal experiences or things
22 that happen to us outside of this room can affect in
23 here and understand why we're looking for the best
24 type of juror?

25 **THE PROSPECTIVE JURORS:** Yes.

1 **MS. HARTMAN:** And Ms. Alkire, am I saying your
2 name correctly?

3 **THE PROSPECTIVE JUROR:** Alkire.

4 **MS. HARTMAN:** Alkire.

5 **THE PROSPECTIVE JUROR:** Yes.

6 **MS. HARTMAN:** I'm sorry about that.

7 So, uh -- and if you're uncomfortable talking
8 about it in public, we can walk up to the Judge, but
9 you said that you're not sure if you'll be able to
10 be fair and impartial based on your outside
11 experiences.

12 **THE PROSPECTIVE JUROR:** Yes.

13 **MS. HARTMAN:** And I just need everyone to be as
14 open and honest as you possibly can to make sure
15 that both the state and defense obtain a fair trial.

16 Uh, do you think that you'll be sitting here
17 listening to it, and that that would be running in
18 the back of your head the whole time?

19 **THE PROSPECTIVE JUROR:** Yes.

20 **MS. HARTMAN:** Do you think that you'd be
21 distracted and unable to just separate these facts
22 from what happened in your life?

23 **THE PROSPECTIVE JUROR:** Yes.

24 **MS. HARTMAN:** Okay.

25 Thank you. And I appreciate your honesty. And

1 that's okay if that's your answer to anything that I
2 ask because I need to know if you can't separate
3 those facts. If you don't know and that's the best
4 answer you can give me, then I don't know is
5 perfectly fine. I like to give an example because
6 we have another Judge, Judge Howard, who his son is
7 actually a pilot in the military. And he says when
8 he gets on a plane and you ask the pilot, are we
9 going to have a good flight, you don't want them to
10 say, well, I don't know. This is one of my first
11 flights. That's not the answer you want here,
12 right?

13 So, uh, if I ask you, I'm looking for the best
14 possible answer. If you don't think so and that's
15 the best possible answer, then that's okay, but I
16 want to know if you can land this plane, uh, so a
17 yes or a no if you can give it.

18 We talked a little bit about law enforcement
19 witnesses, and there was a number -- were a number
20 of you who know, uh, people in law enforcement, so
21 obviously Mr. Roberts, uh, Mr. Kuzel,
22 Mr. Higginbotham, Mr. Pelamati and Mr. Arcuri. Was
23 there anyone else that I missed?

24 Okay. Many of you knew, uh, Detective Mike
25 Kelly specifically who -- or one of the witnesses in

1 this trial. So, uh, Mr. Roberts, would -- when
2 Mr. Kelly -- or Detective Kelly testifies, uh, would
3 you give him any more or less credibility just from
4 knowing him?

5 **THE PROSPECTIVE JUROR:** No.

6 **MS. HARTMAN:** would you be able to judge him
7 just like any other witness on the stand that you
8 don't know?

9 **THE PROSPECTIVE JUROR:** I would.

10 **MS. HARTMAN:** Okay.

11 And do you have a personal relationship with
12 him or was it simply professional?

13 **THE PROSPECTIVE JUROR:** It was professional.

14 **MS. HARTMAN:** Mr. Pelamati, uh, you said that
15 your father was in the law enforcement capacity?

16 **THE PROSPECTIVE JUROR:** Yes.

17 **MS. HARTMAN:** And would you give any more or
18 less credibility to a member of law enforcement
19 simply because they wear the badge?

20 **THE PROSPECTIVE JUROR:** Yes.

21 **MS. HARTMAN:** You would give them more weight?

22 **THE PROSPECTIVE JUROR:** Yes.

23 **MS. HARTMAN:** Okay.

24 So if we have a number of law enforcement
25 witnesses, and if they got up there and they

1 testified, would you automatically believe them
2 because they're law enforcement or would you agree
3 that they're normal everyday people who some -- some
4 tell the truth, some don't, and just judge them for
5 their own individual credibility?

6 **THE PROSPECTIVE JUROR:** Try to judge them for
7 their own credibility, yes.

8 **MS. HARTMAN:** Okay.

9 So you say try. Can you land the plane is the
10 question?

11 **THE PROSPECTIVE JUROR:** (Unintelligible).

12 **MS. HARTMAN:** Okay.

13 And like I said, if that's the best answer you
14 can give, then that's the best answer, and I
15 appreciate it.

16 Uh, Mr. Kuzel, you said that your mother-in-law
17 is retired law enforcement, so same question as
18 Mr., uh, Pelamati, would you give any more or less
19 credibility to witnesses just because they're law
20 enforcement?

21 **THE PROSPECTIVE JUROR:** No.

22 **MS. HARTMAN:** Okay.

23 So you'd be able to judge them just like any
24 other witness and understand that they should be
25 judged on their own credibility?

1 **THE PROSPECTIVE JUROR:** Yes.

2 **MS. HARTMAN:** Uh, Mr. Higginbotham, same thing?

3 **THE PROSPECTIVE JUROR:** Uh, unfortunately,
4 that's where it gets a little uncomfortable and a
5 little close talking about --

6 **THE COURT:** Do you want to approach?

7 **THE PROSPECTIVE JUROR:** Yes, please.

8 **MS. HARTMAN:** Yes, sir.

9 **THE COURT:** Can you hear me, Mr. King?
10 Can you hear me?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Okay, very good.

13 **MS. HARTMAN:** We just have to wait for defense
14 counsel too.

15 **THE COURT:** Come on up, join the party, folks.
16 (Begin sidebar.)

17 **THE PROSPECTIVE JUROR:** Unfortunately, when it
18 comes to trust and dealing with law enforcement in
19 general, even though my uncle was the chief of
20 police, uh, he wasn't the most straight and narrow
21 police officer I've ever met, and he left me pretty
22 much to rot (unintelligible). So when it comes to
23 domestic and law enforcement interactions, I'm kind
24 of all over the place.

25 **THE COURT:** So let me ask you this: Uh,

1 obviously, uh, Mr. Tinchler is not a witness in this
2 case, nor would he be. Uh, there, uh, are going to
3 be law enforcement witnesses who I don't believe you
4 knew, correct?

5 **THE PROSPECTIVE JUROR:** Uh, no. It's more of
6 an inherent lack of trust (unintelligible).

7 **THE COURT:** Okay.

8 Now, uh, one of the questions that comes to
9 mind is you understand that, uh, law enforcement
10 officers are recruited from the human race just as,
11 uh, judges or sheet metal workers or, uh, everyone
12 else. Uh, would you be unable to put aside your
13 biases and treat them like anybody else?

14 **THE PROSPECTIVE JUROR:** It would be very
15 difficult, and I couldn't honestly guarantee it.

16 **THE COURT:** Okay.

17 Ms. Hartman, do you have any inquiry?

18 **MS. HARTMAN:** No, Judge. I think that pretty
19 much answers it.

20 **THE COURT:** Mr. Lizanich?

21 **MR. LIZANICH:** No, Your Honor.

22 **THE COURT:** All right. Go ahead and resume
23 your seat. I appreciate your bringing that up
24 outside the hearing of others.

25 (End of sidebar.)

1 **MS. HARTMAN:** Mr. Arcuri, you said that you
2 know Detective Kelley. Uh, was that just in a
3 professional manner from when you were a
4 firefighter?

5 **THE PROSPECTIVE JUROR:** Yes, ma'am.

6 **MS. HARTMAN:** Okay.

7 Uh, so no personal relationship with him?

8 **THE PROSPECTIVE JUROR:** Not really.

9 **MS. HARTMAN:** And would you give him any more
10 or less credibility than any other witness because
11 you worked with him previously?

12 **THE PROSPECTIVE JUROR:** No, ma'am.

13 **MS. HARTMAN:** Okay.

14 So you'd be able to sit there and judge him
15 just like anybody else?

16 **THE PROSPECTIVE JUROR:** Yes, ma'am.

17 **MS. HARTMAN:** Did I miss anyone else going
18 through that?

19 Okay.

20 (Pause.)

21 So same question for everyone else, and if the
22 answer is yes, just raise your hand.

23 would anyone give any more credibility to
24 someone just because they're a law enforcement
25 officer?

1 Okay.

2 Kind of the opposite thing. Who here has had a
3 negative experience with law enforcement? If not,
4 we have the best 22 drivers I've ever seen in the
5 state. I think everyone's been pulled over for at
6 least a speeding ticket before ha ha.

7 Okay. So has anyone had a negative experience
8 with law enforcement they think would impact them as
9 far as being able to be fair and impartial, uh, when
10 it comes to judging their credibility? That they're
11 like man, I really hated that trooper that pulled me
12 over, all cops must be terrible like that.

13 Does anyone feel that way?

14 Yes, Ms. Al -- Alkire?

15 **THE PROSPECTIVE JUROR:** Alkire.

16 **MS. HARTMAN:** Alkire. Okay, I'm getting closer
17 and closer each time.

18 **THE PROSPECTIVE JUROR:** Yes, ma'am, I was
19 pulled over years ago. Uh, there was someone
20 kidnapping children in the neighborhood, and because
21 my car was the same color, they pulled me over and
22 didn't even give me a chance. They had already
23 judged me, you know.

24 **MS. HARTMAN:** Oh, no.

25 **THE PROSPECTIVE JUROR:** And they were

1 going to -- and the one cop told me, you will go to
2 prison. And -- and thankfully, I got an attorney,
3 and -- and nothing happened, but I was scared, you
4 know, and --

5 MS. HARTMAN: Of course.

6 THE PROSPECTIVE JUROR: -- intimidated. I
7 mean --

8 MS. HARTMAN: Of course.

9 And does that kind of set in your mind and --

10 THE PROSPECTIVE JUROR: Yes.

11 MS. HARTMAN: Does it automatically give you a
12 distrust of law enforcement?

13 THE PROSPECTIVE JUROR: Yes.

14 MS. HARTMAN: Okay.

15 Does anyone else have those same kind of
16 feelings that they were like, man, I just -- cops
17 are out to get people, and I don't trust them?

18 I know Mr. Uvanni and Mr. Peck both said that
19 they had very specific negative, uh, run-ins with
20 law enforcement. Would you guys hold that against
21 law enforcement or do you think that in your cases
22 they just did their job and don't hold it against
23 anyone?

24 THE PROSPECTIVE JUROR: (Unintelligible).

25 MS. HARTMAN: Okay.

1 Mr. Uvanni?

2 THE PROSPECTIVE JUROR: Oh, I don't think
3 (unintelligible).

4 MS. HARTMAN: Okay.

5 So you agree that you'd be able to separate
6 those from this case?

7 Okay.

8 You heard that the defendant in this case is
9 charged with written threats to kill or do bodily
10 harm. And Ms. Alkire --

11 THE PROSPECTIVE JUROR: Alkire.

12 MS. HARTMAN: I'm going to write that down.

13 THE PROSPECTIVE JUROR: It's like tire, but
14 Alkire.

15 MS. HARTMAN: Okay.

16 Stated that she -- that domestic violence has
17 impacted her life. Has it impacted anyone else's
18 life here to the point where they don't know if they
19 can stay fair and impartial?

20 So Ms., uh -- I know I wrote down a different
21 way to say your name, Baughman.

22 THE PROSPECTIVE JUROR: Yes, ma'am.

23 MS. HARTMAN: Okay.

24 I wanted to say Bauman [sic], but ha ha
25 Ms. Baughman, you've been involved in domestic violence?

1 **THE PROSPECTIVE JUROR:** Yes, ma'am.

2 **MS. HARTMAN:** would you be able to separate
3 what happened to you from this case or do you think
4 that that would be playing in the back of your mind
5 while hearing what happened?

6 **THE PROSPECTIVE JUROR:** I could possibly switch
7 it off, yes.

8 **MS. HARTMAN:** Okay.

9 Possibly. So can you land the plane?

10 **THE PROSPECTIVE JUROR:** I think so, yes.

11 **MS. HARTMAN:** Okay ha ha.

12 Uh, is there anyone that expects that I'll have
13 to prove that the defendant had the intention to
14 carry out that threat? If the Judge instructs you
15 that that is not --

16 **MR. LIZANICH:** Objection, question not asked
17 for the purpose of assessing bias.

18 **MS. HARTMAN:** It goes to -- it goes to show if
19 they're able to follow the law as instructed or if
20 they're going to require --

21 **THE COURT:** Repeat your question.

22 **MS. HARTMAN:** Is there anyone that believes
23 that I will need to show more than what the Judge
24 instructs as far as that he had the ability to carry
25 out that threat?

1 **THE COURT:** Overruled.

2 **MS. HARTMAN:** Is there anyone that believes
3 I'll have to show that he actually meant to carry
4 out that threat?

5 **THE PROSPECTIVE JUROR:** No.

6 **THE PROSPECTIVE JURORS:** No.

7 **MS. HARTMAN:** Okay.

8 And if instructed on the law, are you all able
9 to follow them as instructed or are there any other
10 elements that you would be wanting to hear, feeling
11 the need to hear in order to be fair and impartial
12 like fear on the part of the victim?

13 Does anyone think that that's something that
14 I'll need to show?

15 Okay.

16 (Pause.)

17 So everyone's heard of, uh, that you can't yell
18 fire in a crowded theater or bomb in an airport.
19 Probably very bad decisions, uh, both illegal.

20 Uh, now, those are verbal threats versus
21 written threats. Does anyone not agree that written
22 threats should be a crime?

23 (Pause.)

24 Okay. Let's talk a little bit about the
25 evidence expected to see in this case.

1 So how many people have seen all those
2 different law shows, Law and Order, SVU, Criminal
3 Intent, uh, NCIS, CSI? I think everyone's kind of
4 seen those, right?

5 So first, unfortunately, I'm not a highly paid
6 actress. I wish I was, but sorry to disappoint.
7 Uh, but on those shows, the prosecutor shows up, the
8 crime happens first, law enforcement's called, they
9 figure out who did it, the trial happens and
10 everything is done within 45 minutes plus 15
11 horrible minutes of commercials at a minimum.

12 Uh, so does anyone expect that to like be the
13 case here?

14 **THE PROSPECTIVE JURORS:** No.

15 **MS. HARTMAN:** Okay.

16 **THE PROSPECTIVE JUROR:** It's not the
17 commercials.

18 **MS. HARTMAN:** Ha ha.

19 Just some restroom breaks instead possibly ha
20 ha.

21 So --

22 **THE PROSPECTIVE JUROR:** (Unintelligible).

23 **MS. HARTMAN:** Let's talk about, uh, some of the
24 evidence that you expect to see here today.

25 Mr. Arcuri, what kind of evidence do you expect

1 to see in a case for written threats to kill or to
2 do bodily harm?

3 THE PROSPECTIVE JUROR: Uh, the paper that he
4 wrote it on maybe.

5 MS. HARTMAN: Okay.

6 Anything else?

7 THE PROSPECTIVE JUROR: (Unintelligible).

8 MS. HARTMAN: Okay.

9 Uh, what about testimony? would you agree that
10 testimony is evidence?

11 THE PROSPECTIVE JUROR: Yes.

12 MS. HARTMAN: Does anyone disagree? Does
13 anyone think that testimony that -- and the
14 witnesses on the stand are not giving evidence
15 verbally?

16 THE PROSPECTIVE JUROR: No.

17 MS. HARTMAN: Okay.

18 we already talked a little bit about reasonable
19 doubt, and you all agreed to hold me to my burden of
20 reasonable doubt and not all possible doubt.

21 Does everyone agree that if you knew beyond all
22 possible doubt what happened, that you'd likely be a
23 witness in this trial because you would have had to
24 physically seen it for yourself, right?

25 THE PROSPECTIVE JURORS: Yes.

1 **MS. HARTMAN:** Uh, Ms. Hammock, I just want to
2 come back to you a little bit because you were
3 saying that you're not sure if you can really sit
4 here and pay attention for a couple days, uh, and
5 you stated a couple of medical issues.

6 Do you think that that would prohibit you from
7 being able to like give your full attention and
8 focus to the trial?

9 **THE PROSPECTIVE JURORS:** It depends on like how
10 I feels. Like if I'm feeling sick, then I might not
11 be able to focus.

12 **MS. HARTMAN:** Okay.

13 **THE PROSPECTIVE JUROR:** And, uh, I mean I do
14 work every day. I mean I can work. I take
15 medication, but some days I have good days, some
16 days I have bad days. So like, you know, if I'm
17 sitting here for a long time and if I don't feel
18 good, I have to excuse myself and, you know, go out
19 and take some medicine.

20 **MS. HARTMAN:** Yes, ma'am. So --

21 **THE PROSPECTIVE JUROR:** And I'm diabetic. I
22 have to eat something.

23 **MS. HARTMAN:** Okay.

24 So, of course, you'll be able to take either
25 restroom breaks or -- or bathroom, snack breaks,

1 kind of whatever you need, uh, but do you think that
2 if you're not feeling well that day, that you -- you
3 may not be able to give the full focus to be a fair
4 and impartial juror?

5 **THE PROSPECTIVE JUROR:** And I do have
6 Alzheimer's, so -- I do take medication. I have a
7 patch for the Alzheimer's.

8 **MS. HARTMAN:** Okay.

9 **THE PROSPECTIVE JUROR:** So, uh --

10 **MS. HARTMAN:** So is it hard for you to remember
11 things? Like if this trial goes on both Thursday
12 and Friday, do you think by Friday you might have
13 difficulty with short-term memory or is it --

14 **THE PROSPECTIVE JUROR:** Not short-term memory.
15 I mean, I don't -- it could possibly be fine, and
16 then it could possibly (unintelligible). So I mean,
17 uh, I just go from day to day.

18 **MS. HARTMAN:** Okay.

19 So you think that it would be difficult for you
20 to give a definite answer, if you'd be able to give
21 your full attention to it?

22 **THE PROSPECTIVE JUROR:** Yes.

23 **MS. HARTMAN:** Okay.

24 (Pause.)

25 Is there anyone here that feels like they can't

1 for any reason, religious, moral, personal
2 conviction that feels that they can't sit here in
3 judgment of someone else? Because if that's the
4 case, as the Judge instructed, your job is not to
5 sentence the defendant, but it's -- or it is just to
6 figure out the facts of what happened here in this
7 particular case. Does everyone -- is everyone able
8 to do that?

9 **THE PROSPECTIVE JURORS:** Yes.

10 **MS. HARTMAN:** Does anyone have any questions
11 for me? This is your one chance to ask a lawyer a
12 question for free.

13 **THE PROSPECTIVE JURORS:** Ha ha.

14 **MS. HARTMAN:** No?

15 Okay, thank you for your time.

16 **THE COURT:** All right.

17 Thank you, Ms. Hartman.

18 Mr. Lizanich, at your pleasure, sir.

19 **MR. LIZNANICH:** May it please the Court.

20 Good morning, everyone.

21 **THE PROSPECTIVE JURORS:** Good morning.

22 **MR. LIZNANICH:** As I introduced myself earlier,
23 I'm Alex Lizanich. I am Mr. King's attorney along
24 with my co-counsel Ms. Erin Schlichter.

25 Before I get started, just so everybody knows,

1 if you see either me or my co-counsel in public or
2 in the halls, the elevator, we will do our best not
3 to even make eye contact with you, uh, not because
4 we don't like you, just because we want to avoid any
5 appearance of impropriety.

6 So I hope you don't take that, uh -- hope that
7 doesn't come off wrong if you see us and we just
8 like straight ahead. That's how we're trained to
9 do.

10 Now, just as the state needs to ask if you have
11 any doubts or experiences that would prevent you
12 from saying guilty if they prove it, I need to ask
13 if you have any doubts or experiences that would
14 stop you from saying not guilty if they don't?

15 Uh, to start, we have a couple of people with
16 some interesting backgrounds here. Uh,
17 Mr. Pelamati, you were an inspector general for
18 Raytheon.

19 Did you ever do any, uh, misconduct
20 investigations or was it just quality assurance?

21 **THE PROSPECTIVE JUROR:** Just quality assurance.

22 **MR. LIZNANICH:** Uh, Ms. Ratcliff, you were a
23 restaurant manager?

24 **THE PROSPECTIVE JUROR:** Yes.

25 **MR. LIZNANICH:** Have you had to resolve

1 disputes between, uh, servers and staff?

2 **THE PROSPECTIVE JUROR:** Yes, sir.

3 **MR. LIZNANICH:** Thought you might have. Let's
4 see here.

5 (Pause.)

6 And, uh, Mr. Kuzel, you were a -- or you are a
7 foreman; is that right?

8 **THE PROSPECTIVE JUROR:** Yes.

9 **MR. LIZNANICH:** And have you had to resolve
10 disputes and settle anything between workers or not?

11 **THE PROSPECTIVE JUROR:** Occasionally. Very
12 rare.

13 **MR. LIZNANICH:** Very rare. Okay.

14 So in those kinds of situations, you have say a
15 dispute, one server says, uh, dishwasher didn't do
16 the dishes well. How fast are people in your
17 experience to throw each other under the bus when
18 they think they might lose something they're
19 entitled to?

20 **THE PROSPECTIVE JUROR:** I don't know about --
21 well, yeah they're going to (unintelligible).

22 **MR. LIZNANICH:** And --

23 **THE PROSPECTIVE JUROR:** Especially if it's
24 their money, they're going to.

25 **MR. LIZNANICH:** Do, uh, egos ever take the

1 place of reality?

2 MS. HARTMAN: Objection, relevance. Isn't
3 really factual information.

4 THE COURT: Overruled.

5 THE PROSPECTIVE JURORS: I'm sorry.

6 MR. LIZNANICH: Do egos ever take the place of
7 reality in situations like that?

8 Let me give you a hypothetical. Say you have
9 your sous-chef and your, uh, dishwasher, and they
10 get into an argument. Does the sous-chef ever think
11 hey, I'm the sous, I have the right to be right
12 here? Does that ever happen?

13 THE PROSPECTIVE JUROR: Uh, I'm sure it could
14 happen. Everybody's pretty nice.

15 MR. LIZNANICH: That's good. All right. I'm
16 glad you work in a nice restaurant.

17 But hopefully that helps illustrate some of my
18 questions if, uh, we miss important details because
19 we might be glossing over things.

20 would anybody agree with me that first
21 impressions matter?

22 THE PROSPECTIVE JURORS: Yes.

23 MR. LIZANICH: Uh, let's start with this one.

24 We have, uh, Mr. Ian King here. He has tattoos
25 on his face, uh, you can see he's of, uh --

1 Hispanic, he's a person of color.

2 He -- first thing you know about him when you
3 meet him is he's charged with some crimes. Uh, how
4 well -- how comfortable do you feel that you can
5 land the plane and disregard any first impression
6 that might be negative and give him his first -- or
7 his presumption of innocence?

8 So I want to start, and I'm going to ask a
9 series of questions. I think I have about seven of
10 them.

11 If you have no doubt that you can land the
12 plane and follow the rule as the Court's going to
13 instruct you, that is I think a zero answer. Zero
14 for no doubt.

15 If, uh, however, you think maybe these first
16 impressions do matter a little bit more than maybe
17 the rule says, you can give a higher answer all the
18 way up to a 10. Uh, so a zero is I can land the
19 plane with no doubt, and a 10 is I don't think that
20 plane should take off. You should leave it in the
21 hangar.

22 So -- and I will go from one to the next. So
23 what I'm going to ask, Mr. Jackson, for you to start
24 with is do first impressions really matter or can
25 you set first impressions aside? A zero is no doubt

1 I can set them aside, a 10 is they matter.

2 THE PROSPECTIVE JUROR: I would go two.

3 MR. LIZNANICH: Thank you, sir.

4 And the only wrong answer to any of these
5 questions is one that isn't true.

6 All right, Mr. Boulerice?

7 THE PROSPECTIVE JUROR: Would be a two.

8 MR. LIZNANICH: I'm sorry?

9 THE PROSPECTIVE JUROR: Would be a two.

10 MR. LIZNANICH: A two?

11 Mr. Sippel?

12 THE PROSPECTIVE JUROR: A two as well.

13 MR. LIZNANICH: Mr. Roberts?

14 THE PROSPECTIVE JUROR: Two.

15 MR. LIZNANICH: Mr. -- Ms. Oller?

16 THE PROSPECTIVE JUROR: A zero.

17 MR. LIZNANICH: A zero. Thank you.

18 Mr. Peck?

19 THE PROSPECTIVE JUROR: Zero.

20 MR. LIZNANICH: Thank you, sir.

21 Ms. Apgar?

22 THE PROSPECTIVE JUROR: Two.

23 MR. LIZANICH: Did I say that right?

24 THE PROSPECTIVE JUROR: Yes.

25 MR. LIZNANICH: Thank you.

1 Mr. Pelamati?

2 **THE PROSPECTIVE JUROR:** Two.

3 **MR. LIZNANICH:** Ms. Hammock?

4 **THE PROSPECTIVE JUROR:** Can you say the
5 question again, please.

6 **MR. LIZNANICH:** So the question is first
7 impressions, uh, as you know, the first thing you
8 know about Mr. King is he's charged with some
9 crimes, uh, he's a person of color, he has tattoos
10 on his face, so these are the first impressions.

11 Can you -- do you have any doubt that you can
12 set any first impression aside and presume him
13 innocent or do you think your first impression might
14 matter and weigh on your verdict on a scale of zero
15 to 10?

16 **THE PROSPECTIVE JUROR:** So what would be the --

17 **MR. LIZNANICH:** So the zero is you have no
18 doubt you can set all that aside, and a 10 means
19 first impressions matter and people shouldn't
20 pretend they don't. What do you think?

21 **THE PROSPECTIVE JUROR:** I can set all that
22 aside, a zero.

23 **MR. LIZNANICH:** Thank you, ma'am.

24 Mr. Martin?

25 **THE PROSPECTIVE JUROR:** Zero.

1 **THE PROSPECTIVE JUROR:** Zero.

2 **THE PROSPECTIVE JUROR:** Two.

3 **THE PROSPECTIVE JUROR:** Three.

4 **THE PROSPECTIVE JUROR:** One.

5 **THE PROSPECTIVE JUROR:** I'll say one.

6 **THE PROSPECTIVE JUROR:** One.

7 **THE PROSPECTIVE JUROR:** One.

8 **THE PROSPECTIVE JUROR:** One.

9 **MR. LIZANICH:** Sir, were you --

10 **THE PROSPECTIVE JUROR:** I can't even hear.

11 **MR. LIZNANICH:** Sir, were you not able to hear
12 me? Sir, I -- I'm afraid I don't know, uh, how to
13 speak loudly enough to make sure I don't have to
14 repeat every question when I come back to you.

15 **THE PROSPECTIVE JUROR:** It's hard. I'm sorry.
16 I can't hear.

17 **MR. LIZNANICH:** I understand, sir. It's a
18 hundred percent not your fault.

19 Is that -- are they turned all the way up?

20 (Pause.)

21 Looks like it.

22 **THE BAILIFF:** He needs to get closer.

23 **THE COURT:** How about now, sir, can you hear
24 me?

25 **MR. LIZNANICH:** Okay.

1 Mr. Corne, the question is, uh, do you have any
2 doubt whether or not you can set first impressions aside
3 and presume Mr. King innocent?

4 **THE PROSPECTIVE JUROR:** I don't. I have no
5 doubt about that, but I do have a problem being in
6 the courtroom right now because I got high blood
7 pressure, I'm on oxygen.

8 **MR. LIZNANICH:** So are you saying this is
9 medically discomfoting to you? Are you saying
10 you're right now in medical discomfort?

11 **THE PROSPECTIVE JUROR:** Absolutely.

12 **MR. LIZNANICH:** Your Honor, may we approach,
13 uh --

14 **THE COURT:** You may.

15 (Begin sidebar.)

16 **MS. HARTMAN:** I don't have an objection to
17 releasing him for cause if he's in pain and --

18 **MR. LIZANICH:** He's saying he's in medical
19 discomfort right now.

20 **THE COURT:** Have him come up.

21 (Pause.)

22 **MS. HARTMAN:** (Unintelligible).

23 **MR. LIZANICH:** (Unintelligible).

24 **THE COURT:** Yeah, it's an issue. I don't -- I
25 don't know that I'd take it as he's in medical,

1 uh --

2 **MS. HARTMAN:** Right.

3 **THE COURT:** -- dire straights or anything like
4 that. I think he's saying that he has medical
5 issues I think is how he said it, but --

6 **THE BAILIFF:** Watch your step.

7 **THE PROSPECTIVE JUROR:** I can't hear you.

8 **THE BAILIFF:** Watch your step.

9 **THE COURT:** Yeah, we're there. I guess I'm
10 going to have him --

11 **THE BAILIFF:** There's another step right there.
12 Step down. Watch your step.

13 **THE COURT:** Good morning. All right, uh, can
14 you hear me?

15 **THE PROSPECTIVE JUROR:** Barely.

16 **THE COURT:** All right. So you were asked some
17 questions --

18 **THE PROSPECTIVE JUROR:** Wait a minute. I can
19 hear you better now.

20 **THE COURT:** Okay.

21 All right, great.

22 You were asked some questions about your
23 medical issues. Uh, what you said is that you're in
24 some type of medical discomfort right now?

25 **THE PROSPECTIVE JUROR:** Yes.

1 **THE COURT:** okay.

2 And as to your high --

3 **THE PROSPECTIVE JUROR:** well, see, I'm supposed
4 to be on oxygen all the time.

5 **THE COURT:** okay.

6 Are you able to --

7 **THE PROSPECTIVE JUROR:** I have COPD --

8 **THE COURT:** okay.

9 **THE PROSPECTIVE JUROR:** -- and high blood
10 pressure.

11 **THE COURT:** All right.

12 You don't have any oxygen that's portable or
13 anything like that, do you?

14 **THE PROSPECTIVE JUROR:** I have it in the truck.

15 **THE COURT:** Do you need that right now? Are
16 you going to be able to make it through the rest of
17 this jury selection?

18 **THE PROSPECTIVE JUROR:** Probably not.

19 **THE COURT:** okay.

20 All right, is there any objection to releasing
21 Mr. --

22 **MS. HARTMAN:** No, sir.

23 **THE COURT:** what I'm going to do is I'm going
24 to release you. You have to go back downstairs to
25 the jury room and let them know you've been released

1 from jury service. And you are allowed to, uh --
2 you're allowed to leave, okay?

3 **THE PROSPECTIVE JUROR:** Okay.

4 **THE COURT:** Because if you have these issues in
5 this type of case -- I don't know if there's any
6 other cases going on or not, but it won't change
7 anything whether it's a civil case or -- or whatever
8 else may be there today. So I'm going to release
9 you, and I thank you for your time and service,
10 okay? You're good to go. Thank you.

11 **THE PROSPECTIVE JUROR:** So I can leave?

12 **THE COURT:** You can leave, but you have to go
13 downstairs and check in with the jury, uh --

14 **THE BAILIFF:** Watch your step.

15 **THE COURT:** -- with the jury room.

16 **THE BAILIFF:** Please watch that step. Come
17 right this way.

18 (End of sidebar.)

19 **MR. LIZANICH:** He didn't leave anything there,
20 did he?

21 **THE BAILIFF:** No.

22 **MR. LIZANICH:** Thank you, sir.

23 Ms. Crawley?

24 **THE PROSPECTIVE JUROR:** Zero.

25 **MR. LIZANICH:** Ms. Alkire?

1 **THE PROSPECTIVE JUROR:** Four.

2 **MR. LIZNANICH:** Four. All right.

3 Thank everybody for playing along, and they're
4 all going to go just like that. I might switch it
5 up and start with a different row.

6 Now, I want to ask another follow-up on
7 presumption of innocence because it's a little bit
8 more complicated than it sounds.

9 If the Court instructs you that to presume
10 Ian innocent, that means you must believe him to be
11 innocent and that you must hold that presumption all
12 the way up until you retire for deliberations
13 meaning after closing argument and after you've
14 heard the final instructions by the Court. Can you
15 maintain a presumption of innocence, meaning believe
16 him to be innocent until that time unless the state
17 proves it?

18 Mr. Jackson? A zero means you have no doubt,
19 you can land that plane, you can presume Ian to be
20 innocent, you can hold that presumption all the way
21 until the deliberations.

22 **THE PROSPECTIVE JUROR:** Yeah, I would go zero.

23 **MR. LIZNANICH:** Thank you, sir.

24 Mr. Boulerville?

25 **THE PROSPECTIVE JUROR:** Zero.

1 **MR. LIZNANICH:** Mr. --

2 **THE PROSPECTIVE JUROR:** Zero.

3 **THE PROSPECTIVE JUROR:** Zero.

4 **THE PROSPECTIVE JUROR:** Zero.

5 **THE PROSPECTIVE JUROR:** Zero.

6 **THE PROSPECTIVE JUROR:** Zero.

7 **THE PROSPECTIVE JUROR:** Zero.

8 **THE PROSPECTIVE JUROR:** Zero.

9 **THE PROSPECTIVE JUROR:** Zero.

10 **THE PROSPECTIVE JUROR:** Zero.

11 **THE PROSPECTIVE JUROR:** Zero.

12 **THE PROSPECTIVE JUROR:** Zero.

13 **THE PROSPECTIVE JUROR:** Zero.

14 **THE PROSPECTIVE JUROR:** Zero.

15 **THE PROSPECTIVE JUROR:** Zero.

16 **THE PROSPECTIVE JUROR:** Zero.

17 **THE PROSPECTIVE JUROR:** Zero.

18 **THE PROSPECTIVE JUROR:** Zero.

19 **THE PROSPECTIVE JUROR:** Zero.

20 **THE PROSPECTIVE JUROR:** Zero.

21 That was unanimous.

22 Very good to see.

23 Let's talk about objections. You've already
24 seen a few objections. Uh, sometimes I make a lot
25 of objections, sometimes I hardly make any.

1 Uh, one of the things I believe the Court's
2 going to instruct you is that you're not supposed to
3 care about us, what we do. Uh, if I attack a
4 witness with an ax, you're not going to hold that
5 against Mr. King.

6 Now, a lot of my younger attorneys will ask me
7 if I make a lot of objections, won't they think I'm
8 hiding things?

9 So again, can you land the plane, can you set
10 all of those things aside, objections, my conduct
11 and ignore anything? Maybe you just don't like me.
12 Can you ignore that and render a verdict that's
13 based on the evidence from the witness stand alone
14 and not influenced by me?

15 A zero is no doubt you can land that plane. A
16 10 means if I'm jumping up and down making
17 objections, it's because I'm hiding something.

18 Mr. Jackson?

19 **THE PROSPECTIVE JUROR:** I think I'd go zero.

20 **THE PROSPECTIVE JUROR:** Zero.

21 **THE PROSPECTIVE JUROR:** Zero as well.

22 **THE PROSPECTIVE JUROR:** Zero.

23 **THE PROSPECTIVE JUROR:** Zero.

24 **THE PROSPECTIVE JUROR:** Zero.

25 **THE PROSPECTIVE JUROR:** Zero.

1 THE PROSPECTIVE JUROR: Zero.

2 THE PROSPECTIVE JUROR: Zero.

3 THE PROSPECTIVE JUROR: Zero.

4 THE PROSPECTIVE JUROR: Zero.

5 THE PROSPECTIVE JUROR: Zero.

6 THE PROSPECTIVE JUROR: One.

7 THE PROSPECTIVE JUROR: Zero.

8 THE PROSPECTIVE JUROR: Zero.

9 THE PROSPECTIVE JUROR: Zero.

10 THE PROSPECTIVE JUROR: Zero.

11 THE PROSPECTIVE JUROR: One.

12 THE PROSPECTIVE JUROR: Zero.

13 THE PROSPECTIVE JUROR: Zero.

14 THE PROSPECTIVE JUROR: Zero.

15 MR. LIZNANICH: Thank you.

16 Now, we have said that we expect the case to be
17 over Thursday, maybe Friday. What if the
18 unthinkable happens and a week from today, we all
19 reconvene, the case is still going on, you've had
20 the whole weekend probably on recess, but you're not
21 able to make it to work or do any of the other
22 things from 8:00 to 5:00, imagine over the weekend a
23 spouse or a supervisor tells you just get it done or
24 what if you're not convinced like everyone else?
25 what if deliberations take a little longer?

1 A zero means you have no doubt if you're not
2 convinced, you're not going to say otherwise. A 10
3 means the pressures could build up, a boss might
4 influence you to just get it done, to say guilty
5 even though you're not convinced yourself.

6 Mr. Jackson?

7 **THE PROSPECTIVE JUROR:** That would be zero.

8 **THE PROSPECTIVE JUROR:** Zero.

9 **THE PROSPECTIVE JUROR:** Zero.

10 **THE PROSPECTIVE JUROR:** Zero.

11 **THE PROSPECTIVE JUROR:** Zero.

12 **THE PROSPECTIVE JUROR:** Zero.

13 **THE PROSPECTIVE JUROR:** Zero.

14 **THE PROSPECTIVE JUROR:** Zero.

15 **THE PROSPECTIVE JUROR:** Zero.

16 **THE PROSPECTIVE JUROR:** Zero.

17 **THE PROSPECTIVE JUROR:** Zero.

18 **THE PROSPECTIVE JUROR:** Zero.

19 **THE PROSPECTIVE JUROR:** Zero.

20 **THE PROSPECTIVE JUROR:** Zero.

21 **THE PROSPECTIVE JUROR:** Zero.

22 **THE PROSPECTIVE JUROR:** Zero.

23 **THE PROSPECTIVE JUROR:** Zero.

24 **THE PROSPECTIVE JUROR:** Zero.

25 **THE PROSPECTIVE JUROR:** Zero.

1 **MR. LIZNANICH:** Thank you, sir.

2 **THE PROSPECTIVE JUROR:** Zero.

3 **THE PROSPECTIVE JUROR:** Zero.

4 **MR. LIZANICH:** I have no reasonable doubt that
5 you are going to want to hear Ian King's testimony,
6 and I have no idea whether or not I'm going to put
7 him on. If he doesn't testify and if the Judge
8 instructs you not to consider that as an admission
9 of guilt in any way, that it should not influence
10 your verdict at all, I know you want to hear from
11 him, can you set that aside?

12 Let me go in a reversed order.

13 Ms. Alkire, a zero means you have no doubt even
14 if you want to hear from Mr. King, if I don't put
15 him on, you're not going to hold that against him?

16 **THE PROSPECTIVE JUROR:** I'm going to have to
17 say a five on that one.

18 **MR. LIZNANICH:** Yes, ma'am. And again, the
19 only wrong answer is an untrue one. Thank you for
20 your honesty.

21 Ms. Crawley?

22 **THE PROSPECTIVE JUROR:** Zero.

23 **THE PROSPECTIVE JUROR:** Three.

24 **MR. LIZNANICH:** Ms. Baughman?

25 **THE PROSPECTIVE JUROR:** Three.

1 **THE PROSPECTIVE JUROR:** Three.

2 **THE PROSPECTIVE JUROR:** I want to say a three,
3 but it's (unintelligible) personal experience.

4 **THE COURT:** Counsel approach.
5 (Begin sidebar.)

6 **THE COURT:** Before, uh, any further attempts
7 are made to break the panel here, uh, it -- this
8 jury has not been instructed as to the defendant's
9 absolute right to remain silent and they're
10 answering these questions without that in mind. Uh,
11 you can continue along, but I don't know --

12 **MS. HARTMAN:** Frankly, Judge, I don't think the
13 arbitrary numbers would cause them anyways.

14 **THE COURT:** I don't think it does either, but I
15 think you should proceed with caution, uh, with the
16 line of questioning. I know what you're -- you're
17 in fact asking do you have to hear from -- it's -- I
18 find it confusing. I know what you're asking
19 because I've done this before. They haven't. What
20 you're trying to get out is whether, uh, certain
21 individuals absolutely have to hear from the
22 defendant, and if they don't hear from the
23 defendant, that means he's guilty. I think there's
24 a different way you can ask the question. I think
25 it's a permissible question, but the way it's been

1 asked I think is confusing.

2 Uh, I think you should probably, uh, amend your
3 question to get the point across a little better
4 because it is -- it is confusing.

5 **MR. LIZANICH:** (Unintelligible.)

6 (End of sidebar.)

7 **MR. LIZNANICH:** So (unintelligible) counsel
8 cautions, I want to make sure my question is clear.

9 Uh, as -- obviously, at this stage, you haven't
10 had the full instructions. They actually take a
11 good bit of time.

12 And remember what I say is not evidence and
13 what I say is not the law, and you get your
14 instructions from the Court, and the Court is the
15 only one who tells you the law you have to follow.

16 I think what he might tell you is that if
17 Ian King decides not to testify, it's likely that he
18 will tell you you can't hold that against him.

19 My -- the answers I'm looking to get is a zero
20 means you have no doubt you can set aside your
21 desire to hear from Ian King if the Court tells you
22 to. Uh, if the Court doesn't tell you to, then
23 obviously it's not a rule.

24 So based on that, has anybody who's answered so
25 far -- we've gotten up to Mr. Uvanni, uh, and I

1 think you might have even been in it.

2 THE PROSPECTIVE JUROR: It would be a zero. I
3 wouldn't hold it against him.

4 MR. LIZNANICH: Okay. Does that change anyone
5 else's answer?

6 Okay, Ms. Ratcliff.

7 THE PROSPECTIVE JUROR: Zero.

8 THE PROSPECTIVE JUROR: Two.

9 THE PROSPECTIVE JUROR: Two.

10 THE PROSPECTIVE JUROR: Zero.

11 THE PROSPECTIVE JUROR: Zero.

12 THE PROSPECTIVE JUROR: Zero.

13 THE PROSPECTIVE JUROR: Zero.

14 THE PROSPECTIVE JUROR: Zero.

15 THE PROSPECTIVE JUROR: Two.

16 THE PROSPECTIVE JUROR: Five.

17 THE PROSPECTIVE JUROR: Two.

18 THE PROSPECTIVE JUROR: Zero.

19 THE PROSPECTIVE JUROR: Two.

20 THE PROSPECTIVE JUROR: Three.

21 MR. LIZNANICH: Thank you, sir.

22 Last question goes to reasonable doubt. Now,
23 again, we haven't had the full instructions by the
24 Court yet, uh, but I believe the Court has already
25 told you a reasonable doubt is not a possible doubt

1 or mere speculative doubt. But you if have a
2 conviction that wavers and vacillates meaning even
3 if you strongly believe at the close of the case
4 that Ian King is guilty or that the state did prove
5 his guilt, even if you strongly believe that, but
6 you find yourself going back and forth, wavering and
7 vacillating, if the Court instructs you that
8 wavering and vacillating means the state has not
9 proven its case, can you then enter a verdict of not
10 guilty?

11 Mr. Jackson?

12 **THE PROSPECTIVE JUROR:** Uh, yes.

13 **MR. LIZNANICH:** Is that a zero meaning no doubt
14 at all?

15 **THE PROSPECTIVE JUROR:** Right.

16 **MR. LIZNANICH:** Mr. Boulerice?

17 **THE PROSPECTIVE JUROR:** Zero.

18 **THE PROSPECTIVE JUROR:** Zero.

19 **THE PROSPECTIVE JUROR:** Zero.

20 **THE PROSPECTIVE JUROR:** Zero.

21 **THE PROSPECTIVE JUROR:** Zero.

22 **THE PROSPECTIVE JUROR:** Zero.

23 **THE PROSPECTIVE JUROR:** Zero.

24 **THE PROSPECTIVE JUROR:** Zero.

25 **THE PROSPECTIVE JUROR:** Zero.

1 **THE PROSPECTIVE JUROR:** Zero.

2 **THE PROSPECTIVE JUROR:** Zero.

3 **THE PROSPECTIVE JUROR:** Zero.

4 **THE PROSPECTIVE JUROR:** Zero.

5 **THE PROSPECTIVE JUROR:** Zero.

6 **THE PROSPECTIVE JUROR:** Zero.

7 **THE PROSPECTIVE JUROR:** Zero.

8 **THE PROSPECTIVE JUROR:** Zero.

9 **THE PROSPECTIVE JUROR:** Zero.

10 **THE PROSPECTIVE JUROR:** Zero.

11 **THE PROSPECTIVE JUROR:** Zero.

12 **MR. LIZANICH:** Thank you all very much.

13 I will make just one last question. I'll steal
14 it from Ms. Hartman. Does anyone have any questions
15 for me?

16 All right, thank you all very much.

17 Your Honor.

18 **THE COURT:** All right, thank you.

19 For a few minutes here, what we're going to do
20 is the Court and counsel is going to have a
21 discussion here. I'm going to have you, uh -- can
22 they fit in that room or do you want to line them
23 up?

24 **THE BAILIFF:** I've never done that before, but
25 we can try.

1 **THE COURT:** You want to line them up outside
2 then?

3 **THE BAILIFF:** There's multiple bathrooms out
4 there.

5 **THE COURT:** Okay, let's do that.
6 Once we're all set, you'll be brought back in.
7 Do not talk about, uh, the case, anything
8 you've heard in here, uh, at all. Thank you.
9 Sir?

10 **THE PROSPECTIVE JUROR:** May we use the restroom
11 then?

12 **THE COURT:** Yes, you may.

13 (Pause.)

14 (Jury panel exits courtroom at 10:56 a.m.)

15 **THE COURT:** You'll be back in here if you need
16 to leave some belongings. That's fine.

17 (Pause.)

18 All right, be seated.

19 All right. I think it's a little, uh, easier
20 to have the jury outside the hearing of the
21 discussions, uh, because I'm not entirely convinced
22 that the white noise blocks everything.

23 All right. Mr. King, thus far you've
24 participated in the selection of this jury with your
25 counsel, correct?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** All right.

3 Let's, uh -- let's talk about one through six.
4 Does the state or the defense have any challenges
5 for cause?

6 **MS. HARTMAN:** Not one.

7 **MR. LIZANICH:** Your Honor, may we have time to
8 confer? Uh, I want my client to feel heard and --

9 **THE COURT:** Sure. How much time do you need?

10 **MS. SCHLICHTER:** Five minutes.

11 **MR. LIZANICH:** Five minutes.

12 **THE COURT:** We'll take a recess.

13 **MS. SCHLICHTER:** Thank you, Your Honor.

14 (Court in recess at 10:56 a.m.)

15 (Session III)

16 (Court reconvenes at 10:58 a.m.)

17 **THE COURT:** All right, same question, one
18 through six any challenges for cause?

19 **MS. HARTMAN:** Not one through six, Your Honor.

20 **MR. LIZANICH:** No, Your Honor.

21 **THE COURT:** State, any peremptories on one
22 through six?

23 **MS. HARTMAN:** Yes, Judge, juror number two,
24 Mr. Boulерice.

25 **THE COURT:** State exercises a peremptory on

1 number two, Glenn Boulerice.

2 (Pause.)

3 Mr. Lizanich, any peremptories one through six?

4 **MR. LIZANICH:** we'll strike number four,

5 Your Honor.

6 **THE COURT:** Number four is Frank Roberts.

7 Defense first peremptory.

8 So as it stands now, we have one, three, five,
9 six, seven and eight.

10 Any peremptory on number seven for the state?

11 **MS. HARTMAN:** I would peremptory strike number
12 six.

13 **THE COURT:** You'd strike six?

14 **MS. HARTMAN:** Yes.

15 And then if we can do the next line for cause
16 first.

17 **THE COURT:** Okay.

18 Yeah, I should -- seven through 13 cause for
19 either party?

20 **MS. HARTMAN:** Uh, number eight said that he
21 automatically trusts law enforcement no matter what.

22 **THE COURT:** Yeah, he's caused.

23 **MS. HARTMAN:** Yes. Number nine, I don't --
24 Judge, I think (unintelligible) discretion. She
25 just said depends how she feels if she could pay

1 attention because she has Alzheimer's and diabetes.

2 **THE COURT:** Mr. Lizanich?

3 **MR. LIZANICH:** Yeah, we have no objection to
4 striking her, Your Honor.

5 **THE COURT:** Yeah, I'm going to cause her too.
6 She said she had short-term memory issues.

7 **MS. HARTMAN:** Yes.

8 And then number 13 is the one that approached
9 and said he automatically distrusts all law
10 enforcement.

11 **THE COURT:** Yeah, he's -- he's cause as well.
12 I probably should have left that out there.
13 I also see number 22 as cause.

14 **MS. HARTMAN:** Yes. And then that's all the
15 state has for cause unless defense has any.

16 **MR. LIZANICH:** So that was 13, nine, eight and
17 22 gone for cause?

18 **THE COURT:** Correct.

19 **MS. HARTMAN:** And we've already done 20.

20 **THE COURT:** And 20 is already caused for his
21 medical issues.

22 (Pause.)

23 All right. So Mr. Lizanich, any other
24 peremptories one through six?

25 **MR. LIZANICH:** We'll strike five, Your Honor.

1 (Pause.)

2 **THE COURT:** So right now one is on the jury,
3 three is on the jury.

4 Number seven?

5 **MS. HARTMAN:** State would strike number seven.

6 **THE COURT:** State's third.

7 (Pause.)

8 Eight is already caused.

9 Nine is already caused.

10 Number 10, Mr. Lizanich?

11 **MR. LIZANICH:** No challenge to Mr. -- number
12 10, Your Honor.

13 **THE COURT:** Ms. Hartman, number 10?

14 **MS. HARTMAN:** No.

15 **THE COURT:** All right, so 10 is on the jury.
16 Number 11, Mr. Lizanich?

17 **MR. LIZANICH:** No objection.

18 **THE COURT:** Ms. Hartman?

19 **MS. HARTMAN:** No objection.

20 **THE COURT:** So we have one, three, 10 and 11.
21 Number 12, Mr. Lizanich?

22 **MR. LIZANICH:** No objection.

23 **THE COURT:** Ms. Hartman?

24 **MS. HARTMAN:** Uh, no objection.

25 **THE COURT:** All right, number 14, Mr. Lizanich?

1 **MR. LIZANICH:** No objection, Your Honor.

2 **THE COURT:** Ms. Hartman?

3 **MS. HARTMAN:** No objection.

4 **THE COURT:** All right, that's the jury, six.

5 I want to do two alternates, uh, given, uh,
6 COVID situations going on right now and the nature
7 of the charge and how much was focused on that.

8 Number 15?

9 **MS. HARTMAN:** State would strike.

10 **THE COURT:** State peremptory.

11 **MR. LIZANICH:** I believe the state --

12 **MS. HARTMAN:** well, just for alternate.

13 **MR. LIZANICH:** So you're striking 15?

14 **MS. HARTMAN:** Yes.

15 **THE COURT:** All right, 15 is stricken.

16 Ms. Gibson, number 16, the DMV clerk I think
17 was her --

18 **MS. HARTMAN:** Yes.

19 **THE COURT:** Any objection from the state?

20 **MS. HARTMAN:** No objection from the state.

21 **THE COURT:** Any objection from the defense?

22 **MR. LIZANICH:** No, Your Honor.

23 **THE COURT:** All right, she's an alternate.

24 Kathryn Johnson?

25 **MS. HARTMAN:** No objection from the state.

1 **MR. LIZANICH:** No objection, Your Honor.

2 **THE COURT:** That's our jury.

3 All right, so we have juror number one, juror
4 number three, juror number 10, juror number 11,
5 juror number 12 and juror number 14 makes up the
6 jury. The alternates are juror 16 and juror 17.
7 Seat I should say, seat numbers.

8 We ready to bring the jury back?

9 All right.

10 **THE BAILIFF:** You ready?

11 **THE COURT:** Yes.

12 All right.

13 (Pause.)

14 **THE DEPUTY CLERK:** Your Honor, you're having
15 them -- the trial is 8:45 on Thursday, so the jurors
16 are to be here at 8:30?

17 **THE COURT:** 8:30. Yeah, I'm going to tell them
18 that.

19 (Pause.)

20 Might have a few stragglers still in the
21 bathroom.

22 (Pause.)

23 **THE BAILIFF:** Ready for them?

24 **THE COURT:** Ready.

25 **MS. HARTMAN:** And then, Judge, do you swear

1 them in today? I would request that they not be
2 sworn in today.

3 **THE COURT:** I didn't plan on it.

4 **MS. HARTMAN:** Okay.

5 **THE COURT:** I planned on doing it Thursday
6 morning.

7 **MS. HARTMAN:** Okay.

8 (Pause.)

9 (Jury panel enters courtroom at 11:05 a.m.)

10 **THE BAILIFF:** Back to your original seats,
11 folks.

12 **THE COURT:** We didn't lose anybody, did we?

13 **THE BAILIFF:** There might be one in the
14 bathroom.

15 **THE COURT:** Okay.

16 (Pause.)

17 Be seated.

18 (Pause.)

19 All right, folks, thank you. We've selected
20 our jury. If you do -- someone said, oh, boy ha ha
21 ha.

22 If you hear your name, remain seated. Everyone
23 else is going to be released to return to the jury
24 assembly room.

25 Alan Jackson.

1 Michael Sippel.

2 Dale Martin.

3 Judith Beltowski.

4 Corey Kuzel.

5 Claudia Ratcliff.

6 Christina Gibson.

7 Kathryn Johnson.

8 Remain seated if you heard your name called.

9 Everyone else, collect your belongings, and you
10 can return to the jury assembly room. And I thank
11 you for your time and service.

12 (Jurors not selected returned to jury pool at
13 11:07 a.m.)

14 **THE COURT:** The bailiff is going to be handing
15 the remaining members in the room a card with the
16 date and time on it for the trial on Thursday.

17 (Pause.)

18 Go ahead and have a seat, folks. We intend to
19 start trial at 8:45 on Thursday, so if you could be
20 here by 8:30, I'd appreciate that. Leave the house
21 a little bit earlier in case there's traffic or any
22 issues that come up.

23 Uh, if there is a problem, please reach out to
24 the clerk's office, uh, and we can address it as we
25 go, okay?

1 Anything else from the state?

2 MS. HARTMAN: No, Your Honor.

3 THE COURT: Anything else from the defense?

4 MR. LIZANICH: No, Your Honor.

5 THE COURT: All right, folks, make sure you're
6 here at 8:30 on Thursday, and we're going to start
7 at 8:45.

8 A JUROR: I have a question.

9 THE COURT: Sure.

10 A JUROR: Uh, if this trial were to continue on
11 longer than what you had mentioned Friday and it go
12 to Saturday, is that a day -- a recess or we would
13 be here Saturday also?

14 THE COURT: Probably would not be here
15 Saturday. I do not anticipate that, however. I
16 don't think that's going to be -- in truth, uh, if
17 we go into Friday, it's probably morning, so. I --
18 I don't anticipate that, though, okay?

19 Anything else from the defense?

20 MR. LIZANICH: No.

21 THE COURT: Anything else from the state?

22 MS. HARTMAN: No, Your Honor.

23 THE COURT: All right.

24 You folks are free to go. Come back 8:30 a.m.
25 on Thursday morning.

1 Thank you. Everyone got a card, right?

2 **THE JURORS:** Yes.

3 (Jurors exited courtroom.)

4 **THE BAILIFF:** All the way to the right, guys.

5 **THE COURT:** All right, go ahead and have a
6 seat.

7 Mr. King, you approve of this jury and you've
8 taken part in the selection of the jury, correct?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** All right, very good.

11 That is all. We will be in recess until
12 Thursday at 8:45.

13 **MS. HARTMAN:** Thank you, Your Honor.

14 **MR. LIZANICH:** Thank you, Your Honor.

15 **THE COURT:** Thank you, folks.

16 If anything changes, contact my judicial
17 assistant and if there's any motions that need to be
18 uh, heard before that.

19 **MR. LIZANICH:** Yes, sir.

20 (Jury selection, trial day-one ends at
21 11:10 a.m.)

22

23

24

25

1 STATE OF FLORIDA)

2 COUNTY OF CITRUS)

3
4 I, PAUL K. SPANGLER, hereby certify that I was
5 authorized to and did transcribe the foregoing ELECTRONIC
6 RECORDING, Pages 1 through 110; that the pages contained
7 herein are a true and complete record of the proceedings,
8 transcribed to the best of my ability.

9 I FURTHER CERTIFY that I am not a relative,
10 employee, attorney or counsel of any of the parties, nor
11 am I a relative or employee of any of the parties'
12 attorneys or counsel connected with the action, nor am I
13 financially interested in the action.

14 DATED this 5th day of October, 2022, at
15 Inverness, Citrus County, Florida.

16
17 S/PAUL K. SPANGLER

18 _____
JOY HAYES COURT REPORTING
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IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR CITRUS COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NUMBER: 2022-CF-261-A

IAN JOSEPH KING,

Defendant.

-----/

VOLUME II

TRANSCRIPT OF JURY TRIAL DAY-2 PROCEEDINGS BEFORE
THE HONORABLE JOEL D. FRITTON

TAKEN AT: Citrus County Courthouse

DATE & TIME: 11 August 2022
8:48 a.m.

TRANSCRIBED BY: PAUL K. SPANGLER, RMR,
Certificates of Merit and
Proficiency, Notary Public

JOY HAYES COURT REPORTING
407 Courthouse Square
Inverness, Florida 34450
(352) 726-4451

1 APPEARANCES:

2 For the State:

3 TARA HARTMAN, ESQUIRE
4 KAITLYN MANNIS, ESQUIRE
Assistant State Attorneys

5 For the Defendant:

6 ALEXEI LIZANICH, ESQUIRE
7 ERIN SCHLICHTER, ESQUIRE
Assistant Public Defender

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1 (8:48 a.m.) P R O C E E D I N G S

2 (Session IV)

3 (Jury trial day-2, August 11, 2022)

4 (8:48 a.m. 09-2022-CF-000261-A King, Ian Joseph)

5 (8:48 a.m. Jury: Alan Lindsay Jackson; Michael
6 Frederick Sippel; Dale Nelson Martin; Judith Ann
7 Beltowski; Corey Robert Kuzel; Claudia Matilde
8 Ratcliff; Christina Leanne Gibson; Kathryn Bass
9 Johnson)

10 (8:50 a.m. Appearances: Tara Hartman/Kaitlyn
11 Mannis, ASA; Alexei Lizanich/Jacqueline Dixon, APD;
12 defendant in-custody)

13 (8:51 a.m.)

14 **THE DEPUTY CLERK:** Ian King, 2022-CF-261.

15 (Pause.)

16 (Unintelligible conversation.)

17 **THE COURT:** About how far does that TV move?

18 **THE BAILIFF:** It's got about another maybe a
19 foot and a half.

20 **MS. HARTMAN:** We usually keep it back against
21 that, though, because this way the defendant can see
22 the TV.

23 **THE COURT:** Yeah. My concern, though, is the
24 jury being able to actually read the print on that.

25 **MS. HARTMAN:** I can zoom in --

1 **THE COURT:** okay.

2 **MS. HARTMAN:** -- so that it's very large as
3 well as I'll have the detective read it out loud.

4 **THE COURT:** Yeah, because he's not going to be
5 able to relocate at all.

6 **MS. HARTMAN:** No.

7 (Pause.)

8 (Unintelligible conversation.)

9 **THE COURT:** We about ready?

10 **MS. HARTMAN:** Yes, Judge. I'm just showing
11 Mr. Lizanich the redactions from the Facebook
12 message to show what he requested for without
13 (unintelligible).

14 (Unintelligible conversation.)

15 **THE COURT:** why is this not logging me in?

16 (Unintelligible conversation.)

17 **THE COURT:** All right, state, go ahead and put
18 your names on the record, same thing for defense.

19 **MS. HARTMAN:** Yes, Your Honor.

20 Tara Hartman on behalf of the State of Florida.

21 **MS. MANNIS:** Kaitlyn Mannis on behalf of the
22 state.

23 **MR. LIZANICH:** Alex Lizanich on behalf of, uh,
24 Mr. King.

25 **MS. DIXON:** Jacqueline Dixon on behalf of

1 Mr. King.

2 THE COURT: Nixon?

3 MS. DIXON: Dixon.

4 THE COURT: Dixon, okay.

5 And Mr. King?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Present in the courtroom.

8 Very good.

9 All right.

10 Defense reviewed the jury instructions?

11 Mr. Lizanich, you've reviewed the jury
12 instructions?

13 MR. LIZANICH: I have, Your Honor.

14 THE COURT: Mr. King, you're satisfied with the
15 preliminary instructions and the jury instructions
16 in this matter?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right, very good.

19 I know we have a motion in limine which I left
20 on my desk, but I did read.

21 MS. HARTMAN: Yes.

22 THE COURT: what's the defense response to the
23 motion?

24 MR. LIZANICH: Your Honor, uh, to make it easy,
25 I would offer to agree to just if I have anything

1 that I think would be in that frame, I'll proffer it
2 outside the presence of the jury first, and I don't
3 think we need a Court order to, uh. grant it if
4 that's agreeable.

5 **MS. HARTMAN:** Just for the record, Judge, there
6 was, uh, four, five -- there was five --

7 **THE COURT:** Four?

8 **MS. HARTMAN:** Four different issues.

9 **THE COURT:** Yeah.

10 **MS. HARTMAN:** The first was, uh, the fact that
11 the victim does not want the defendant to be
12 prosecuted or to go to prison. Uh, second asking
13 the victim if she thought it was the defendant
14 writing the threats. Obviously her opinion would be
15 speculation if she doesn't know.

16 **THE COURT:** I -- I've read the motion. I am
17 going to rule on it.

18 As to each request, it is granted.

19 As to, uh -- as labeled in the motion one, uh,
20 it's appropriately pled.

21 Two, three and four are also appropriately
22 pled.

23 And the Court agrees. Therefore the motion in
24 limine is granted as pled.

25 Uh, let me see, one, two, three, four.

1 All right.

2 Anything else preliminary?

3 MS. HARTMAN: Not on behalf of the state,
4 Judge.

5 THE COURT: Mr. Lizanich, anything?

6 MR. LIZANICH: No, Your Honor.

7 THE COURT: All right, very good.

8 We've got the jury note pads. I see them
9 there.

10 All right, go ahead and bring them in.

11 (Pause.)

12 Rise for the entry of the jury, please.

13 (Pause.)

14 MS. HARTMAN: It never fails, there's always
15 one in the bathroom.

16 (Pause.)

17 THE BAILIFF: They need a minute. There was a
18 couple of last minute restroom breaks.

19 THE COURT: Yeah, I kind of figured.

20 Thank you.

21 (Pause.)

22 MS. HARTMAN: There, you're closer.

23 (Pause.)

24 THE DEPUTY CLERK: Do you want us to swear the
25 witnesses?

1 **THE COURT:** Do you normally do it?

2 **THE DEPUTY CLERK:** Usually the judges do it.
3 Once in a while a Judge will want (unintelligible).

4 **THE COURT:** I'll do it.

5 **THE DEPUTY CLERK:** Okay.

6 **THE COURT:** I thought Rick always did it.

7 **THE DEPUTY CLERK:** (Unintelligible.)

8 (Unintelligible conversation.)

9 (Pause.)

10 **THE COURT:** Are those all Ehrhardts,
11 Mr. Lizanich?

12 **MR. LIZANICH:** Yes, Your Honor.

13 **THE COURT:** The last three editions?

14 **MR. LIZANICH:** No, they are, uh, all 22
15 editions.

16 **THE COURT:** I used to have an autographed copy
17 of that. I used to play fantasy football with, uh,
18 his son.

19 **THE BAILIFF:** All rise for the jury.

20 **THE COURT:** Good morning, folks.

21 **THE JURORS:** Good morning.

22 (Jury enters courtroom at 8:56 a.m.)

23 **THE COURT:** All right, go ahead and make
24 yourselves comfortable. Have a seat.

25 we should have Mr. Jackson.

1 Mr. Sippel.

2 Mr. Martin.

3 Ms. Beltowski.

4 Mr. Kuzel.

5 Ms. Ratcliff.

6 Ms. Gibson.

7 And Ms. Johnson.

8 All right, everyone's present.

9 State, is this -- go ahead and have a seat.

10 You satisfied this is the jury that we
11 selected?

12 **MS. HARTMAN:** Yes, Your Honor.

13 **THE COURT:** Defense?

14 **MR. LIZANICH:** Yes, Your Honor.

15 **THE COURT:** Very good.

16 All right, Madam Clerk, you can go ahead and
17 swear the jurors.

18 **THE DEPUTY CLERK:** Yes, Your Honor.

19 will you all please stand and raise your right
20 hands.

21 Do you solemnly swear or affirm that you will
22 well and truly try the issues between the State of
23 Florida and Ian King and render a true verdict
24 according to the law and the evidence so help you
25 God?

1 **THE JURORS:** Yes.

2 **THE DEPUTY CLERK:** Thank you. You may be
3 seated.

4 **THE COURT:** All right, thank you, folks.

5 All right, a few preliminary instructions.

6 In order to have a fair and lawful trial, there
7 are rules that all jurors must follow. A basic rule
8 is the jurors must decide the case only on the
9 evidence presented in the courtroom.

10 You must not communicate with anyone including
11 friends and family members about this case, the
12 people and the places involved or your jury service.
13 You must not disclose your thoughts about this case
14 or ask for advice on how to decide this case.

15 I want to stress that this rule means you must
16 not use electronic devices or cell phones to
17 communicate about this case including tweeting,
18 texting, blogging, emailing, posting information on
19 a website or a chat room or any other means at all.

20 Do not send or accept any messages to or from
21 anyone about this case or your jury service.

22 In addition, your cell phone or electronic
23 device must be turned completely off while you're in
24 the courtroom. I understand they are not in your
25 possession, correct?

1 **THE JURORS:** Correct.

2 **THE COURT:** Very good.

3 You must not do any research or look up words,
4 names, maps or anything else that may have anything
5 to do with this case. This includes reading
6 newspapers, watching television or using a computer,
7 cell phone, the internet, any electronic device or
8 any other means at all to get information related to
9 this case or the people and places involved in this
10 case.

11 This applies whether you are in the courthouse,
12 at home or anywhere else. All of us are depending
13 on you to follow these rules so that there will be a
14 fair and lawful resolution to this case.

15 Unlike questions that you may be allowed to ask
16 in court which will be answered in court in the
17 presence of the Judge and the parties, if you
18 investigate, research or make inquiries on your own
19 outside of the courtroom, the trial Judge has no way
20 to assure they are proper and relevant to the case.

21 The parties likewise have no opportunity to
22 dispute the accuracy of what you will find or to
23 provide rebuttal evidence to it.

24 That is contrary to our judicial system which
25 assures every party the right to ask questions of

1 and rebut the evidence being considered against it
2 and to present argument with respect to that
3 evidence.

4 Non-court inquiries and investigations unfairly
5 and improperly prevent the parties from having the
6 opportunity our judicial system promises.

7 Any juror who violates these restrictions
8 jeopardizes the fairness of these proceedings, and a
9 mistrial could result that would require the entire
10 trial process to start over. A mistrial is a
11 tremendous expense and inconvenience to the parties,
12 the Court and the taxpayers. If you violate these
13 rules, you may be held in contempt of court and face
14 sanctions such as serving time in jail or paying a
15 fine or both.

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

20 All right. Has everyone followed the
21 instructions previously given when you were selected
22 as jurors? No one has spoken to anyone, no one has
23 contacted anyone, no one has looked anything up at
24 all, correct?

25 **THE JURORS:** Correct.

1 **THE COURT:** All right, very good.

2 Has anyone contacted any of you?

3 **THE JURORS:** No.

4 **THE COURT:** All right, hearing none.

5 All right, ladies and gentlemen of the jury,
6 you have now been selected and sworn as the jury to
7 try the case in the State of Florida v
8 Ian Joseph King.

9 This is a criminal case. Ian Joseph King is
10 charged with Count One, written threats to kill or
11 to do bodily injury, and Count Two, violation of
12 condition of pretrial release.

13 The definition of written threats to kill or to
14 do bodily injury in violation of condition of
15 pretrial release will be explained to you later.

16 The statement's charging document which is
17 called an Information is not evidence and is not to
18 be considered by you as any proof of guilt.

19 It is the Judge's responsibility to explain the
20 law to you. It is your solemn responsibility to
21 determine if the state proved its accusation beyond
22 a reasonable doubt against Ian Joseph King in
23 accordance with the law that I provide to you.

24 Thus, the province of the jury and the province
25 of the Court are well defined, and they do not

1 overlap. This is one of the fundamental principles
2 of our system of justice.

3 Before proceeding further, it will be helpful
4 if you understand how a trial is conducted.

5 At the beginning of the trial, the attorneys
6 will have an opportunity if they wish to make an
7 opening statement. The opening statement gives the
8 attorneys a chance to tell you what evidence they
9 believe will be presented during the trial.

10 what the lawyers say is not evidence, and you
11 are not to consider it as such.

12 Following the opening statements, witnesses
13 will be called to testify under oath. They will be
14 examined and cross-examined by the attorneys.
15 Documents and other exhibits may be produced as
16 evidence.

17 After the evidence has been presented, the
18 attorneys will have the opportunity to make their
19 closing arguments.

20 Following the closing arguments by the
21 attorneys, the Court will instruct you on the law
22 applicable to this case.

23 You should not form any definitive -- definite
24 or fixed opinion on the merits of the case until you
25 have heard all the evidence, the argument of the

1 lawyers and the instructions on the law by the
2 Judge. Until that time, you should not discuss the
3 case among yourselves.

4 Your verdict must be based solely on the
5 evidence or lack of evidence and the law.

6 I now instruct you not to communicate with
7 anyone, including your fellow jurors about the case.
8 No communication includes no emailing, text
9 messaging, tweeting, blogging or any other form of
10 communication. You cannot do any research about the
11 case or look up any information about the case.

12 If you become aware of any violation of these
13 rules at all, notify court personnel of the
14 violation.

15 During the course of the trial, the Court may
16 take recesses, and you'll be permitted to separate
17 and go about your personal affairs. During these
18 recesses, you must not discuss the case with anyone
19 nor permit anyone to say anything to you or in your
20 presence about the case.

21 If anyone attempts to say anything to you or in
22 your presence about the case, tell him that you are
23 on the jury trying the case and ask that person to
24 stop. If he or she persists, leave him or her at
25 once and immediately report the matter to the

1 bailiff who will advise me.

2 You cannot have any cell phones, tablets,
3 laptops or other electronic devices in the
4 courtroom. You may use these devices during
5 recesses, but even then, you may not use your cell
6 phone or electronic device to find out any
7 information about the case or communicate with
8 anyone about the case or the people involved in the
9 case.

10 Do not take photographs, video recordings or
11 audio recordings of the proceedings or your fellow
12 jurors.

13 At the end of the case while you're
14 deliberating, you must not communicate with anyone
15 outside of the jury room. If someone needs to
16 contact you in an emergency, the Court can receive
17 messages and deliver them to you without delay. A
18 contact phone number will be provided to you.

19 The case must be tried by you only on the
20 evidence presented during the trial in your presence
21 and in the presence of the defendant, the attorneys
22 and the Judge.

23 Jurors must not conduct any investigation of
24 their own. This includes reading newspapers,
25 watching television or using your computer, cell

1 phone or internet or any electronic device or other
2 means at all to get information related to the case
3 or the people and places involved in the case. This
4 applies whether you're in the courthouse, at home or
5 anywhere else.

6 You must not visit places mentioned, uh, in the
7 trial or use the internet to look up maps, pictures
8 to see any place discussed during the trial.

9 Jurors must not have discussions of any sort
10 with friends or family members about the case or the
11 people and places involved. So do not let even the
12 closest family members make comments to you or ask
13 questions about the trial.

14 In this age of electronic communication, I want
15 to stress to you again that just as you must not
16 talk about this case face to face, you must not talk
17 about this case by using an electronic device. You
18 must not use phones, computers or electronic devices
19 to communicate. Do not send or accept messages
20 related to this case or your jury service. Do not
21 discuss this case or ask for advice by any means at
22 all including posting information on an internet
23 website, chat room or blog.

24 what are the reasons for these rules? These
25 rules are imposed because jurors must decide the

1 case without distraction and only on the evidence
2 presented in this courtroom. If you investigate,
3 research or make any inquiries on your own, the
4 trial Judge has no way to make sure the information
5 you obtain is proper for the case. The parties
6 likewise have no opportunity to dispute or challenge
7 the accuracy of what you find.

8 This is contrary to our judicial system which
9 assures every party the right to ask questions about
10 and challenge the evidence being considered against
11 it and to present argument with respect to that
12 evidence.

13 Any independent investigation by a juror
14 unfairly and improperly prevents the parties from
15 having the opportunity our judicial system promises.
16 Any juror who violates these restrictions
17 jeopardizes the fairness of these proceedings, and a
18 mistrial could result that would require the entire
19 trial process to start over.

20 (Pause.)

21 A mistrial is a tremendous expense and
22 inconvenience to the parties, the Court and the
23 taxpayers. If you violate these rules, you may be
24 held in contempt of court, face sanctions such as
25 serving time in jail and paying a fine or both.

1 In every criminal proceeding, a defendant has
2 the absolute right to remain silent. At no time is
3 it the duty of a defendant to prove his innocence.
4 From the exercise of a defendant's right to remain
5 silent, a jury is not permitted to draw inference --
6 any inference of guilt, and the fact that a
7 defendant did not take the witness stand must not
8 influence your verdict in any manner whatsoever.

9 The attorneys are trained in the rules of
10 evidence and trial procedure, and it is their duty
11 to make all objections they feel are proper.

12 When an objection is made, you should not
13 speculate on the reason why it is made. Likewise,
14 when an objection is sustained or upheld by me, you
15 must not speculate on what might have occurred had
16 the objection not been sustained nor what a witness
17 might have said had he or she been permitted to
18 answer.

19 During the trial, it may be necessary to confer
20 with the attorneys out of the hearing -- out of your
21 hearing to discuss matters that require
22 consideration by me alone. It is impossible to
23 predict when such a conference may be required or
24 how long it will last. When such conferences occur,
25 they will be conducted as -- so as to consume as

1 little of your time as necessary for a fair and
2 orderly trial in this case.

3 If you would like to take notes during the
4 trial, you may do so. On the other hand, of course,
5 you are not required to take notes if you do not
6 want to. That will be left up to you individually.

7 You will be provided with a note pad and pen
8 for use if you wish to take notes. Any notes that
9 you take will be for your personal use. However,
10 you should not take them with you from the
11 courtroom. During recesses, the bailiff will take
12 possession of your notes and will return them to you
13 when we reconvene.

14 After you've completed your deliberations, the
15 bailiff will deliver your notes to me. They will be
16 destroyed. No one will ever read your notes.

17 If you take notes, do not get so involved in
18 note taking that you become distracted from the
19 proceedings. Your notes should be used only as aids
20 to your memory. Whether or not you take notes, you
21 should rely on your memory of the evidence and you
22 should not be unduly influenced by the notes of
23 other jurors. Notes are not entitled to any greater
24 weight than each juror's memory of the evidence.

25 State ready to proceed?

1 **MS. MANNIS:** Yes, Judge.

2 **THE COURT:** All right, let's go ahead.

3 Before you do, counsel approach.

4 (Begin sidebar.)

5 **THE COURT:** Do you think we need to invoke the
6 rule?

7 **MR. LIZANICH:** Yes, sir.

8 **THE COURT:** Do we have any witnesses in the
9 courtroom right now?

10 **MS. HARTMAN:** No.

11 **MS. MANNIS:** No.

12 **THE COURT:** All right, the rule of
13 sequestration will be invoked.

14 **MR. LIZANICH:** Thank you, Your Honor.

15 **THE COURT:** Instruct your witnesses
16 accordingly.

17 **MS. HARTMAN:** And, Judge, the, uh, edited audio
18 instruction, do you want me to let you know when I'm
19 going to play that? I'm going to play it after
20 Detective Kelly steps off the stand.

21 **THE COURT:** I was going to read it, uh, before
22 the, uh, retire to deliberate. Do you want me to
23 read it now?

24 **MS. HARTMAN:** I think you're -- and it is up to
25 Mr. Lizanich. I think it should be read before it's

1 played is --

2 **THE COURT:** Okay.

3 **MS. HARTMAN:** -- I think where the appropriate
4 place is.

5 **THE COURT:** Any disagreement?

6 **MR. LIZANICH:** Let me -- may I --

7 **THE COURT:** Counsel with Mr. --

8 **MR. LIZANICH:** I don't have it right in front
9 of me. May I, uh --

10 (Pause.)

11 **MS. HARTMAN:** The first one we'll play is the
12 jail call, and it's once Detective Kelly gets off
13 the stand.

14 **MR. LIZANICH:** I do believe that should be
15 played (unintelligible) --

16 **THE COURT:** Yeah, it makes sense. I'll read it
17 now.

18 **MR. LIZANICH:** -- just so the Court and counsel
19 will --

20 **MS. MANNIS:** No, I think you're supposed to
21 read it right before they play it, not now.

22 **MR. LIZANICH:** Right.

23 **THE COURT:** Okay. All right, give me a heads
24 up before you do it.

25 **MS. HARTMAN:** Okay, so I'll just say, Judge, at

1 this time I'll -- can I publish the --

2 **THE COURT:** Sure.

3 **MR. LIZANICH:** (Unintelligible) objections to
4 the evidence coming in.

5 **THE COURT:** Okay, thank you.

6 (End sidebar.)

7 **THE COURT:** All right, go ahead and proceed
8 when ready.

9 **MS. MANNIS:** The reason I was being so mean is
10 because I love you so much. That's what this
11 defendant, Ian King, said to the victim, Ms. Amanda
12 Jimenez, on one of many prohibited jail calls.

13 But that's only part of why we're here today.
14 We're here because the defendant is charged with
15 written threats to kill or do bodily harm in
16 violation of a condition of pretrial release.

17 And he's charged with these things because
18 between the dates of February 26th to the 28th of
19 2022, the defendant threatened the victim in
20 writing.

21 Then after his arrest on March 8th, he was
22 ordered by a Judge not to have contact with the
23 victim. But one of the first things that the
24 defendant did was call the victim on March 9th, and
25 he's continued calling her almost daily through

1 August 3rd despite the Court order not to.

2 Now, this all began with a fallout with the
3 relationship between the defendant and Ms. Jimenez.
4 The relationship ended when Ms. Jimenez discovered
5 that the defendant was cheating on her with multiple
6 women.

7 After Ms. Jimenez broke up with her -- with the
8 defendant, he began constantly calling and texting
9 her over and over again. But a few days later,
10 those calls and texts, they escalated. They
11 escalated to several threats to kill, clear written
12 threats to kill or do bodily harm.

13 You'll see throughout this trial that the
14 defendant wrote and sent countless threats to her.
15 So he starts on February 26th with sending: I'm
16 going to fuck you up, Amanda.

17 Then he continues the next day on
18 February 27th sending: I'll kill you. I'm on my
19 way, bitch.

20 Four minutes later, he sends: I'm a kill you.

21 A minute later: You and that bitch will pay, I
22 promise.

23 Now, in between these threats, there are dozens
24 of other texts and missed calls. So at this point,
25 Ms. Jimenez's response was: I'm saving all of this

1 just in case.

2 But the defendant immediately replies: I TK,
3 bitch. I'll call them myself as I said of your dead
4 fucking body.

5 Three minutes later: I'm serious. You fucked
6 up.

7 Four minutes: I got you, bitch. I swear I'm a
8 shoot you in the face.

9 Four minutes later: Now you're just another
10 bitch on a list, a dead bitch at that.

11 Fifteen minutes later: I'm going to kill you
12 for this, I promise.

13 Eighteen minutes: I promise you will pay.

14 He continues with the flood of threats the next
15 morning, February 28th, writing: You will pay
16 dearly.

17 And then 20 minutes later: See you soon.

18 Now, this time it's a few hours later, but he
19 sends: You can't hide forever.

20 A couple more hours later, he says: You're
21 going to die.

22 Several hours later after Ms. Jimenez has
23 reported these threats to the police, the defendant
24 sends more messages starting with: Cop calling ass
25 bitch.

1 Then 12 minutes later: They can't save you.

2 Now, these are just a fraction of the threats
3 that the defendant made to Ms. Jimenez, and you'll
4 hear more throughout this trial.

5 Now, as a result of those threats, the
6 defendant was arrested on March 8th and brought
7 before a Judge the next morning on March 9th. And
8 when he was in front of Judge Kearney, he gave him
9 conditions of pretrial release. One of those was to
10 have absolutely no contact with the victim.

11 So the defendant was advised not to call, not
12 to text, not to email, not to anything, no contact
13 with the victim. But almost immediately after being
14 given that very clear court order, the defendant
15 calls Ms. Jimenez from the jail.

16 He didn't just call her once or twice. While
17 this case has been pending, the defendant has called
18 her at least 130 times, all while he was under a
19 court order not to call her even once.

20 And you will hear some of the calls he made.
21 And throughout their conversations, the defendant
22 repeatedly states that he made a mistake, but he
23 also repeatedly told Ms. Jimenez that all of this
24 was her fault.

25 But her actions are not why we're here today.

1 Now, on Monday during jury selection, we talked
2 a little bit about the state's burden, proof beyond
3 a reasonable doubt. It's not proof beyond a
4 speculative, imaginary or forced doubt. It's proof
5 beyond a doubt based on logic and reason. And
6 Ms. Hartman and I, we welcome that burden, and we
7 will prove each element of each crime to you beyond
8 a reasonable doubt.

9 And throughout this trial, you'll hear from
10 Ms. Jimenez, Detective Kelly, Deputy Belfry and
11 Deputy Valencia all from the Citrus County Sheriff's
12 Office.

13 You'll see photos and messages, and you'll hear
14 some of those phone calls. And the evidence will
15 show that the defendant made a threat to kill or do
16 bodily harm to Ms. Jimenez in writing, that the
17 defendant sent those threats, and he did it in a way
18 that Ms. Jimenez could see them.

19 The evidence will show that the defendant was
20 arrested for active domestic violence, that he was
21 given conditions of pretrial release, one of those
22 being no contact. You'll hear that those conditions
23 go into effect immediately once the Judge gives
24 them.

25 You'll know and you'll hear that the defendant

1 knew one of his pretrial release conditions was not
2 to contact the victim, and the evidence will show
3 that the defendant willfully violated that condition
4 of his pretrial release by contacting the victim.

5 And throughout this trial as you see and hear
6 the evidence, the state will prove beyond a
7 reasonable doubt that the defendant is guilty of
8 both written threats to kill and a condition of
9 pretrial release violation, and we are confident
10 that you will find the defendant guilty as charged.

11 **THE COURT:** Thank you.

12 Mr. Lizanich.

13 **MR. LIZANICH:** Defense reserves opening,
14 Your Honor.

15 **THE COURT:** Thank you.

16 All right, state ready to call its first
17 witness?

18 **MS. HARTMAN:** Yes, Your Honor.

19 At this time, the state would call
20 Amanda Jimenez to the stand.

21 **THE COURT:** All right, Amanda Jimenez?

22 **MS. HARTMAN:** Yes.

23 **THE COURT:** Jimenez.

24 (Pause.)

25 Ma'am, go ahead and approach the box up here.

1 Face me when you reach the witness box.

2 (Pause.)

3 Raise your right hand.

4 Do you swear to tell the truth, the whole truth
5 and nothing but the truth so help you God?

6 **THE WITNESS:** Yes.

7 **THE COURT:** Thank you. Go ahead and have a
8 seat. Pull up nice and close to the microphone,
9 speak in a loud clear voice.

10 Ms. Hartman, you may proceed when ready.

11 **MS. HARTMAN:** Thank you, Judge.

12 Thereupon,

13 AMANDA JIMENEZ,

14 a witness, having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. HARTMAN:

17 Q. Good morning.

18 A. Good morning.

19 Q. Can you please state your name for the record.

20 A. Amanda Lee Jimenez.

21 Q. Can you spell your last name.

22 A. J-I-M-E-N-E-Z.

23 Q. Do you have any children, Ms. Jimenez?

24 A. Yes.

25 Q. How many?

1 A. Three.

2 Q. Can you state their names.

3 A. David, Skyler and Lalonie [phonetic].

4 Q. How old are David, Skyler and Lalonie?

5 A. Uh, David is 22, Skyler is 19, Lalonie is 15.

6 Q. In February of 2022, did you have a
7 relationship with the defendant?

8 A. Yes.

9 Q. Can you describe for the members of the jury
10 box what that relationship was.

11 A. Uh, the relationship was we -- we argued a lot,
12 uh --

13 Q. Were you in a dating relationship?

14 A. Yes.

15 Q. How long were you in a dating relationship with
16 this defendant for?

17 A. Seven years.

18 MR. LIZANICH: Your Honor, an objection. The
19 witness has not yet identified the defendant.

20 THE COURT: Overruled. Go ahead and proceed.

21 MS. HARTMAN: Thank you, Judge.

22 BY MS. HARTMAN:

23 Q. Uh, when you first began a relationship with
24 the defendant seven years ago, where did you live?

25 A. St. Petersburg.

1 Q. Did the defendant also live in St. Petersburg
2 at that time?

3 A. Yes.

4 Q. When did you -- did you move up to
5 Citrus County?

6 A. Yes, I did.

7 Q. When?

8 A. Uh, I believe it was the beginning of 2015.

9 Q. Did the defendant move with you to
10 Citrus County?

11 A. Yes.

12 Q. When you first moved here, who did you live
13 with?

14 A. Uh, I lived with a friend of mine, uh, Amanda.

15 Q. And in February of 2022, who lived with you?

16 A. Uh, February 2022, uh, at that time, it was
17 myself, my daughter Lalonie, my son Skyler, uh, and
18 Ian's, uh, mother, Christina Moffitt.

19 Q. Did Ian also live with you?

20 A. Yes.

21 Q. Who paid for the bills for that house?

22 A. I did.

23 Q. Do you still reside in that house?

24 A. No, I do not.

25 Q. Who do you reside with now?

1 A. I live with a friend.

2 Q. And who all lives in that house at your
3 friend's house?

4 A. Uh, my -- my friend Renee, her two sons Dakota
5 and Dalton, uh, myself, Ian's mother Christina, and my
6 daughter Lalonie DeBroyan [phonetic] and my son Skyler.

7 Q. In February of 2022, how would you describe
8 your relationship with the defendant?

9 A. Uh, mine and his relationship was basically
10 almost done at that point.

11 Q. Why was it almost done? Why were you guys
12 arguing a lot?

13 A. Because of him cheating on me.

14 Q. What -- was that just with one person or was
15 that multiple?

16 A. Multiple.

17 Q. Now, did that relationship, did you eventually
18 end that?

19 A. Yes.

20 Q. What was the name of the female that the reason
21 why you ended the relationship?

22 A. Amanda.

23 Q. Did she have a last name just so that it's
24 clear?

25 A. Mason.

1 Q. Okay.

2 So just to be clear, your name is
3 Amanda Jimenez and her name is Amanda Mason?

4 A. Correct.

5 Q. Okay.

6 Do you know how long he and Amanda Mason knew
7 each other?

8 A. Uh, since --

9 MR. LIZANICH: Objection, calls for the witness
10 to rely on hearsay, Your Honor.

11 MS. HARTMAN: It would be defendant's
12 statements.

13 THE COURT: Approach, please.

14 (Begin sidebar.)

15 MR. LIZANICH: I just have to make a relevance
16 prejudice objection at this time. I understand
17 where we're going with this, and I thought some
18 leeway was fine, but --

19 THE COURT: It'll be overruled as to relevance.
20 As to the hearsay objection, your argument is in
21 fact that she should only know that if somebody told
22 her that, right? What's your response?

23 MS. HARTMAN: Which the defendant -- the
24 defendant told her that. So it's the defendant's
25 statements.

1 **MR. LIZANICH:** which if that's the case, that
2 may be a statement that the state could authenticate
3 through, but that hasn't been done.

4 **MS. HARTMAN:** well, I don't have to prove that.
5 If he told her something, it would be a statement of
6 an opposing party.

7 **MR. LIZANICH:** She'd have to prove that's how
8 it went, not that it's just by saying it. It
9 doesn't mean that the statement's authenticated as a
10 statement against interest.

11 **MS. HARTMAN:** well, it doesn't have to be
12 against interest.

13 **THE COURT:** Overruled. Go ahead.

14 (End sidebar.)

15 BY MS. HARTMAN:

16 Q. Ms. Jimenez, I was just asking you how long did
17 the defendant and Amanda Mason know each other?

18 A. Uh, from what I'm aware of, since they were in,
19 uh, middle school.

20 Q. And the defendant told you this?

21 A. Uh, the defendant and, uh, Amanda Mason did.

22 Q. Were they ever in a dating relationship?

23 A. Uh --

24 **MR. LIZANICH:** Objection, hearsay, lack of
25 personal knowledge.

1 **MS. HARTMAN:** Same argument, Judge.

2 **THE COURT:** If -- if she knows, she can answer
3 the question.

4 **THE WITNESS:** I am not sure if they were
5 dating. Uh, I'm not sure if they were dating prior
6 to that time. I -- I don't know.

7 **BY MS. HARTMAN:**

8 **Q.** Okay.

9 Are you aware how long, uh, Mr. King was
10 cheating on you for with Ms. Mason?

11 **A.** Uh, before I had split up with him, just a
12 couple of days.

13 **Q.** When you found out that he was cheating with
14 her, what did you do?

15 **A.** I was very upset. Uh, basically messaged him
16 or screenshotted a picture of, uh -- from Facebook of
17 them being in a relationship and told him that I wanted
18 him to move out.

19 **Q.** When you told him that you were done and wanted
20 him to leave, how did he react?

21 **A.** He said he was moving anyways.

22 **Q.** Did he begin to send you messages?

23 **A.** Uh, from what I'm aware of, yes, he -- sorry.

24 **Q.** That's okay. On -- on February 26th, 2022, did
25 you begin to receive messages on Facebook from Ian King's

1 Facebook account?

2 A. I don't know the exact date.

3 MR. LIZANICH: Your Honor, I have to object.

4 May we approach?

5 THE COURT: You may.

6 (Begin sidebar.)

7 THE COURT: Your question was on

8 February 28th --

9 MS. HARTMAN: Twenty-sixth.

10 THE COURT: Twenty-sixth.

11 MS. HARTMAN: Did you begin to receive messages
12 from the defendant's Facebook account?

13 THE COURT: Okay, go ahead.

14 MR. LIZANICH: So I think the state's statement
15 there from the account exactly highlights what the
16 issue is in this case, and there will be evidence
17 later that somebody -- or there could be evidence
18 later that somebody else had access to his account,
19 and ultimately most of my argument is that a
20 significant portion of that record that she's asked
21 from this witness can't be authenticated or -- and
22 the authorship can't be established from any witness
23 other than this witness, and she doesn't know based
24 on what she has told me.

25 THE COURT: She doesn't know if she received

1 messages from his account?

2 **MR. LIZANICH:** She knows she received messages
3 from his account, but the account by itself isn't
4 sufficient to authenticate the evidence --

5 **THE COURT:** well, the question you objected to
6 is whether she received messages from his account.

7 **MR. LIZANICH:** which I would agree she can say
8 whether or not she has received messages, but any
9 content of those messages would have to be
10 authenticated prior to her testimony.

11 **THE COURT:** And it can't be authenticated
12 through the content?

13 **MR. LIZANICH:** It can be authenticated if --
14 the normal way should show the content to the
15 witness. The witness says, I recognize that, I know
16 who wrote it, here's how I know, but I --

17 **THE COURT:** I don't think we've gotten there
18 yet, though.

19 **MS. HARTMAN:** No, but also the whole -- the
20 entirety of Mr. King's Facebook is going to come
21 through -- in through a business records
22 certification which I understand Mr. Lizanich is
23 going to object to. However, it's a
24 self-authenticating document.

25 **MR. LIZANICH:** well, Your Honor, I disagree

1 with the state's characterization of a business
2 record as a self-authenticating document, and I
3 believe those are the same --

4 THE COURT: Are you talking about the -- it's a
5 certified record under statute?

6 MS. HARTMAN: Yes, yes.

7 THE COURT: Yeah, then I think you're right,
8 they're not the same thing, but I understood what
9 she was saying is that it was certified as a
10 business record.

11 MS. HARTMAN: Yes.

12 MR. LIZANICH: That's the reason we have three
13 copies of everything.

14 THE COURT: Yeah.

15 All right, your objection's overruled. You may
16 proceed.

17 MS. HARTMAN: Thank you.

18 (End sidebar.)

19 BY MS. HARTMAN:

20 Q. So you said you didn't know the exact day, but
21 about later on in February, did you start to receive
22 messages from this defendant's Facebook account to you?

23 A. Uh, from what I -- I am aware of, it was -- I
24 don't know the exact date, but I know around that time, I
25 was receiving messages from Facebook.

1 Q. From the account Ian King?

2 A. From the account Ian King.

3 Q. Did the defendant have his own place to move
4 into once you kicked him out, or did he have to live with
5 a friend?

6 MR. LIZANICH: Objection, hearsay.

7 MS. HARTMAN: She knows who he was living with
8 at the time.

9 THE COURT: Overruled.

10 THE WITNESS: Uh, he would have to live with a
11 friend, yes.

12 THE COURT: Ma'am, can you speak up just a
13 little bit. You're kind of soft spoken. Maybe you
14 can adjust that mic.

15 THE WITNESS: Yes, sorry.

16 BY MS. HARTMAN:

17 Q. Did the defendant state that there was any
18 other reason that he was angry with you?

19 A. Uh, he thought that I was cheating on him.

20 Q. With who?

21 A. Uh, with my boss.

22 Q. After receiving these messages, did you call
23 law enforcement?

24 A. Hum, I did call law enforcement, yes.

25 Q. When they arrived, did you give them your

1 phone?

2 A. Uh, not right away, no, I did not.

3 Q. Okay.

4 But eventually you gave them your phone?

5 A. Yes.

6 Q. Besides for this particular couple days, uh, if
7 the defendant could not reach you, how would he regularly
8 get ahold of you?

9 A. Uh, if he couldn't reach me, he would, uh,
10 contact me on Messenger.

11 Q. Which would be through Facebook, the Facebook
12 application?

13 A. Yes.

14 (Pause.)

15 Q. I'm going to show you what's been previously
16 marked as State's Exhibit A for identification.

17 If you would just hold those.

18 Do you recognize those photos?

19 A. Yes.

20 Q. How do you recognize them?

21 A. Uh, this is my phone and Messenger from, uh --
22 it's Ian's Messenger and messages basically from
23 Messenger from Ian.

24 Q. Are they a fair and accurate, uh, photograph of
25 messages that you received from Ian between

1 February 26th to February 28th, 2022?

2 **MR. LIZANICH:** Your Honor, I'd have to object.
3 And may we approach? And I'm going to need to ask
4 to borrow that exhibit.

5 **THE COURT:** You may.

6 (Begin sidebar.)

7 **MR. LIZANICH:** Your Honor, unfortunately --

8 **THE COURT:** Hold on.

9 Go ahead.

10 **MR. LIZANICH:** Unfortunately, more than what
11 needs to be authenticated is being attempted to be
12 authenticated, and that record is not something that
13 this witness can authenticate. And she has told me
14 she does not know who wrote that, and the state
15 knows that.

16 **MS. HARTMAN:** No, I don't know that because
17 we -- her and I have had other conversations, uh,
18 but I don't have an objection to removing that
19 specific message from the packet. The rest are the
20 messages.

21 **THE COURT:** I think you can introduce it
22 separately if you want, and I think Mr. Lizanich can
23 absolutely cross on this. And if she comes out and
24 says she doesn't know it, that seems like that's
25 pretty good evidence --

1 **MS. HARTMAN:** And I have no objection to
2 removing --

3 **THE COURT:** -- for Mr. Lizanich.

4 **MS. HARTMAN:** -- that from this exhibit.

5 **MR. LIZANICH:** So does that mean we need a
6 new --

7 **MS. HARTMAN:** No, because it's not marked yet.

8 **THE COURT:** Just remove it.

9 **MS. HARTMAN:** We can just remove that sticker.

10 **THE COURT:** Yeah, pull the sticker off or get a
11 new one. It doesn't matter.

12 **MS. HARTMAN:** Here.

13 **THE COURT:** The objection will be sustained.
14 State's amending Exhibit A by removing one of the
15 photographs.

16 (Pause.)

17 All right, sustained. You may proceed with the
18 one removed document.

19 (End sidebar.)

20 **BY MS. HARTMAN:**

21 Q. Ms. Jimenez, you just stated that those are the
22 messages you received from Mr. King between
23 February 26th and February 28th, 2022. Are they a fair
24 and accurate photo of those messages that you received on
25 that day?

1 A. Yes, they look -- yes, that looks that way.

2 **MS. HARTMAN:** At this time, the state would
3 like to move into evidence what's been previously
4 marked as State's Exhibit A for identification.

5 **THE COURT:** Any objection?

6 **MR. LIZANICH:** Yes, sir. Uh, foundation,
7 hearsay and authentication.

8 **THE COURT:** All right, it's overruled on those
9 grounds, so it will be admitted. State's Composite
10 Exhibit A for identification will be labeled as
11 State's Exhibit One, Composite One.

12 (Thereupon, State's Exhibit 1 was received and
13 filed in evidence.)

14 **THE COURT:** You may publish to the jury at your
15 leisure.

16 (Pause.)

17 BY MS. HARTMAN:

18 Q. Ms. Jimenez, whose photo is that right here?

19 A. Ian -- Ian's.

20 Q. And that would be showing where the messages
21 come from?

22 A. Yes.

23 Q. And then whose name is right over here?

24 A. Ian.

25 (Pause.)

1 Q. Are at least some of the messages that you
2 received from the account from Ian King consistent with
3 the way that the defendant spoke to you?

4 A. Some of them, yes.

5 Q. I want to talk to you a little bit about some
6 of the things that are in here before the members of the
7 jury see it.

8 who is Jason?

9 A. Jason is --

10 MR. LIZANICH: Objection, relevance.

11 THE COURT: Overruled. I'll give you some
12 latitude.

13 Ma'am, just remember to speak up.

14 THE WITNESS: Okay.

15 BY MS. HARTMAN:

16 Q. Who is Jason?

17 A. Uh, my kids' father.

18 Q. It talks about the fact that he passed away.
19 How did he pass away?

20 MR. LIZANICH: Same objection, Your Honor.

21 THE COURT: Overruled.

22 THE WITNESS: Uh, for a drug overdose.

23 BY MS. HARTMAN:

24 Q. Did you ever tell Ian about that?

25 A. Yes.

1 Q. Had you ever expressed the fact that you felt
2 guilt about that?

3 A. Yes.

4 Q. And why did you feel guilt about that?

5 A. Uh, because he took some of my medication, so I
6 blame myself.

7 Q. And you had expressed that to Ian before?

8 A. Yes.

9 Q. Who is Josh?

10 MR. LIZANICH: Same objection, Your Honor,
11 relevance.

12 THE COURT: Go ahead and approach.

13 (Begin sidebar.)

14 THE COURT: I don't -- I don't know what the
15 exhibits show, so what is the relevance?

16 MS. HARTMAN: So in it, it talks about these
17 things about Josh and Jason. Their defense is going
18 to be that it was this other Amanda who sent the
19 messages. However, this goes to show that Ian is
20 the one that knew about these things.

21 THE COURT: These messages, the messages with
22 the overdose (unintelligible)?

23 MS. HARTMAN: Yes. He -- he says it's her
24 fault he died.

25 MR. LIZANICH: Can you tell me more about Josh.

1 **MS. HARTMAN:** Josh is a neighbor that's down
2 the street, uh, that lived with them. His wife
3 called the cops on him, and she was mad at the wife
4 for calling the cops. And he said, you said you'd
5 never call the cops on me like --

6 **THE COURT:** In some of the messages, it's
7 purported that Ian said something about this?

8 **MS. HARTMAN:** Yes.

9 **THE COURT:** And she advised him. It's to show
10 that he had the knowledge? Okay.

11 **MS. HARTMAN:** That that was him and not Amanda.

12 **THE COURT:** Overruled. Go ahead.

13 (End sidebar.)

14 BY MS. HARTMAN:

15 Q. Ms. Jimenez, who is Josh?

16 A. Uh, there's -- I know of two Josh's, so I --

17 Q. Was there a Josh that lived down the street
18 from you?

19 A. Uh, yes.

20 Q. Was there an incident where the police were
21 called on Josh?

22 A. Uh, yes.

23 Q. What happened there?

24 A. Uh, there was a -- they had gotten into an
25 argument, and the cops were called because they were

1 fighting.

2 Q. You said "they." Josh and who else?

3 A. Uh, his girlfriend at the time.

4 Q. Did you express any feelings to Mr. King about
5 his girlfriend calling the police on Josh at the time?

6 A. Yes. I didn't agree with it.

7 Q. And did you state something to the effect of
8 you wouldn't have done that?

9 A. I -- yes.

10 Q. You stated that you eventually gave law
11 enforcement your cell phone to take these photos. While
12 law enforcement had the phone, was Ian still messaging
13 your phone and calling your phone as well?

14 A. Uh, I believe he was calling.

15 Q. Did you ever answer that call?

16 A. Hum --

17 (Pause.)

18 Q. Let me rephrase.

19 Did law enforcement instruct you to answer the
20 call and put it on speaker?

21 A. Yes.

22 Q. I'm handing you what's been previously marked
23 as State's Exhibit B for identification.

24 Do you recognize that?

25 A. Yes.

1 Q. How do you recognize it?

2 A. Uh, I recognize, uh, this is the CD that I
3 listened to and initialed that I, uh, realized that it
4 was myself and Ian's conversation.

5 Q. From when law enforcement was present?

6 A. Yes.

7 Q. Is it a fair and accurate recording of that
8 conversation?

9 A. Yes.

10 MS. HARTMAN: At this time, the state would
11 like to move what's been previously marked as
12 State's Exhibit B for identification.

13 THE COURT: It will be received.
14 Any objection?

15 MR. LIZANICH: No, Your Honor.

16 THE COURT: It will be received as -- B for
17 identification will be State's Exhibit Two.

18 (Thereupon, State's Exhibit 2 was received and
19 filed in evidence.)

20 THE COURT: Permission to publish when ready.

21 MS. HARTMAN: Thank you, Judge.

22 BY MS. HARTMAN:

23 Q. Finally, I'm handing you what's been previously
24 marked as State's Exhibit C for identification.

25 Do you recognize that?

1 A. Yes.

2 Q. How do you recognize it?

3 A. Uh, it was a CD of mine and Ian's phone call.

4 Q. Phone call from where?

5 A. From the jail.

6 Q. Is it a fair and -- there's multiple of them on
7 there?

8 A. Yes.

9 Q. Three to be exact?

10 A. Yes.

11 Q. And are they fair and accurate recordings of
12 conversations you had with this defendant?

13 A. Yes.

14 MS. HARTMAN: At this time, I'd like to move
15 what's been previously marked as Exhibit C for
16 identification into evidence.

17 THE COURT: Any objection?

18 MR. LIZANICH: Yes, sir. And I apologize, but
19 may we approach again?

20 THE COURT: You may.

21 MR. LIZANICH: Thank you, sir.

22 (Begin sidebar.)

23 MR. LIZANICH: So this is again a relevance
24 objection.

25 THE COURT: what is this call again?

1 **MS. HARTMAN:** It's the jail calls that's his
2 violation of pretrial release.

3 **MR. LIZANICH:** The reason for this relevance
4 objection is because written threats to kill are not
5 a predicate offense of violation of a condition to
6 pretrial release from a domestic violence charge.

7 There was no criminal offense resulting in
8 physical injury or death for any of these new
9 related domestic violence offenses.

10 **MS. HARTMAN:** It's what he was charged with.
11 He was charged with aggravated stalking.

12 **MR. LIZANICH:** The state hasn't proven that he
13 was charged with aggravated stalking at the time
14 yet, and this witness would not have personal
15 knowledge of that.

16 **THE COURT:** So you're saying that --

17 **MS. MANNIS:** So you want us to elicit testimony
18 that he was charged with aggravated stalking?

19 **MS. HARTMAN:** well, I will end up doing that
20 through Mike Kelly anyways because that is a -- an
21 element that I have to prove.

22 **THE COURT:** Let me (unintelligible). I -- I
23 understand your argument. Let me pull up the
24 statute.

25 Your argument is that if he had been -- if they

1 had not amended the Information, this would be fair
2 game, but since they amended the Information,
3 written threats has nothing to do with violation of
4 pretrial release.

5 MR. LIZANICH: Yes, sir.

6 MS. HARTMAN: And Judge, I won't be playing it
7 until after -- this might solve it. I'm not playing
8 it until after Mike Kelly testifies. He will be
9 testifying that he was arrested for aggravated
10 stalking. Uh, so if you want to --

11 THE COURT: Let me -- let me read the statute.

12 MS. HARTMAN: Okay.

13 THE COURT: So if that's the case, it may not
14 come in through this witness. She can authenticate
15 it.

16 MS. HARTMAN: Yes. That's what she -- okay,
17 Judge Howard would provisionally accept it with the
18 expectation that that comes in from Mike Kelly.
19 However, if you'd prefer --

20 THE COURT: Let me look at the statute.

21 (Unintelligible) violation of pretrial release and
22 (unintelligible).

23 (Pause.)

24 It's under 903, right?

25 MS. HARTMAN: Yes.

1 (Pause.)

2 THE COURT: All right. As charged, the
3 argument is overruled. It only requires the
4 previous arrest for an active domestic violence.
5 The arrest was for agg stalking. Uh, while the
6 charge has been amended, I don't know that that
7 kicks it out. It's a creative argument, but --

8 MR. LIZANICH: I believe, again, this witness
9 wholly can't testify that Ian King was arrested for
10 stalking.

11 THE COURT: Yeah, I don't think it comes in
12 right now. I do think it can be authenticated right
13 now, uh, and then it will come in through another
14 witness. So partially overruled, partially
15 sustained.

16 (End sidebar.)

17 BY MS. HARTMAN:

18 Q. Between March 9th, 2022 and August 3rd, 2022,
19 did the defendant call you just one time or was it
20 multiple?

21 A. Uh, I'm not -- well, he has contacting -- well,
22 from what date? I'm sorry.

23 Q. From -- from the date after his arrest, from
24 March 9th, 2022 up until about a week ago, did the
25 defendant contact you just one time or was it multiple?

1 A. Uh, multiple.

2 Q. During those conversations, did you tell him
3 that he wasn't supposed to be speaking to you?

4 A. I don't recall if I told him that I -- I don't
5 recall if I did.

6 Q. Now, did you listen to this audio recording
7 yesterday?

8 A. Yes, I did.

9 Q. Do you recall telling him that he was going to
10 get in more trouble?

11 (Pause.)

12 A. Sorry. I listened to a lot yesterday.

13 Uh, yes, I believe I did.

14 (Pause.)

15 Q. Do you see the person here today who sent you
16 those Facebook messages to your phone and called you from
17 the jail here today?

18 A. Can you repeat that question.

19 Q. Do you see the person here today who called you
20 from the jail and sent you those Facebook messages?

21 **MR. LIZANICH:** I have to object to a compound
22 question. This witness has already said she doesn't
23 know who sent them.

24 **MS. HARTMAN:** She said some of them she knows
25 came from him.

1 **THE COURT:** Overruled. You can answer the
2 question, ma'am.

3 **THE WITNESS:** Uh, I do see the person that did
4 send some of those that I believe are -- were his
5 text messages, yeah.

6 BY MS. HARTMAN:

7 Q. Some of those being the threatening messages?

8 A. Uh --

9 Q. Do you see him in the courtroom here today?

10 A. As far as the threatening, I --

11 Q. Do you see the person who from their Facebook
12 account sent the messages and called you from the jail?

13 A. Yes.

14 **MR. LIZANICH:** Again, compound question,
15 Your Honor.

16 **THE COURT:** Overruled.

17 BY MS. HARTMAN:

18 Q. Can you point to them and identify them by an
19 article of clothing they're wearing.

20 A. Uh, yes. Uh, right there, uh, navy blue suit.

21 Q. With a blue shirt?

22 A. And baby blue shirt.

23 **MS. HARTMAN:** Let the record reflect the
24 identification of the defendant by this witness.

25 **THE COURT:** The record shall reflect.

1 BY MS. HARTMAN:

2 Q. Did all of this happen in Citrus County?

3 A. Yes.

4 MS. HARTMAN: No further questions at this
5 time, Your Honor.

6 THE COURT: All right, Mr. Lizanich, cross.

7 CROSS-EXAMINATION

8 BY MR. LIZANICH:

9 Q. So you've known Ian for years?

10 A. Yes.

11 Q. And you know as a matter of habit he likes to
12 run his mouth?

13 A. Yes.

14 Q. Uh, do you think you could take him in a fight?

15 MS. HARTMAN: Objection, relevance,
16 speculation.

17 MR. LIZANICH: May we approach?

18 THE COURT: Approach.

19 (Begin sidebar.)

20 MS. HARTMAN: This was one of those --

21 THE COURT: How is that relevant?

22 MS. HARTMAN: This is one of my motions about
23 her. I don't have to prove she's in fear.

24 THE COURT: You're going to (unintelligible).

25 MS. HARTMAN: Yes.

1 **THE COURT:** whether he was actually going to
2 commit the offense. Is that where you're going with
3 it?

4 **MR. LIZANICH:** No, Your Honor. Where I'm going
5 with this is, uh, United States -- or *Elonis v*
6 United States quoted in the jury instruction per
7 822. Even though the words true threat are not in
8 the standard instruction, the Supreme Court
9 telegraphed for us that they would have to prove
10 true threat. Along with true threat jurisprudence
11 all across the rest of the country, a true threat is
12 required to be proved, not merely words that
13 somebody thinks are a threat, that the intention
14 behind the statement is inherently part of whether
15 or not a thing is as a matter of fact a threat.
16 Somebody has to (unintelligible).

17 **MS. HARTMAN:** The jury instruction specifically
18 says I don't have to prove that he intended to
19 commit the offense.

20 **THE COURT:** Sustained, sustained. This is --
21 this borders on, uh, number four in the motion to
22 suppress -- the motion in limine as well. This is
23 sustained. You cannot ask that question. Do you
24 understand?

25 **MR. LIZANICH:** Yes, sir.

1 **THE COURT:** Thank you.

2 (End sidebar.)

3 **MR. LIZANICH:** No further questions at this
4 time.

5 **THE COURT:** May the witness be released?

6 **MS. HARTMAN:** No objection from the state.

7 **MR. LIZANICH:** The defense would like to, uh,
8 recall her for our --

9 **THE COURT:** All right, ma'am.

10 **MR. LIZANICH:** -- case later.

11 **THE COURT:** Go ahead and have a seat outside.
12 Remain outside the hearing of the Court. Thank you.
13 You remain under oath. You may not talk about or
14 discuss your testimony with any other persons
15 besides the attorneys. Do you understand?

16 **THE WITNESS:** Yes, sir.

17 **THE COURT:** Thank you.

18 **THE WITNESS:** You're welcome.

19 (Witness excused.)

20 **THE COURT:** State, call your next witness.

21 **MS. HARTMAN:** At this time, the state would
22 call Detective Michael Kelly to the stand.

23 **THE COURT:** Detective Kelly.

24 (Pause.)

25 Detective Kelly, please approach the witness

1 stand. And when you reach the stand, turn and face
2 me and raise your right hand.

3 That'll work.

4 **THE WITNESS:** Oh, sorry.

5 **THE COURT:** Do you swear to tell the truth, the
6 whole truth and nothing but the truth so help you
7 God?

8 **THE WITNESS:** Yes, sir.

9 **THE COURT:** Thank you. Go ahead and have a
10 seat. Pull up to the microphone, speak in a loud
11 clear voice.

12 Proceed when ready, Ms. Hartman.

13 **MS. HARTMAN:** Thank you, Judge.

14 Thereupon,

15 MICHAEL KELLY,

16 a witness, having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. HARTMAN:

19 Q. Good morning.

20 A. Good morning.

21 Q. Can you please state your name for the members
22 of the jury.

23 A. Michael Kelly.

24 Q. Can you spell your last name.

25 A. K-E-L-L-Y.

1 Q. Are you currently employed?

2 A. Yes.

3 Q. By whom?

4 A. The Citrus County Sheriff's Office.

5 Q. What is your role with the Citrus County
6 Sheriff's Office?

7 A. I'm a domestic violence detective.

8 Q. How long have you been a law enforcement
9 officer?

10 A. Six going on seven years.

11 Q. Can you explain some of your duties as a
12 domestic violence detective.

13 A. I can. Uh, essentially I investigate incident
14 partner domestic violence including, but not limited to,
15 uh, aggravated battery cases, stalking cases, uh,
16 domestic battery cases, domestic strangulation cases,
17 aggravated assault cases.

18 Q. Can you explain some of your training and
19 experience you've received to become -- were you a patrol
20 deputy first as well?

21 A. I was.

22 Q. So can you explain some of the training and
23 experience you've received to become a patrol deputy as
24 well as a domestic violence detective.

25 A. Uh, essentially before you become a patrol

1 deputy, you have to complete an academy of 770 hours.

2 Once I was hired by the Citrus County Sheriff's
3 Office, I went through a DART program. I want to say it
4 was between six to eight weeks.

5 Following the six to eight weeks, you're then
6 released to an FTO program. It's a field training
7 officer program where you then have three to four months
8 that you're riding with an experienced deputy who's
9 basically training you through the patrol procedures.

10 Uh, I did that for about two years. I was
11 promoted to become a field training officer, and at the
12 same time, I simultaneously got promoted to be a crime
13 scene technician for our squad.

14 So, uh, being a crime scene tech, I would go
15 out to scenes and process blood, DNA, fingerprints,
16 things like that on burglaries, suicides, things of that
17 nature. And I also being a field training officer, I
18 trained the newer deputies that would come on.

19 I then got hired to become a detective. And,
20 uh, prior to becoming a -- while becoming a detective and
21 prior to it, I took classes, uh, an abundance of domestic
22 violence courses, uh, trauma induced interviews,
23 detective academy, uh, advanced strangulation courses,
24 things of that nature.

25 Q. were you the detective assigned to the case

1 involving this defendant and the domestic victim named
2 Amanda Jimenez?

3 A. Yes.

4 Q. What was your role in this case?

5 A. I was the lead detective. I essentially made
6 contact with the victim, obtained a bench warrant, also
7 worked on drafting the search warrant for Facebook and a
8 Subpoena for Verizon.

9 Q. What is a bench warrant?

10 A. A bench warrant is basically, uh -- what we do
11 is we basically draft up what's called a probable cause
12 affidavit, and we have -- we issue it to the Judge, and
13 the Judge will sign off basically stating that the
14 defendant could be taken into custody for the crimes he
15 committed.

16 Q. In this case, what were the crimes, uh, that
17 you assigned this bench warrant for?

18 A. Written threats to kill and aggravated
19 stalking.

20 Q. Were those ultimately the charges that the
21 defendant was arrested on?

22 A. Say that again. I'm sorry.

23 Q. Was that the charges that the defendant was
24 ultimately arrested on?

25 A. Yes.

1 **MR. LIZANICH:** Objection, lack of personal
2 knowledge unless this detective is the one who
3 arrested.

4 **MS. HARTMAN:** He's the one that issued the
5 bench warrant, Judge, or that applied for the bench
6 warrant.

7 **THE COURT:** Overruled.

8 **MS. HARTMAN:** At this time, I'd like to enter
9 into evidence what has previously been marked
10 State's Exhibit C for identification into evidence
11 as State's Three.

12 **MR. LIZANICH:** Let me see.

13 (Pause.)

14 Same objections as before, Your Honor.

15 **THE COURT:** Okay. Overruled. It will be
16 received as, uh -- Exhibit C for identification will
17 be received as State's Exhibit Three in evidence.

18 (Thereupon, State's Exhibit 3 was received and
19 filed in evidence.)

20 **BY MS. HARTMAN:**

21 Q. When do you generally obtain a bench warrant?

22 A. When we can't locate the defendant in our
23 cases.

24 Q. In this case, could you locate the defendant?

25 A. I could not.

1 Q. Are you aware of what date the defendant was
2 arrested?

3 MR. LIZANICH: Objection, hearsay.

4 THE COURT: Overruled.

5 THE WITNESS: I believe it was March 8th.

6 BY MS. HARTMAN:

7 Q. What is a first appearance detective?

8 A. First appearance is, uh, usually a hearing that
9 takes place, uh, following the defendant's arrest. Uh,
10 it's in front of the Judge. The Judge usually determines
11 if probable cause is met. And if it is, he usually
12 issues a bond at first appearance.

13 Q. Are there also conditions attached to that,
14 uh -- during that first appearance?

15 A. Yes.

16 Q. Is the defendant present when the Judge is
17 explaining the conditions?

18 A. Yes. I think they do it Visa Zoom now, but at
19 the jail, it's all performed in front of the Judge.

20 Q. With the defendants or whoever was arrested
21 being present over that Zoom link?

22 A. Yes, ma'am.

23 Q. When does first appearance generally occur?

24 A. Usually it's within like 24 hours after the
25 arrest. It just kind of depends on the booking and

1 processing at the jail.

2 MS. HARTMAN: At this time, I'd like to submit
3 to the Court what's been previously marked as
4 State's Exhibit D for identification as a court
5 record.

6 (Pause.)

7 MR. LIZANICH: (Unintelligible).

8 MS. HARTMAN: Entering it into evidence.

9 MR. LIZANICH: In that case, uh, State, I may
10 have an -- I do object, Your Honor. Same objection,
11 authentication, foundation.

12 THE COURT: what is it?

13 MS. HARTMAN: A court record of pretrial
14 release terms and conditions verified.

15 THE COURT: It's a Court order?

16 MS. HARTMAN: Yes.

17 THE COURT: It'll be received. Exhibit Four.

18 (Thereupon, State's Exhibit 4 was received and
19 filed in evidence.)

20 MR. LIZANICH: Sorry. Hearsay and lack of
21 personal knowledge objections.

22 THE COURT: Understood.

23 BY MS. HARTMAN:

24 Q. Detective, can you read out loud the terms of
25 pretrial release that are shown on this page.

1 A. Yes. Do you want me to read all 10 or just
2 the -- the main ones that we --

3 Q. The ones with relevance, no contact with
4 victim.

5 A. Okay.

6 **MR. LIZANICH:** Objection, best evidence rule
7 and again, hearsay confrontation, Your Honor.

8 **THE COURT:** Approach on the best evidence rule.
9 (Begin sidebar.)

10 **THE COURT:** Your argument is the Court order is
11 not the best evidence of the Court order?

12 **MR. LIZANICH:** I'm saying that detective
13 reading the Court order is an opportunity to add
14 inflection, dramatization that is not inherent in
15 the record and shouldn't be permitted. The best
16 evidence of the contents of a writing is the writing
17 itself. It's already been introduced.

18 **THE COURT:** Okay, overruled.

19 (End sidebar.)

20 BY MS. HARTMAN:

21 Q. Detective, can you read those conditions to the
22 members of the jury as it pertains to having no contact
23 with the victim.

24 A. Yes, ma'am.

25 Uh, the defendant shall not harm, harass,

1 threaten by word or act, molest, stalk, sexually assault,
2 strike, sexually batter or commit battery upon the victim
3 in the case, commit any criminal offense resulting in
4 physical injury, uh, to the alleged victim or any of the
5 alleged --

6 Q. Detective, you're speaking very fast and I
7 speak fast. I'm just going to slow you down for a
8 second.

9 A. I'm so sorry. I will slow down.

10 So I'll read -- I'll reread it.

11 The defendant shall not harm, harass, threaten
12 by word or act, molest, stalk, sexually assault, strike,
13 sexually batter or commit battery upon the alleged victim
14 in this case or commit any other criminal offense
15 resulting in physical injury, uh, to the alleged victim
16 or any of the alleged victim's household members who are
17 residing within the same dwelling unit with the alleged
18 victim.

19 Uh, the defendant shall not go to the alleged
20 victim's residence, school, employment or any other place
21 that the -- that alleged victim frequents on a regular
22 basis. Uh, the defendant shall not follow, shadow or
23 station him or herself in position to observe, uh, the
24 alleged victim.

25 The defendant shall not harass anyone

1 connected, uh, with the alleged victim's residence or
2 employment nor telephone the alleged victim's place of
3 residence or employment directly, indirectly or through
4 third party.

5 The defendant shall not write the alleged
6 victim or have third party write the alleged victim
7 except through an attorney. And I think the final most
8 relevant one would be the defendant shall have no contact
9 whatsoever with the alleged victim except as specifically
10 allowed herein.

11 **MR. LIZANICH:** Your Honor, may we approach?

12 **THE COURT:** You may.

13 (Begin sidebar.)

14 **MR. LIZANICH:** Your Honor, I believe just the
15 thing I was worried about occurred when the
16 detective said the last one the most relevant one.
17 I make a motion to strike his testimony.

18 **THE COURT:** Ms. Hartman?

19 **MS. HARTMAN:** I don't have a problem with that.

20 **THE COURT:** I will strike that portion --

21 **MS. HARTMAN:** With the striking --

22 **THE COURT:** -- of it.

23 **MS. HARTMAN:** -- the fact that it's the most
24 relevant, but not to strike the entirety of reading.

25 **MR. LIZANICH:** (Unintelligible).

1 **THE COURT:** what do you propose?

2 **MR. LIZANICH:** Jury will disregard any
3 statements of opinion by this deputy about the
4 contents of that writing.

5 **MS. HARTMAN:** well --

6 **THE COURT:** Statements as to whether certain
7 portions are more relevant than others?

8 **MS. HARTMAN:** Yes.

9 **MR. LIZANICH:** Any opinion is improper.

10 **MS. HARTMAN:** well, you have to instruct them
11 what the opinion was so that they know what to
12 disregard.

13 **MR. LIZANICH:** I don't believe you need to give
14 any attention to it.

15 **MS. HARTMAN:** That's what a curative does.

16 **MR. LIZANICH:** I'm aware of the problems of
17 that situation. I'm just asking for a general
18 (unintelligible).

19 **MS. MANNIS:** well, he's charged with violating
20 a condition of pretrial release by contacting the
21 victim --

22 **THE COURT:** How about ignore any editorial
23 statements related to, uh, one condition versus
24 another condition?

25 **MS. HARTMAN:** That's fine.

1 **MR. LIZANICH:** That's fine.

2 (End sidebar.)

3 **THE COURT:** All right, ladies and gentlemen of
4 the jury, uh, one line from the defendant -- or from
5 the witness's testimony will be stricken from the
6 record. Uh, you are to ignore any statements
7 related to one conditioning being more relevant than
8 any other condition. Uh, other than that, rely on
9 your memory and what is placed in evidence.

10 Is that satisfactory?

11 **MS. HARTMAN:** Yes, sir.

12 **MR. LIZANICH:** Yes, sir.

13 **THE COURT:** Thank you. Go ahead and proceed.

14 BY MS. HARTMAN:

15 Q. What is the last condition just as it states on
16 the paper? The last instruction you just read.

17 **MR. LIZANICH:** Asked and answered, Your Honor.

18 **THE WITNESS:** Uh, defendant shall have no
19 contact --

20 **THE COURT:** Overruled.

21 **THE WITNESS:** -- whatsoever, uh, with the
22 alleged victim except as specifically allowed
23 herein.

24 BY MS. HARTMAN:

25 Q. Is there any, uh, specifications of exceptions

1 on that paper? where it says except for allowed herein
2 is the only exception that -- to the attorney as you
3 stated before?

4 A. Yes, ma'am.

5 Q. Does anywhere, uh, in the Court order show that
6 the defendant knew that these were his conditions?

7 A. Uh, there's his signature or appears to be his
8 signature.

9 Q. Stating his name?

10 A. Yes.

11 **MR. LIZANICH:** Again, lack of personal
12 knowledge, hearsay, confrontation. This witness is
13 not familiar with the defendant's handwriting. Uh,
14 the state shouldn't do that.

15 **THE COURT:** Sustained.

16 **BY MS. HARTMAN:**

17 Q. Is there a name indicating Ian King?

18 A. Yes.

19 Q. When do pretrial release conditions go into
20 effect?

21 A. Once they go to first appearance and the Judge
22 issues them, they're imposed by the Judge.

23 Q. Can inmates make calls or texts from the jail?

24 A. They can.

25 Q. How?

1 A. We have a database that we log into, it's
2 called securus, and it basically tracks the phone calls
3 in regards to, uh, the outgoing and the incoming --
4 outgoing calls that the defendant would make.

5 uh, during these calls, uh, they have a -- the
6 defendants are assigned a unique pin associated to their
7 account. They have to recite their name prior to these
8 calls, and basically we can cross reference the phone
9 calls that the defendant makes either by name or by phone
10 number.

11 Q. In this case, are you aware if the defendant
12 made phone calls after he had first appearance on
13 March 9th, 2022?

14 **MR. LIZANICH:** Objection, hearsay, uh, lack of
15 personal knowledge, confrontation, Your Honor.

16 **THE COURT:** Overruled.

17 **THE WITNESS:** Yes.

18 BY MS. HARTMAN:

19 Q. Did he call a phone number (352)560-1616?

20 A. Yes.

21 Q. Are you aware who that --

22 **MR. LIZANICH:** Same objection Your Honor, uh --

23 **THE COURT:** Go ahead and approach.

24 (Begin sidebar.)

25 **THE COURT:** what's the issue?

1 **MR. LIZANICH:** This witness is not testifying
2 from his personal knowledge. He's testifying to
3 things that have been told to him or the records
4 that have been shown to him. He doesn't have
5 personal knowledge of these matters.

6 **THE COURT:** well, the phone calls have been
7 entered into evidence.

8 **MR. LIZANICH:** But the manner in which they
9 were made, the state is asking if the defendant
10 called her, right? And this witness was not there
11 when those calls were made. He doesn't know. He
12 can't --

13 **THE COURT:** It's overruled.

14 (End sidebar.)

15 **THE COURT:** You may answer the question.

16 BY MS. HARTMAN:

17 Q. Did he call the phone number (352)560-1616?

18 A. Yes.

19 Q. Who does it say that phone number belongs to?

20 A. I'm familiar with that phone number belonging
21 to the victim.

22 Q. Ms. Amanda Jimenez?

23 A. Yes, ma'am.

24 Q. How many calls were made to that phone number
25 from the defendant after March 9th, 2022?

1 **MR. LIZANICH:** Same objection, Your Honor.

2 **THE COURT:** Overruled.

3 **THE WITNESS:** I believe two.

4 **BY MS. HARTMAN:**

5 Q. Did the defendant also call the phone number
6 (352)212-3289?

7 A. Yes.

8 Q. And he called that number after March 9th,
9 2022?

10 A. Yes, ma'am.

11 Q. Who does it say that that number belongs to?

12 A. I'm actually not familiar with that number.

13 Q. Okay.

14 Did you see the name of the number next to who
15 it belongs to?

16 A. I did not.

17 Q. Okay.

18 How many times did the defendant call that
19 phone number?

20 A. A hundred and 32 times.

21 Q. Is no contact with victims a general release
22 condition ordered on victim cases?

23 A. It is.

24 Q. Why?

25 A. Basically to, uh -- so that the victim's not

1 harassed or coerced and the changing statements and also
2 to protect the victim from being subjected to further
3 violence.

4 Q. In this case that, uh, you obtained a bench
5 warrant for, how and where were the written threats to
6 kill made?

7 A. On Facebook.

8 MR. LIZANICH: Objection, lack of personal
9 knowledge, Your Honor.

10 THE WITNESS: Facebook Messenger.

11 THE COURT: Overruled.

12 BY MS. HARTMAN:

13 Q. Did you obtain a search warrant?

14 A. I did.

15 Q. For what?

16 A. Uh, the defendant's Facebook account.

17 MS. HARTMAN: At this time, Your Honor, I'd
18 like to move what's been previously marked as
19 State's Exhibit E into identification
20 (unintelligible) rely on business records
21 (unintelligible) certification of authenticity of
22 (unintelligible).

23 THE COURT: You're attempting to move that into
24 evidence? You said move it into identification.

25 MS. HARTMAN: To move into evidence what's been

1 previously marked as State's Exhibit E for --

2 BY MS. HARTMAN:

3 Q. Detective, is this, uh, the business record and
4 the Facebook records that you received from Facebook?

5 A. Yes, ma'am.

6 MS. HARTMAN: And at this time, the state would
7 like to move what's previously been marked as
8 State's E for identification into evidence.

9 THE COURT: Any objection?

10 MR. LIZANICH: Yes, sir, I have six objections.

11 THE COURT: It'll be overruled, it'll be
12 received.

13 What are we on, Madam Clerk? Is it --

14 THE DEPUTY CLERK: Five.

15 THE COURT: -- five? State's Exhibit Five.

16 (Thereupon, State's Exhibit 5 was received and
17 filed in evidence.)

18 MR. LIZANICH: May I just for the record,
19 Your Honor?

20 THE COURT: You may.

21 MR. LIZANICH: The objections are lack of
22 authentication, foundation, uh, elements, hearsay,
23 confrontation.

24 THE COURT: Understood.

25 Overruled.

1 BY MS. HARTMAN:

2 Q. Detective, how does a Facebook search warrant
3 result work?

4 A. Essentially once I have the search warrant
5 signed by the Judge, through Facebook, we elect -- we
6 entered them electronically. They have a portal. And,
7 uh, we submit these electronically. I get a tracking
8 number back from Facebook just saying that they've
9 received it and they're going to process it in a timely
10 manner.

11 I then receive a, uh, follow-up email once it's
12 been completed. And then that's how, uh -- they
13 basically put it in a zip file, a zip folder, and all the
14 content that I have requested in the search warrant is in
15 that zip file. I can then review it and also submit it
16 into evidence for the case.

17 Q. Is there any indication of whose Facebook this
18 was when you obtained the search warrant result?

19 A. Yes.

20 MR. LIZANICH: Same objections, Your Honor.

21 THE COURT: Overruled.

22 BY MS. HARTMAN:

23 Q. How do you know?

24 A. Uh, the defendant's name, address, credit card
25 number and phone number was all linked to the Facebook

1 account.

2 MR. LIZANICH: Same objections, Your Honor.

3 THE COURT: Overruled.

4 BY MS. HARTMAN:

5 Q. Did the Facebook search warrant results show
6 that there was any messages made to the victim
7 Amanda Jimenez made from the dates of February
8 26th through February 28th, 2022?

9 A. Yes.

10 MS. HARTMAN: At this time, Your Honor,
11 permission for the witness to step down and assist
12 in publishing the Facebook --

13 THE COURT: Granted.

14 You may step down, sir.

15 (Pause.)

16 (Unintelligible.)

17 MS. HARTMAN: Technology is not my friend.

18 THE COURT: Did you turn it off? I think you
19 turned it off.

20 MS. HARTMAN: No, it's the -- it doesn't -- the
21 cable isn't connected, but it is connected. We
22 might have to call.

23 THE COURT: IT?

24 Can you call Hunter, please.

25 THE DEPUTY CLERK: Yes, Your Honor.

1 **MS. HARTMAN:** I know it's connected because I
2 tried it earlier.

3 (Pause.)

4 **THE DEPUTY CLERK:** (Unintelligible).

5 **THE BAILIFF:** Hey, Tara, if you want me to hit
6 something.

7 **MS. HARTMAN:** If you could try to hit the
8 attorneys' (unintelligible). Okay, I think it just
9 connected.

10 (Pause.)

11 **THE BAILIFF:** There's a -- is this a preview?

12 **MS. HARTMAN:** Yes. If you can hit that,
13 please.

14 **THE COURT:** I think you can cancel.

15 (Pause.)

16 **THE DEPUTY CLERK:** She got it, Hunter. Thank
17 you.

18 **MS. HARTMAN:** Thank you.

19 **HUNTER:** You got it.

20 **BY MS. HARTMAN:**

21 Q. Detective, just so the members of the jury in
22 case they can't see, I'm going to ask you if this is a
23 conversation between Ms. Jimenez and Ian King on
24 February 26th, 2022 starting with at, uh, 1529 UTC time.

25 Can you read to the members of the jury what

1 Ms. Jimenez, uh, stated to Mr. King, her comments.

2 A. Yes. Uh, listen, I have been real nice to you
3 since I found out everything.

4 MR. LIZANICH: Your Honor, I need to make the
5 same best evidence rule objection as well.

6 THE COURT: Understood.

7 Overruled.

8 You can proceed.

9 THE WITNESS: Please come, get the rest of your
10 stuff, or I will drop it off on someone's doorstep
11 with your dog. I need the shot in the yard to go
12 too, please.

13 BY MS. HARTMAN:

14 Q. And then there's two, uh, things happening
15 there. What's happening after that?

16 A. It appears, uh, Ms. Jimenez had tried to call
17 twice.

18 Q. And then at 1902, uh, who writes something?

19 A. Mr. King.

20 Q. What does he write?

21 A. Hello.

22 Q. Can you continue to read, uh, and state who
23 is -- is saying what.

24 A. It's written, uh -- Ian King continues to
25 write, uh, at 1902 hours on the 26th, uh, WTF. Proceeds

1 to write on the same date at 1902 hours I'm going to lose
2 it.

3 Ms. Jimenez then calls again. And then
4 Ms. Jimenez responds at the same date at 1902 hours:
5 Leave me alone you lying piece of shit.

6 Pardon my language.

7 Q. And does she say something else?

8 A. Uh, she does. She again responds at 1904
9 hours: Get your stuff and bring it to wherever. I don't
10 IDC.

11 Q. Which -- do you understand what IDC means?

12 A. I don't care.

13 MR. LIZANICH: Objection, Your Honor. I don't
14 believe -- again, best evidence rule.

15 THE COURT: As to what IDC means?

16 MR. LIZANICH: Yes, sir.

17 THE COURT: Overruled.

18 BY MS. HARTMAN:

19 Q. Please continue reading.

20 A. The landlord is blowing my phone up about your
21 shit, so please come get it.

22 Q. Does Mr. King respond to that? Oh, I'm sorry.

23 A. It appears he did. Uh, he says at 1904 hours
24 on the same date: That, uh, WTF, what the fuck. I'm
25 going to lose it.

1 Q. Followed by what does Ms. Jimenez say?

2 A. I don't care, IDC.

3 Q. Does Mr. King respond?

4 A. He does. He says: Dude, I'm not in a fucking
5 mood, dude. I just stomped through a fucking
6 appointment.

7 Q. Does he say something else?

8 A. He responds again same day at 1905 hours: I
9 can't fucking stand you doing.

10 Q. And Ms. Jimenez?

11 A. She responds at 1906 saying: IDC. I don't
12 care if you can stand me. You lost a good woman. You
13 really are stupid. You played me FIR. The last time I
14 promise you.

15 Q. Does Mr. King do something in response to that?

16 A. He attempts to call, uh, Ms. Jimenez.

17 Q. Does he say anything?

18 A. He then following the call, he says: WTF, what
19 the fuck. Responds to that twice at 1908 and 1910.

20 He then writes: Damn, I hate you at 1910
21 followed by, uh, WTF at 1910.

22 Q. Does Ms. Jimenez do something after that?

23 A. She -- appears that she calls him at 1913, and
24 then she responds at 1914 saying: The feeling is mutual,
25 sweetheart.

1 She then responds at 1915 saying: You are fuck
2 on dead to me. What you did to me and Amanda is so
3 beyond fucked up.

4 Q. Does Mr. King say something?

5 A. Uh, Mr. King at 1915 says: I'm going to
6 fuckin' snap. It appears that there was a sticker.

7 Q. Does the defendant say something else?

8 A. Uh, he does. At 1916, same date, says: WTF
9 ever fuck you.

10 Q. Did Ms. Jimenez respond?

11 A. Uh, laugh out loud, LOL. No thank you.

12 Q. And the defendant's response?

13 A. Uh, at 1924 it says: For what? I'm in a bad
14 situation, and you're playing games.

15 Ms. Jimenez goes on to respond at 19:26, uh:
16 (Unintelligible) with stars. No games here. I'm not
17 playing your games anymore. I do not care that you are
18 in a bad situation. You got yourself into a bad
19 situation. Get a F with some stars and pay your bills.

20 Q. I think you skipped a word in like get a.

21 A. Get a job. Sorry.

22 Q. That's okay.

23 And what is the defendant's response to
24 Ms. Jimenez's statement there?

25 A. At 1926, uh: Are you serious? Uh, bitch, I've

1 been helping your ass for the past fucking week. Uh,
2 you've been -- responds at 1926 also saying: Now that
3 you get something, I'm just fucked. Fuck you.

4 Q. Does Ms. Jimenez do something?

5 A. It appears she sends an audio clip.

6 Q. What does it say in response to the audio clip?

7 A. Are you fucking serious?

8 And then, uh, Ms. Jimenez responds: Are you
9 question mark at 1936.

10 Uh, Mr. King goes on to respond at 1937: No,
11 I'm about to end all this shit.

12 Q. What does Ms. Jimenez say to that?

13 A. At 1940: End it by getting your shit out of my
14 house.

15 Mr. King responds at 1941: Fuck you, bitch.
16 Bye. Hope was worth it. Now two men have died fucking
17 with you.

18 Q. Ms. Jimenez's response?

19 A. 1941: Yeah, blame it on me. Uh, you. And
20 then proceeds to say bye.

21 Q. Sorry.

22 And then does she also say something else at
23 1943?

24 A. Can you just scroll up just a tad. I just want
25 to make sure it was her that -- yes. So she was the --

1 she responds again at 1943: No, I won't. You did this.
2 You played two beautiful loving women and you got caught.

3 Q. what is the defendant's response?

4 A. At 19:44: No, I didn't. She needs to say stop
5 lying.

6 Q. what is Ms. Jimenez's response?

7 A. No one feels bad for you anymore.

8 Q. And the defendant's response?

9 A. All you do is lie and manipulate.

10 Ms. Jimenez responds at 1944: The truth is
11 (unintelligible) why you keep lying. Okay, you, uh --

12 Ian King responds at 1944: You are the liar.

13 Ms. Jimenez responds at 1945: Uh, no, I'm not.
14 I have the proof period.

15 Mr. King responds at 1945: Bitch, I have left
16 you because of how you treat me.

17 Mr. King sends a sticker.

18 Ms. Jimenez responds: Bitch, please.

19 Mr. King responds: I don't want you or her.

20 Q. what does Ms. Jimenez send here?

21 A. It's a audio clip.

22 Q. And the defendant's response?

23 A. Stupid ass bitch.

24 Q. And at 1945:51 UTC, what does the defendant
25 say?

1 A. Uh, I'll see you soon.

2 Q. What is Ms. Jimenez's response?

3 A. No, you won't.

4 Q. And the defendant's response to no, you won't?

5 A. See I will.

6 Q. And then what is -- what character did this
7 defendant send at 1948:56?

8 A. A skull emoji with the bones crossed.

9 Q. What does Ms. Jimenez say?

10 A. Just let it go. You lost a good woman. Now
11 leave me alone.

12 Mr. King responds: I'm on my way at 1949.

13 Ms. Jimenez responds: I'm not there, so --
14 then there's a voice clip.

15 Q. And the defendant's response?

16 A. And you get this dumb ass hoe disrespecting.
17 Listen, Amanda, you're going to get fucked up.

18 Ms. Jimenez responds at 1952, uh: WTF, what
19 are you talking about?

20 Q. And the defendant?

21 A. Mr. King at 1952 responds: Amanda, I'm not
22 playing these fucking child ass games with you no more,
23 dude.

24 Ms. Jimenez responds: I'm not scared of you.
25 Stop with the threats cause you got caught.

1 Q. Sorry, I scrolled too much.

2 And Ms. Jimenez responds again?

3 A. Fear no one, Ian, but God. I said nothing that
4 she didn't know already, so.

5 And then Mr. King responds: It's all good,
6 bitch. I'll come to wherever the fuck you are at, fuck
7 their shit up, fuck your shit up, bitch. I got you.

8 Q. And then the defendant again responds at
9 1958:30 UTC. What does he say?

10 A. You bite off more than you can chew, Amanda.

11 Q. What does Ms. Jimenez say to that?

12 A. Just leave, Ian. That is all I ask. Uh, you
13 did me and Amanda so wrong, you got caught. Excuse me.
14 Just deal with it and leave.

15 Q. And the defendant's response?

16 A. Fuck you and the dumb ass lying ass bitch.

17 Q. And then this defendant's response at 1959:38?

18 A. You are a fucking lying ass fucking bitch,
19 dude. I got you, I promise.

20 And then Ms. Jimenez responds back with a
21 sticker.

22 (Pause.)

23 Mr. King responds at 2000 hours: See you soon.

24 Uh, you got this dumb ass bitch disrespecting
25 me at 2026.

1 Q. And that's from the defendant as well?

2 A. Yes.

3 Q. And what --

4 A. And he proceeds to say: I'm a fuck you up,
5 Amanda.

6 Q. What time is that?

7 A. Nineteen -- sorry, 2027.

8 Q. Then does he continue on?

9 A. He does. At 2027 also he says: You better
10 tell that pussy hoe we serious.

11 And then 2028 he responds with R.

12 At 2033 he responds: Stop lying to that girl.
13 You done fuckin' ruined a 20-year long relationship over
14 some lies and -- sorry.

15 Ms. Jimenez responds at 2038: You were
16 cheating on me and her, both women, uh, who, uh, would --
17 I'm sorry. Both women who would die for you. There was
18 no lies told, all facts, and the proof is there. You
19 have a problem and a serious one at that. You are going
20 to end up getting AIDS because of your sex addiction.

21 (Pause.)

22 Ms. -- I believe that was Ms. Jimenez, right?

23 Q. Yes, still popping.

24 A. Okay.

25 At 2039: I want no part of anything you got

1 going on period. I just want you to leave so I can move
2 on with my life that you will no longer be a part of.

3 Q. What does the defendant say?

4 A. Uh, no, the fuck I wasn't at 2041.

5 And then he proceeds to say: You're a dumb ass
6 bitch, Amanda. You really are a dumb ass mother fucker
7 dude at 2042.

8 Ms. Jimenez looks like she responds with a
9 voice message.

10 Q. And you had just testified that the defendant
11 at 1945 said I'll see you soon. Uh, on this page --

12 (Pause.)

13 On this page, who is the defendant talking to?

14 **MR. LIZANICH:** Objection, lack of personal
15 knowledge, hearsay, confrontation, foundation.

16 **THE COURT:** Approach.

17 (Begin sidebar.)

18 **THE COURT:** I can't see that.

19 **MS. HARTMAN:** It's the defendant's having other
20 conversations with other people at the same time
21 that he was sending these messages to Ms. Jimenez.
22 It would go with the defendant's statements. It's
23 already in evidence under the business records
24 certification from Facebook.

25 **MR. LIZANICH:** None of these things are within

1 this witness's personal knowledge and --

2 **THE COURT:** what do you believe he's going to
3 answer?

4 **MS. HARTMAN:** He's going to read the
5 conversation that the defendant made with this
6 person on his Facebook account.

7 **THE COURT:** Now, you asked him, though, who --
8 who this person is, right?

9 **MS. HARTMAN:** Just the name of the person
10 listed.

11 **THE COURT:** And is he able to answer that
12 question?

13 **MS. HARTMAN:** It says it on the screen in the
14 business records certification.

15 **MR. LIZANICH:** It's the best evidence rule.

16 **THE COURT:** Okay.

17 **MS. MANNIS:** The best --

18 **THE COURT:** It's -- that is the --

19 **MS. HARTMAN:** Evidence, yes.

20 **THE COURT:** Okay, overruled.

21 **MS. MANNIS:** And, Judge, you should be able to
22 see it on your screen. There's a button that
23 toggled.

24 **THE COURT:** That what?

25 **MS. MANNIS:** Like it should -- there's

1 something on -- well, you can see what's -- it
2 should duplicate to your screen.

3 **THE COURT:** Oh, that's nice to know.

4 **MS. MANNIS:** I was trying to make eye contact.

5 **THE COURT:** Capture tool? No.

6 Christina, can you call Hunter back. Just have
7 him come up on the beach.

8 **MS. MANNIS:** Yeah, because you should be able
9 to see everything.

10 **THE COURT:** I can -- I can read it when I stand
11 up and look at it. I couldn't see that.

12 (Pause.)

13 (Unintelligible conversation.)

14 **THE DEPUTY CLERK:** He'll be right here,
15 Your Honor.

16 **THE COURT:** Thank you.

17 **THE DEPUTY CLERK:** You're welcome.

18 (Unintelligible conversation.)

19 (Pause.)

20 **THE COURT:** None of this looks
21 remotely relevant. I don't see any tabs on here
22 that look relevant at all. I may not have it on my
23 profile. I might find something (unintelligible).

24 (Pause.)

25 All right. In the meantime, go ahead and

1 proceed.

2 **MS. HARTMAN:** Okay.

3 (End sidebar.)

4 **MR. LIZANICH:** Relevance just in case I didn't
5 say that, Your Honor.

6 **THE COURT:** Overruled.

7 You can go ahead.

8 **MS. HARTMAN:** Thank you.

9 BY MS. HARTMAN:

10 Q. Uh, who is -- who's Ian having a conversation
11 with, uh, on this page?

12 A. It appears to be Kyle Kip.

13 (Judge and IT speaking in conjunction with
14 attorney and witness speaking.)

15 Q. And if you can read for context, what does
16 Mr. Kip say at 1424 on February 26th, 2022?

17 A. Hey, man, I'm loaded up and about to head your
18 way.

19 Responds -- Mr. Kip responds again at 1535:
20 Hey, man, I'm here. Sorry I'm a little early.

21 Mr. King responds at 1859: I'm sorry, Bud.

22 At 1859 Andrew responds: I got stuck in an
23 emergency.

24 Again at 1859: I'm super sorry, Bud.

25 Uh, Mr. King continues at 1900: I'm leaving

1 the hospital now.

2 At 1912, he says: I'm sorry. I'm leaving the
3 hospital now.

4 At 1950: It appears a sticker.

5 1927: A sticker.

6 1928: I'm extremely sorry, Bud. My friend ran
7 off last night, relapsed and OD'd right in front of me.
8 Uh --

9 (Pause.)

10 At 1939, he says: Call me. Appears to list
11 his phone number.

12 Uh, Mr. Kip responds at 2049: It's all good,
13 man. I'm sorry about your friend. I saw the boat, and I
14 think I'm going to just keep my four-wheeler.

15 (Pause.)

16 Q. On this page, who is the defendant speaking to?

17 A. Uh, Beto Strangula [phonetic].

18 Q. What time, uh, does someone say something?

19 A. At 1942 Mr. King sends a photo.

20 Q. Now, in your training and experience, do you
21 know what that photo is?

22 A. It appears to be a VIN number to a vehicle.

23 Q. What is a VIN number?

24 A. Uh, it's an identification number to, uh,
25 distinctly determine what type of vehicle it is.

1 (Pause.)

2 Q. On this page, uh, who is the defendant
3 attempting to make contact with?

4 MR. LIZANICH: Same objections, Your Honor.

5 THE COURT: Overruled.

6 THE WITNESS: It appears he's conversating with
7 a Marissa Alemany [phonetic].

8 BY MS. HARTMAN:

9 Q. And if you can read starting from on
10 2/26/2022 at 1938, what happens?

11 A. It appears he, uh, missed a call from Marissa.

12 Q. What happens after that?

13 A. Uh, Mr. King then calls, uh, Marissa at 1939.

14 Mr. King then responds at 1940: I'm trying to
15 call you back.

16 Ms. Alemany responds, uh, with her phone
17 number.

18 You need me to repeat it or --

19 Q. No.

20 A. Okay.

21 Mr. King at 2050 hours responds: I'm here.

22 And Mr. King responds at 2050 hours with a, uh,
23 GIF.

24 Q. And all of those things have a time stamp
25 consistent with times that he was sending

1 Ms. Amanda Jimenez messages?

2 A. Appears so, yes.

3 Q. Now, I want to go through and have you read for
4 the members of the jury the conversations that started on
5 February 27th of 2022. And who does this conversation
6 appear to be between?

7 A. With Ms. Jimenez.

8 Q. Who writes the first thing on 2/27/2022?

9 **MR. LIZANICH:** Same objections, Your Honor.

10 **THE COURT:** Overruled.

11 **THE WITNESS:** Uh, Mr. King responds on 2/27,
12 1618 hours: Really?

13 Ms. Jimenez responds at 1618: Leave me alone.

14 Mr. King responds at 1620: No.

15 Mr. King -- I'm sorry.

16 Q. That's okay.

17 A. Mr. King responds at 1620: Fuck you.

18 Ms. Jimenez responds at 1622: No, fuck you,
19 I'm happy who I'm with.

20 Uh, Mr. King responds with what at 1636, and
21 proceeds to say: Who, bitch? I'll kill you and him.
22 I'm on my way, bitch.

23 1636 hours proceeds to say: How, hoe? I'm a
24 kill you. How? You and that bitch will pay, I promise.

25 See you later at 1641.

1 Q. What does Ms. Jimenez -- whoops -- say in
2 response to Mr. King threatening her?

3 A. At 1641 Ms. Jimenez -- Ms. Jimenez responds:
4 I'm saving all of this just in case.

5 Uh, Mr. King responds at 1642: Uh, IDK. I
6 don't know, bitch. I'll call them myself as I said of
7 you -- said of your dead fucking body.

8 Uh, Mr. King responds at 1643: See you later.
9 I'm serious. You fucked up. Uh, it appears that he
10 tried to video chat --

11 Q. How many times does he try to video chat and
12 who does he try to video chat?

13 A. Three chat with Ms. Jimenez. Three times,
14 sorry.

15 Q. And who tries to call who?

16 A. Uh, Mr. King attempts to call, uh, Ms. Jimenez.

17 Q. And at 1546 on 2/27/22, who's this one?

18 A. He says: Bitch LOL.

19 Mr. King responds at 1646: WYD, what you
20 doing?

21 Uh, Mr. King at 1649: We going to jail today.

22 Uh, Mr. King responds at 1649: WYA, where you
23 at?

24 Uh, Mr. King at 1649 says: I promise.

25 Uh, Mr. King proceeds to respond at 1649: I

1 got you, bitch. I swear I'm go -- I'm shoot you in the
2 face.

3 Ms. Jimenez at 1650, uh, attempts to call
4 Mr. King with a video chat.

5 Q. What does the defendant say at 1651 on that
6 same date?

7 A. Fuck you. I'm coming. I really loved you.
8 You were the pistol to my holster. Now you're just
9 another bitch on the list, a dead bitch at that. I'm
10 trying to go by the house. I hope you're not there. I'm
11 not trying to kill you today. I really loved you.

12 Uh, at 1656: I make you pay for this. Now I
13 just want to die. Uh, I really want to spend the rest of
14 my life with you. I still can't see my life without you.
15 And all you doing is causing these fucking problems. I
16 really loved you. I'm sorry. I never meant to hurt you.

17 At 1702: You know that I love you with
18 everything in me.

19 Q. And there is a multitude of messages. Has
20 Ms. Jimenez really said anything?

21 A. No, ma'am.

22 I'm assuming that if you could just scroll up
23 again --

24 Q. Yes, sir.

25 A. -- I'd see all of that.

1 Uh, Mr. King responds at 1706 again: Uh, I
2 feel like I'm losing my life. It was nice knowing you.
3 I hope you remember when -- remember me when I'm gone.

4 At 1716, uh: WTF is your deal? Tell that
5 bitch leave me alone.

6 1716: You're a nasty ass bitch.

7 1722: why are you doing this to me?

8 Uh, Ms. Jimenez then responds at 1731 saying:
9 You did this to yourself. I told you if you didn't stop,
10 I would find happiness elsewhere.

11 Mr. King at 1742 responds: So that's what's
12 up? Uh, proceeds to say with who? I'm going to kill you
13 for this, I promise. I'm on my way. Where you at? On
14 my way. You really fucked up. Where you at? I'm
15 going to -- I'm going to the house.

16 Q. What does he say at 1747 on the same day?

17 A. Go burn that. Burn that bitch down.

18 Q. And after that?

19 A. You're really making a big mistake. Uh, WYA?
20 I'm almost there.

21 Q. Do you know what WYA means?

22 A. Where you at?

23 Q. And then at 1754?

24 A. I'm almost there. I got fired too. What's up
25 now, bitch? Played pussy. Get fucked. I'm pulling up

1 now. where you at? Ah, bitch, where you at? I'm a fuck
2 you up.

3 Ms. Jimenez then tries to video chat at 1758.

4 And then Ms. Jimenez appears to call.

5 Q. What does Mr. King say at 1758?

6 A. Call, bitch.

7 Uh, Ms. Jimenez says: I am now.

8 Uh, Mr. King responds at 1800: Good. You can
9 go too.

10 Proceeds to say: I promise you will pay.

11 Mr. King calls Amanda twice and then video
12 chats, and then calls again two, three. I'll be honest,
13 I kind of lost count there, but he calls multiple times.

14 Q. So on this page he calls --

15 A. It looks like four times from right there,
16 yeah.

17 Q. Okay.

18 A. And, uh, Mr. King responds at 1809: why?

19 Responds back with: why?

20 why?

21 why?

22 Q. At 1810?

23 A. Uh, he attempted to call Ms. Jimenez again. At
24 1810, he says: I'm going to end up doing something
25 stupid, but you loved me. You had a fucking right.

1 well, when I'm dead, maybe you'll feel better like you
2 did with Jason. I'm really hurting.

3 1823: I'm living in the street, about to lose
4 everything I worked so hard for. I hope you are fucking
5 happy now.

6 Uh, Mr. King responds at 1829: Did you call
7 the police question mark?

8 I told you I wanted only you. Wow.

9 At 1833, he says, uh: You did. That's fucked
10 up. I can't believe this. I'm here. Please stop. I
11 loved you with everything in me. Please stop. Why are
12 you doing this shit to me? Can't you see I'm fucking
13 hurting? Why the fuck are you doing this?

14 Uh, Mr. King at 1839 says: You know I would
15 never fucking hurt you. I just fucking pissed off, dude.

16 Uh, Mr. King at 1840: Good job, Amanda. If I
17 can fucking pull it over, I'm not going to stop. I'll
18 make a fucking kill me, dude.

19 Mr. King: I'll make them kill me.

20 He responds: Please stop this at 1846.

21 I beg you, please. I don't want too die yet.
22 Please.

23 Uh, he calls Amanda.

24 Q. What time is that?

25 A. At 1902.

1 Calls Amanda again at the same time.

2 Uh, he calls Amanda again at 1903.

3 Q. And on what day is this occurring?

4 A. Uh, February, uh, 27th, 2022.

5 Q. What does he say on that same day at 19 --
6 1903?

7 A. I loved you with everything in me.

8 Q. Followed by?

9 A. This is how you repay me. I really can't
10 believe you're doing this shit to me in front of other
11 people, dude. This is outrageous, dude.

12 Q. At 1904 what does he say?

13 A. You are starting a war you can't finish.

14 Uh, he responds: Just know if anything happens
15 to me, you are going to have a lot of pissed off fucking
16 people.

17 At 1907, uh, Mr. King responds: I'm trying --
18 or proceeds: I'm trying to get my life together and live
19 a good life, and all you keep doing is causing the
20 fucking problem, dude.

21 Mr. King continues at 1907: why the fuck are
22 you doing this to me? I would never do this to you. I
23 never treated you like that. You are fucking such a
24 liar. You promised never call the police on me and
25 again, you promised to never do this to me again.

1 You obviously won't be happy until I'm dead
2 like Jason. Is that what you're going to, Amanda? Keep
3 on pushing, you'll get what you want, I promise. I bet
4 Jason told you before he killed himself too that he was
5 going to do it.

6 At 1910, Mr. King proceeds: And I'm telling
7 you now keep on fucking playing, Amanda. I'm going to
8 fucking end up dead. Uh, please stop this where you say
9 nothing question mark while I'm so hurting -- I'm sorry.
10 while I'm so hurt right now.

11 2359: Please stop this.

12 Uh, Mr. King calls Amanda at, uh, 001 hours and
13 proceeds to video chat her at the same time.

14 Q. And what date did that turn out to be?

15 A. I'm sorry. February 28th, 2022.

16 Q. That's okay. And I note you've been reading a
17 lot. There's a water there if you need a drink of water.

18 A. Yeah, I'll take a little sip, if you don't
19 mind.

20 (Pause.)

21 Thank you.

22 **THE COURT:** Counsel, approach.

23 **MS. HARTMAN:** Yes, Judge.

24 (Begin sidebar.)

25 **THE COURT:** The jury's getting a little

1 restless. How much more do you have with
2 Detective Kelly because I guarantee -- I would
3 assume.

4 **MS. HARTMAN:** If you want to give them like
5 maybe a 10-minute --

6 **THE COURT:** That's what I was thinking.

7 **MS. HARTMAN:** -- restroom and water break,
8 that's fine.

9 **THE COURT:** Sound good? All right, that's what
10 we'll do.

11 (End sidebar.)

12 **THE COURT:** All right, ladies and gentlemen of
13 the jury, we've been sitting for -- seated for about
14 the last hour and a half. I think it's a good time
15 to take a quick break, use the facilities, move
16 around and stretch a little bit.

17 Leave your notes in front of you there. Do not
18 take them out of the courtroom. Go ahead and turn
19 your pads over if you would. And go ahead and enjoy
20 a 10-minute break.

21 we'll be back at 11:45 -- or excuse me, 10:45.

22 (Jury exits courtroom at 10:36 a.m.)

23 **THE COURT:** Go ahead and be seated.

24 **THE BAILIFF:** Court is in recess until 10:45.

25 (Court in recess at 10:36 a.m.)

1 (Court reconvenes at 10:47 a.m.)

2 **THE COURT:** Bring them in.

3 **THE BAILIFF:** All rise for the jury.

4 (Jury enters courtroom.)

5 **THE COURT:** Folks, as you've noticed, I've
6 mastered the lighting system while you're gone. It
7 is not mood lighting. Please stay awake. But it
8 should allow you to see the screen a little better,
9 though.

10 Go ahead and have a seat, everyone.

11 **MS. HARTMAN:** Permission to proceed,
12 Your Honor?

13 **THE COURT:** Go ahead.

14 **MS. HARTMAN:** Thank you.

15 BY MS. HARTMAN:

16 Q. Detective, you just testified about the
17 messages sent from this defendant to the victim between
18 the hours of 1636 through 1905 on February 27th, 2022.

19 On 2/27, uh, who is defendant again
20 communicating with?

21 A. Just to start off --

22 **MR. LIZANICH:** Back in style, Your Honor,
23 objection to lack of personal knowledge, hearsay.

24 **THE COURT:** Understood. Expected it.
25 Overruled.

1 **THE WITNESS:** Yeah, so initially on the top, it
2 starts on 2/26 at 2051. You want me to just skip to
3 the 2/27 portion?

4 BY MS. HARTMAN:

5 Q. Yes.

6 A. The conversation with the same individual?

7 Q. Yes, you can skip to what date and time it is
8 on that 2/27.

9 A. Yes, ma'am.

10 Uh, Mr. King appears to be conversating with
11 Kyle Kip on 2/27/22 at 1657 hours. Mr. King, uh,
12 proceeds to say: If you change your mind and decide you
13 want to trade, I can meet you there so I can show you
14 that's the boat's worth it.

15 Uh, Mr. Kip responds at 1659 hours same day:
16 No, man. I thought the boat was in way better shape than
17 it was. The pictures you sent me must have been real old
18 or something. It had a couch seat or something in it,
19 and all the other seats and the top were all ripped up.
20 I think I'm just going to keep my four-wheeler.

21 Mr. King responds at 1700 hours same day: Uh,
22 the seat that was in there was just something I was put
23 in there because I didn't want to throw it out on the
24 ground. I have the seat that goes in there.

25 Uh, Mr. King proceeds to say, 1700: That couch

1 seat just needs to be thrown out.

2 1701: It was fun because it floated. Uh, we
3 had it on the river. It's actually empty space in there
4 so you can walk around and fish.

5 Uh, Mr. Kip responds at 1702: I don't know,
6 man. I don't mean any disrespect, but -- but I'd be in
7 for about \$500 cash, but I can't trade my bike for it. I
8 got about three K in that bike.

9 Q. What does the defendant say on that same day
10 2/27/22 at 1705?

11 A. I totally understand, Bud. If I didn't think
12 it was a good deal, I wouldn't want to trade it --
13 trade -- I'm sorry, want to trade you. Trust me, the
14 boat is in great condition. The motor has been
15 completely rebuilt. Just the risers on it are 12 apiece.
16 Those are both brand new. He's got a brand carp. How do
17 electronics work? I just got to get these wires hooked
18 up. Once I get these wires hooked up, she going to be
19 worth 6,000 all day.

20 Uh, Mr. King proceeds to say at 1706: 1,200
21 apiece and all electrical works.

22 Uh, Mr. Kip says at 1706 hours, responds: If
23 you ever get it cleaned up, send me some new pictures of
24 it, and I'll think about it.

25 At 1709, uh, Mr. King says: Okay, I'll go do

1 that now. I'm just going to try to get in the mood
2 running order for you too, my friend, even if I got to
3 pay for it.

4 (Pause.)

5 Q. Who is the defendant conversing with on this
6 page?

7 **MR. LIZANICH:** Same objections, Your Honor.

8 **THE COURT:** Overruled.

9 **THE WITNESS:** Gil Peck.

10 BY MS. HARTMAN:

11 Q. Does the defendant say anything on 2/27/2022?

12 A. He does. At 1622 hours, he says: Yes, it's
13 available.

14 Q. And is there something indicating, uh, what
15 they're talking about here?

16 A. Yeah. Mr. Peck says on the same date at 1454
17 hours: Daniel named Daniel 2007 Chevrolet Colorado LT
18 pickup, four-door, uh, five and a fourth foot.

19 Q. That would indicate about like a marketplace
20 sale?

21 A. Appears to be so because of the marketplace
22 identifier, so.

23 Q. On 2/27, uh, starting at 1209, who is the
24 defendant, uh, speaking to here?

25 **MR. LIZANICH:** Same objections, Your Honor.

1 **THE COURT:** Overruled.

2 **MR. LIZANICH:** I also have to make a remoteness
3 objection. We're getting into April. What -- how
4 can that have anything to do with the case?

5 **MS. HARTMAN:** It's not (unintelligible).

6 **MR. LIZANICH:** (Unintelligible).

7 **THE COURT:** Sustained. I think you're -- what
8 you stated, though, Ms. Hartman, was that you're
9 moving past that?

10 **MS. HARTMAN:** Yes, Your Honor. And if I can
11 just explain that the --

12 **MR. LIZANICH:** May we approach?

13 **THE COURT:** Yeah, you may.

14 (Begin sidebar.)

15 **THE COURT:** The --

16 **MS. HARTMAN:** Hold on one second.

17 **THE COURT:** I'm too impatient.

18 It's a violation of pretrial release obviously,
19 so that time frame, but those are all based on jail
20 calls.

21 **MS. HARTMAN:** Yes. So what all that is is
22 that's the day they obtained the search warrant is
23 4/1/22, and so it labels what the conversation name
24 was, and so it shows who the conversation was
25 between, so it says the day that they got the search

1 warrant on there. And then under there, it says
2 2/27, and then the conversation proceeds.

3 MR. LIZANICH: Even if we're at 2/27 or
4 February 27, we're still several days off from --

5 MS. HARTMAN: No, we're not. He's charged --

6 MR. LIZANICH: -- the date charged in the
7 Information.

8 THE COURT: It says 26th through the 28th.

9 MR. LIZANICH: On the --

10 MS. HARTMAN: There's an Amended Information
11 2/26 to 28.

12 THE COURT: Uh, I'll sustain any discussion
13 about the April -- I don't think it really
14 matters --

15 MS. HARTMAN: No.

16 THE COURT: -- uh, but the explanation helps.
17 So sustained as to use of the April date for any,
18 uh, purposes except for the fact that the warrant
19 was obtained that day is irrelevant. I don't know
20 that the jury needs to know that, but, uh, I think,
21 uh, Mr. Lizanich might have been operating with
22 the -- under the auspices that the date -- the
23 February date wasn't relevant, but it is.

24 Sustained.

25 (End sidebar.)

1 BY MS. HARTMAN:

2 Q. Detective, who is the conversation, uh, the
3 defendant's having with on this page?

4 A. Swing It Strikes.

5 Q. What is this conversation about?

6 A. Do you just want me to just read off or just
7 talk about the (unintelligible)?

8 Q. Sure. Uh, at 1209, what does it state the
9 conversation is regarding?

10 A. Uh, Swing name, the group Swing, 2007 Chevrolet
11 Colorado LT pickup, four-door, five and a fourth foot.
12 Uh, Swing It Strikes proceeds to say at 1209 hours:
13 Swing changed the group photo.

14 There's another response by Swing It Strikes:
15 Two or -- I'm assuming wheel drive, WD question mark
16 thanks.

17 Q. And then did the defendant say anything in
18 response to that?

19 A. At 1622 hours he says: Four-wheel.

20 Q. And then anything else that --

21 A. Yes. It's available 1636.

22 (Pause.)

23 Q. On this date, who's the defendant having a
24 conversation with?

25 A. It appears to be Andro Flip.

1 Q. And what time does Mr. King and date does he
2 say something to Mr. Flip?

3 A. On February 27th, 2022 at 1639 hours
4 approximately. I'm on my way from Spring Hill.

5 At 16 -- you just want me to read Mr. King's
6 or --

7 Q. If you can go through the whole -- the entirety
8 of the conversation for context.

9 MR. LIZANICH: We'll make the same objections
10 and hearsay, Your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: Andro Flip responds at 1640:
13 Okay, pull up to the house. My dad. And then ain't
14 there -- ain't there -- ain't here, sorry.

15 Uh, Mr. King responds at 1640: I'm on my way.

16 Andro Flip responds at 1640: what you need?
17 Proceeds to say: Pull up to the gates.

18 450 --

19 BY MS. HARTMAN:

20 Q. And that was from -- for (unintelligible)?

21 A. Uh, Mr. Flip.

22 Q. And what did the defendant say in response?

23 A. At 1648 he says: Okay. You can tell Amanda
24 she needs to stay the fuck from around me. I'm going to
25 fuck her ass up. He proceeds to say: I got fired on me

1 and all, uh --

2 (Pause.)

3 Q. And then did the conversation continue between
4 the two of them?

5 A. It does.

6 Q. And then what's the next date and time that the
7 defendant says something?

8 A. 1740: Okay, I'm at Citrus Springs. Be
9 there in like 45 minutes.

10 Q. And that's still on February 27th?

11 A. That's correct.

12 Q. What does Mr. Flip say?

13 A. Okay. Let me know when on gum.

14 Q. The defendant's response?

15 A. Okay. I'm on my way at 1821.

16 Appears that he called Andro at 1826. Uh,
17 Mr. King says: I'm pulling up now. At 1831: I'm here.

18 And then I think Mr. Andro had responded with
19 that with a message, uh --

20 Q. (Unintelligible).

21 A. Yeah, sorry. It's a video. Sent a video at
22 1833.

23 Mr. King at 1834 responds: Okay.

24 Mr. King calls Andro at 1835.

25 Mr. Andro sends a photo 1835.

1 (Pause.)

2 Q. What does the defendant say?

3 A. At 1835, uh, he says: Come on.

4 Mr. Flip responds at 1840: You still owe me

5 27. Want me to just take 10 off and make it 17?

6 Mr. King says yes at 1841.

7 Uh, Mr. Flip at 1843 says: (Unintelligible).

8 Mr. King at 1843 responds: Did you call Amanda
9 and find out?

10 Mr. Flip then responds at 1844. She ain't pick
11 up.

12 Q. Defendant's response?

13 A. At 1844: Try again. Text her. Mr. Flip
14 responds: I'm getting in the shower. I did G at 1844.
15 That's not my problem. I'll be honest. I don't know
16 what YFM is.

17 Q. So the next line?

18 A. Uh, I got other shit to worry about.

19 Q. What does the defendant respond?

20 A. Okay, no worries at 1845.

21 Q. And then what does Mr. Flip say in response to
22 that?

23 A. Okay.

24 Q. And what does the defendant say?

25 A. Thank you.

1 (Pause.)

2 Q. On this page, who is the defendant conversing
3 with?

4 A. Neil McCarthy.

5 Q. And at what date and time is he having that
6 conversation?

7 A. Uh --

8 **MR. LIZANICH:** Same objections, Your Honor.

9 **THE COURT:** Overruled.

10 **THE WITNESS:** February 27th at 1716 hours
11 approximately.

12 BY MS. HARTMAN:

13 Q. What does the defendant say?

14 A. What's up, brother? Let me come get you. I
15 need to fix his boat.

16 (Pause.)

17 Q. Who's the defendant talking to here?

18 A. Sammy Domingo.

19 Q. Do you know what it's regarding?

20 A. It appears to be the, uh, same 2007 Chevrolet
21 Colorado LT pickup, four-door, five and a fourth foot.

22 Q. And does the defendant say anything?

23 A. Yes. Uh, on February 27th, 2022 at
24 approximately 1650 hours, uh, proceeds to say: Yes, it's
25 available.

1 Q. Does he respond again?

2 A. He does. He says yes.

3 Uh, Mr. Domingo responds at 1729: How much you
4 still owe?

5 Mr. King says at 1748 hours: Ten.

6 Q. And on this page, who is the defendant, uh,
7 speaking with?

8 A. Misty Wolfe.

9 Q. And what does, uh -- on 2/27, what does the
10 defendant say?

11 A. Hey you at 1844.

12 Ms. Wolfe responds at 1928: Hey.

13 Mr. King responds at 1932: How are you doing?

14 Ms. Wolfe: Okay, I guess. How are you?

15 At 1934: What you doing?

16 Uh, Mr. King responds at 2242: Nothing much.
17 Missing you.

18 Ms. Wolfe says: I miss you too 2250. You
19 should come see me.

20 Mr. King said: Okay, I will do that. 2356.

21 Uh, Mr. King says: When question mark.

22 I believe somebody -- what you doing?

23 Q. Who says that?

24 A. Uh, Mr. King on the 28th at 000 hours.

25 Q. What does he say at 058?

1 A. Eat.

2 And then Ms. Wolfe responds: whenever at 0141.

3 Mr. King responds at 041: okay.

4 Uh, Ms. Wolfe says: I'm at the Days Inn at the
5 same time. Uh, Ms. Wolfe proceeds to say: Room 220.

6 Q. Now, this moves into the 28th, correct?

7 A. Yes, that was all on the 28th.

8 Q. The beginning portion of it would have went
9 from the 27th into the 28th?

10 A. It appears so, yes.

11 Q. And then continuing on, so we'll do this in
12 reverse order to track Ms. Wolfe and Mr. King's
13 conversation.

14 So it goes into the 28th, and if you can read
15 on their conversation, uh, starting on the -- on the
16 28th from -- on that day then.

17 A. I'm at the Days Inn Ms. Wolfe, uh, responds.
18 She proceeds to say: Room 220.

19 Mr. King responds on the same day at 0152
20 hours: why? what happened?

21 Ms. Wolfe responds back: Long story.

22 Mr. King says: Call me at 0152. Appears to
23 provide his phone number.

24 Q. What does, uh, Ms. Wolfe say?

25 A. Okay.

1 Q. And the defendant, uh, what does he do after
2 that?

3 A. Tries to call Ms. Wolfe 0159. And he says:
4 You there at 0210 hours.

5 And then Ms. Wolfe said: Sorry. Trying to put
6 granddaughter to sleep. Sends an image.

7 Q. What does the defendant say?

8 A. He says okay at 0214. You should come stay at
9 my house.

10 Misty Wolfe responds with a question mark at
11 0424.

12 Uh, Mr. King at 0431 says: I moved with a
13 roommate.

14 Ms. Wolfe says: Oh.

15 Mr. King says: Can I come get you for the
16 night at 0432.

17 Ms. Wolfe says: I have the granddaughter.

18 Mr. King says: Okay. What you doing? I might
19 be in jail soon.

20 Ms. Wolfe --

21 Q. What time does he say I might be in jail soon
22 on the 28th?

23 A. 1813.

24 Q. What does Ms. Wolfe say?

25 A. Uh, welcome to the house at 1813. Uh, she

1 proceeds to say why.

2 And then Mr. King responds at 1813: Your
3 house?

4 Ms. Wolfe says: Yes.

5 Mr. King at 1814 says: Can I come stay the
6 night and take a shower if I make it there later?

7 Q. At 1814 on 2/28, what does he say?

8 A. Popo looking for me.

9 Q. And is Popo a common reference for the police?

10 A. That's correct.

11 Uh, Ms. Wolfe at 1815 says: Yes, but I'll be
12 at the hotel.

13 MR. LIZANICH: I apologize, Your Honor. Back
14 to the comment of Popo, again my objection is a
15 witness should not interpret what's in writing, best
16 evidence rule.

17 THE COURT: It's overruled.

18 BY MS. HARTMAN:

19 Q. Uh, what does Mr. King say at 1815 on 2/28?

20 A. Oh, fuck my life.

21 Q. What does Ms. Wolfe respond?

22 A. I'm sorry, but you can still stay and take a
23 shower.

24 Mr. King says: Who all staying with you?

25 Uh, Ms. Wolfe says: Me and the baby.

1 Mr. King says: Okay, I'll come later.

2 And then Ms. Wolfe says hey at 2330.

3 Q. On this page, who does it appear that the
4 defendant is having a conversation with?

5 A. Uh, Brooke Grinelion [phonetic]?

6 **MR. LIZANICH:** Same objections, Your Honor.

7 **THE COURT:** Overruled.

8 BY MS. HARTMAN:

9 Q. On 2/28 at 040 hours, uh, what does this
10 defendant say?

11 A. Amanda turned on me, and it's breaking my
12 heart.

13 Uh, Ms. Grinelion responds: What's wrong? You
14 know you can talk to me. And don't worry. No one will
15 know. I've been working a lot, so I don't talk to
16 anyone.

17 Mr. King responds at 055 hours: Please talk to
18 her and ask her to stop hurting me.

19 Uh, Ms. Grinelion responds: That's between you
20 two. You know it goes both ways, right? I'm saying that
21 as a friend.

22 Mr. King responds yes at 057.

23 Ms. Grinelion responds. You yourself need to
24 step back and look at what happened between you two that
25 got you to this point in life.

1 Mr. King responds: Yeah, I am.

2 Uh, Ms. Grinelion responds: I looked at your
3 page, and why is some girl saying you're in a
4 relationship with her?

5 Mr. King says: I'm not.

6 Ms. Grinelion says: Then you need to tell that
7 girl to stop saying it.

8 Mr. King said: I did.

9 Ms. Grinelion, uh, at 1313 -- and I'm -- I know
10 what HRU is, but I'm drawing a blank right now, so I
11 don't -- uh, this morning.

12 Q. Does how are you sound familiar?

13 A. How are you, yes. Thank you.

14 Uh --

15 **MR. LIZANICH:** Same objection.

16 **THE COURT:** Overruled.

17 **THE WITNESS:** Mr. King at 1421 responds with:
18 Terrible.

19 **BY MS. HARTMAN:**

20 Q. What does Ms. Grinelion say?

21 A. Uh, new what?

22 And now at 1423 Mr. King says: I don't know.

23 Ms. Grinelion says: What you mean you don't
24 know? What's going on?

25 Mr. King says: Nothing at 2039 much. She

1 called the police on me.

2 Ms. Grinelion says: why?

3 Mr. King says: She said I was stalking her and
4 I threatened her.

5 And Ms. Grinelion says: Were you at 2042 and
6 didn't realize it.

7 Q. And what does Mr. King say at -- on 2/28/22 at
8 2046?

9 A. Yes, but I didn't mean it. She did too.

10 Q. So he admits to threatening her?

11 A. Appears so, yes.

12 MR. LIZANICH: Same objections.

13 THE COURT: Overruled.

14 THE WITNESS: Ms. Grinelion: Uh, what did she
15 do question mark.

16 Mr. King responds at 2048: She left me for
17 dead.

18 BY MS. HARTMAN:

19 Q. What's her response to that?

20 A. Ms. Grinelion at 2049 says: How? What you
21 doing?

22 Q. Who does it appear that he has a conversation
23 with here?

24 A. Nicole Harper.

25 Q. What time does that -- on the 28th, what time

1 does that conversation start?

2 A. On the 28th at, uh, 000 hours he says: Yo.

3 And then Ms. Harper responds: Hey, sorry been
4 going through it at 1918.

5 Uh, how have you been? So what's up?

6 Mr. King responds at 2035: I got a spot for
7 you. You ready to move?

8 Uh, Ms. Harper responds at 2036: Listen, I or
9 have money, I get paid. You waited too long, and I broke
10 my phone cause my over the shit.

11 Mr. King responds at 2039: I've been messaging
12 you.

13 Mr. Harper responds: I know, been going
14 through shit at 2047. Just broke my phone. What up? .

15 (Pause.)

16 Q. On this page, who does the defendant appear to
17 have a conversation with?

18 A. Jordan Hunter.

19 Q. Now, we went through the messages on the
20 27th for Mr. Hunter, but on the 28th, uh, what time did
21 the messaging start from Mr. Hunter?

22 A. Approximately 000 hours.

23 Q. What -- what does Mr. Hunter say?

24 A. Is there any issues with it? Four-wheel-drive
25 works good.

1 Q. What does Mr. King say?

2 A. At 01 hours, he says: Yes, everything works
3 good, but needs to be put in shop and have the warranty
4 fix whatever needs to be fixed. It was -- it has an
5 extended warranty on it. I just need to get it put in
6 the shop. After that, she's all yours if you pay.

7 Q. What does Mr. Hunter respond to that?

8 A. What's wrong with it for the warranty? I'm
9 just curious.

10 Uh, Mr. King responds: Emergency brakes.

11 Mr. Hunter responds: How bad is the rust on it
12 and any wrecks or anything?

13 Mr. King says: No. And not too bad.

14 Uh, Mr. Hunter says: Do you have pictures of
15 where the rust is and all? I just know Florida has a lot
16 of salt in the air and all.

17 Mr. King says: It's been fixed at 0458.

18 Mr. Hunter responds at 0459: Is the emergency,
19 uh, brakes something you have to do?

20 Uh, he proceeds to say: I'm interested in the
21 truck if it checks out and all. The earliest Jay can
22 come down is Wednesday. Can you hold it for me 'til
23 then? It's a four-hour trip one way for me. I have the
24 cash.

25 And Mr. King responds at 0511: Yes I can.

1 Uh, I believe that that's Mr. Hunter.

2 Yes, Mr. Hunter responds back at 0513: Okay,
3 cool. Are you positive? I had a guy sell one out from
4 under me today, and that sucked.

5 Mr. Hunter proceeds to say: And also, uh,
6 could you send me the VIN number so I can get an
7 insurance quote started.

8 Mr. King says: Yes, sir at 1422.

9 Q. On this page, who does it appear, uh, that the
10 defendant is having a conversation with?

11 A. David Nava.

12 **MR. LIZANICH:** Same objections.

13 **THE COURT:** Overruled.

14 BY MS. HARTMAN:

15 Q. In regards to what?

16 A. The aforementioned Chevrolet Colorado.

17 Q. What time does Mr. King respond?

18 A. At 1422: Yes, it's available on the 28th of
19 February 2022.

20 Q. On this page, who is the defendant speaking to?

21 A. David Lara (phonetic).

22 **MR. LIZANICH:** Same objections.

23 **THE COURT:** Overruled.

24 BY MS. HARTMAN:

25 Q. In regards to what?

1 A. Uh, the same aforementioned Chevrolet Colorado.

2 Q. What, uh --

3 THE COURT: Sorry.

4 BY MS. HARTMAN:

5 Q. -- time does Mr. King (unintelligible)?

6 A. On February 28th, 2022 at 1749 hours he says:

7 Yes, it's available.

8 Q. What does Mr. Lara say in response to that?

9 A. At 1752, uh, Mr. Lara responds: I have a 2013
10 Honda Accord car. Are you interested in exchanging?

11 Mr. King responds no at 1754.

12 Q. On this page, who is the defendant speaking to?

13 A. Heather Agasini [phonetic].

14 Q. Who begins those messages?

15 A. Uh, Mr. King.

16 Q. On what day?

17 A. On the 26th of February, 2022 at approximately
18 2115 hours.

19 Q. If you can go through this whole conversation
20 between Mr. King and Ms. Agasini.

21 A. Yes, ma'am.

22 Uh, I got for you.

23 Ms. Agasini responds: Hey at 2053 on the 27th.

24 Uh, the conversation proceeds on the 27th with
25 Ms. Agasini responding: Alexia asked about you.

1 And then the conversation changes to the
2 28th at 2040 hours.

3 **MR. LIZANICH:** Your Honor, may we approach?

4 **THE COURT:** You may.

5 (Begin sidebar.)

6 **MR. LIZANICH:** Your Honor, I confess I just
7 heard the wrong thing (unintelligible). I thought I
8 heard my name and was worried we were going to get
9 into a plea thing, but I wasn't even appointed yet,
10 so I realize it must be some other Alexia.

11 **MS. HARTMAN:** And then --

12 **MR. LIZANICH:** Sorry.

13 **THE COURT:** No problem.

14 **MS. HARTMAN:** (Unintelligible) objection.

15 **THE COURT:** All right, objection withdrawn.

16 **MR. LIZANICH:** Yes, sir.

17 **THE COURT:** Okay, go ahead.

18 BY MS. HARTMAN:

19 Q. Thank you, Detective. Would you continue on
20 with reading the conversation starting with Ms. Agasini's
21 statement on 2/27/22 at 2053.

22 A. So on the 27th she says: Hey. She said,
23 Alexia asked about you. The conversation --

24 Ms. King then responds on the 28th of February,
25 2022 at 2040 hours: Where you at? I've got to go.

1 Ms. Agasini responds: About to walk up.
2 Mr. King responds: Okay. I've got to go.
3 Heather Agasini responds with: Go.
4 Uh, Mr. King says: No, way. I'll wait.
5 Ms. Agasini responds: I'm in the front yard,
6 bro.

7 Uh, Mr. King says: Where?
8 Ms. Agasini says: Mailbox, smart ass.
9 Mr. King says: Okay, I see you.
10 Uh, Ms. Agasini says: Told you. Uh, wiped my
11 ass off (unintelligible).
12 (Pause.)

13 Q. And then we read some of the conversation
14 between the defendant and Marissa Alemany on the 28th.
15 Uh, who starts the conversation on the 28th?

16 A. Uh, it appears, uh, Ms. Alemany.

17 Q. What --

18 A. What you doing?

19 Q. -- time?

20 A. 1748 hours.

21 Q. And who responds?

22 A. Mr. King.

23 Q. What time does he respond?

24 A. Nothing. Trying to lie low -- trying to lay
25 low at 1749 hours.

1 Q. What's her response?

2 A. It's that bad at 1750.

3 Mr. King responds. I guess, uh, she called
4 Popo. They trying to get me for aggravated stalking.

5 Ms. Alemany says: Oh, my God at 1753.

6 Proceeds to say, well, never mind then. LBM --
7 NBM, sorry.

8 And then Mr. King says: Yes, sorry at 1753.

9 Q. So all those conversations that we just went
10 through, they occurred on the 28th between the hours of
11 000 and, uh, 1753?

12 A. I believe so.

13 Q. I want to go back to the conversation that the
14 defendant was having with, uh, Ms. Jimenez. And just so
15 your reference, uh, might go up a little bit just so you
16 can know.

17 A. Okay. Yeah, the missed calls.

18 (Pause.)

19 Q. So then starting on the 28th --

20 (Pause.)

21 Starting on the 28th, who, uh, says something
22 first? I believe actually (unintelligible).

23 A. Yes, Mr. King, uh, attempts a video chat, uh,
24 with Ms. Jimenez on the 28th of February 2022 at 01
25 hours.

1 Q. Does he also try to call Bradenton, Florida?

2 A. Yes. I'm sorry. I missed that had one.

3 And then, uh, Mr. King proceeds to say: I'm
4 really going to hurt someone. I'm serious. No matter
5 the length of time between us, someone will die, I
6 promise you. Uh, he attempted to call Amanda. Keep
7 thinking this is a game. Again tried to call. I'm going
8 to fucking snap. I promise you, you will pay dearly.
9 See you soon.

10 Tries to call Amanda. You better not be home
11 or come home I see to God.

12 Uh, he tried to call again it appears twice.
13 I'm going to hurt you so deeply, I promise.

14 Uh, he tries to call again. I'm coming. You
15 can't hide forever. I promise, I got you. Tries to call
16 Amanda twice it appears. You're going to die.

17 Q. What time is that?

18 A. Uh, it's at 011 hours on the 28th of February
19 2022.

20 Q. Okay.

21 And you can just read the letters if you don't
22 know what he's trying to say. But on 11 -- 000 --

23 A. 011?

24 Q. Yes, 011 ha ha on 2/28, what does he say?

25 A. Cog BH try O. Then sends a sticker. Says yo,

1 IH, yeah on B, yeah H. I swear to God I may fucking kill
2 you, eat your fucking hard bitch at 012 hours.

3 Calls her: Keep thinking it's a fucking game.
4 I promise you I'm going to cut your throat.

5 He tries to call Amanda. Get ready for this
6 shit at 016. It's going to get crazy I promise you one
7 way or another.

8 Calls Amanda again. I won't sleep 'til you
9 pay. Uh, remember you told me you never do me like this
10 again. Guess what, I bet you're coming -- you are coming
11 with me. I promise you if it's the last thing I do
12 alive, I'll die happy, but you going too.

13 Uh, looks like he tries to call her at 019
14 twice, three times, uh, what the fuck? Answer me, cop
15 calling ass bitch. They can't save you.

16 Calls again. It hasn't even been a week. I
17 promise if I have to, I'll take it out on your family.
18 Fuck with me.

19 He calls Amanda twice, video chats her, calls
20 her oh, my, twice after the video chat. And I'm hurting
21 so bad, and this is how you do me. I know for a fact
22 that Jason did what he did because of you. I promise
23 your kids will believe the same one day. My mom too.
24 That bitch can get it as well. Thank you for taking
25 everything away from me. I appreciate you. Why, why,

1 why? So you're not going to answer me. Whatever. I'm
2 sorry. Uh, didn't mean anything said at 033.

3 It's not Ian writing this at 034. Sorry. You
4 really did him wrong. I hope you realize what you are
5 doing this to man. Sorry I intervened.

6 Q. So from 034 to 035, for one minute someone else
7 says it. It's not Ian Ramos?

8 A. That's correct.

9 Q. But then at 037, uh -- I'm sorry. So it goes
10 on a little bit more. 037, it's (unintelligible). What
11 does that say?

12 A. He left his phone. Don't know what's going on.
13 Sorry.

14 Q. But then on 2/28 just about 15 minutes later,
15 what does it say?

16 A. I left my phone. Please stop this. I need my
17 dog. Please. Hello. Uh, he tries to call Amanda twice,
18 video chat her. Calls her again, responds with hello at
19 0238. What the fuck? I'm coming home. Just a heads up.
20 The police are looking for me. Why would you do that?
21 Why are you doing me like this? I'm sorry. I love you.
22 I'll do anything. Please.

23 He tries to call Amanda. Can I come get my
24 dog? Please. Tries to video chat her. Please talk to
25 me. This is not okay. Sends a sticker.

1 (Pause.)

2 Q. He sends multiple stickers to Amanda?

3 A. Yes.

4 0451 hours, he says: Please stop. why? I
5 fucking love you. what the fuck? why are you doing
6 this? Please talk to me. I love you, Amanda. Please
7 stop this. I love you with everything in me. Please,
8 Amanda. I'm dying inside. Please.

9 Calls Amanda again. why won't you talk to me?
10 what the fuck did I do so wrong to deserve this?
11 Seriously, you're a really fucked up person. You see I'm
12 hurting and constantly continue to hurt me more. why,
13 why, why? I don't understand this. Sorry I missed that.

14 Q. No, that's my fault.

15 A. I don't understand this. And then proceeds to
16 say, I'm fucking losing it. Please stop. Uh, he tries
17 to call Amanda twice. Please stop. I'm begging you,
18 please.

19 Tries to call her again. Tries to video chat
20 her. Talk to me please please please please please
21 please please please please please please excessively.
22 You need me to keep reading it?

23 Q. No. You can start again at 505.

24 A. Uh, he tries to call Amanda and then proceeds
25 to respond with please.

1 At 0508: If you ever cared about me, please.
2 Calls her again. Please I'm begging you.

3 Seriously, please please please.

4 Q. I will skip those.

5 A. Okay.

6 Stickers, yeah.

7 Q. And then at 510 so --well, 510 what does he
8 say?

9 A. Okay yo bio and okay king, sticker. I job end,
10 sticker, uh --

11 Q. Still at 510.

12 A. Okay. Uh, BBW hi. No. Yeah JJ. No.
13 Sticker.

14 Q. So it appears that he just starts sending
15 random letters?

16 A. Letters, yes.

17 Says hi at 0510.

18 Uh, I don't know if that is an acronym for
19 something, GFGO.

20 Q. Sorry.

21 A. No, you're good.

22 He says if Chloe in moo laugh out loud.
23 Sticker. Hi 01 B Bill jocko G bill. Sticker.

24 Q. So it just kind of continues on with this
25 random attention grabbing?

1 A. Random --

2 MR. LIZANICH: Objection, speculation -- or
3 calls for speculation.

4 MS. HARTMAN: I'll rephrase.

5 THE COURT: Yes, sustained. I'm not --
6 sustained.

7 MS. HARTMAN: I'll rephrase, Your Honor.

8 BY MS. HARTMAN:

9 Q. Does it appear that he just keeps sending
10 random letters for a period of time?

11 A. Yes, ma'am.

12 Q. Uh, still at 510, what does he say?

13 A. Please answer me. And then he tries to call
14 her. He says, what the fuck? Tries to call her again.
15 Hello. Please, Amanda Jimenez, please. Tries to call
16 her. I know you're in another call. Please stop.
17 Please. I'm losing my mind. Please stop, please stop,
18 please stop.

19 Called. Called. Four calls approximately,
20 five, six.

21 Q. What does he say at 5:23?

22 A. Why are you doing this to me? Please stop. I
23 love you. Please. I'm so hurt. Please stop. Talk to
24 me, please. I'm sorry. I never meant to hurt you. I
25 only want to love you. Please stop. I can't do this

1 without you. Please stop. Why are you doing this?

2 Calls her. Please. What the fuck? Why are
3 you doing this to me? Calls her twice. Proceeds to say
4 Amanda, please. Calls her three times, four, five, six
5 times approximately. Then responds at 0540: I'm sorry.
6 Please stop.

7 He proceeds to call her again looks like four
8 times. And then I love you at 0656. I love you so much.
9 Please, baby. One day I promise karma. Please stop
10 this. I love you.

11 Called her twice. I love you. I'm sorry.
12 Please forgive me. I love you. What do I have to do to
13 prove myself? Please, baby. I feel like I can't live
14 without you. Please, baby. I love you. Please stop.

15 Calls Amanda twice. Princess is confused. I
16 don't know what to do. Please stop. I just want -- I'm
17 sorry. I didn't catch all that. I just want you and
18 only you.

19 0948. Please baby. Please stop. Please stop
20 please. I can't believe this. It's happening to me.
21 Please don't. Please, I'm begging you. Uh, the police
22 are looking for me. Please stop this.

23 Tries to call Amanda. And then he proceeds to
24 respond: Amanda, please look up the definition of
25 aggravated stalking, how much time it carries. Please,

1 you are making a big mistake, dude. Uh, he then says,
2 you could be ruined the rest of my life.

3 Q. Sorry. You can proceed at 1801.

4 A. Okay.

5 Uh, he tries to call Amanda.

6 Q. 1803.

7 A. And yet you got mad at Amanda for putting Josh
8 in jail. What the fuck ever do? You're a piece of shit.
9 This shit could send me away, and you're just joking
10 around like it's a game.

11 Princess is missing you guys. What the fuck?
12 Uh, Amanda, please stop. I love you so much, baby. Why
13 are you doing this to me? He calls her three times.

14 I have no clean clothes. I'm going to crazy
15 bad situation, and you are just on the phone with whoever
16 enjoying life. And he sends a sticker.

17 Thank you for loving me, Amanda.

18 Q. Okay.

19 So all of these messages are time stamped, and
20 is it date and hour and minute specific?

21 **MR. LIZANICH:** I have to object. Hearsay, lack
22 of personal knowledge. Witness didn't prepare this
23 record. He is not the custodian of it, Your Honor.

24 **THE COURT:** Sustained. I think the record
25 speaks for itself.

1 BY MS. HARTMAN:

2 Q. Does it have a time and specific stamp in the
3 record?

4 MR. LIZANICH: Your Honor, I believe you just
5 ruled on that question.

6 THE COURT: I think he can answer that
7 question. That's overruled.

8 THE WITNESS: Yes. Yes, ma'am.

9 BY MS. HARTMAN:

10 Q. Okay.

11 In all the messages that we just went over
12 between 2/26 and 2/28 in comparison to the victim's
13 messages, was he also messaging all those other people
14 that we went over?

15 A. It appears so, yes.

16 Q. If you want to take your seat.

17 THE COURT: You done with the screen?

18 MS. HARTMAN: I'll have to switch it to the
19 Elmo so you might want to keep it up here.

20 (Pause.)

21 BY MS. HARTMAN:

22 Q. Detective, what is the cycle of domestic
23 violence?

24 A. It's basically a continuance of emotional,
25 physical and mental abuse.

1 **MR. LIZANICH:** Your Honor, may we approach?

2 **THE COURT:** You may.

3 (Begin sidebar.)

4 **THE COURT:** what's the objection?

5 **MR. LIZANICH:** Your Honor, we received no
6 notice the state had -- was intending to call this
7 witness as an expert, and I believe his opinion on
8 any matters isn't proper. This witness also lacks
9 any personal knowledge of this case specifically.
10 He said appears numerous times.

11 **THE COURT:** I think testimony on the cycle of
12 domestic violence would require some type of
13 certification as an expert.

14 **MS. HARTMAN:** I would say that if he keeps it
15 to the basics about the concerns in domestic
16 violence cases and the control, that's that's -- a
17 lay person knows what typical signs of domestic
18 violence are.

19 **THE COURT:** That wasn't your question.

20 **MR. LIZANICH:** There's also no foundation for
21 this because this witness has no personal knowledge
22 about this case. All he's done is obtain the record
23 and --

24 **THE COURT:** what are you attempting to elicit
25 from him?

1 **MS. HARTMAN:** He's going to talk about that
2 the -- the concern for the no contact order and
3 the -- the messages.

4 **MR. LIZANICH:** That concern is the I think
5 proper lay opinion testimony. Any actual expert
6 would also refuse to provide an opinion about a case
7 they haven't evaluated anyone. They don't have
8 personal knowledge of the case.

9 **THE COURT:** Objection sustained.

10 **MR. LIZANICH:** Thank you, Your Honor.

11 **MS. HARTMAN:** And Judge, just for a brief
12 response, he's not going to give an opinion. He's
13 just going to say what domestic violence is. He's
14 not going to say in this case what applies and what
15 doesn't.

16 **THE COURT:** I mean, I think that's within the
17 province of the jury. I think it's also common
18 sense as to what domestic violence is.

19 **MS. HARTMAN:** The factors in domestic violence.

20 **MR. LIZANICH:** (Unintelligible).

21 **THE COURT:** Hold on. Hold on. One at a time.

22 **MS. HARTMAN:** The factors involved in domestic
23 violence, economic hardship, control, power, which
24 are in my opinion --

25 **THE COURT:** That -- that he can testify to.

1 That is within his training and experience, but
2 you're going to have to lay that foundation --

3 **MS. HARTMAN:** Okay.

4 **THE COURT:** -- as to education, training,
5 experience, uh, potentially number of cases he's
6 investigated involving domestic violence, but I
7 don't think you can go much farther than that.

8 **MS. HARTMAN:** Okay.

9 **MR. LIZANICH:** Your Honor, again, I don't -- we
10 didn't receive any notice that he was going to be
11 qualified as an expert.

12 **THE COURT:** I don't think that is expert
13 testimony.

14 **MR. LIZANICH:** He's offering his opinion on a
15 matter of fact that where he has no -- he's never
16 interviewed a witness in the case. He's just pulled
17 the business records.

18 **THE COURT:** Understood. The objection is
19 partially sustained and partially overruled.

20 (End sidebar.)

21 **BY MS. HARTMAN:**

22 Q. Detective, what type of domestic violence
23 classes did you take to become a domestic violence
24 detective?

25 A. Advanced strangulation, uh, investigations. I

1 have also taken, uh, trauma induced interviews and I mean
2 really my training and experience, I have the detective
3 academy as well which conducted and kind of encompassed
4 domestic violence investigations during that time frame,
5 and I've investigated easily six to 700 domestic violence
6 cases --

7 Q. And you've --

8 A. -- I've had assigned to me.

9 Q. And you've been doing that for the course of
10 two years?

11 A. Close to two years, yes, ma'am.

12 Q. Without going into the facts or specifics of
13 this case, what are the, uh, basic elements of -- or can
14 you explain what a power and control wheel is.

15 A. It's kind of -- it's basically a tool that we
16 show domestic violence victims. It kind of shows the
17 demeanor behavior of a domestic violence suspect.

18 Q. What are, uh, the different elements in that
19 power and control wheel without stating the -- in regards
20 to this case, but just generally what are the, uh,
21 elements of that wheel?

22 MR. LIZANICH: Foundation objection,
23 Your Honor.

24 THE COURT: Overruled.

25 THE WITNESS: Would I be able to review it? I

1 can -- I can list some, but I believe there's like
2 eight sections on it. Just to name a few if you
3 want me to.

4 BY MS. HARTMAN:

5 Q. If a copy of a chart that you've previously
6 disclosed to myself and defense would assist in recalling
7 your recollection --

8 A. Yes, ma'am.

9 (Pause.)

10 Q. -- just read them, then flip it upside down
11 when your recollection is refreshed.

12 (Pause.)

13 A. So you don't want me to read from it. You want
14 me to flip it and then read it?

15 Q. If -- if you can. If you forget, we can -- we
16 can -- just tell me that you might have missed one or
17 two.

18 **MR. LIZANICH:** Your Honor, at this point I also
19 have to make a hearsay and a confrontation
20 objection.

21 **THE COURT:** Overruled.

22 **THE WITNESS:** All right, so using intimidation,
23 isolation, emotional abuse, uh, male privilege.

24 Can I flip?

25

1 BY MS. HARTMAN:

2 Q. Just take a look. Once your recollection's
3 refreshed, if you can just flip it back over.

4 A. All right.

5 (Pause.)

6 Using coercion or threats, using children and,
7 uh, minimizing denying blame. I think I missed one.

8 (Pause.)

9 Uh, using economic abuse. Sorry.

10 MS. HARTMAN: A moment to confer with
11 co-counsel, Your Honor?

12 THE COURT: I'm sorry?

13 MS. HARTMAN: A moment to confer with
14 co-counsel?

15 THE COURT: Sure.

16 (Pause.)

17 BY MS. HARTMAN:

18 Q. Detective, all the work that you did in this
19 case obtaining the Facebook, uh, search warrant results
20 that indicate these written -- written threats such as
21 I'm going to F-in' kill you and burn your house down, did
22 you obtain and do all of this in Citrus County?

23 A. I did.

24 MS. HARTMAN: No further questions at this
25 time.

1 **THE COURT:** Counsel approach.

2 (Begin sidebar.)

3 **THE COURT:** How much cross are you going to
4 have?

5 **MR. LIZANICH:** I -- it could be a little while.
6 It depends on some of the answers he has.

7 **THE COURT:** Their lunch is here, so.

8 **MR. LIZANICH:** If he has verbose answers, I
9 could --

10 **THE COURT:** You think it's more than half an
11 hour?

12 **MR. LIZANICH:** Probably not, but it could be.

13 **MS. HARTMAN:** I would ask that we can do his.
14 He actually got pulled out of a class that he's
15 doing.

16 **THE COURT:** All right. Yeah, let's -- I'm not
17 going to limit you. I mean if you're saying you
18 have an hour or so, the possibility, it's not two
19 hours, so we'll do that, then we'll break for lunch.

20 **MS. HARTMAN:** And he hasn't been giving verbose
21 answers so I don't think it'll --

22 **THE COURT:** Okay, very good.

23 (End sidebar.)

24 CROSS-EXAMINATION

25

1 BY MR. LIZANICH:

2 Q. Good morning, Detective.

3 A. Good morning.

4 Q. So, uh, do you know Ian King and Amanda Jimenez
5 real well?

6 A. I'm only familiar with Ms. Jimenez.

7 Q. Have you been to their homes for Christmas or
8 anything?

9 A. No, sir.

10 Q. Okay.

11 Do you know Brooke Grinelion?

12 A. I do not.

13 Q. Do you know Misty Wolfe?

14 A. I do not.

15 Q. Do you know Sammy Domingo?

16 A. I do not.

17 Q. Do you know Jordan Hunter?

18 A. I do not.

19 Q. Do you know David Nava?

20 A. I do not.

21 Q. Do you know David Lara?

22 A. I do not.

23 Q. Do you know Vito Scar?

24 A. I do not.

25 Q. Do you know Daniel Peck?

1 A. I do not.

2 Q. Do you know Andro Flip?

3 A. I do not.

4 Q. Do you know Neil McCarthy?

5 A. I do not.

6 Q. Do you know Amanda Mason?

7 A. I do not.

8 Q. Do you know Nicole Harper?

9 A. I do not.

10 Q. Do you know Heather Agasini?

11 A. I do not.

12 Q. Did you do extensive interviews with all of
13 these people?

14 A. I did not.

15 Q. Did you talk to any of them?

16 A. I did not.

17 (Pause.)

18 **MR. LIZANICH:** If I may have a moment?

19 **THE COURT:** You may.

20 (Pause.)

21 (Begin sidebar for attorney privacy.)

22 (End sidebar.)

23 **MR. LIZANICH:** No further questions.

24 Thank you very much, Detective.

25 **THE COURT:** Okay.

1 Any redirect based on that?

2 **MS. HARTMAN:** No, Your Honor.

3 **THE COURT:** All right, ladies and gentlemen of
4 the jury, I think it's a good time to break for
5 lunch. We'll take an hour. We'll be back at 12:30.
6 Okay? We'll be --

7 **THE BAILIFF:** Is he excused or does he have to
8 stay?

9 **THE COURT:** He remains under oath.

10 **MS. HARTMAN:** Uh, the state would actually
11 release him from his subpoena. I don't know if
12 Mr. -- Mr. Lizanich did not, uh, subpoena
13 Mr. Kelley.

14 **MR. LIZANICH:** No, Judge.

15 **THE COURT:** Okay, then you may be released.

16 **THE WITNESS:** Thank you.

17 (Witness excused/released.)

18 **THE COURT:** Be back at 12:30. Enjoy your
19 lunch.

20 (Jury exits courtroom at 11:37.

21 **THE BAILIFF:** Court is in recess for one hour.

22 (Court in recess at 11:38 a.m.)

23 (Session VI)

24 (Court reconvenes at 11:37 a.m.)

25 **MS. HARTMAN:** Edited recording instruction, and

1 I'll just play that with no one on the stand.

2 THE COURT: Okay.

3 MS. HARTMAN: So that will be the first thing
4 when they come back.

5 THE COURT: You're going to play both of them?

6 MS. HARTMAN: Uh, no, just the jail calls.

7 THE COURT: How long is it?

8 MS. HARTMAN: There's three of them, and
9 they're approximately 11 minutes each, so.

10 THE COURT: All right.

11 So it's about half an hour worth of calls?

12 MS. HARTMAN: Yes.

13 THE COURT: All right.

14 we'll play that when we come back. They're
15 already in evidence.

16 what exhibit is that?

17 MS. HARTMAN: Uh, State's Three.

18 THE COURT: State's Three. We'll play it when
19 you come back, then.

20 All right, anything else before we break?

21 Hearing nothing.

22 Enjoy your lunch, guys.

23 MR. LIZANICH: Thank you, Your Honor.

24 (Court in recess at 11:38 a.m.)

25 (Session VII)

1 (Court reconvenes at 12:37 p.m.)

2 MR. LIZANICH: I'm sorry. If -- if it please
3 the Court, I can just enter a blanket objection to
4 the recordings and then not interrupt, uh, during
5 the presentation.

6 THE COURT: That's up to you. That's fine.

7 MR. LIZANICH: Uh, I'll enter objections for
8 hearsay, uh, relevance, uh, and confrontation,
9 Your Honor.

10 THE COURT: All right. That'll be overruled.
11 Go ahead.

12 Stand for the entry of the jury, please.

13 (Pause.)

14 (Unintelligible conversation between clerks and
15 Court.)

16 (Jury enters courtroom at 12:38 p.m.)

17 THE COURT: All right, welcome back. I
18 understand we had a small issue with lunch. Is that
19 corrected now?

20 THE JURORS: Ha ha.

21 THE COURT: Everyone's all right and ready to
22 go forward?

23 THE JURORS: Yes.

24 THE COURT: All right, very good.

25 I'm going to read you an instruction before we

1 proceed here.

2 Members of the jury, you are about to listen to
3 an audio recording. The Court instructs you that
4 the recording has been edited to eliminate
5 irrelevant portions that would not add to your
6 understanding of the case. The fact that the
7 recording has been edited should not concern you in
8 any way and must not impact the way you listen to
9 and consider this evidence.

10 Go ahead, Ms. Hartman.

11 **MS. HARTMAN:** Thank you, Judge.

12 (Pause.)

13 **THE COURT:** Do you need me to hit something?

14 **MS. HARTMAN:** It's -- I just checked it, but I
15 guess this wiring has got a problem with it, and it
16 just keeps disconnecting. It's just on.

17 **THE BAILIFF:** (Unintelligible)?

18 **THE COURT:** Yeah, go ahead.

19 (Pause.)

20 Because I'll likely shut it all off.

21 **MS. HARTMAN:** You have to hit that attorney PC.
22 No, it's just shaking.

23 **THE BAILIFF:** Because it started to go
24 automatically as soon as you did it.

25 **THE COURT:** Hit it again.

1 **THE BAILIFF:** Uh-huh.

2 **MS. HARTMAN:** It was just on.

3 **THE BAILIFF:** It was, I saw it. Ha ha.

4 (Unintelligible conversation.)

5 **THE COURT:** Go ahead and call Hunter.

6 This should fix it as soon as she calls.

7 **THE DEPUTY CLERK:** (Unintelligible).

8 **MS. HARTMAN:** It's these two wires, I know.

9 **THE DEPUTY CLERK:** Hey, Hunter, we're having
10 another issue in B.

11 **THE COURT:** I wonder if they're gold plated.
12 It's a long distance.

13 Oop.

14 **THE BAILIFF:** Oop, there it goes.

15 **THE COURT:** See.

16 **THE BAILIFF:** Ha ha ha.

17 **THE COURT:** Very good. The threat of calling
18 the IT guy fixed it.

19 All right, let's try again.

20 (Pause.)

21 (Unintelligible conversation.)

22 (Playing calls.)

23 **THE OPERATOR:** Hello. This is a collect call
24 from --

25 **THE DEFENDANT:** Ian King.

1 **THE OPERATOR:** -- an incarcerated individual
2 at --

3 (Dinging.)

4 **THE OPERATOR:** To pay for just this call using
5 your credit or debit card, please press one.

6 To decline this call, press four.

7 If you would like to permanently block your
8 number from receiving calls -- this call will cost
9 20 cents per minute plus any applicable federal
10 state and local taxes with a one-time transaction
11 fee of \$3 plus third-party pass-through fees of 40
12 cents. You will only be charged the permitted rate
13 for the amount of time you were on the phone.

14 If you do not want to connect this call with
15 (unintelligible) account to pay for future calls,
16 please hang up and dial (800)844-6591 or for faster
17 service, you can set up an account at
18 securustech.net or by downloading the Securus mobile
19 app on your smart phone.

20 (Pause.)

21 (Unintelligible conversation between counsel.)

22 **THE OPERATOR:** This call is not private. It
23 will be recorded and being monitored. If you
24 believe this should be a private call, please hang
25 up and follow facility instructions to register this

1 number as a private number.

2 To consent to this recorded call, press one.
3 To disconnect, press -- thank you for using Securus.
4 You may start the conversation now.

5 **THE DEFENDANT:** Hello.

6 **UNIDENTIFIED FEMALE VOICE:** Hello.

7 **THE DEFENDANT:** Hello.

8 (Unintelligible)?

9 **UNIDENTIFIED FEMALE VOICE:** Yes.

10 **THE DEFENDANT:** Oh, my God. Please don't get
11 me into more trouble. Please don't say anything,
12 okay?

13 **UNIDENTIFIED FEMALE VOICE:** Hum?

14 **THE DEFENDANT:** Can you hear me?

15 **UNIDENTIFIED FEMALE VOICE:** Hum, yeah.

16 **THE DEFENDANT:** Hum?

17 **UNIDENTIFIED FEMALE VOICE:** Yeah. Uh, what --

18 **THE DEFENDANT:** I can't hear you. Hold on. I
19 can't hear you.

20 **UNIDENTIFIED FEMALE VOICE:** What do you want me
21 to do with your stuff?

22 **THE DEFENDANT:** Hum?

23 **UNIDENTIFIED FEMALE VOICE:** What do you want me
24 to do with your stuff? Do you want me to
25 (unintelligible)?

1 **THE DEFENDANT:** Hum?

2 **UNIDENTIFIED FEMALE VOICE:** What do you want me
3 to do with this stuff?

4 **THE DEFENDANT:** I don't know. I don't know
5 what to do with it. I don't trust anyone, dude. I
6 don't know what to do. Just --

7 **UNIDENTIFIED FEMALE VOICE:** I saw your
8 (unintelligible).

9 **THE DEFENDANT:** Hum?

10 **UNIDENTIFIED FEMALE VOICE:** I saw your
11 (unintelligible).

12 **THE DEFENDANT:** I know. I don't -- she --
13 nobody answered the phone for me. I don't talk to
14 anyone. Nobody -- everybody's turned their back on
15 me. I don't know what to do. I am literally losing
16 my mind in here. My pit bull, I don't know where my
17 dog is. All my stuff in the house is getting messed
18 up, gone. I --

19 **UNIDENTIFIED FEMALE VOICE:** Is the
20 (unintelligible) in your name or is it in mine?

21 **THE DEFENDANT:** Hum?

22 **UNIDENTIFIED FEMALE VOICE:** Is the
23 (unintelligible) in your name or hers?

24 **THE DEFENDANT:** It's in my name.

25 **UNIDENTIFIED FEMALE VOICE:** Okay.

1 Because (unintelligible) and everything in her
2 name.

3 **THE DEFENDANT:** Yeah. I don't know why in the
4 hell she did that. I did not tell her to do nothing
5 like that. I don't know --

6 **UNIDENTIFIED FEMALE VOICE:** Okay.

7 **THE DEFENDANT:** I don't know what to do, dude.
8 I'm like in such bad shape right now. You have no
9 clue. You have no clue what this has done to me,
10 dude.

11 **UNIDENTIFIED FEMALE VOICE:** It's a good thing
12 you're getting help (unintelligible).

13 **THE DEFENDANT:** Hum?

14 **UNIDENTIFIED FEMALE VOICE:** It's a good thing
15 you're getting help, but listen.

16 **THE DEFENDANT:** I can't hear you.

17 **UNIDENTIFIED FEMALE VOICE:** I said it's a good
18 thing you're getting help.

19 **THE DEFENDANT:** I'm trying to get help, yes, I
20 am, but I don't know what to do, dude. I miss you
21 so much. I love you so much. You're my life. You
22 have no clue what I -- I don't know what I've done.

23 **UNIDENTIFIED FEMALE VOICE:** Listen, I can't --
24 it's not in the makeup.

25 **THE DEFENDANT:** Hum?

1 **UNIDENTIFIED FEMALE VOICE:** I'm just thinking
2 of what you want to do with your stuff.

3 **THE DEFENDANT:** I can't hear you.

4 **UNIDENTIFIED FEMALE VOICE:** Do you want me --
5 do you want me just to put it over here?

6 **THE DEFENDANT:** Where?

7 **UNIDENTIFIED FEMALE VOICE:** I -- I have nowhere
8 to go right now, so I'm trying to figure it out.

9 **THE DEFENDANT:** Can you take everything for me
10 and hold it for me and watch it for me and take care
11 of it for me?

12 **UNIDENTIFIED FEMALE VOICE:** Yeah.

13 **THE DEFENDANT:** I don't know what to do, dude.
14 I don't trust anyone. I don't know who to trust.
15 Everyone -- everybody out there (unintelligible)
16 taking from me.

17 **UNIDENTIFIED FEMALE VOICE:** I sent -- listen, I
18 sent you a text message trying to figure out what
19 you want to do with your stuff.

20 **THE DEFENDANT:** I don't have -- I can't get no
21 text messages. I can't -- I'm in quarantine.

22 **UNIDENTIFIED FEMALE VOICE:** Okay.

23 well, I (unintelligible) on that so.

24 **THE DEFENDANT:** On what?

25 **UNIDENTIFIED FEMALE VOICE:** On messaging.

1 **THE DEFENDANT:** I don't -- I don't get no
2 messages at all. I have not got no messages. I'm
3 just freaking out, dude. Like my bond isn't even
4 that much. I can bond out. All I need is \$50,000
5 and a signature, and I can get out of here. And I
6 don't have nobody that can get me out. My car's out
7 there sitting -- Kenny's going to take all my shit
8 in the pawn shop. Like, you know, all my stuff's in
9 the pawn shop, and Kenny's trying to take all of it.

10 **UNIDENTIFIED FEMALE VOICE:** I know, I know.

11 **THE DEFENDANT:** I'm going to lose everything I
12 have.

13 **UNIDENTIFIED FEMALE VOICE:** Yes.

14 **THE DEFENDANT:** Everything, dude.

15 **UNIDENTIFIED FEMALE VOICE:** You have a court --
16 you have a court date coming up, so.

17 **THE DEFENDANT:** I know, but that's not -- the
18 court date's not going to help me. That's just
19 going to (unintelligible). It's just going to make
20 an injunction against whoever I've got it against.
21 I'm not saying any names on the phone. It's going
22 to make it either final or not final. If that
23 person shows up, then it's going to be final, and
24 it'll make it like worse. If -- if not, then
25 they'll probably just drop it, and they'll just

1 throw it out.

2 UNIDENTIFIED FEMALE VOICE: Okay. well --

3 THE DEFENDANT: But I don't know what to do.

4 UNIDENTIFIED FEMALE VOICE: -- I know you
5 talked (unintelligible).

6 THE DEFENDANT: Hum?

7 UNIDENTIFIED FEMALE VOICE: I know you talked
8 to (unintelligible).

9 THE DEFENDANT: Yeah, I talked to a couple
10 different people a couple times. I found out a lot
11 too. I mean listen, regardless of what we have both
12 done, I made mistakes, she made mistakes, you know.
13 Listen, listen, I don't know how to tell you, dude,
14 you are the love of my life, dude. I've thought
15 about you constantly since I've been in here. My
16 mind cannot stop racing.

17 UNIDENTIFIED FEMALE VOICE: (Unintelligible).
18 If you would have been -- if you would have been
19 smart, then you would have been --

20 THE DEFENDANT: I wouldn't have fricking said
21 any -- I would have just fucking told you how I
22 really felt. The reason why -- the reason why I was
23 so against you and being so mean is because I love
24 you so much, dude. I just want you to love me like
25 you loved Jason. Like that makes me -- gets me so

1 upset.

2 **UNIDENTIFIED FEMALE VOICE:** No, you
3 (unintelligible) if you -- if you, you know,
4 wouldn't have been cheating the whole time, so.

5 **THE DEFENDANT:** I can't hear you. You got to
6 talk up.

7 **UNIDENTIFIED FEMALE VOICE:** I said that
8 wouldn't have happened if you wouldn't have been
9 cheating the whole entire time, so.

10 **THE DEFENDANT:** Hum?

11 **UNIDENTIFIED FEMALE VOICE:** I said you were
12 cheating the whole entire time.

13 **THE DEFENDANT:** Listen, there's a lot of things
14 that I -- I need to tell you and I want to talk to
15 you about. There's a lot of things that I want to
16 tell you.

17 **UNIDENTIFIED FEMALE VOICE:** Okay.

18 **THE DEFENDANT:** But I mean, I don't know how
19 (unintelligible). You know that like -- like I
20 don't know, dude. I don't -- Amanda, I mean I
21 (unintelligible). I mean, I don't like -- I don't
22 even want to live no more, dude. I don't want
23 anything. I don't want -- I don't know what to do,
24 but I -- like she don't know. I don't know what it
25 is. There's something about you. I'm so madly in

1 love with you, dude. Like you're the light of my
2 life. You're the love of my life. I would do
3 anything in the world, anything in the world
4 (unintelligible).

5 But you have no clue what this has done to me.
6 This is eating me up. I don't want to -- I don't
7 want --

8 **UNIDENTIFIED FEMALE VOICE:** I have a question.

9 **THE DEFENDANT:** Yeah.

10 **UNIDENTIFIED FEMALE VOICE:** Your bracelet --

11 **THE DEFENDANT:** Yes.

12 **UNIDENTIFIED FEMALE VOICE:** -- that you left.

13 **THE DEFENDANT:** Okay.

14 **UNIDENTIFIED FEMALE VOICE:** The bracelet that
15 you left in the bed --

16 **THE DEFENDANT:** Yeah.

17 **UNIDENTIFIED FEMALE VOICE:** -- uh, was that the
18 bracelet that I mean --

19 **THE DEFENDANT:** That you got me?

20 **UNIDENTIFIED FEMALE VOICE:** Yeah.

21 **THE DEFENDANT:** No. That's a fake bracelet.
22 The bracelet that you got me, it's still in the pawn
23 shop. And I was trying to get it out. I was trying
24 to get it out the next day. I would never leave
25 that thing, dude.

1 **UNIDENTIFIED FEMALE VOICE:** Okay. Well, I have
2 the (unintelligible). I thought that that's what it
3 was, so I wanted to go pawn it because I'm literally
4 broke, so.

5 **THE DEFENDANT:** Well, what do you need? I can
6 figure something out, dude. Take -- go take my
7 rims, go take my boat, dude. You can go get
8 anything you want of mine if you can get money for
9 it. I don't care what it is.

10 I love you with everything that's in me. I
11 don't -- listen dude, I -- all I've thought about
12 since I've been in here is Lalonie and Skyler.
13 Like, dude, I feel so bad, dude, for the things that
14 I've done and the way I've made them look at me.
15 Like I'm eating myself up inside, dude. This is not
16 what I wanted ever.

17 **UNIDENTIFIED FEMALE VOICE:** No,
18 (unintelligible) right now.

19 **THE DEFENDANT:** I love those kids with my
20 heart.

21 **UNIDENTIFIED FEMALE VOICE:** This is
22 (unintelligible) talking right now.

23 **THE DEFENDANT:** No, I'm being dead ass serious.
24 Like, dude, I'm so disappointed in myself, dude.

25 **UNIDENTIFIED FEMALE VOICE:** Listen, I

1 don't have -- I don't have the money to keep
2 talking.

3 THE DEFENDANT: Hum?

4 UNIDENTIFIED FEMALE VOICE: I said I don't have
5 the money to keep talking.

6 THE DEFENDANT: what do you mean like keep
7 talking?

8 UNIDENTIFIED FEMALE VOICE: You do know
9 that we -- you do know that I picked up
10 (unintelligible).

11 THE DEFENDANT: You what?

12 UNIDENTIFIED FEMALE VOICE: I just dropped her
13 off.

14 THE DEFENDANT: Okay, so (unintelligible)
15 talking?

16 UNIDENTIFIED FEMALE VOICE: Yeah.

17 THE DEFENDANT: Yeah, I know.

18 UNIDENTIFIED FEMALE VOICE: If you would have
19 been smart, you would have (unintelligible)
20 relationship, but you were stupid about it.

21 THE DEFENDANT: Say what? I didn't hear you.

22 UNIDENTIFIED FEMALE VOICE: I said if you were
23 smart, you would have fucking had a (unintelligible)
24 relationship, but you were too stupid.

25 THE DEFENDANT: Listen, Amanda, I love you,

1 dude. I don't want nothing in this world but you.
2 Even after all this happened, even if I have to
3 spend the rest of my life in prison, I don't want
4 nothing but you, dude. Do you understand that?

5 **UNIDENTIFIED FEMALE VOICE:** Okay.

6 **THE DEFENDANT:** That's how much I love you.
7 I'm willing to sacrifice and do anything that it
8 takes to be able to be with you.

9 **UNIDENTIFIED FEMALE VOICE:** Okay.

10 well, if I don't get off the phone with you,
11 it's going to hang up.

12 **THE DEFENDANT:** No, stay on until the phone
13 hangs up.

14 **UNIDENTIFIED FEMALE VOICE:** Yeah, until it's
15 out of money.

16 **THE DEFENDANT:** When can I call you again? Can
17 I talk to you again?

18 **UNIDENTIFIED FEMALE VOICE:** I don't -- I sent
19 you the number and everything.

20 **THE DEFENDANT:** I didn't get the number from
21 there. I got it from the paperwork. I stumbled
22 across it and got lucky.

23 **UNIDENTIFIED FEMALE VOICE:** It's 2 -- uh, it's
24 (352)212-3289.

25 **THE DEFENDANT:** 212 what?

1 **UNIDENTIFIED FEMALE VOICE:** 3289.

2 **THE DEFENDANT:** 212-3289. And I can call that
3 number?

4 **UNIDENTIFIED FEMALE VOICE:** Yeah, that's --
5 yeah.

6 **THE DEFENDANT:** 212-3289?

7 **UNIDENTIFIED FEMALE VOICE:** Yeah.

8 **THE DEFENDANT:** Hey, you got a pencil?
9 212-32 -- 212-3289. Uh, 212 -- 212-3289?

10 **UNIDENTIFIED FEMALE VOICE:** Yeah.

11 **THE DEFENDANT:** Is there money on that phone?

12 **UNIDENTIFIED FEMALE VOICE:** Yeah.

13 **THE DEFENDANT:** All right.

14 what did you say? I -- what did you say? I
15 did hear what you said earlier.

16 **UNIDENTIFIED FEMALE VOICE:** You have to call
17 tomorrow.

18 **THE DEFENDANT:** After tomorrow what?

19 **UNIDENTIFIED FEMALE VOICE:** I'm saying you have
20 to call tomorrow.

21 **THE DEFENDANT:** I have to call tomorrow?

22 **UNIDENTIFIED FEMALE VOICE:** Yeah.

23 **THE DEFENDANT:** So what's going on with you?
24 You guys together?

25 **UNIDENTIFIED FEMALE VOICE:** No, kind of, not

1 really.

2 THE DEFENDANT: You all been having sex?

3 UNIDENTIFIED FEMALE VOICE: Yeah.

4 THE DEFENDANT: Oh. That's great.

5 UNIDENTIFIED FEMALE VOICE: No.

6 THE COURT: Hum?

7 UNIDENTIFIED FEMALE VOICE: We kind of lean on
8 each other.

9 THE DEFENDANT: How's my mom? Is my mom okay?

10 UNIDENTIFIED FEMALE VOICE: Yeah, she's good.

11 THE DEFENDANT: Can you get my pit bull puppy?
12 My pit bull (unintelligible) nobody. I don't
13 (unintelligible), dude.

14 UNIDENTIFIED FEMALE VOICE: Well, apparently
15 she said she did, so I don't know.

16 THE DEFENDANT: She said what?

17 UNIDENTIFIED FEMALE VOICE: I have no idea. I
18 can't even -- I can't talk -- I can't talk anymore.

19 THE DEFENDANT: Why not?

20 UNIDENTIFIED FEMALE VOICE: I'm upset right
21 now.

22 THE DEFENDANT: You're not going to get me into
23 any more trouble, are you?

24 UNIDENTIFIED FEMALE VOICE: No. What the hell
25 are you talking about? (Unintelligible) you need

1 help.

2 THE DEFENDANT: They're trying to get me
3 (unintelligible) attorney.

4 UNIDENTIFIED FEMALE VOICE: When's the latest
5 (unintelligible)?

6 THE DEFENDANT: I can call 'til 10:00 o'clock.

7 UNIDENTIFIED FEMALE VOICE: Then call back in
8 like an hour.

9 THE DEFENDANT: Okay.

10 I'm so sorry, dude. Please know that. I would
11 never ever do anything to harm you or anybody that
12 is around you. I love you with everything in me.
13 Please know that.

14 UNIDENTIFIED FEMALE VOICE: All right.

15 THE DEFENDANT: Like I'm banging my head
16 against the wall here, dude. I don't want anybody
17 but you, dude. You are the light of my life, dude.
18 I -- I sleep -- I think of you. I think -- I think
19 of you. I don't know what to do, dude. It's not
20 jail talk. I really -- I told everybody. I tried
21 to call you and get out there and try to tell you.
22 Everyone knows how I feel, everyone.

23 UNIDENTIFIED FEMALE VOICE: I know
24 (unintelligible).

25 THE DEFENDANT: Hum?

1 **UNIDENTIFIED FEMALE VOICE:** I know.

2 **THE DEFENDANT:** I don't know what to do, dude.
3 Like you are the light of my life, dude. I don't
4 know what fuck you did to me. You spent woo on me.
5 That's what they call it in here, the woo.
6 (Unintelligible).

7 **UNIDENTIFIED FEMALE VOICE:** Oh, my God.

8 **THE DEFENDANT:** Hum?

9 **UNIDENTIFIED FEMALE VOICE:** You're really --
10 you're really fuckin' (unintelligible).

11 **THE DEFENDANT:** Hum?

12 **UNIDENTIFIED FEMALE VOICE:** Nothing. All
13 right.

14 **THE DEFENDANT:** Listen, I have a house we can
15 move to.

16 **UNIDENTIFIED FEMALE VOICE:** You know what?

17 **THE DEFENDANT:** Hum?

18 **UNIDENTIFIED FEMALE VOICE:** Then do what I told
19 you to do.

20 **THE DEFENDANT:** Call you in an hour?

21 **UNIDENTIFIED FEMALE VOICE:** Yeah.

22 **THE DEFENDANT:** All right, I'll call you in an
23 hour.

24 **UNIDENTIFIED FEMALE VOICE:** All right.

25 **THE DEFENDANT:** All right.

1 **UNIDENTIFIED FEMALE VOICE:** Bye.

2 (Pause.)

3 **THE OPERATOR:** Hello. This is a free call
4 from --

5 **THE DEFENDANT:** (Unintelligible).

6 **THE OPERATOR:** -- an incarcerated individual
7 at -- this call is not private. It will be recorded
8 and may be monitored. If you believe this should be
9 a private call, please hang up and follow the
10 (unintelligible) instructions to register this
11 number as a private number.

12 To accept this free call, press one. To
13 refuse -- thank you for using Securus. You may
14 start the conversation now.

15 **THE DEFENDANT:** Hello.

16 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

17 **THE DEFENDANT:** You (unintelligible) have the
18 time of the day, dude. I'm hurting, dude. I'm
19 really hurting, dude. I'm fucking lost right now.
20 I feel like the whole world is against me and no one
21 cares about me. You know how that feels?

22 **UNIDENTIFIED FEMALE VOICE:** No.

23 **THE DEFENDANT:** Do you know how that -- I know.
24 I don't know how to explain it to you. It's a
25 fucking (unintelligible) most painful thing in the

1 world. It's excruciating, dude.

2 (Pause.)

3 And I don't know what to do (unintelligible).

4 I do not know what to do. The only person I love is
5 ignoring me, doesn't have the time in the day for
6 me. Dude, I would do anything if you were in a
7 situation to make sure you felt loved and let you
8 know that I was there for you, backing you a hundred
9 percent. I would have never --

10 **UNIDENTIFIED FEMALE VOICE:** You should have did
11 that whenever you were out.

12 **THE DEFENDANT:** I did. I (unintelligible).
13 why do you think I was breaking the house? That was
14 my way of telling you how I was emotionally going
15 through it. I was breaking things (unintelligible).

16 **UNIDENTIFIED FEMALE VOICE:** That's not how you
17 handle shit, so.

18 **THE DEFENDANT:** My God. Well, I was trying to
19 tell you that. I don't know, dude. Whatever, dude.

20 **UNIDENTIFIED FEMALE VOICE:** You
21 (unintelligible) no.

22 (Pause.)

23 **THE DEFENDANT:** I love you. I love you, dude.
24 I don't know what else to do, what else to say.
25 (Unintelligible) talk to you again.

1 **UNIDENTIFIED FEMALE VOICE:** I don't know.
2 Understand?

3 **THE DEFENDANT:** You --

4 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

5 **THE DEFENDANT:** Hum?

6 **UNIDENTIFIED FEMALE VOICE:** Because I can.

7 **THE DEFENDANT:** Does my mom -- does my mom have
8 any money?

9 **UNIDENTIFIED FEMALE VOICE:** No.

10 **THE DEFENDANT:** None at all?

11 **UNIDENTIFIED FEMALE VOICE:** None.

12 **THE DEFENDANT:** Can you come visit?

13 **UNIDENTIFIED FEMALE VOICE:** Hum?

14 **THE DEFENDANT:** Can you come visit me?

15 **UNIDENTIFIED FEMALE VOICE:** Can I what?

16 **THE DEFENDANT:** Can you come visit me?

17 **UNIDENTIFIED FEMALE VOICE:** How?

18 **THE DEFENDANT:** Have visitation for next
19 Saturday.

20 **UNIDENTIFIED FEMALE VOICE:** What?

21 **THE DEFENDANT:** (Unintelligible).

22 **UNIDENTIFIED FEMALE VOICE:** Visitation, is that
23 what you said?

24 **THE DEFENDANT:** Yeah, have visitation for next
25 Saturday.

1 **UNIDENTIFIED FEMALE VOICE:** They won't allow
2 it.

3 **THE DEFENDANT:** well, can you (unintelligible)
4 on my tablet and send me some stamps?

5 **UNIDENTIFIED FEMALE VOICE:** Send you some -- I
6 did. You have one.

7 **THE DEFENDANT:** (Unintelligible).

8 **UNIDENTIFIED FEMALE VOICE:** I sent it to you.

9 **THE DEFENDANT:** I have no stamps, I have no
10 pictures, nothing. I told you that.

11 **UNIDENTIFIED FEMALE VOICE:** All right.

12 well, I'll send it to you, send you some
13 stamps.

14 **THE DEFENDANT:** what are you doing?

15 **UNIDENTIFIED FEMALE VOICE:** My makeup.

16 **THE DEFENDANT:** why? where you going?

17 **UNIDENTIFIED FEMALE VOICE:** Nowhere.

18 **THE DEFENDANT:** Yeah, whatever, dude.

19 **UNIDENTIFIED FEMALE VOICE:** For every day. I
20 do my makeup every day.

21 **THE DEFENDANT:** I'll tell you what, I don't
22 have time. I love you, dude.

23 **UNIDENTIFIED FEMALE VOICE:** Okay.

24 **THE DEFENDANT:** (Unintelligible) fucking
25 (unintelligible).

1 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

2 **THE DEFENDANT:** Hum?

3 **UNIDENTIFIED FEMALE VOICE:** You don't treat me
4 like that because you're having a fucking shit day.

5 **THE DEFENDANT:** A shit day is -- every day is a
6 shit day because I'm -- my heart hurts, dude. I
7 miss you so fucking much, dude. And you're in my
8 mind. It's like nobody cares about me.

9 **UNIDENTIFIED FEMALE VOICE:** That's not true at
10 all.

11 **THE DEFENDANT:** Who cares about me?

12 **UNIDENTIFIED FEMALE VOICE:** Me.

13 **THE DEFENDANT:** How?

14 **UNIDENTIFIED FEMALE VOICE:** I do. Just not the
15 way you would like it. (Unintelligible) the way you
16 want it to be.

17 **THE DEFENDANT:** So I'm beating a dead horse by
18 trying to marry you and try to spend the rest of my
19 life with you then, right?

20 **UNIDENTIFIED FEMALE VOICE:** Yeah, pretty much.

21 **THE DEFENDANT:** Are you serious?

22 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible)
23 has already happened. You don't understand.
24 It's -- it's -- there's things that -- that happen
25 that are just unforgivable. There's -- I don't care

1 what your friends tell you. People stick by you if
2 they love you.

3 **THE DEFENDANT:** I don't have any friends, dude.

4 **UNIDENTIFIED FEMALE VOICE:** Okay. Like that's
5 what you said. You said, oh, this one lady, she
6 told me this, and that person said this. I don't
7 care what those -- none of those people went through
8 what I went through.

9 **THE DEFENDANT:** I love you.

10 **UNIDENTIFIED FEMALE VOICE:** I know people sat
11 there and looked at the wall every day depressed as
12 fuck because they knew that the person that they
13 loved with everything in -- in them was cheating on
14 them with multiple people.

15 **THE DEFENDANT:** Oh, my God, I was not cheating
16 with multiple people, dude. That never happened.

17 **UNIDENTIFIED FEMALE VOICE:** Okay. You can keep
18 telling me that all you want, but I'm sorry. I do
19 not believe that shit for nothing.

20 **THE DEFENDANT:** well, I got to go.
21 (Unintelligible) something (unintelligible) fucking
22 (unintelligible).

23 **UNIDENTIFIED FEMALE VOICE:** All right.

24 **THE DEFENDANT:** whatever, dude. I guess -- I
25 guess I won't -- I guess just leave me alone, dude.

1 If that's how you feel. If you really don't see no
2 fucking future for us, just leave me alone, dude.
3 Don't be fuckin' -- don't be fuckin' -- just leave
4 me alone. Just disappear. Just don't
5 (unintelligible) please. Okay?

6 **UNIDENTIFIED FEMALE VOICE:** Okay. All right.

7 **THE DEFENDANT:** Block my number so I can't call
8 you.

9 **UNIDENTIFIED FEMALE VOICE:** Okay.

10 **THE DEFENDANT:** I'm sorry. I love you with
11 everything in me. Just know that. And I don't know
12 (unintelligible). (Unintelligible) dude, I'm going
13 crazy. I love you too much.

14 **UNIDENTIFIED FEMALE VOICE:** I agree. I agree.
15 I agree.

16 **THE DEFENDANT:** (Unintelligible) this stuff,
17 dude, please don't do that to me, dude. Why would
18 you do that, dude? Please don't do that to me.

19 **UNIDENTIFIED FEMALE VOICE:** What? I am. I'm
20 going to do what you asked.

21 **THE DEFENDANT:** No, don't, don't. I don't know
22 what to do, dude, because I don't (unintelligible)
23 you, dude. Please. Why can't we just be together?
24 why can't you just love me like I love you, dude?
25 Like what the fuck?

1 **UNIDENTIFIED FEMALE VOICE:** I did. I did.

2 **THE DEFENDANT:** Are you fucking serious?

3 (Pause.)

4 **UNIDENTIFIED FEMALE VOICE:** Yeah.

5 **THE DEFENDANT:** (Unintelligible).

6 **UNIDENTIFIED FEMALE VOICE:** I did. I did. You
7 don't understand. I did. I did.

8 **THE DEFENDANT:** (Unintelligible).

9 **UNIDENTIFIED FEMALE VOICE:** I put everything
10 that I had. I warned you. I warned you.

11 **THE DEFENDANT:** Why are you doing this to me
12 now? I need you. I -- more than ever, I want you.

13 **UNIDENTIFIED FEMALE VOICE:** I warned you. I
14 told you if you keep doing this, I'm going to just
15 be done. And you --

16 **THE DEFENDANT:** (Unintelligible).

17 **UNIDENTIFIED FEMALE VOICE:** -- didn't listen.
18 You kept doing what you wanted to do.

19 **THE DEFENDANT:** (Unintelligible). I love you
20 with everything in me, dude. Please don't fuck that
21 up, dude. Please, dude. Please don't do that. I
22 want to spend the rest of my fucking life with you
23 and only you, dude. What the fuck?

24 **UNIDENTIFIED FEMALE VOICE:** Don't waste all his
25 time.

1 **THE DEFENDANT:** I fuck him, dude. I'll fucking
2 (unintelligible) dude.

3 **UNIDENTIFIED FEMALE VOICE:** Stop. You have to
4 stop. I'm not going to answer anymore. If you're
5 going to act like that, I'm not going to answer
6 anymore.

7 **THE DEFENDANT:** Dude, I want to spend the rest
8 of my life with you, dude.

9 **UNIDENTIFIED FEMALE VOICE:** Okay, let me think
10 about it.

11 **THE DEFENDANT:** Are you serious?

12 **UNIDENTIFIED FEMALE VOICE:** Yes. And I really
13 will, okay?

14 **THE DEFENDANT:** Yeah, right, dude. When am I
15 going to know?

16 **UNIDENTIFIED FEMALE VOICE:** I don't know. I
17 don't have the money to fucking put on -- I don't
18 have the money.

19 (Pause.)

20 **THE DEFENDANT:** (Sigh).

21 (Pause.)

22 whatever, dude.

23 **UNIDENTIFIED FEMALE VOICE:** Just -- why
24 don't -- why can't you just be okay with the fact
25 that I will think about it?

1 **THE DEFENDANT:** I'm okay with the fact that
2 you'll think about it, but I was (unintelligible).
3 I don't want you talking to some other dude. I want
4 you to show me that you love me. I want to be able
5 to talk to you. I'm losing my mind here, dude.

6 (Pause.)

7 **UNIDENTIFIED FEMALE VOICE:** I understand.
8 Believe me, I do.

9 **THE DEFENDANT:** I keep calling the lawyer and
10 telling him to come see me, and you don't remember
11 the fucking (unintelligible).

12 **UNIDENTIFIED FEMALE VOICE:** Yes, I will
13 tomorrow morning.

14 **THE DEFENDANT:** Why did he say I'd be getting
15 out? What's going on?

16 **MR. LIZANICH:** Objection, Your Honor. May we
17 approach?

18 **UNIDENTIFIED FEMALE VOICE:** I don't know. I
19 just --

20 (Audio stopped.)

21 **THE COURT:** Yes.

22 (Begin sidebar.)

23 **THE COURT:** Go ahead.

24 **MR. LIZANICH:** There's only two and a half
25 minutes left on this one. If the State's purpose is

1 to show that Mr. King had contacted me, what they've
2 already done is enough. Creating any conversations
3 with Mr. King and me about that, I think that's
4 (unintelligible).

5 **THE COURT:** I have edited, redacted.

6 **MS. HARTMAN:** The conversation, this is simply
7 what the victim is telling the defendant. And if
8 he's sharing what Mr. Lizanich told him, it's
9 waived. Once you share it with a third party, that
10 privilege is waived.

11 **THE COURT:** what is -- what is he about to say?

12 **MS. HARTMAN:** She tells him, I spoke to your
13 lawyer, uh --

14 **THE COURT:** She tells him she spoke to the
15 lawyer?

16 **MS. HARTMAN:** Yes.

17 **THE COURT:** Okay.

18 **MS. HARTMAN:** Uh, she says, I spoke to him. I
19 don't recall if this exact call, uh -- can you grab
20 my note pad with the calls one, two and three listed
21 on it.

22 Uh, Judge --

23 **THE COURT:** what did he say just before that?
24 Did he say did you speak to the lawyer?

25 **MS. HARTMAN:** Yes.

1 **THE COURT:** That's what he said, right?

2 **MS. HARTMAN:** Yes.

3 **THE COURT:** I get a little bit of an echo.

4 It's right over my head here.

5 **MS. HARTMAN:** But even if he starts telling her
6 what his conversations with Mr. Lizanich are,
7 that's -- now you're telling a third party, and that
8 privilege is waived.

9 **MR. LIZANICH:** And I do, uh -- I think I have
10 to concede that once you tell a third party,
11 privilege is waived.

12 **THE COURT:** Uh-huh.

13 **MR. LIZANICH:** That means that it doesn't make
14 it relevant to the case and it could be prejudicial.

15 **MS. HARTMAN:** well, everything is prejudicial.

16 **THE COURT:** As long as it's relevant.

17 **MS. HARTMAN:** Relevant, right.

18 **THE COURT:** But is -- what do you believe she's
19 about to say, that she spoke to the lawyer and --

20 **MS. HARTMAN:** She's -- she's going to say, uh,
21 I talked to the lawyer. Uh, I think this is call
22 two -- yes, this is call two. The lawyer said don't
23 answer the phone for you because you're going to get
24 in trouble, which goes to show he knows he's not
25 supposed to be calling her.

1 **MR. LIZANICH:** That's still using my advice,
2 and it's my client (unintelligible).

3 **THE COURT:** It's just not smart. That's the
4 problem. It's not objectionable based on that.

5 I'm going to allow it. It's overruled.
6 Objection's noted.

7 **MR. LIZANICH:** Thank you, sir.

8 (End sidebar)

9 (Audio continuing.)

10 **UNIDENTIFIED FEMALE VOICE:** He said -- he said
11 yes. And I said, okay, so what's next? And he
12 asked me if I was coming to trial. And I told him
13 yes -- or to pretrial, and I said yes. And he said,
14 okay, we'll see you then. And I said, is there
15 anything, uh, else that I need to do? And he said,
16 bring (unintelligible).

17 **THE DEFENDANT:** (Unintelligible) awesome, dude.

18 **UNIDENTIFIED FEMALE VOICE:** I know.

19 And he said -- and then he (unintelligible)
20 don't answer the phone. That's what he said.

21 **THE DEFENDANT:** He said what?

22 **UNIDENTIFIED FEMALE VOICE:** Don't answer the
23 phone.

24 **THE DEFENDANT:** For who?

25 **UNIDENTIFIED FEMALE VOICE:** For you.

1 **THE DEFENDANT:** whatever, dude.

2 **UNIDENTIFIED FEMALE VOICE:** Cause you're going
3 to get in trouble is what he said.

4 **THE DEFENDANT:** So how do you put money on
5 somebody else's phone so I can call you on their
6 tablet?

7 **UNIDENTIFIED FEMALE VOICE:** Okay.

8 **THE DEFENDANT:** why can't you put money on the
9 phone?

10 **UNIDENTIFIED FEMALE VOICE:** I don't know. This
11 is what you don't get.

12 **THE DEFENDANT:** All right, whatever, dude. I
13 love you, dude. Please don't fuck that dude --

14 **UNIDENTIFIED FEMALE VOICE:** I'll do what I can.
15 I'm not. Okay?

16 **THE DEFENDANT:** I'm furious.

17 **UNIDENTIFIED FEMALE VOICE:** I know you are.

18 **THE DEFENDANT:** Please stop talking to him.

19 **UNIDENTIFIED FEMALE VOICE:** Okay.

20 **THE DEFENDANT:** I'm serious, dude. I love you,
21 dude. I want to spend the rest of my life with you,
22 dude. (Unintelligible) I don't want anybody else,
23 dude.

24 (Pause.)

25 You make shit so hard, dude. Dude, I want to

1 spend the rest of my life with you, Amanda. I love
2 you with all my heart, dude. I promise I'll do
3 anything. I'll do nothing but try to make you happy
4 for the rest of your life, dude. I promise you. I
5 will do anything it takes to make you happy. I'll
6 never disrespect you again. I'll never cheat on you
7 or turn my back on you. I promise you I'll be the
8 best man ever to you. I promise. Just please,
9 dude.

10 **UNIDENTIFIED FEMALE VOICE:** I told you let me
11 think about it.

12 **THE DEFENDANT:** Whatever, dude. I'll try to
13 call you sometime soon. I love you.

14 **UNIDENTIFIED FEMALE VOICE:** Okay.

15 **THE DEFENDANT:** Could you just tell me you love
16 me?

17 **UNIDENTIFIED FEMALE VOICE:** I love you.

18 **THE DEFENDANT:** I love you too.

19 **UNIDENTIFIED FEMALE VOICE:** All right.

20 **THE DEFENDANT:** Bye.

21 **UNIDENTIFIED FEMALE VOICE:** Bye.

22 (Pause.)

23 **THE OPERATOR:** Hello. This is a free call
24 from --

25 **THE DEFENDANT:** Joe Kennedy.

1 **THE OPERATOR:** -- an incarcerated individual
2 at -- this call is not private. It will be recorded
3 and being monitored. If you believe this should be
4 a private call, please hang up and follow facility
5 instructions to register this number as a private
6 number. To accept this free call -- thank you for
7 using Securus. You may start the conversation now.

8 **THE DEFENDANT:** Can you hear me?

9 **UNIDENTIFIED FEMALE VOICE:** Yeah.

10 **THE DEFENDANT:** Please, listen to what I have
11 to say before you say anything else, Amanda.
12 Listen, you're a beautiful (unintelligible).

13 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

14 **THE DEFENDANT:** The beauty of life is living
15 with you and being with you. If he can
16 (unintelligible) be with you and if he can be good
17 to you, that fuck (unintelligible) not worth it.
18 Here it's like (unintelligible). I'm
19 (unintelligible) this shit. (Unintelligible) been
20 through it. I love you all, you get me? I love you
21 all wholeheartedly with everything in me. I
22 (unintelligible) trying to make it work with you.
23 (Unintelligible) on the back burner.
24 (Unintelligible) that shit. Anybody will tell you
25 how much I love you.

1 But if you (unintelligible), that's your mother
2 fucking choice, not mine. (Unintelligible) because
3 of my mother fucking feelings and the way I thought
4 it was going. You can't (unintelligible) for that
5 shit. I made a mother fucking mistake, and I'm man
6 enough to say it.

7 (Unintelligible) fuck ass boy, then
8 (unintelligible) go ahead and live your life. Have
9 fun and enjoy that. I promise you, you're always
10 going to look back and remember what the fuck you
11 could have had with me. I promise you that. But I
12 love you with all my fuckin' heart. I'm willing to
13 tell you. If he's not worth it, move
14 (unintelligible) somebody that is.

15 **UNIDENTIFIED FEMALE VOICE:** Yeah.

16 (Pause.)

17 **THE DEFENDANT:** I don't know. I don't know a
18 fucking thing. I'm fuckin' -- I'm sick and tired of
19 somebody (unintelligible) and stealing my shit,
20 dude, (unintelligible). I cannot (unintelligible)
21 the rest of my life.

22 **UNIDENTIFIED FEMALE VOICE:** No, but hopefully
23 you won't do it to the next female.

24 **THE DEFENDANT:** I'm not. I made a mistake. I
25 thought you were cheating on me. What am I supposed

1 to do? When people think there's something going on
2 in a relationship, they tend to (unintelligible).

3 UNIDENTIFIED FEMALE VOICE: (Unintelligible)
4 thought that I did.

5 THE DEFENDANT: Listen, Amanda, the whole
6 time -- the whole relationship that we had changed
7 my heart, the whole relationship from beginning
8 until end.

9 UNIDENTIFIED FEMALE VOICE: I played with your
10 heart? Really?

11 THE DEFENDANT: You know how many times you
12 (unintelligible)?

13 UNIDENTIFIED FEMALE VOICE: (Unintelligible).

14 THE DEFENDANT: (Unintelligible).

15 UNIDENTIFIED FEMALE VOICE: (Unintelligible).

16 THE DEFENDANT: (Unintelligible) going on, I
17 have never done you like that.

18 UNIDENTIFIED FEMALE VOICE: I'm glad that I
19 know the truth of how you feel, all right?

20 THE DEFENDANT: what? what do you mean the
21 truth?

22 UNIDENTIFIED FEMALE VOICE: It's okay, though.

23 THE DEFENDANT: what do you mean the truth of
24 how I feel? I told you how I feel. I love you with
25 all my heart. (Unintelligible).

1 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

2 **THE DEFENDANT:** (Unintelligible) fuckin' shit.

3 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

4 **THE DEFENDANT:** (Unintelligible) all that
5 fucking shit (unintelligible).

6 **UNIDENTIFIED FEMALE VOICE:** If I played -- if I
7 played with your heart, then how in the fuck are you
8 still in love with me after everything?

9 **THE DEFENDANT:** Because I love hard. Because
10 my love is mother fuckin' real. That's why.

11 **UNIDENTIFIED FEMALE VOICE:** Yeah, so do I.

12 **THE DEFENDANT:** That's why I still love you.

13 **UNIDENTIFIED FEMALE VOICE:** So do I. But that
14 doesn't mean when you get shit on.

15 **THE DEFENDANT:** (Unintelligible).

16 **UNIDENTIFIED FEMALE VOICE:** I fuckin' cheated
17 on you (unintelligible).

18 **THE DEFENDANT:** (Unintelligible).

19 Oh, did you cheat on me? So you didn't cheat
20 on me when you lied to me the whole (unintelligible)
21 relationship.

22 **UNIDENTIFIED FEMALE VOICE:** No.

23 **THE DEFENDANT:** Telling me you loved me
24 (unintelligible) fucking take me back, right? well
25 (unintelligible).

1 **UNIDENTIFIED FEMALE VOICE:** I sent your ass
2 packing because you were a drinking ass fool and you
3 were jealous of everybody.

4 **THE DEFENDANT:** (Unintelligible) before that.
5 Before that. Before that, Amanda. Do you remember
6 what you told me? (Unintelligible) relationship?
7 You remember that?

8 **UNIDENTIFIED FEMALE VOICE:** Yeah, because I was
9 fucked. I had went through some shit and fuckin'
10 did you wrong.

11 **THE DEFENDANT:** (Unintelligible).

12 **UNIDENTIFIED FEMALE VOICE:** But after that, I
13 was (unintelligible).

14 **THE DEFENDANT:** (Unintelligible).

15 **UNIDENTIFIED FEMALE VOICE:** After that, I was
16 fine. I did not do that to you anymore.

17 **THE DEFENDANT:** Yes, you did.

18 **UNIDENTIFIED FEMALE VOICE:** Oh, what? Because
19 I talked to (unintelligible).

20 **THE DEFENDANT:** (Unintelligible). Listen
21 (unintelligible).

22 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

23 **THE DEFENDANT:** (Unintelligible).

24 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible)
25 fucking caught you talking to women on the phone?

1 (Unintelligible).

2 **THE DEFENDANT:** Listen, you know what you used
3 to tell me every day about how you're talking to the
4 dude at your work or how you liked this person, how
5 you might like that person. Well, you don't think
6 that's playing with somebody? Uh, some dude what?
7 what?

8 **UNIDENTIFIED FEMALE VOICE:** I was telling you
9 there was a dude that was attracted to me?

10 **THE DEFENDANT:** Yeah, (unintelligible).

11 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible)
12 attracted to me. So that means, oh, let me go cheat
13 because someone's attracted.

14 **THE DEFENDANT:** (Unintelligible) I'm not going
15 to fuckin' argue with you, dude. I'm not -- I'm
16 sorry. I'm -- I'm sorry for it, but right now I'm
17 (unintelligible) no different. Uh, I hope that, you
18 know, maybe this guy (unintelligible). I don't know
19 what else to tell you. I mean, what else do you
20 want me to say?

21 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible)
22 because honestly, I'm really about to just say fuck
23 everybody (unintelligible).

24 **THE DEFENDANT:** Why would you do that?

25 **UNIDENTIFIED FEMALE VOICE:** Because I'm just --

1 I'm so tired of fucking living whole -- like
2 wholeheartedly so all you fucking pieces of shit --
3 and you guys don't appreciate a mother fuckin'
4 thing.

5 **THE DEFENDANT:** who? who's you, you guys?
6 (Unintelligible) address (unintelligible).

7 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

8 **THE DEFENDANT:** (Unintelligible).

9 **UNIDENTIFIED FEMALE VOICE:** You didn't
10 appreciate it either when it was right in front of
11 your damn face.

12 **THE DEFENDANT:** (Unintelligible) here, and I'm
13 still trying to make this shit work with you. How
14 in the fuck (unintelligible) put anybody up to this
15 shit? (Unintelligible) fuck that dumb ass bitch,
16 that fucking (unintelligible) or fuck that
17 (unintelligible). That's what these dudes are like.
18 They're like you used to fuck that dumb bitch? I'm
19 like, that's my fuckin' lover. (Unintelligible).

20 **UNIDENTIFIED FEMALE VOICE:** Yeah, why --
21 (unintelligible) all of it. Stop running your mouth
22 and tell the people your side. That's why people
23 feel bad for you cause they don't know the truth.

24 **THE DEFENDANT:** I tell them the truth. I have
25 no reason to lie to anybody.

1 **UNIDENTIFIED FEMALE VOICE:** Yeah, but fuck you
2 with your dumb ass fucking Misty with your fucking
3 bullshit, Ian.

4 Let me tell you something. You want to hear
5 some real ass shit? You put yourself there. You
6 called me. You threatened my life. You threatened
7 my children. So how dare you fuckin' sit there and
8 tell me that I put you in there, bitch. You put
9 yourself in there. That's the fucking fucking --
10 realize that for yourself. Okay? I am so goddamn
11 tired of hearing that it's my fault of why the fuck
12 you're in there. You put yourself in there, you
13 dumb fucking idiot. Wake the fuck up.

14 **THE DEFENDANT:** Okay. Okay.

15 **UNIDENTIFIED FEMALE VOICE:** No, you did it?
16 You did it?

17 **THE DEFENDANT:** Yeah, whatever.

18 **UNIDENTIFIED FEMALE VOICE:** Now you did it?

19 **THE DEFENDANT:** You're right, you're right.

20 **UNIDENTIFIED FEMALE VOICE:** You
21 (unintelligible), Ian. They literally have your
22 dumb ass on fucking recording of you literally
23 telling me that you were going to fucking kill me,
24 you dumb fuck. You did this to yourself, and I've
25 been trying to get you out of it ever since --

1 **THE DEFENDANT:** (Unintelligible).

2 **UNIDENTIFIED FEMALE VOICE:** -- because you
3 don't never make the right decision. You always
4 make the wrong decision.

5 **THE DEFENDANT:** why would you not tell me that?
6 why would you not tell me that? why would you not
7 tell me that and just now you want to tell me that?

8 **UNIDENTIFIED FEMALE VOICE:** what the fuck are
9 you talking about? Your attorney (unintelligible).

10 **THE DEFENDANT:** No, he didn't. He didn't
11 (unintelligible) that.

12 **UNIDENTIFIED FEMALE VOICE:** Yes, the fuck he
13 did.

14 **THE DEFENDANT:** (Unintelligible).

15 **UNIDENTIFIED FEMALE VOICE:** It's on the
16 fucking -- it's on the fucking video -- the -- the
17 fucking recording.

18 **THE DEFENDANT:** So what are you saying?

19 **UNIDENTIFIED FEMALE VOICE:** You are literally
20 on the phone right there. I have a cop right here.
21 You said, I don't give a -- I don't give a fuck.
22 Fuck that cop. Fuck you bitch. I'm a fucking kill
23 you. You literally said that shit when I told you
24 there was a cop on the phone, you fucking moron.

25 **THE DEFENDANT:** No, I did not.

1 **UNIDENTIFIED FEMALE VOICE:** Yes, you did. They
2 have the recording.

3 **THE DEFENDANT:** That's great, dude.

4 **UNIDENTIFIED FEMALE VOICE:** You did it.

5 **THE DEFENDANT:** I appreciate you telling me
6 that. Thank you.

7 **UNIDENTIFIED FEMALE VOICE:** Ian, he said that
8 it's not going to hold up.

9 **THE DEFENDANT:** How -- yeah, how is that not
10 going to hold up if they have me on fucking video
11 tape, if they have me on a video recording? How is
12 that not going to hold up?

13 **UNIDENTIFIED FEMALE VOICE:** They have audio --
14 audio video recording of you.

15 **THE DEFENDANT:** Okay. Well, then how is that
16 not going to hold up and I'm going to trial?

17 **UNIDENTIFIED FEMALE VOICE:** Because you didn't
18 say I'm going to kill you. You said something
19 like -- I'll put it to you this way: When the cop
20 came, you called me like 200 times, dude. You know
21 that? When I told you to stop. And you won't
22 listen when I tell you to stop.

23 **THE DEFENDANT:** (Unintelligible) recorded
24 anyway, so now you're incriminating me in all
25 different types of ways, so all this is going to be

1 in a fuckin' trial.

2 **UNIDENTIFIED FEMALE VOICE:** Are you fucking
3 stupid or are you using someone else's shit?

4 **THE DEFENDANT:** It doesn't make any difference.
5 They still record everything that's in here.

6 **UNIDENTIFIED FEMALE VOICE:** Okay.

7 well, just so you know, if you listen to the
8 recording, it is from like months ago that --

9 **THE DEFENDANT:** Okay. well, (unintelligible),
10 dude. I just wanted to call and try to make you
11 feel better, but I don't want you to cry. I just
12 wanted to let you know that you have a man out here
13 that really does love you with all his heart
14 regardless of what happened, and I pray to God every
15 day that you can see past all this bullshit, but it
16 is what it is. I love you regardless of the
17 situation and regardless of whatever happened.

18 But now that I know that they have this
19 Information, can you please make sure that my mom
20 bonds me out next week so that I can actually live
21 free for a couple fucking months? Please. I'd like
22 to at least see some freedom before I go to prison
23 for -- can you please do that for me, and I'll pay
24 you the money back.

25 (Pause.)

1 Did you hear me?

2 UNIDENTIFIED FEMALE VOICE: (Unintelligible).

3 THE DEFENDANT: Listen. Just don't -- don't
4 cry, don't cry. I'm sorry that you're going through
5 this. I'm sorry -- I'm (unintelligible) fuckin'
6 (unintelligible) about this phone call. I'm not --
7 I already paid her. And I'm now using way more time
8 that what I'm supposed to be using right now.

9 UNIDENTIFIED FEMALE VOICE: All right. Well,
10 let me get off the phone then.

11 THE DEFENDANT: I love you. I'm sorry you're
12 going through this. Uh, I -- I don't know what to
13 tell you besides pray on it, give it to God, and
14 maybe God'll answer your prayers for you and maybe
15 he'll give you the man that you want and that you
16 deserve, okay? I'm sorry you're going through this
17 fuck, okay? I love you. And I really am, I really
18 am sorry you're going through this fuck.
19 (Unintelligible). I pray to God every night that He
20 heals my heart and helps me find some type of
21 fuckin' -- some type of sanity in here. All I do is
22 I continue (unintelligible). I (unintelligible). I
23 mean I just -- I can't -- I just feel pain. That's
24 all I feel is pain pain pain pain pain because
25 (unintelligible).

1 **UNIDENTIFIED FEMALE VOICE:** I'm feeling your
2 pain.

3 **THE DEFENDANT:** Hum?

4 **UNIDENTIFIED FEMALE VOICE:** Yeah, I'm feeling
5 your pain.

6 **THE DEFENDANT:** How? I kept to myself. I
7 (intelligible).

8 **UNIDENTIFIED FEMALE VOICE:** Whatever, dude.
9 You're never going to find somebody with all those
10 tattoos on your fucking face like that.

11 **THE DEFENDANT:** I'm probably not going to --
12 I'm probably not going to live because I'm probably
13 going to be in prison for the rest of my life,
14 Amanda.

15 **UNIDENTIFIED FEMALE VOICE:** You're not.

16 **THE DEFENDANT:** Yeah, all right. I'm trying to
17 get out of here hopefully for a week or two if I can
18 before I have to go to trial. If you can do that
19 for me, I'd really appreciate that. But I'm sorry.
20 Uh, (unintelligible) is probably mad as fuck
21 (unintelligible). Uh, so I don't know what else to
22 say.

23 when can you put -- (unintelligible) call you?

24 **UNIDENTIFIED FEMALE VOICE:** I -- I don't know.
25 I have nothing. I'm broke. I have zero dollars and

1 zero cents in my fucking account. I used everything
2 I possibly can fucking have. I had to call fucking
3 Cynthia and -- or have Cynthia -- or talk to Cynthia
4 and fucking have her talk to your mom just so she
5 could send your mom a fucking \$20 so she could get
6 her toiletries. Like it's getting --

7 **THE DEFENDANT:** (Unintelligible) \$20 on my
8 phone, dude. And (unintelligible)? why the fuck
9 me, dude? (Unintelligible)? But why do people --
10 why am I (unintelligible)?

11 **UNIDENTIFIED FEMALE VOICE:** I can't
12 (unintelligible). I can't force her to give you
13 money. You act like -- listen, (unintelligible).

14 **THE DEFENDANT:** I have no money.

15 **UNIDENTIFIED FEMALE VOICE:** I would give it to
16 you, but she doesn't give me --

17 **THE DEFENDANT:** (Unintelligible) money. I
18 don't even have a mother, dude. I have no one. I
19 have nothing now. Do you know how that feels?

20 (Pause.)

21 (Unintelligible), nobody. It's just fuck Ian,
22 fuck Ian, you know what I'm saying? Like fuck me.
23 And what do I have to live for? What do I have to
24 come out there to live for? Tell me. Give me one
25 thing. What, my dog?

1 **UNIDENTIFIED FEMALE VOICE:** Ian.

2 **THE DEFENDANT:** Tell me. Name me one thing,
3 please.

4 **UNIDENTIFIED FEMALE VOICE:** You act like I
5 don't care about you at all, dude.

6 **THE DEFENDANT:** You don't care about me,
7 because if you cared about me, you wouldn't be
8 putting me through this.

9 **UNIDENTIFIED FEMALE VOICE:** What am I putting
10 you through? I am simply trying to move on with my
11 life.

12 You know what, you know what you need to listen
13 to? You need to listen to that song Rust by
14 (unintelligible).

15 **THE DEFENDANT:** I don't have money. I don't
16 have money to listen to songs right now. I have no
17 money to even buy (unintelligible) let alone buy
18 music.

19 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

20 **THE DEFENDANT:** I've got to take three showers
21 a day because I don't have deodorant. I have used
22 old boxes from other people, actually hand-me-downs
23 because I don't have anything in here and
24 (unintelligible). So I mean yeah, it's a great life
25 let me tell you. I've been in like four fights this

1 week. I almost (unintelligible) but I've only lost
2 three, so that's pretty good I guess.

3 **UNIDENTIFIED FEMALE VOICE:** Whatever, dude.

4 You know --

5 **THE DEFENDANT:** All right (unintelligible).

6 **UNIDENTIFIED FEMALE VOICE:** When -- okay, well,
7 when you were out -- when you were out,
8 do you remember that song Losing Control Now, that
9 song?

10 **THE DEFENDANT:** Yeah.

11 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

12 **THE DEFENDANT:** Yeah.

13 **UNIDENTIFIED FEMALE VOICE:** That is my song,
14 that is my life. I can't move on with my life.

15 (Pause.)

16 **THE DEFENDANT:** Boy, I'm sorry. I apologize.
17 Do you want me to leave you alone?

18 (Pause.)

19 Is that what you want? You just want me to
20 leave you alone?

21 (Pause.)

22 Is that what you want?

23 (Pause.)

24 I'm (unintelligible).

25 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible).

1 **THE DEFENDANT:** Is that what you want?

2 **UNIDENTIFIED FEMALE VOICE:** We can be friends.

3 **THE DEFENDANT:** Hum?

4 **UNIDENTIFIED FEMALE VOICE:** We can be friends,
5 yes.

6 **THE DEFENDANT:** Hum?

7 **UNIDENTIFIED FEMALE VOICE:** I said we can be
8 friends.

9 **THE DEFENDANT:** We can't. I love you too much.
10 I have to leave. When I get out of here -- if I get
11 out of here, 'm leaving the country. I'm leaving
12 the state. You'll never hear from me ever again.
13 Neither will my mother.

14 **UNIDENTIFIED FEMALE VOICE:** All right.

15 **THE DEFENDANT:** I mean that's the only thing I
16 can think of.

17 **UNIDENTIFIED FEMALE VOICE:** Be careful in
18 there, stay safe.

19 **THE DEFENDANT:** Yeah, I'll try. I love you.
20 I'll talk to you soon. I'll try to fuckin' figure
21 out some way to call you.

22 **UNIDENTIFIED FEMALE VOICE:** All right.

23 (Pause.)

24 **THE DEFENDANT:** I don't know, dude. I love
25 you. I just -- I don't know. I'll pray for you.

1 **UNIDENTIFIED FEMALE VOICE:** Uh-huh, same here,
2 pray for you.

3 **THE OPERATOR:** Thank you for using Securus.
4 Good-bye.

5 (End of hearing of State's Exhibit Three.)

6 **MS. HARTMAN:** Judge, at this time the state
7 would call Deputy Nicholas Belfry to the stand.

8 **THE COURT:** Okay.

9 Deputy Belfry.

10 (Pause.)

11 Raise your right hand.

12 Do you swear to tell the truth, the whole truth
13 and nothing but the truth so help you God?

14 **THE WITNESS:** Yes, sir.

15 **THE COURT:** Go ahead and have a seat. Pull up
16 to the microphone, speak in a loud clear voice.

17 And proceed when ready, Ms. Hartman.

18 Thereupon,

19 NICHOLAS BELFRY,
20 a witness, having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 **BY MS. HARTMAN:**

23 Q. Good afternoon, Deputy.

24 A. Hello.

25 Q. Can you please state your name for the record.

1 A. Nicholas Belfry.

2 Q. Can you spell your last name.

3 A. B-E-L-F-R-Y.

4 Q. Are you currently employed?

5 A. Yes.

6 Q. With whom?

7 A. Citrus County Sheriff's Office.

8 Q. What is your role at Citrus County Sheriff's
9 Office?

10 A. I'm a deputy sheriff.

11 Q. And as a deputy sheriff what are some of your,
12 uh, duties?

13 A. Uh, we do, uh, calls for service, standard
14 calls for service, general investigations of property
15 crimes, domestic violence, uh, traffic enforcement and
16 any other citizen assists that we can do throughout the
17 day.

18 Q. How long have you been a law enforcement
19 officer?

20 A. Seven years.

21 Q. Were you with another agency previous to this
22 one?

23 A. Yes.

24 Q. What agency?

25 A. Hernando County.

1 Q. Can you explain some of the training, uh, and
2 experience you received to become a patrol deputy both in
3 Hernando and Citrus County.

4 A. Yeah. My training started in, uh,
5 St. Augustine where I went to the basic recruit school
6 for law enforcement for my, uh, police academy.

7 Uh, from there, I was hired with Hernando
8 County Sheriff's Office. There we received crisis
9 intervention training, uh, several investigative
10 trainings including like, uh, interviewing and
11 interrogations, uh, crime scene, uh, reconstruction, uh,
12 and let me see, dog fighting investigations.

13 When I came here, we did -- I did another FTO
14 briefly to get, uh, brought up to what Citrus -- the
15 differences between what Citrus and Hernando was, uh,
16 from here. We did another investigative, uh, trainings
17 through FDLE, domestic violence and so on and so forth.

18 Q. So you got -- you just said you got FDLE
19 domestic violence training --

20 A. Yes.

21 Q. -- from FDLE as well as from Hernando and
22 Citrus Counties?

23 A. Yes.

24 Q. Did you, uh -- were you working on
25 February 27th, 2022?

1 A. Yes.

2 Q. Did you receive a call for service at 7100 West
3 Hodges Lane about threatening messages?

4 A. Yes.

5 Q. When you arrived on scene, who did you speak
6 to?

7 A. Uh, the victim.

8 Q. And her name is Amanda Jimenez?

9 A. Yes.

10 Q. Uh, getting the call for threatening messages,
11 did you -- did she show you the evidence of this?

12 A. Yes.

13 Q. Where was it located?

14 A. On her phone.

15 Q. Did she use a certain application, uh, that she
16 showed you where these messages were?

17 A. It was through Facebook.

18 Q. Did you take photos of that?

19 A. Yes.

20 Q. And I'm showing you what's been previously
21 entered into evidence as State's One.

22 Do you recognize these?

23 A. Yes.

24 Q. How do you recognize them?

25 A. Uh, they are the messages that I photographed,

1 uh, the day of the incident.

2 Q. Are they fair and accurate and in the same
3 condition as when you took a photograph of her phone?

4 A. Yes.

5 MS. HARTMAN: And then permission for the
6 witness to step down and assist in publishing
7 State's, uh -- admitted into evidence as State's
8 One.

9 THE COURT: Go ahead.

10 MR. LIZANICH: Your Honor, if I may, uh,
11 objection, foundation, confrontation.

12 THE COURT: Overruled.

13 BY MS. HARTMAN:

14 Q. Deputy, if you'd like to step down, and you can
15 just stand right here. I'm going to ask you to assist in
16 publishing these messages for the jury.

17 You can just kind of stand next to my desk and
18 not block the jurors view.

19 A. All right.

20 MR. LIZANICH: And hearsay, Your Honor. I
21 apologize.

22 (Pause.)

23 THE COURT: Overruled.

24 BY MS. HARTMAN:

25 Q. Deputy, what is the name at the top of this,

1 uh, Facebook account as shown as who's sending messages?

2 A. Ian.

3 Q. And if you can just read these text messages,
4 uh, what does Ian say?

5 A. Uh, starts with why, why, why? A missed call.
6 I'm going to end up doing something stupid, but you loved
7 me.

8 Q. And what does the victim say in response back
9 to that?

10 A. Listen, I have been real nice to you since I
11 found out everything. Please come get the rest of your
12 stuff or I will drop it off on someone's door step with
13 your dog. I need the shot in the yard to go to, please.

14 Q. Then what are those two things showing?

15 A. Uh, missed calls from Ian.

16 Q. And again, how is this message?

17 A. Hello. WTF. I'm going to lose it.

18 Q. Is that from Ian King?

19 A. Yes.

20 Q. And then what is the response?

21 A. A missed phone call. Leave me alone, you lying
22 piece of shit. Get your stuff and bring it to wherever.
23 IDC. The landlord is blowing my phone up about your
24 shit, so please come get it.

25 (Pause.)

1 Q. And again?

2 A. Dude, I'm not in a fucking mood, dude. I just
3 stopped through a fucking appointment. I can't fucking
4 stand you doing.

5 Q. What's the next response?

6 A. IDC if you can stand me. You lost a good
7 woman. You really are stupid. You played me for the
8 last time, I promise you.

9 Q. And is that another missed call from Ian?

10 A. Yes.

11 Q. What is Ian's response to that?

12 A. WTF. Damn, I hate you. WTF.

13 Q. And what's that?

14 A. Another missed call.

15 Q. And what does Ian say?

16 A. The feeling is mutual, sweetheart. You are
17 fucking dead to me. What you did to me and Amanda is so
18 beyond fucked up.

19 Q. What does --

20 A. The response, I'm going to fucking snap.

21 (Pause.)

22 Q. Then what is the next (unintelligible)?

23 A. A thumb up.

24 Q. And what does the defendant say?

25 A. WTF ever fuck you.

1 Q. The victim says?

2 A. LOL. No TY.

3 Q. What does the defendant say?

4 A. For what I'm in a bad situation and you're
5 playing games.

6 Q. Victim's response?

7 A. Uh, being no games here. I am not playing your
8 games anymore. I do not care that you're in a bad
9 situation. You got yourself in your bad situation. Get
10 a job and F'in pay your bills.

11 Q. And Deputy, we went through a lot of these
12 messages earlier, uh, and these are ones you took
13 pictures of. What -- who does it appear sent these
14 emojis?

15 A. It appears Ian sent them.

16 Q. I'm sorry?

17 A. It appears Ian sent them.

18 (Pause.)

19 Q. And at some point, uh, while you're taking
20 these pictures of the messages, were more messages coming
21 in?

22 A. Yes.

23 Q. Do you recall about what time you arrived on
24 scene?

25 A. Towards the end of my shift, so it would have

1 had to have been between like 3:30, 4:00 o'clockish.

2 Q. And now at some point while you have the phone,
3 uh, does the defendant start to call?

4 A. Yes.

5 (Pause.)

6 Q. So would 2:02 be about a more accurate time
7 that you were -- you were having this -- the phone in
8 your hand?

9 A. Yeah.

10 Q. Okay.

11 And how long did that call last?

12 A. Uh, seven seconds.

13 Q. Was the phone in your hand while he was sending
14 the messages just prior to that?

15 A. Yes.

16 Q. What does he say while you have the phone in
17 your hand?

18 A. Uh, good job, Amanda. If I can fucking pull it
19 over, I'm not going to stop. I'll make a fucking kill me
20 dude. I'll make them kill me. Please stop this. I beg
21 you, please. I don't want to die yet, please.

22 Q. And then is the --

23 It lasts 57 seconds when he calls her. Did you
24 hear that phone call?

25 A. Yes, I believe that one I listened to. I had

1 her put it on speaker.

2 Q. Okay.

3 So you instructed her to answer and put it on
4 speaker?

5 A. Yes.

6 Q. What happens again after that call?

7 A. Uh, he calls again.

8 Q. How long did that last?

9 A. Eighteen seconds.

10 Q. What happens after that?

11 A. He calls again.

12 Q. But what happens that time?

13 A. She doesn't answer.

14 Q. What does he say after that?

15 A. Uh, I love you with everything in me. This is
16 how you repay me. I really can't believe you're doing
17 this shit to me in front of other people, dude. This is
18 outrageous, dude. You're starting a war you can't
19 finish. Just know if anything happens to me, you are
20 going to have a lot of pissed off fuckin' people.

21 Q. So he sends this right after you hear a male's
22 phone on the voice with the victim?

23 A. Yes. I was taking photographs as those were
24 coming in.

25 Q. Then what's the last message on there? You

1 just read the last one before that. what's the last one
2 on there?

3 A. I'm trying to get my life together and live a
4 good life, and all you keep doing is causing the fucking
5 problem, dude. why the fuck are you doing this to me? I
6 would never do this to you. I never treat you like that.

7 Q. So you're -- with each individual ones, you're
8 snapping as it comes in?

9 A. Yes.

10 You are fucking such a liar. You promised
11 never to call the police on me again. You promised to
12 never do this to me again.

13 You obviously won't be happy until I'm dead
14 like Jason. Is that what you're doing -- going to,
15 Amanda?

16 Keep on pushing. You'll get what you want, I
17 promise.

18 Q. Thank you. You can take your seat, Deputy.

19 (Pause.)

20 Now, you said that you had heard, uh, the phone
21 conversation between the victim and a male's voice. I'm
22 getting it marked as Exhibit Two for identification --
23 previously entered into evidence as State's Exhibit Two
24 for identification.

25 Do you recognize that?

1 A. Yes.

2 Q. How do you recognize it?

3 A. It's got my initials on it.

4 Q. What is it?

5 A. It's a CD containing an audio recording of the
6 phone conversation.

7 Q. Is it a fair and accurate recording of that
8 phone conversation that you heard on February 27th, 2022
9 between the victim and a male voice?

10 A. Yes.

11 MS. HARTMAN: At this time, I'd like to publish
12 what's been previously entered as State's Two.

13 MR. LIZANICH: And foundation, confrontation,
14 hearsay, Your Honor.

15 THE COURT: Overruled.

16 Granted.

17 MS. HARTMAN: Let's see if it'll switch back to
18 the computer without having to threaten to call
19 Hunter.

20 Nope.

21 (Pause.)

22 THE COURT: Hold on. Do I push anything?

23 THE BAILIFF: Yeah, yeah.

24 THE COURT: Push preview?

25 THE BAILIFF: Yeah.

1 (Pause.)

2 (State's Exhibit Two published.)

3 (Unintelligible.)

4 **DEPUTY BELFRY:** Put him on speaker. I want to
5 see what he says.

6 **UNIDENTIFIED FEMALE VOICE:** Yes, Ian.

7 **THE DEFENDANT:** Hum?

8 **UNIDENTIFIED FEMALE VOICE:** Yes, Ian.

9 **THE DEFENDANT:** why did you do this to me?

10 **UNIDENTIFIED FEMALE VOICE:** Ian, I just need
11 you to leave my house, please. I can't --

12 **THE DEFENDANT:** why did you do this?

13 **UNIDENTIFIED FEMALE VOICE:** I didn't do
14 anything. Just can you please leave.

15 **THE DEFENDANT:** why did you call the fucking --
16 why did you call the police for?

17 **UNIDENTIFIED FEMALE VOICE:** Because you are
18 threatening my life.

19 **THE DEFENDANT:** So you called the fuckin'
20 police, right, now (unintelligible) right?

21 **UNIDENTIFIED FEMALE VOICE:** I'm not going to do
22 this with you.

23 **THE DEFENDANT:** So what are they going to do?
24 What are they going to do, arrest me now?

25 **UNIDENTIFIED FEMALE VOICE:** I don't know.

1 **THE DEFENDANT:** So what are they doing? what
2 did they say?

3 **UNIDENTIFIED FEMALE VOICE:** I -- I'm not
4 discussing this with you. I need you to leave my
5 house. That's all I want.

6 **THE DEFENDANT:** I don't even know what the
7 fuck's going on here. I got too much shit going on.
8 Did you --

9 **UNIDENTIFIED FEMALE VOICE:** Oh, my goodness,
10 please.

11 **THE DEFENDANT:** I'm serious.

12 **UNIDENTIFIED FEMALE VOICE:** I can't --

13 **THE DEFENDANT:** why did you do this shit, dude?
14 why the fuck would you do this?

15 **UNIDENTIFIED FEMALE VOICE:** I'm not doing this
16 anymore. I'm letting -- ah. I -- I get so upset
17 when he calls me.

18 **DEPUTY BELFRY:** That's okay.

19 **UNIDENTIFIED FEMALE VOICE:** I'm -- I'm shaking.

20 **DEPUTY BELFRY:** That's okay.

21 **UNIDENTIFIED FEMALE VOICE:** I don't know what
22 I'm going to do. See, I can't go there.

23 **DEPUTY BELFRY:** Can you bring the messages up.

24 (Phone ringing.)

25 Put it on speaker.

1 **UNIDENTIFIED FEMALE VOICE:** Please just leave
2 the house, okay, and leave me alone.

3 **THE DEFENDANT:** I can't believe you would do
4 this to me. I'm not leave -- dude, I can't believe
5 you would do this shit. I really can't believe you
6 would do this. why are you doing this, dude? why
7 the fuck are you doing this? You're really forcing
8 me to do something stupid, Amanda.

9 (Pause.)

10 **UNIDENTIFIED FEMALE VOICE:** (Sigh).

11 (Pause.)

12 (PHONE RINGING.)

13 **DEPUTY BELFRY:** I'm just going to decline his
14 calls.

15 **UNIDENTIFIED FEMALE VOICE:** He's just going to
16 keep calling.

17 **DEPUTY BELFRY:** Yeah. How, uh -- how do I go
18 to the messages again?

19 **UNIDENTIFIED FEMALE VOICE:** Here.

20 **DEPUTY BELFRY:** Okay.

21 (Pause.)

22 **UNIDENTIFIED FEMALE VOICE:** (Unintelligible)
23 drink and a cigarette.

24 (Unintelligible.)

25 (Pause.)

1 (End of State's Exhibit Two.)

2 BY MS. HARTMAN:

3 Q. Now, Deputy, at the end, you hear the phone
4 ring. You say that you're going to decline it, and then
5 you hear ping ping ping. Were those the messages coming
6 in from this defendant while you had the phone in your
7 hands?

8 A. Yes.

9 Q. Did everything that you did occur in
10 Citrus County?

11 A. Yes.

12 MS. HARTMAN: No further questions at this
13 time, Your Honor.

14 THE COURT: Any cross?

15 CROSS-EXAMINATION

16 BY MR. LIZANICH:

17 Q. Deputy Belfry, you've never met Mr. King; is
18 that right?

19 A. Correct.

20 Q. Uh, you weren't on his side of the phone
21 whenever messages were coming?

22 A. No.

23 Q. So you didn't see who was on the other side,
24 just what people told you was on the other side, right?

25 A. What was being reported.

1 Q. Is that a yes?

2 A. Yes.

3 MR. LIZANICH: If I may have a moment?

4 THE COURT: Uh-huh.

5 (Pause.)

6 MR. LIZANICH: Nothing further. Thank you,
7 Deputy.

8 THE COURT: All right, may the deputy be
9 excused or does he remain subject to the subpoena?

10 MS. HARTMAN: Uh, he's released from the state.

11 MR. LIZANICH: No objection, Your Honor.

12 THE COURT: All right, you may go about your
13 business. Thank you for your time and testimony.

14 THE WITNESS: Thank you.

15 (Witness excused/released)

16 MS. MANNIS: The state would call
17 Deputy Valencia at this time.

18 THE COURT: Deputy Valencia?

19 MS. MANNIS: Yes.

20 (Pause.)

21 THE COURT: All right, raise your right hand,
22 face me.

23 Do you swear to tell the truth, the whole truth
24 and nothing but the truth so help you God?

25 THE WITNESS: Yes, I do.

1 **THE COURT:** All right, have a seat. Pull up to
2 the microphone, speak in a loud clear voice.

3 Proceed when ready.

4 Thereupon,

5 EDWARD VALENCIA,
6 a witness, having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MANNIS:

9 Q. Good afternoon. Would you, uh, please
10 introduce yourself to the jury and spell your last name
11 for the record.

12 A. Uh, Deputy Edward Valencia. It's
13 V-A-L-E-N-C-I-A.

14 Q. So I want to start with us talking a little bit
15 about your background. Where are you -- where do you
16 work now?

17 A. I currently work for the Citrus County
18 Sheriff's Office.

19 Q. And how long have you been with the Sheriff's
20 office?

21 A. Three years.

22 Q. And what's your current position?

23 A. I'm currently a field training officer --

24 Q. What --

25 A. -- in the patrol division.

1 Q. And what kind of training and experience have
2 you gone through to get to your current position?

3 A. I went through a six-month training at the
4 academy and then another six months on-the-job training.

5 Q. So turning to the events of this case, were you
6 working on February 28th, 2022?

7 A. Yes, I was.

8 Q. Can you explain how you got involved in this
9 particular case.

10 A. I was dispatched to a suicidal slash homicidal
11 subject, Mr. Ian King.

12 Q. What did you do to look for him?

13 A. Uh, I conducted a BOLO, which is be on the
14 lookout for Mr. Ian King around the area of 508 Cabbage
15 Street in Inverness.

16 Q. Why did you go to that area?

17 A. Uh, we had a ping location at that area.

18 Q. What's a --

19 MR. LIZANICH: I'd like to, uh, enter an
20 objection to hearsay and confrontation. Where the
21 deputy was getting his information from hasn't been,
22 uh -- I don't believe he can talk about what
23 information that was given to him, Your Honor.

24 MS. MANNIS: Uh, he can --

25 THE COURT: Approach.

1 **MS. MANNIS:** Yes.

2 (Begin sidebar.)

3 **MS. MANNIS:** The information --

4 **MS. HARTMAN:** It's effect on the listener.

5 **THE COURT:** He -- he testified -- I just want
6 to clarify. He testified that he received a ping,
7 and because of the ping, he --

8 **THE DEPUTY CLERK:** You don't have the white
9 noise on, Your Honor.

10 **THE COURT:** I'm sorry?

11 **MS. HARTMAN:** The white noise.

12 (White noise on.)

13 **THE COURT:** He testified he received a ping,
14 and because of the ping, he went to that residence.
15 That is effect on the listener, shows why he did
16 what he did.

17 **MR. LIZANICH:** Yes.

18 **THE COURT:** There's an exception.

19 **MR. LIZANICH:** I will also just bring it's a
20 confrontation. Is not allowed to cross-examine
21 whatever produced that ping at this time.

22 **THE COURT:** Okay. It'll be overruled.

23 You can proceed.

24 (End of sidebar.)

25 **THE COURT:** Overruled.

1 BY MS. MANNIS:

2 Q. You went to that location because you got --
3 you said there was a ping location. What's a ping
4 location?

5 A. Uh, it's a general area provided by the cell
6 phone company as to where a phone is located.

7 Q. And then just kind of bounces off the closest
8 tower so it's --

9 MR. LIZANICH: Objection, Your Honor.

10 MS. HARTMAN: -- more of an estimate?

11 MR. LIZANICH: Lack of personal knowledge, lay
12 opinion testimony and will renew the confrontation
13 objection.

14 MS. MANNIS: I can move on.

15 THE COURT: Sustained.

16 Yeah, move on.

17 BY MS. MANNIS:

18 Q. Based on that ping location, what did you do
19 next?

20 A. Uh, I searched around the area for him.

21 Q. And did you find him there?

22 A. No, I did not.

23 Q. What did you do when you couldn't find him?

24 A. Uh, I called the cell phone number.

25 Q. Did he answer?

1 A. Yes, he did.

2 Q. And walk us through that phone call.

3 A. Uh, I spoke to him.

4 MR. LIZANICH: Objection, Your Honor,
5 foundation.

6 MS. MANNIS: They're defendant statements.

7 THE COURT: Overruled.

8 THE WITNESS: I spoke to him briefly on the
9 phone, uh, let him know that because he was, you
10 know, suicidal or homicidal, that I would need to do
11 a well-being check on him and, you know, do a mental
12 health evaluation.

13 BY MS. MANNIS:

14 Q. And did he say anything to you in response to
15 that?

16 A. Yes, he did.

17 Q. What did he say?

18 A. Uh, he said that he would meet with me, but he
19 was afraid that he would go to jail.

20 Q. And did he tell you why he was afraid he was
21 going to go to jail?

22 A. Uh, he said he was afraid because of I guess
23 the text messages that he had sent the victim.

24 Q. So after he tells you that he's afraid because
25 of the texts that he sent to the victim, what happened

1 next?

2 A. Uh, he did say that he would meet with me, uh,
3 at his address.

4 Q. And what was that address?

5 A. I believe it was 2621 West Fairway Loop in
6 Dunnellon.

7 Q. Did you -- did he go to that address -- or you
8 said he agreed to meet law enforcement at that address.
9 Uh, where was he while you were talking to him?

10 A. I believe he was still driving. Uh, we got a
11 couple different ping locations, but we weren't able to
12 find him.

13 Q. Did he go to the house that he said he would
14 meet with the deputy at?

15 A. No, he did not.

16 Q. Did you receive any other ping locations for
17 him?

18 A. There was a couple different, uh, in the
19 Hernando area.

20 Q. And was he found at any of those locations?

21 A. No, he was not.

22 Q. So essentially you talked to him on the phone
23 and then he agreed to meet with you, but never -- he
24 failed to do all that?

25 A. Correct.

1 Q. After being unable to locate the defendant, did
2 you have any further involvement in the case?

3 A. No, I did not.

4 Q. And did all these events occur in
5 Citrus County, Florida?

6 A. Yes, they did.

7 **MS. MANNIS:** No further questions for this
8 witness.

9 **THE COURT:** All right, Mr. Lizanich, cross?

10 CROSS-EXAMINATION

11 **BY MR. LIZANICH:**

12 Q. Were you familiar with the number you called
13 from any prior personal engagements?

14 A. No, sir.

15 **MR. LIZANICH:** No further questions.

16 **THE COURT:** Okay.

17 May this witness be excused?

18 **MS. MANNIS:** Yes.

19 **MS. HARTMAN:** No objection from the state.

20 **THE COURT:** May he be excused?

21 **MR. LIZANICH:** Yes, Your Honor.

22 **THE COURT:** All right.

23 So thank you for your time and testimony. You
24 can go about your business.

25 **THE WITNESS:** Thank you.

1 (Witness excused/released.)

2 **THE COURT:** Any other witnesses for the state?

3 **MS. HARTMAN:** At this time the state would
4 rest, Your Honor.

5 **THE COURT:** All right.
6 Approach.

7 (Begin sidebar.)

8 **THE COURT:** All right, any motions?

9 **MR. LIZANICH:** Yes, sir. And the motion's
10 going to be a fairly extensive one.

11 **THE COURT:** You want me to send the jury out?

12 **MR. LIZANICH:** Okay.

13 **MS. HARTMAN:** And if we can take a five-minute
14 recess so I can have a restroom break very quickly?

15 **THE COURT:** That's fine. Yeah, we can do that.
16 (End of sidebar.)

17 **THE COURT:** All right, ladies and gentlemen,
18 we're going to send you out. We're going to take a
19 recess. And the deputy will come get you when we're
20 ready.

21 Thank you.

22 **THE BAILIFF:** All rise for the jury.

23 (Jury exits courtroom.)

24 **THE COURT:** You want to take the recess first?

25 **MS. HARTMAN:** Yes, please.

1 **THE COURT:** All right, let's go ahead and take
2 a recess for five minutes.

3 **MS. HARTMAN:** Thank you, Judge.

4 (Court in recess at 1:48 p.m.)

5 (Session VIII)

6 (Court reconvenes at 1:59 p.m.)

7 **MR. LIZANICH:** So, Your Honor, the, uh, defense
8 is making a motion for judgment of acquittal as to
9 both counts. Uh, the primary I guess chronological
10 basis is that the Facebook business record that
11 brings us to court today was not properly
12 introduced. I have copies of Ehrhardts I intend to
13 read from if anybody wants them. I also have some
14 cases if I may approach.

15 **THE COURT:** You may.

16 Do you have a copy for the state?

17 **MR. LIZANICH:** Yes, sir.

18 **THE COURT:** All right, perfect.

19 **MR. LIZANICH:** Almost every trial manual makes
20 it clear -- I can wait, Your Honor, if you want to
21 read it.

22 **THE COURT:** No, go ahead.

23 **MR. LIZANICH:** Almost every trial manual makes
24 it clear that the business records exception is one
25 that has to be carefully employed because a business

1 record can certify yes, this is a record of
2 Facebook, we made it in the furtherance of
3 prosecution because we got a subpoena, and here part
4 three of their authentication form says near the
5 time the information was transmitted by the Facebook
6 user.

7 In paragraph two, it refers to the account with
8 identifier 100008681714585. In other words,
9 Facebook is not able to authenticate this record as
10 having come from Mr. King or Ms. Jimenez or any of
11 the other, uh -- the content of that record.

12 where a business record is being used or where
13 the hearsay is coming in, there is a requirement
14 that the hearsay strictly comply with the hearsay
15 exception rules. In this case, the Facebook
16 business record did not.

17 And further, that error got compounded, uh, in
18 part because Nicole Harper, Brooke Grinelion, Misty
19 wolfe, Sandy Domingo, Vito Scar, Daniel Peck, all of
20 these people were made into witnesses against
21 Mr. King by the state when they introduced that
22 record for the truth of the matter asserted. As
23 they conceded, it was for the purpose of
24 establishing his identity and. Because we didn't
25 get a chance to confront any of those witnesses,

1 Mr. King was denied the right to confront those
2 accusers.

3 (Pause.)

4 Incidentally, they also did so to rebut an
5 assertion that hadn't yet been made by the offense, the
6 door was not opened. Uh, my relevance objections to them
7 I believe were also well-founded.

8 I believe the records were absolutely hearsay,
9 not within exception because the business record
10 exception from hear -- from Facebook does not give
11 Facebook personal knowledge of who was having a
12 conversation or what those conversations were about.

13 Uh, statute -- or going to Ehrhardts -- again
14 if, uh, anybody wants them, I have copies. The
15 authentication or identification of evidence is required
16 as a condition precedent to its admissibility. The
17 requirement of the section are satisfied by evidence
18 sufficient to support a finding that the matter in
19 question is what the proponent claims.

20 And the problem there for the state's case is
21 that it must be done first before it's introduced. It
22 can't be introduced and then happen later. Only a
23 witness with personal knowledge can authenticate a record
24 of that kind.

25 So, Ms. Jimenez could have taken the stand.

1 The state could have presented to her messages and said,
2 do you recognize this?

3 Yes, I do.

4 Do you know who sent that?

5 Yes, I do if she does.

6 There were many parts of that record that the
7 state knew Ms. Jimenez could not authenticate because she
8 did not know whether or not they came from him.

9 Uh, introducing the entire record is
10 problematic even if there were some parts of it that were
11 properly introduced. It was introduced by the state as a
12 composite exhibit.

13 And even if only parts of that exhibit failed
14 to comply with, uh, the hearsay rules and the right to
15 confront Mr. King's accusers, it can't come in because
16 strict compliance is required at every part.

17 We can't get one part that we can authenticate,
18 more parts that we can't, smash them together and then
19 introduce them like that. That's not properly
20 authenticated. And that's unfortunately what the state
21 did with the Facebook business record.

22 Because the Facebook business record is also
23 the charge -- the primary charge, the state failed to lay
24 a foundation for almost all its other witnesses and
25 testimony because they all relied on that foundation of

1 the Facebook business records. And in the absence of
2 proper authentication and proper certification of those
3 records, the foundation is flawed.

4 As to the charge of, uh, violating the no
5 contact injunction or the no contact order, as we
6 discussed earlier in the case, uh, the state dropped the
7 stalking charge. Mr. King is not charged with stalking.

8 The state did present the testimony of a deputy
9 who said, I arrested him for stalking, but that does
10 nothing to prove the fact -- nothing to prove whether or
11 not he was still under that Court's order or your Court's
12 Honor -- Your Honor's order on the date charged in the
13 Information. It was, uh, March 8.

14 That he was arrested for it is one thing. He
15 is not now. The only thing in evidence is that it
16 changed at some point, which means the state has failed
17 to prove that it wasn't -- that that charge wasn't
18 dropped prior to, uh, the March dates listed in the
19 Information.

20 And while much of this is a part of the
21 evidentiary side of the objection, we also have a
22 constitutional problem because the Supreme Court of the
23 United States has said and the Supreme Court of Florida
24 has indicated that it will follow any -- the First
25 Amendment protects any speech unless it is a true threat

1 or a clear and present danger.

2 A true threat meaning if I write I will kill
3 you on a piece of paper, I have not violated that rule.
4 If I intend for somebody to refrain from conduct or to
5 engage in some conduct as a result of my threat, that is
6 a threat and that is according to *Elonis v United States*.

7 *Elonis v United States* is actually fairly
8 similar in facts to this case. The defendant wrote on
9 Facebook many times, uh, statements such as -- apologies,
10 Your Honor.

11 (Pause.)

12 **THE COURT:** Is that not based on the Federal
13 statute?

14 **MR. LIZANICH:** *Elonis v United States* is based
15 on the Federal statute, Your Honor, and -- but much
16 of the ruling of *Elonis* was based on the First
17 Amendment, which has been applied to the states, and
18 the Supreme Court of Florida has indicated that they
19 will follow *Analis* because on the standard jury
20 instruction form that appears on the Florida's bar's
21 website, it's published and created by the Supreme
22 Court of Florida, it says this case -- this kind of
23 case may have First Amendment implications. Trial
24 Judges and attorneys should consider *United States v*
25 *Elonis*, which is the true threat doctrine.

1 **THE COURT:** okay.

2 **MR. LIZANICH:** The state has not proven
3 Mr. Ian King made a true threat because all of their
4 evidence was presented in the form of exhibits
5 through witnesses who were not familiar with
6 Mr. King. All of them admitted they hadn't talked
7 to him. They don't know how he writes. They don't
8 know whether or not there were two people logged
9 into Facebook at the same time. None of those
10 things were proven.

11 The only person who could tell us who sent what
12 specifically is Ms. Jimenez -- Jimenez, and the
13 state decided not to ask her those questions based
14 on all that.

15 And one other thing I need to say is part of it
16 is double hearsay. Part of why the business record
17 from Facebook doesn't get us into the content of the
18 messages that were produced between the parties in
19 Facebook, it's hearsay within hearsay. And we also
20 have, you know, that compounded tertiary hearsay
21 when a deputy is reading it and he wasn't even
22 a party to the conversations.

23 Based on all that, the defense moves for
24 judgment of acquittal on both charges.

25 **THE COURT:** Okay, response from the state?

1 **MS. MANNIS:** Yes, Judge. I'll start with the
2 business record.

3 First and foremost, under the statute,
4 Mr. Lizanich waived that issue, waived his objection
5 but not bringing it up pretrial. The statute
6 specifically says a motion opposing the
7 admissibility of a business record must be done
8 pretrial.

9 And the only -- like you can find there's good
10 cause for him to object now. However, this was
11 supposed to have done before trial. And him not
12 doing so can only be seen as a strategic decision to
13 catch us off guard in the middle of trial, and
14 that's why we filed the notice of intent.

15 It's only supposed to go out ten days.
16 However, in this case, the notice of intent was
17 filed May 10th, 2022, so we had 93 days to bring
18 that up before the trial.

19 But even absent that going into the issues, he,
20 uh -- one of the cases he cited to, I don't know if
21 he said it, but he provided it to us, the Israel
22 case.

23 That case specifically discusses the difference
24 between a DOC printout and -- and deciding if that
25 is a business record or a public record.

1 what we have here is a business record. And
2 that case discusses and lines out what is required
3 out of a business record cert being that it's a
4 record made at or near the time of the event, was
5 made by or from information transmitted by a person
6 with knowledge, it's kept in the ordinary course of
7 regularly conducted business activities, and it's a
8 regular practice of that business.

9 And then it states that one of the ways we can
10 admit that is through the certification, and it has
11 to state all of those things under the penalty of
12 perjury. And our business cert does meet all the
13 requirements let out in the statute.

14 And I under -- I can see what Mr. Lizanich is
15 saying as far as, you know, the record was all
16 pulled on April 1st, but it wasn't prepared in the
17 expectation of litigation.

18 These are constantly -- they're constantly
19 maintaining those records. They just -- they
20 accessed their database to send them to us. If they
21 weren't actively keeping these records, we wouldn't
22 have any of these records.

23 Something made in the preparation of litigation
24 is me writing something down. Like that's why we
25 don't use police reports because those were made in

1 the preparation for litigation which is
2 significantly different than what we have here,
3 which is they just pulled a report of everything
4 that they kept a record of.

5 And our cert meets the requirements, and it
6 should have been an issue raised pretrial. It
7 wasn't. And they are admissible and we're able to
8 rely on them.

9 Additionally, Ms. Jimenez did take the stand,
10 and she authenticated the screenshots of those messages
11 saying these are the messages I received, I know some of
12 them came from Mr. King, and that is enough to
13 authenticate them, which then gets us to the business
14 record to say, hey, these came from an account registered
15 to Mr. King. And in that business record certification,
16 it also has his payment information with his address, the
17 same address that he gave police, which further
18 corroborates that it was his account and the messages
19 were coming from him.

20 whether or not he actually sent the messages
21 sounds like it's their defense, but that's not something
22 we have to dis- -- we don't have to prove that, you know,
23 a third party didn't do this. That's like saying we have
24 to go down the red herrings and the rabbit holes, which
25 we don't have to do. We have to prove the elements as

1 they are laid out in the statute, and we have done that.

2 And then we move into his discussion of *Elonis*
3 *v. State*. Now, the jury instructions here do say in the
4 comments the statute may raise First Amendment concerns,
5 and you can consider *Elonis v. State* as well as *Sadie v.*
6 *State*.

7 Now, *Elonis v. State* is distinguishable because
8 in that case, the threats were posted on a Facebook wall
9 in the form of rap lyrics. People who knew *Elonis*
10 believed that they were directed at his wife because they
11 knew their history and whatnot, which is why the case was
12 brought.

13 However, it was a -- he was making rap lyrics
14 to -- that were graphic about his wife and violent, but
15 he wasn't sending her direct messages where he was
16 writing, you know, I'm going to kill you.

17 So it's distinguishable in that ground aside
18 from the fact that it's a completely different statute.
19 Moreover, their discussion of intent talks about the
20 wrongdoing must be conscious to be criminal essentially
21 meaning he's got to know he's sending the messages, not
22 know that Ms. Jimenez is going to take it as a threat.

23 But then we can -- even considering that, we
24 move to *Sadie v. State* which is the very next line in the
25 jury instructions. And *Sadie v. State* specifically holds

1 that the -- the quote is similar to extortion. This
2 crime talking about the Florida Statute, which has almost
3 exactly the same elements now as it did in that case.
4 The only difference I noticed was gender neutral
5 pronouns. Otherwise, the elements are the same as they
6 were in 2003 when the case was issued.

7 It says similar to extortion, this crime does
8 not require the actual intent to do harm or the ability
9 to carry out the threat.

10 So what Mr. Lizanich is saying in reference to
11 true threat, true threat, that is not contemplated by the
12 Florida Statute -- the Florida Legislature both in
13 writing this statute and by the Court in issuing the
14 ruling that specifically states we do not have to prove
15 intent to carry out the threat.

16 For all these reasons, the state has in the
17 light most favorable to the state established a prima
18 facie case.

19 Additionally, the violation of pretrial
20 release, uh, we were able to admit the court record which
21 establishes that he was given on March 9th the condition,
22 hey, don't call her. We have all the calls made from
23 March 9th through August 3rd which is expressly outlined
24 in the Information, and we hear him say on the phone, you
25 know, he knows he's not supposed to do this, he's going

1 to get in trouble. His signature is on that. And he
2 couldn't possibly have made all of those calls between
3 March 8th and March 9th because time wasn't there for it.

4 These calls were made after he was given the
5 conditions. And even though the aggravated stalking
6 charge was eventually dropped unless and until a motion
7 to modify contact is set, he is under the same provisions
8 of those pretrial release conditions. And from my
9 understanding, a motion to modify contact was never
10 granted, so -- and you also are at liberty if you -- to
11 take judicial notice of the court record where there is
12 no motion to modify contact, so at no point was he
13 authorized to call her even though the aggravated
14 stalking charge was dropped.

15 And it was only dropped last week, so all the
16 calls up to August 3rd, that is -- those should have
17 been -- those are protected under the, uh, violation of
18 pretrial release. And by putting on those calls and the
19 testimony that of how Securus works as well as
20 Ms. Jimenez authenticating those calls, we've established
21 our burden in the light most favorable to the state.

22 **THE COURT:** Any rebuttal?

23 **MR. LIZANICH:** Some significant rebuttal,
24 Your Honor.

25 So, uh, also here in Ehrhardts, it says, uh,

1 documents and writings are hearsay, are also subject
2 to Crawford analysis when -- while most business or
3 public records are not testimonial, those records
4 prepared for law enforcement and to prosecute the
5 accused at trial are testimony and are subject to
6 confrontation.

7 This was a law enforcement subpoena. Facebook
8 did not --

9 **THE COURT:** That doesn't make a Facebook record
10 a law enforcement document designed and created for
11 testimonial purposes at trial.

12 **MR. LIZANICH:** Your Honor, my understanding is
13 this record was not created before they received
14 that subpoena or the search warrant. That being
15 said, it was created for the purpose of prosecution
16 I believe subject to Crawford analysis.

17 Uh, additionally, again, the business record
18 only protects one layer of hearsay. It doesn't go
19 into nearly as far as the state did go into and upon
20 which the state is necessarily trying to rely.

21 As for the true threat doctrine, the state is
22 misstating what the jury instruction --

23 **THE COURT:** Let me ask you this.

24 **MR. LIZANICH:** -- or how the jury instruction
25 applies.

1 **THE COURT:** Let me ask you this. In a medical
2 record, would the impressions of a doctor -- in a
3 certified business record that's also a medical
4 record, would the impressions of the doctor then be
5 hearsay?

6 **MR. LIZANICH:** If the business record is -- is
7 established, that is a record created by the person
8 there. That is like saying somebody from Facebook
9 created an opinion. Yeah, that is a business
10 record. That's -- that's the appropriate use of a
11 business record, not that the doctor had a patient
12 and the patient told me, I got hit by a train.

13 You know, assume, for instance, the patient did
14 not get hit by a train or had no apparent
15 observations of it, the state may then not say as a
16 matter of fact that patient got hit by a train just
17 because it was -- contained in somebody else's
18 business record.

19 A business record may only assert the personal
20 knowledge of the certificate -- the person who is
21 doing the certificate. He didn't know about the
22 contents of those messages. So the business record
23 exception fails to follow the same, uh, standard.

24 Additionally, the state's argument about how
25 the defense did not make an objection, again, we

1 have no basis to dispute whether or not that is a
2 Facebook business record, and that does not mean all
3 possible objections of admissibility are waived.

4 The same argument was considered, uh, by
5 Eveland v State, 189 So.3d 990, Second District
6 2016, and that was even in a violation of probation
7 proceeding where hearsay is allowed, and it was
8 still not enough for the same reasons.

9 Additionally, the state did not prove that
10 Ian King was subject -- was still under arrest for
11 stalking as of March 9th. Uh, maybe they could
12 have, maybe that was true, but the evidence has to
13 come from the witness stand and get to the jury, and
14 it didn't. I don't believe the domestic violence
15 charge can stand accordingly, and all the evidence
16 that was presented to support it should be struck.

17 **THE COURT:** Okay.

18 All right, the defense motion is denied.

19 Do you intend to put on a case?

20 **MR. LIZANICH:** It depends, Your Honor. My, uh,
21 next motion will be a request for the same jury
22 instructions asked for in the case of Elonis v
23 State. I don't believe my client can have a fair
24 trial without those instructions and that the state
25 failed to --

1 **THE COURT:** Specifically what is -- is it
2 tabbed here? You've tabbed a few things.

3 **MR. LIZANICH:** Did you tab the instructions?

4 **MS. SCHLICHTER:** (Unintelligible).

5 **THE COURT:** No, this is about the reasonable
6 person.

7 **MR. LIZANICH:** So as -- that's page 19 is where
8 the Supreme Court says even though it's not in the
9 statute, the intent is in the statute because the
10 word threat implies the intent to threaten somebody,
11 and also true threat because if it's not a true
12 threat, it's protected by the First Amendment.

13 **THE COURT:** And this is talking about the
14 United States Code. The law in Florida, which this
15 does not contemplate, the law in Florida is very
16 clear, the plain text of the statute is very clear,
17 uh, and I'll read it for the record once West Law
18 cooperates.

19 Under 83610, it is unlawful for any person to
20 send, post, transmit or procure the sending, posting
21 or transmission of a writing or other record
22 including an electronic record in any manner in
23 which it may be viewed by another person when in
24 such writing or record the person makes a threat to
25 kill or do bodily harm to another person or be --

1 conduct a mass shooting or an act of terrorism.

2 There's nothing in there related to what you're
3 arguing.

4 **MR. LIZANICH:** Your Honor, the, uh, same
5 statute or the same similar language and the same
6 argument was made by the prosecution in Elonis.

7 **MS. MANNIS:** It's --

8 **MR. LIZANICH:** And the Court said the word
9 threat has intent built into it. It has to, because
10 if it doesn't, then it's constitutionally overbroad.

11 **THE COURT:** The Elonis case is simply not
12 reviewing or interpreting the same statute. It
13 makes no reference from what I can see -- it's
14 a long case, I haven't read through the entire thing
15 here. But from what I can see, it makes no
16 reference to 83610 at any point in its history.

17 Uh, if the Court were to interpret it that way,
18 I would be in effect usurping the jurisdiction of
19 the legislature. The law simply does not say that
20 in the State of Florida. U.S. Code may, Florida law
21 does not.

22 That request is denied.

23 Anything else?

24 **MR. LIZANICH:** Your Honor, uh, based in part on
25 our conversation, uh, this morning or during

1 cross-examination of Ms. Jimenez, I don't want to
2 accidentally ask the wrong question and then --

3 THE COURT: Sure.

4 MR. LIZANICH: -- offend the Court, and it's
5 never my intention to do that.

6 THE COURT: I don't think you were trying to do
7 anything intentionally for the record.

8 MR. LIZANICH: But if -- if I could call her
9 before we have the jury in, I can proffer my
10 questions and answers and the Court can rule
11 without --

12 THE COURT: Okay. And then after that, do you
13 want to do an opening?

14 MR. LIZANICH: If I can, uh, have a short
15 recess, Your Honor.

16 THE COURT: Okay.

17 MR. LIZANICH: Much of my case relied on -- on,
18 uh, some of my legal argument --

19 THE COURT: Did you release Ms. -- no, we kept
20 her outside.

21 Let's call Ms. Jimenez in. We'll do the, uh --
22 we'll do the proffer.

23 Boy, I thought for a minute the blue man was
24 off, and I thought we were going to have to do that
25 all over again.

1 **MS. HARTMAN:** Ha ha ha.

2 **THE COURT:** My heart stopped.

3 It's not.

4 **MS. HARTMAN:** They're usually really good about
5 catching --

6 **THE COURT:** Ms. Jimenez, she's outside.

7 **THE BAILIFF:** Want me to get her?

8 **THE COURT:** Somebody get her.

9 **MS. HARTMAN:** They always catch it if we start
10 doing legal stuff. They're like wait, wait, it's
11 not on.

12 **THE COURT:** Is it getting warm in here?

13 **MS. HARTMAN:** Yes.

14 **MS. MANNIS:** No, I'm freezing.

15 **THE COURT:** It's getting warm, isn't it?

16 **MS. HARTMAN:** Yes.

17 **THE COURT:** I'm the only one up here wearing
18 it.

19 **MS. HARTMAN:** I'm also hot for the record just
20 so you know you're not the only one. I keep my
21 house --

22 **THE COURT:** You'll know if I turn the air on.

23 **MS. HARTMAN:** I keep my house at a crisp 68.
24 Sometimes 65.

25 (Pause.)

1 **THE BAILIFF:** Your Honor, she's still under
2 oath?

3 **THE COURT:** Yes.
4 Come on up, ma'am.

5 Go ahead and take the stand. You remain under
6 oath.

7 (Pause.)

8 I'll pull up the motion.

9 Go ahead whenever you're ready.

10 Thereupon,

11 AMANDA JIMENEZ,
12 a witness, having been previously sworn, testified as
13 follows:

14 DIRECT EXAMINATION

15 **BY MR. LIZANICH:**

16 Q. Let me just take a moment to refocus.

17 (Pause.)

18 Amanda, how long have you known Ian King?

19 A. Uh, a little over seven years.

20 Q. Have you been in a romantic relationship with
21 him for all of that time?

22 A. Yes.

23 Q. Did he help you raise your children?

24 A. Uh, he was there for my children, yes -- yes.

25 Q. So to some extent?

1 A. Yes.

2 (Pause.)

3 Now, this part I'll get into, understand the
4 Court's ruled. Uh, did Ian King if you know the answer,
5 did he send you anything that you interpreted as a threat
6 meaning it was his intent to change your conduct --

7 **MS. HARTMAN:** which I would --

8 **MR. LIZANICH:** -- or to stop you from engaging
9 in some conduct, if you know the answer?

10 **MS. HARTMAN:** which I would object to because
11 that was the pretrial motion in limine whether she
12 believed it to be a threat or not (unintelligible).

13 **THE COURT:** Yeah, that's directly in violation
14 of the Court's prior order.

15 **MR. LIZANICH:** And that's why I was trying to
16 do it just to get the answer on the record to
17 proffer it, Your Honor, because I believe that is
18 what I need to do to make sure I'm not being
19 ineffective.

20 **THE COURT:** Fair enough.

21 **BY MR. LIZANICH:**

22 Q. So.

23 A. Okay, can you repeat the question, I'm sorry.

24 **THE COURT:** It was a bit compound, too.

25 **MR. LIZANICH:** Apologize, Your Honor.

1 BY MR. LIZANICH:

2 Q. So I'm going to ask you a question about
3 whether or not Ian King sent you anything that you
4 interpreted to be a true threat.

5 A true threat --

6 (Pause.)

7 -- meaning -- and again, this is if you know,
8 whether it was anguish or was he truly threatening you?

9 A. I don't feel that -- I feel that Ian is a lot
10 of talk. He likes to speak -- speak verbally sometimes
11 inappropriate ways and appropriate ways.

12 Q. So remember we talked about answering the
13 question, not the meaning behind the question. We had
14 some exhibits presented today, right?

15 A. Okay.

16 Q. Were those exhibits -- I believe it was your
17 testimony before that you don't know who wrote all of
18 those messages; is that true?

19 A. No, I don't.

20 Q. So the answer to the question then is yes, it's
21 correct I don't know the answer to, uh -- I don't know
22 who wrote all of them; is that true?

23 A. No, I don't.

24 Q. Okay.

25 of the ones where you can tell that it was him

1 through any means, whether because he's talking to you,
2 because he's sending it to you while standing there, or
3 because you can read his syntax, of the messages that you
4 can tell he's the one who sent them, did he send you any
5 true threats or just rhetoric out of anguish?

6 MS. HARTMAN: And Judge, if I can just make a
7 standing objection as to all these. They kind of
8 all are based on the motion in limine as to who she
9 believes sent the messages.

10 THE COURT: I understand he's proffering at
11 this point.

12 MS. HARTMAN: Yes, sir.

13 THE COURT: They are inadmissible based on the
14 Court's prior ruling.

15 THE WITNESS: I'm sorry. Can you repeat the
16 question one more time.

17 BY MR. LIZANICH:

18 Q. So there were some messages where, uh, I
19 believe you told me even though the Court's not letting
20 you answer that, but you told me that you can tell some
21 of the messages were him.

22 A. Yes.

23 Q. And there's some ways that you can tell that by
24 circumstantial authentication like it's his syntax, you
25 know how he talks, he's answering questions in response

1 to your questions, so there's some things that you're
2 able to say I know he's the author of those writings?

3 A. Yes.

4 Q. Of any of those writings that you know he was
5 the author, did you interpret anything he said as a true
6 threat or anguish?

7 (Pause.)

8 A. A true threat, no.

9 MR. LIZANICH: Thank you.

10 THE COURT: Any cross?

11 MS. HARTMAN: Not based on that, Your Honor. I
12 would just object to the inadmissibility of it.

13 THE COURT: Okay.

14 The Court does have a question, ma'am.

15 One of the things -- for context, one of the
16 things entered into evidence was a screaming call
17 where you screamed for some minutes that, and I'll
18 paraphrase, you threatened my life, you threatened
19 my kids' life.

20 with that in mind, does your prior statement
21 remain that you don't believe there was a true
22 threat which caused you to call 911 later and later
23 caused you to scream nearly at the top of your lungs
24 at this defendant that he had threatened your life
25 and the life of your kids?

1 A. I don't feel that there was a true threat. I
2 feel that --

3 (Sigh.)

4 I was angry and said those things, but I don't
5 honestly feel that he is a true threat to me.

6 **THE COURT:** Okay.

7 Any follow-up based on the Court's question?

8 **MR. LIZANICH:** No, Your Honor.

9 **THE COURT:** Any follow-up based on the Court's
10 question?

11 **MS. HARTMAN:** Just briefly, Judge.

12 CROSS-EXAMINATION

13 BY MS. HARTMAN:

14 Q. Uh, so my understanding is that you do believe
15 that he made those threats to you, but that you just
16 didn't think he was going to act on those threats?

17 A. I don't think that he would act on those
18 threats --

19 Q. Okay.

20 A. -- if that was said.

21 Q. But you -- but you did tell him that you sent
22 these threats about me and my kids, right?

23 A. Yes, out of anger I did.

24 **MS. HARTMAN:** Okay, I don't have any follow-up.

25 **MR. LIZANICH:** If I may.

1 **THE COURT:** Go ahead.

2 REDIRECT EXAMINATION

3 **BY MR. LIZANICH:**

4 Q. So I just want to be clear. I'm not asking if
5 you think he would follow up on any threats. I'm asking
6 you if you think he intended you to perceive what he
7 wrote to you as a threat or if he intended -- if he was
8 just running his mouth out of anguish and did not mean
9 for you to believe that he was actually threatening you?
10 Not whether or not he would not -- he would carry it out.
11 I understand your position on that.

12 A. Do I think that he threat -- that it was him
13 that --

14 Q. Do you think it was his intent -- in the
15 messages where he is the one who wrote to you, did he
16 intend for you to perceive his writing as a threat or was
17 it anguish?

18 A. Anguish, I think.

19 **THE COURT:** Okay.

20 **MR. LIZANICH:** Thank you.

21 **THE COURT:** All right, any other questions for
22 this witness?

23 **MS. HARTMAN:** No, Your Honor.

24 **THE COURT:** All right, ma'am, you may be
25 excused.

1 **THE WITNESS:** Okay.

2 **THE COURT:** Remain outside --

3 **THE WITNESS:** Okay.

4 **THE COURT:** -- to be clear.

5 (Witness excused/released.)

6 **MR. LIZANICH:** And just for the record, it's
7 Your Honor's, uh, ruling that this evidence is not
8 admissible?

9 **THE COURT:** Absolutely not.

10 **MR. LIZANICH:** Is it also Your Honor's ruling
11 that I may not argue, uh, any of the true threat,
12 uh, protections, anything like that?

13 **THE COURT:** I don't think it applies to Florida
14 law. I think it would only serve to confuse the
15 jury as to what the state of the law is. Uh,
16 therefore, no.

17 **MR. LIZANICH:** So, Your Honor, based on that, I
18 do have to, uh, sort of retool some of my future
19 proceedings in the case. If I may request a recess.
20 I'd ask for a half hour.

21 **THE COURT:** That's fine.

22 Do you intend to do an opening?

23 **MR. LIZANICH:** I think at this point I will
24 probably go -- we'll go straight into close and
25 rest.

1 **THE COURT:** Okay.

2 All right, I'm just trying to -- for time.

3 That's fine. We'll be in recess for 30
4 minutes.

5 **MS. HARTMAN:** In case you want to --

6 **THE BAILIFF:** All rise, please. Court is in
7 recess.

8 **MS. HARTMAN:** Judge, before you recess, I -- I
9 believe Mr. Lizanich talked to the defendant about
10 testifying.

11 **MR. LIZANICH:** Just because I want to take 30
12 minutes to reset -- to refocus. I might change my
13 mind if I can leave that door open for myself.

14 **MS. HARTMAN:** Okay.

15 **MR. LIZANICH:** I doubt I will.

16 **THE COURT:** All right.

17 We'll discuss whether you, uh, and Mr. King
18 have discussed him testifying, what his decision is
19 once we reconvene.

20 **MR. LIZANICH:** Yes, sir.

21 **THE COURT:** Okay, thank you.

22 (Court in recess at 2:31 p.m.)

23 (Session IX)

24 (Court reconvenes at 3:05 p.m.)

25 **THE COURT:** Mr. Lizanich, how are we going to

1 proceed?

2 MR. LIZANICH: Your Honor, I believe we are
3 going to, uh, rest.

4 we'd like to rest in front of the jury, but,
5 uh, we can handle the charge conference --

6 THE COURT: Okay.

7 MR. LIZANICH: -- before we bring them back in.

8 THE COURT: All right.

9 Mr. King, raise your right hand.

10 Do you swear to tell the truth, the whole
11 truth, nothing but the truth in any testimony you
12 produce for the Court?

13 THE DEFENDANT: Yes, sir.

14 Thereupon,

15 IAN JOSEPH KING,
16 the defendant, having been duly sworn, testified as
17 follows:

18 THE COURT: All right, uh, you've had ample
19 opportunity to speak with your counsel in this
20 matter; is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right.

23 And you're in agreement that now is an
24 appropriate time to rest your case and -- and not go
25 forward with any testimony on your own behalf?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** All right.

3 It's your choice, or you've had the option to
4 speak with Mr. Lizanich about whether you want to
5 testify or whether you choose not to testify; is
6 that accurate?

7 **THE DEFENDANT:** Yes, sir.

8 **THE COURT:** And what is your choice?

9 **THE DEFENDANT:** Not to testify, sir.

10 **THE COURT:** All right.

11 Do you need any additional time to discuss any
12 matters of trial strategy or your choice to testify
13 or not testify with Mr. Lizanich and your counsel?

14 **THE DEFENDANT:** No, sir.

15 **THE COURT:** All right, anything else,
16 Mr. Lizanich?

17 **MR. LIZANICH:** No, Your Honor.

18 **THE COURT:** All right.

19 Anything else from the state?

20 **MS. HARTMAN:** No, Judge.

21 **THE COURT:** All right, you want to bring the
22 jury in, you want to rest in front of the jury?

23 **MR. LIZANICH:** Yes, sir.

24 **MS. HARTMAN:** And we -- before we bring them
25 in, I don't know if you want to do it now, but if we

1 do the charge conference now to make sure that the
2 jury instructions are correct so we don't have to
3 bring them in and then out again.

4 **MR. LIZANICH:** That's fine, too.

5 **THE COURT:** All right.

6 That's a good point.

7 All right, have parties -- both parties had an
8 opportunity to review the proposed jury instructions
9 in this matter?

10 **MS. HARTMAN:** Yes, Your Honor. And I believe
11 because we already did 2.2, that we're up to 2.5.
12 However, I would ask that 2.5 and 2.13 be removed as
13 there was no evidence of crimes, uh, being used as
14 impeachment or prior inconsistencies.

15 **THE COURT:** Mr. Lizanich?

16 **MR. LIZANICH:** No objection.

17 **THE COURT:** All right, hold on a moment, let me
18 pull those up.

19 (Pause.)

20 **MR. LIZANICH:** And Your Honor, the, uh, defense
21 is still going to request 3.6L, independent act
22 instruction. The evidence, uh, that we believe
23 reasonably provides us with, uh, an iota -- an iota
24 is all we need for a defense is, uh, that
25 Ms. Jimenez when she testified about the messages,

1 she stated she recognized some of them as having
2 come from him, not all of them.

3 **THE COURT:** State?

4 **MS. HARTMAN:** My argument would just be that
5 there's no one else or another person, uh, argued as
6 being the one to have sent these. Therefore, the
7 instruction, uh, should not be given. And that she
8 didn't say that she knew some of them come from him,
9 rather that some of the messages are consistent with
10 the way he spoke to her.

11 **THE COURT:** I -- I think there's enough to give
12 the instruction.

13 **MS. HARTMAN:** Yes, sir.

14 **MR. LIZANICH:** Thank you, Your Honor.

15 **THE COURT:** All right. So -- all right, 2.7,
16 closing arguments obviously is going to be given.

17 3.1, introduction to final instructions
18 obviously is going to be given.

19 Two, statement -- 3.2, statement of the charge.

20 8.22, written or electronic threat to kill or
21 do bodily harm obviously as to Count One will be
22 given.

23 8.25, violation of conditional pretrial release
24 from a domestic violence charge, any objection to
25 that?

1 **MR. LIZANICH:** Uh, only the same JOA argument,
2 Your Honor. I don't have any --

3 **THE COURT:** That'll be given?

4 **MR. LIZANICH:** Yes, sir.

5 **THE COURT:** 3.6 we just addressed, independent
6 act. That'll be given.

7 3.7, plea of not guilty, reasonable doubt and
8 burden of proof will be given.

9 weighing the evidence, standard, will be given.

10 All right, defendant testifying obviously will
11 be removed.

12 Defendant not testifying will -- 3.9A will be
13 given.

14 **MS. HARTMAN:** 3.9B is based on the audio
15 recorded statements of the defendant.

16 **THE COURT:** That'll be given.

17 Rules for deliberation, the standard 3.10 will
18 be given.

19 Cautionary instruction will be given.

20 3.12, verdict, to find the defendant guilty or
21 not guilty must be unanimous. In writing -- for
22 your -- that'll be given.

23 **MS. HARTMAN:** And Judge, I just realized
24 there's just a typographical error on 3.12, the
25 verdict. It should say, the verdict must be in

1 writing, and for your convenience the necessary
2 verdict forms have been prepared for you. The word
3 have is just left out.

4 THE COURT: Can we get that amended?

5 MS. HARTMAN: Yes.

6 THE COURT: Email somebody upstairs or --

7 MS. HARTMAN: I can -- I can actually do it
8 right now and just print it with this printer.

9 THE COURT: All right, let's do that.

10 MS. MANNIS: I got --

11 THE COURT: There's plenty of time. If you can
12 email, I'm sure somebody can bring down what, eight,
13 nine, a dozen copies or so.

14 MS. HARTMAN: Yes.

15 THE COURT: I'll write on mine.

16 MS. HARTMAN: Or do we need --

17 THE COURT: Are they getting their own copies
18 or no?

19 MS. HARTMAN: No.

20 THE COURT: Okay.

21 MS. HARTMAN: You just send them back with the
22 one back.

23 THE COURT: All right, perfect.

24 (Pause.)

25 Have them prepared for you.

1 All right, verdict form as to Count One, two
2 separate forms. Count One. The jury finds as
3 follows as to Count One of the charge: The
4 defendant is guilty of written threats to kill or do
5 bodily harm as charged in the Information or, two,
6 the defendant is not guilty. So say we all --

7 All right, that'll be given.

8 Verdict Count Two. The jury finds as follows
9 as to Count Two of the charge: The defendant is
10 guilty of violation of condition of pretrial release
11 as charged in the Information.

12 Defendant is not guilty. That'll be given.

13 Single defendant, multiple counts will be
14 given.

15 Submitting the case to jury will be given as
16 well.

17 All right, any other requests for special jury
18 instructions?

19 **MS. HARTMAN:** Not from the state, Your Honor.

20 **MR. LIZANICH:** Uh, we'll renew the request for,
21 uh, the Elonis instructions, Your Honor, but I
22 understand the Court's ruling.

23 **THE COURT:** Understood. All right.

24 These will be the instructions.

25 Anything else before the jury comes in?

1 **MS. HARTMAN:** No, Judge.

2 **THE COURT:** Let's bring them in, and then we'll
3 go right into closing.

4 who's doing the closing for the state? Are you
5 each going to take a part?

6 **MS. HARTMAN:** No, I'll be doing both closings.

7 **THE COURT:** Okay.

8 And Mr. Lizanich, you have your close?

9 **MR. LIZANICH:** I got it, yes, sir.

10 (Pause.)

11 **THE COURT:** How much time do you think you're
12 each going to need?

13 **MS. HARTMAN:** Just as a precautionary, I would
14 say 45 minutes as a precaution.

15 **MR. LIZANICH:** That'll be fine for defense,
16 Your Honor.

17 **THE COURT:** Forty-five seems like a lot, but --

18 **MS. HARTMAN:** It is a lot. That's just in an
19 abundance of caution. I would think --

20 **THE COURT:** All right, let's try and keep it
21 within the bounds of 45 minutes --

22 **MS. HARTMAN:** Yes.

23 **THE COURT:** -- each. How much do you want to
24 reserve?

25 **MS. HARTMAN:** I generally do about 15 minutes

1 up front and then --

2 THE COURT: Thirty on the back end?

3 MS. HARTMAN: Yes.

4 THE COURT: who keeps the time?

5 THE BAILIFF: I'm sorry, we have one juror in
6 the restroom, Judge.

7 THE COURT: That's fine. That's perfect,
8 actually.

9 Ms. Howard, do you keep the time normally?

10 THE DEPUTY CLERK: No. Usually if they have a
11 partner, they keep it. Sometimes the Judge does.
12 If you want me to, I can.

13 THE COURT: If you could, I'd appreciate that.

14 THE DEPUTY CLERK: Yes, sir. You want me to do
15 a --

16 THE COURT: Give her like -- give her like a
17 one-minute warning on the front end.

18 MS. HARTMAN: No, just start (unintelligible).

19 THE DEPUTY CLERK: Set an alarm clock.

20 THE COURT: No, let's not do that.

21 THE DEPUTY CLERK: Ha ha.

22 MS. HARTMAN: Ha ha ha.

23 THE DEPUTY CLERK: Do you want to go 15, then
24 30?

25 THE COURT: Fifteen and 30.

1 **MS. HARTMAN:** Yes.

2 (Pause.)

3 And then I would just ask that any time saved
4 from up front --

5 **THE COURT:** will be reserved.

6 **MS. HARTMAN:** -- be reserved.

7 (Pause.)

8 **THE COURT:** Is anybody going to need this
9 again?

10 **MS. HARTMAN:** Uh, it should already be on
11 computer, so I will need --

12 **THE COURT:** Yeah, it's not. It says share
13 screen.

14 **MS. HARTMAN:** Oh, gosh.

15 **THE COURT:** Jail Zoom, attorney PC, connect to
16 cable.

17 **THE BAILIFF:** Ready?

18 **THE COURT:** Give me one minute.

19 **THE BAILIFF:** Okay.

20 **THE COURT:** All right, it looks like it's
21 connecting. Go ahead.

22 Yeah, it's connected now.

23 So you want me to like turn it on?

24 **MS. MANNIS:** I was getting ready to ask --

25 (Pause.)

1 **THE COURT:** Because it can sit there on a blue
2 screen and it won't matter.

3 (Unintelligible conversation.)

4 **THE COURT:** You know, the courtroom technology
5 hasn't come real far in the last ten years.

6 Are we ready?

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

8 **THE COURT:** Go ahead and bring them in.

9 **THE BAILIFF:** All rise.

10 (Jury enters courtroom at 3:14 p.m.)

11 **THE COURT:** All right, thanks, folks.

12 Mr. Lizanich, go ahead.

13 **MR. LIZANICH:** Your Honor, at this time the
14 defense would rest.

15 **THE COURT:** Okay, very good.

16 Are we ready for closing arguments?

17 **MS. HARTMAN:** Yes, Your Honor.

18 **THE COURT:** All right, Ms. Hartman --

19 **MR. LIZANICH:** Yes, Your Honor.

20 **THE COURT:** -- at your leisure.

21 **MS. HARTMAN:** Uh, Judge, do you have a closing
22 argument instruction?

23 **THE COURT:** Oh, I'm sorry.

24 **MS. HARTMAN:** Yes, sir.

25 **THE COURT:** All right, one preliminary

1 instruction, folks.

2 Both the state and the defendant have now
3 restate their case. The attorneys now will present
4 their final arguments. Please remember that what
5 the attorneys say is not evidence or your
6 instruction on the law.

7 However, do listen closely to their arguments.
8 They are intended to aid you in your understanding
9 of this case. Each side will have an -- will have
10 equal time, but the state is entitled to divide this
11 time between an opening argument and a rebuttal
12 argument after the defense has given its closing
13 argument.

14 All right, very good, let's proceed.

15 **MS. HARTMAN:** Thank you, Your Honor.

16 May it please the Court, counsel, members of
17 the jury.

18 **THE COURT:** Yes.

19 **MS. HARTMAN:** I'm sorry. I was mean because I
20 just love you so much. That was the words of this
21 defendant after making threats to his ex-girlfriend,
22 Amanda Jimenez, for breaking up with him and for
23 kicking him out of her house.

24 Threats such as I'm going to kill you, I'm
25 going to burn that bitch down.

1 Now, ladies and gentlemen of the jury, Mr. King
2 is charged with two crimes. The first is written or
3 electronic threat to kill or do bodily injury.

4 We talked on Monday about the state having the
5 burden beyond a reasonable doubt to prove each and
6 every element of the crime, and we've done it.

7 The first element of this crime is that
8 Ian Joseph King made a threat to kill or do bodily
9 harm to another person in a writing or other record.

10 Not only did Mr. King make one threat, but he
11 made multiple.

12 I'll see you soon.

13 A bones with a cross emoji on it.

14 I'll F you up.

15 I'll kill you and him.

16 I'm on my way.

17 I'm a kill you.

18 You and that bitch will pay, I promise.

19 Of your F'in dead body.

20 I'm serious.

21 You fucked up.

22 I got you, bitch.

23 I'll shoot you in the face.

24 Fuck you.

25 I'm coming.

1 Now you're another bitch, a dead bitch at that.
2 I'm going to kill you for this.
3 You really fucked up.
4 I promise, you will pay.
5 You're going to have a lot of pissed off
6 people.

7 You will pay dearly.
8 See you soon.
9 You can't hide forever.
10 You're going to die.
11 Law enforcement can't save you.
12 I'm going to fuckin' kill you.
13 Keep thinking it's a game.
14 I'm going to cut your throat.
15 I won't sleep until you pay.
16 They can't save you.
17 I'll take it out on your family.
18 Fuck with me.

19 That was the words of this defendant to
20 Amanda Jimenez over the course of not one, not two, but
21 three days' worth of messages.

22 The second element is that these were sent,
23 posted or transmitted or that the defendant procured the
24 sending, posting or transmission of that record
25 otherwise.

1 In the middle of sending these threats, this
2 defendant calls and says to her, I can't believe you
3 called the police. How could you? How could you do this
4 in front of other people? He blames her for him telling
5 her that she's -- that he's going to kill her.

6 His voice can be heard in the middle of
7 messaging these threats. He makes the call. Ms. Jimenez
8 said that's his voice on the call. Law enforcement
9 overhears this call. And then he makes jail calls where
10 he says, I'm sorry, baby. I was mean because I just love
11 you so much.

12 The third element is that the defendant did so
13 in any manner in which it may be viewed by another
14 person. He knew Ms. Jimenez checks her Facebook, he knew
15 that that's where she got her messages because what did
16 Ms. Jimenez say this morning? She said, when I don't
17 answer him, he contacts me through Facebook.

18 You saw the multitude of missed calls, the
19 ignored calls, the calls that she actually answered, the
20 texts that go through. And when she wouldn't answer, he
21 would start sending her random letters, stickers, thumbs
22 up just to get her attention and get her to finally
23 answer him. And throughout, he's telling her that he's
24 going to kill her and cut her throat

25 He says, I'm on my way. I'll burn that B down.

1 The other charge that this defendant is charged
2 with is violation of a condition of pretrial release from
3 a domestic violence charge.

4 To prove the crime of violation of a condition
5 of release -- pretrial release from a domestic violence
6 charge, the state must prove the following four elements
7 beyond and to the exclusion of every reasonable doubt:

8 One. That Ian Joseph King was arrested for an
9 act of domestic violence. You see the definition of
10 domestic violence includes any assault, aggravated
11 assault, battery, aggravated battery, sexual assault,
12 sexual battery, stalking, aggravated stalking, kidnapping
13 and, uh, false imprisonment or any criminal offense
14 resulting in physical injury or death of one family or
15 household member by another family or household member.

16 Aggravated stalking.

17 You heard from Detective Michael Kelly that he
18 obtained a bench warrant for both aggravated stalking as
19 well as written threats to kill.

20 The element that the state has a burden of
21 proof is that he was arrested for it, not that that's one
22 of the charges here today.

23 You heard that Detective Kelley obtained that
24 bench warrant and that that bench warrant is what was
25 issued, uh, to pick up and arrest this defendant. So

1 this defendant was in fact arrested for aggravated
2 stalking.

3 The second element is that before his trial,
4 Ian Joseph King is released on the domestic violence
5 charge with a condition of no contact with the victim
6 Amanda Jimenez.

7 Detective Michael Kelly talked to you about the
8 condition of pretrial release. He talked to you that
9 standard conditions of pretrial release were given to
10 this defendant on March 9th, 2022, the day after his
11 arrest because within 24 hours is when first appearance
12 occurs.

13 You heard from Detective Kelley that the terms
14 of pretrial release include no contact with the victim
15 and explains a multitude of ways in which this defendant
16 is not to contact the victim.

17 Not only that, but members of the jury, you'll
18 have an opportunity to take this back with you, and it
19 says again in writing no contact with victim.

20 You'll also see that this defendant signs his
21 name Ian King.

22 Ian King knew that a condition of his pretrial
23 release was no contact with the victim. Not only did he
24 sign or that there is a name stating Ian King on this and
25 he was present as every defendant is at their first

1 appearance, but you heard him during the calls where
2 Ms. Jimenez tells him, your lawyer said I can't talk to
3 you. You'll get in trouble.

4 And what does he say? I don't care. I'll call
5 from someone else's pin.

6 He knew he wasn't supposed to call. He thought
7 he can get around it.

8 The fourth element is that Ian Joseph King
9 willfully violated that condition of pretrial release by
10 contacting the victim, Amanda Jimenez.

11 You heard from Detective Kelley that there
12 wasn't just one call. You also heard that from the
13 victim, Amanda Jimenez

14 Ladies and gentlemen, you listened to not one,
15 not two, but three phone calls today, the third in which
16 this defendant is screaming at the victim blaming her
17 where she tells him, this is your fault. I'm not at
18 fault. You're the one that sent me these threats.

19 And what does he say? Okay, Amanda, okay.

20 Those are just three of the calls that you
21 heard. You heard from Detective Kelley that there was
22 over 130 of these calls made to this victim from the
23 defendant.

24 Ladies and gentlemen, I propose to you that the
25 state has proven each and every element of these two

1 charges beyond and to the exclusion of every reasonable
2 doubt.

3 Now, Mr. Lizanich has the opportunity to come
4 up here and talk to you for his closing argument, and
5 then I'll get one more opportunity to talk to you. While
6 you listen to Mr. Lizanich's closing argument, I would
7 ask that you remember to yourself that the burden is to
8 prove each element beyond a reasonable doubt. That is a
9 burden that -- a doubt that you can place reason on. Not
10 any possible doubt, not any forced doubt, but one that
11 you can place reason on.

12 And ladies and gentlemen of the jury, at the
13 final of my closing argument, I'm going to ask that you
14 find the only just verdict, is that this defendant is
15 guilty of these two charges.

16 Thank you.

17 **THE COURT:** All right, Mr. Lizanich, whenever
18 you're ready.

19 (Pause.)

20 **MR. LIZANICH:** This chart is beyond a
21 reasonable doubt chart. And as we talked about
22 Monday, even a strong belief isn't far enough. If
23 you're wavering and vacillating, that means the
24 state has not proven their case and you must find
25 him not guilty.

1 One of the, uh, other instructions the Judge is
2 going to give you is that you can believe any
3 evidence in the case or disbelieve any evidence in
4 the case.

5 Recall that when the police introduced those
6 exhibits that Ms. Hartman gave you some quotes from
7 a minute ago, they also said it appears. I think I
8 heard that about 40 times. It appears to be
9 Mr. King. It looks like something happened. why?
10 Because they weren't there. They don't know.

11 Now, there was a part where the deputy was
12 there, and instead of gathering evidence while he's
13 there with a recorder, he tells her to don't answer
14 his calls. Shuts him down.

15 Instead of asking Ms. Jimenez what she thought
16 about anything, here's some records. Here's a
17 deputy who didn't work for Facebook, didn't
18 interview Ian King, didn't interview Amanda Jimenez.

19 **MS. HARTMAN:** Objection.

20 **MR. LIZANICH:** Basis?

21 **MS. HARTMAN:** It would be hearsay had he
22 testified to what Ms. Jimenez said to him.

23 **THE COURT:** Overruled.

24 **MR. LIZANICH:** He did not interview
25 Ms. Jimenez. Just sent a search warrant to Facebook

1 and then read it to you what they got back.

2 I think the only evidence you can believe about
3 any writing in this case came from the only witness
4 who had personal knowledge about those writings, and
5 that was Amanda Jimenez.

6 And when the state showed her those records,
7 she said some of them, not all of them. The state
8 could have picked out some and said how about this
9 one? That would be proof. That would be at least
10 evidence we could rely on.

11 A witness says yes, this statement was him.
12 But you didn't get that. Instead you got here's a
13 whole bunch and some of them.

14 One of the, uh, other instructions the Court is
15 going to read to you is called independent act. If
16 you find that the crime alleged was committed -- an
17 issue in this case is whether the crime of written
18 threats to kill or do bodily harm was an independent
19 act of another person other than the defendant.

20 Now, I can see this rebuttal argument coming
21 from a mile away. The defense is telling you it's
22 boots in the snow, it's a person who did this
23 amazing act because I don't have a witness to come
24 in and say, yeah, I took his phone. I'm sorry I
25 couldn't present that kind of witness to you.

1 But that does not mean the state has proven its
2 burden. Remember, the burden is not on me. And if
3 they shift the burden and say I have to prove
4 Ian innocent, then we're not following the
5 Constitution.

6 The state has the burden to prove Ian wrote
7 threats, and they gave you a composite, and the only
8 testimony about the composite is some of them. All
9 the other witnesses admitted they don't know.

10 You also heard what Ms. Jimenez was really
11 angry about. It was the cheating. She testified
12 that were in a relationship for years. The only
13 time she brought up in the jail calls about him
14 threatening her was to get back at him for an
15 argument he made that she's doing it to him. And he
16 agreed after she confronted him, you're right,
17 you're not the one doing this.

18 But again, we come back to the same problem,
19 what evidence can we believe in? What evidence did
20 a witness give you with their own knowledge?

21 One of the rules for deliberation the Judge is
22 going to give you, the first rule, did the witness
23 seem to have an opportunity to see and know about
24 the things which the witness testified? And very
25 few of them did.

1 One law enforcement officer was present during
2 a call for a moment, and that's about the extent of
3 personal knowledge anybody other than Ms. Jimenez
4 had. And that is not evidence you can rely on.
5 That is not proof beyond a reasonable doubt.

6 Go, uh, to the charge.

7 Mind if I borrow that?

8 **MS. HARTMAN:** Go ahead.

9 (Pause.)

10 **MR. LIZANICH:** As the state also indicated to
11 you, Mr. King, a deputy said he arrested Mr. King
12 for stalking. You also know Mr. King's not
13 currently charged with stalking, and no evidence
14 during this trial says when that changed.

15 Written threats is not one of these offenses.
16 There were no physical injuries and there were no
17 deaths.

18 Because you don't know when stalking went away,
19 you can't know whether the charge was still
20 there from March to August, which again means the
21 state hasn't proven this charge either.

22 They have to prove each element.

23 The first one is that he was arrested for an
24 act of domestic violence, and the second one is that
25 release on domestic violence, that the condition was

1 there.

2 was the condition there in March? There's no
3 evidence in the case in the trial today to tell us.

4 **MS. HARTMAN:** Objection, misstatement of the
5 law and the facts in evidence.

6 **THE COURT:** Approach.

7 (Begin sidebar.)

8 **MS. MANNIS:** That's a misstatement of the
9 evidence here. The order has the date on it that
10 the condition was imposed, so there's evidence that
11 the condition was imposed on March 9th.

12 **MS. HARTMAN:** Through August 3rd.

13 **THE COURT:** I'm looking for the actual
14 elements.

15 **MS. HARTMAN:** It's after that, the statement of
16 the charge. Keep going to the end.

17 **THE COURT:** Oh, I'm in the beginning, aren't I?

18 **MS. HARTMAN:** Right there.

19 (Pause.)

20 It's the next page.

21 **MR. LIZANICH:** State's correct. I will
22 (unintelligible).

23 **THE COURT:** Yeah, the arrest is August.
24 Require --

25 **MS. HARTMAN:** Yes.

1 **THE COURT:** State require a curative?

2 **MS. HARTMAN:** Uh, I trust Mr. Lizanich to fix
3 his mistake and basically say --

4 **MR. LIZANICH:** That's fine.

5 **MS. MANNIS:** (Unintelligible).

6 **THE COURT:** Okay.

7 Thank you.

8 (End of sidebar.)

9 **MR. LIZANICH:** Allow me to correct myself.

10 The document says March 9 is when Mr. King was
11 given the order to have no contact. The charge goes
12 all the way into August if you read the Information.
13 The verdict form where it says from March to August,
14 Mr. King violated this rule. The form says March 9,
15 but it doesn't say when that order was lifted, which
16 means the charge isn't proven.

17 The state, uh, presented this testimony from,
18 uh, the detective, the power and control wheel, the
19 manipulation, domination. I know when the state
20 heard those calls, they heard power and domination.
21 I heard a fight. And what you heard is going to be
22 up to you.

23 I know I've fought with my wife. We yell. And
24 I know things can look differently to somebody
25 looking in, which is again why it's very important I

1 think to go back and consider that rule one, did the
2 witness seem to have an opportunity to see and know
3 the things about which the witness testified?

4 The state could have presented more of her
5 testimony. If they wanted to say she's the victim
6 of abuse and control, they could have proven it.
7 But they didn't. They just called her one. And I'm
8 not saying they could have proven it. They could
9 have tried. They didn't. Again, the evidence is
10 not in front of you.

11 Now, I know a lot of the things Ian said
12 verbally were not excusable. Remember the verbal
13 threats cannot sustain the charge of written
14 threats. There's a difference between inexcusable
15 and criminally evil.

16 Based on that, it's my argument to you the
17 state has failed to prove Ian King is the author of
18 those writings.

19 (Pause.)

20 There was 130 calls. They only played three of
21 them. I don't think Ms. Jimenez is anybody's
22 doormat. And I don't think you should let the state
23 call her a doormat and then not ask you to tell --
24 not ask her to tell you about that herself. So find
25 Ian King not guilty of both charges.

1 Thank you.

2 THE COURT: All right, Ms. Hartman, your
3 rebuttal.

4 MS. HARTMAN: Yes, Judge.

5 (Pause.)

6 MR. LIZANICH: Your Honor, may we approach
7 briefly?

8 THE COURT: You may.

9 (Begin sidebar.)

10 THE COURT: It's not -- whoops, there it goes.

11 MS. HARTMAN: So Judge, what we intend to use
12 is part of the business records from the Facebook in
13 comparison with the different messages that happened
14 at the different times. Uh, I'm sure Mr. Lizanich
15 is going to object based on his previous objection,
16 so we -- I think he just wanted to note that.

17 MR. LIZANICH: I understand the Court's ruling.
18 I just want to renew my objection.

19 THE COURT: Uh-huh. Okay, it remains
20 overruled.

21 MR. LIZANICH: Okay, that's fine.

22 (End of sidebar.)

23 THE COURT: Do the court thing again.

24 You might have to unplug it and replug it. It
25 was on and then went off.

1 There it goes. It's connecting.

2 You ready for me to turn it on?

3 **MS. HARTMAN:** Yes.

4 (Pause.)

5 Ladies and gentlemen of the jury, Mr. Lizanich
6 touched on a couple things that, uh, I'd like to
7 touch base with you on.

8 He was right to say that he can see that I was
9 going to argue that he wants you to believe that a
10 dog was walking in human shoes like we talked about
11 on Monday.

12 why? Because that's exactly what happened here
13 today. Mr. Lizanich argued that I didn't prove that
14 this defendant is the one who sent these messages
15 and that mysterious ghost person is the one that
16 sent these.

17 I beg to differ. He wants you to believe that
18 a dog was walking in human shoes leaving footprints
19 in the snow.

20 Now, how do we know that these things came from
21 the defendant? The use of his language, that
22 Ms. Jimenez -- she did not say that some of these
23 messages came from him and some might have come from
24 someone else. What she said was that some of the
25 messages were consistent with things that he said to

1 her previously and how he speaks to her. That is
2 what she said.

3 Mr. Lizanich also stated that if we wanted to
4 make the victim look like she was being manipulated
5 and a doormat, that we should have shown that. You
6 saw the elements. I don't have to prove that she is
7 a victim of domestic violence.

8 what I have to prove to you beyond a reasonable
9 doubt are the elements that were shown before. Not
10 one of them is to prove that she was a doormat.

11 Ms. Jimenez eventually did stand up for
12 yourself. She wasn't a doormat. She told him, get
13 out of my house, get your stuff. She stood up for
14 herself and finally took a stand after not only
15 verbal abuse, but written abuse and threats to kill.

16 Now, how do we know that those came from him?
17 Because he called in the middle, the language was
18 the same, he says dude a million times throughout
19 those texts. And guess what else he says in the
20 phone calls? Dude over and over and over and over
21 again to start and end almost every other sentence.

22 Now, Mr. Lizanich also talked about the fact
23 that Detective Kelley said appears or looks like.
24 He's right. Detective Kelly isn't the one that
25 received these messages. But Facebook regularly

1 keeps those messages and stores them. And that's
2 why you heard that they come in through a business
3 records exception.

4 And he was stating that those time stamps were
5 there and that these were the times that it was sent
6 because that's what Facebook says that they were
7 sent. And there was also time stamps with messages
8 sent from this defendant's Facebook account to other
9 people's Facebook accounts.

10 You also heard that if Deputy Belfry wanted to
11 know what the victim felt or thought, that he should
12 have conducted a more thorough interview, but that
13 was never asked. It was never asked if he talked to
14 her more than just what was on the recording. You
15 also heard that it was an ended recording.

16 Deputy Belfry said it was towards the end of
17 his shift, and you heard that he was there at
18 2:00 o'clock when that call came through. You also
19 heard he was there until about the end of his shift
20 when he gets off at 5:00. He didn't just record
21 that and say I'm out and leave.

22 **MR. LIZANICH:** Your Honor, I have to object to
23 a misstatement of facts. The portions of the
24 recording that were edited were not that long.

25 **THE COURT:** Overruled.

1 **MS. HARTMAN:** Deputy Belfry did more than just
2 record that. Did he talk to Ms. Jimenez? That was
3 never asked. That was never asked how thorough, how
4 much. Why? Because Ms. Jimenez was here, and she
5 told you for herself what happened to her.

6 As far as the conditions of pretrial release
7 and the violation, Mr. Lizanich (unintelligible)
8 himself and told you that the state has the burden
9 to prove that this defendant was arrested on those
10 charges. Not those -- not that those charges
11 continued for it, but that he was arrested on those.

12 He was arrested on March 8th as
13 Detective Kelley told you, and on March 9th he was
14 given those conditions, and on March 9th he started
15 calling the victim.

16 That pretrial release condition and those
17 charges didn't change that same exact day. And then
18 he says later on between March, uh, 9th and
19 August 3rd, he says, I know I'm not supposed to be
20 talking to you, but I'm going to do it anyway, which
21 means those conditions were still in place because
22 he knew he was not supposed to do that.

23 (Pause.)

24 Now, there was a lot of talk about how the
25 messages and the threats that he was sending

1 Ms. Jimenez were happening at the same time that he
2 was conducting conversations with a multitude of
3 other people to show that it was him.

4 Because who else would be selling his truck,
5 his four-wheeler, uh, his boat? Who else would be
6 telling people about his life problems and his
7 dating problems, be calling other people, be going
8 to their residence and their hotel room at the same
9 time that he's sending these threats to Ms. Jimenez?

10 He would know someone else was doing this on
11 his Facebook if he was on his Facebook and
12 contacting all these other people.

13 When Mr. Lizanich asked Detective Kelley if he
14 talked to these multitude of different people, he
15 listed them all off.

16 He listed Kyle Kip.

17 Beto Scarangula.

18 Marissa Alemany.

19 Daniel Peck.

20 Swing It Strikes.

21 Andro Flip.

22 Neil McCarthy.

23 Sammy Domingo.

24 Misty Wolfe.

25 Nicole Harper.

1 Jordan Hunter.

2 David Dabid Nava.

3 David Lara.

4 Heather Agasini.

5 And Brooke Vermilion.

6 Fifteen different people he was having this
7 conversation with over the course of not one, not
8 two, but three days.

9 And then when law enforcement calls him, he
10 doesn't say, I don't know what you're talking about,
11 I didn't do this. He says, I think I'm going to
12 jail for -- for the messages I sent the victim.
13 That's what he tells Deputy Valencia.

14 Now, just for a visual aid, I want to point you
15 to the fact that in the business record of Facebook
16 records, you can see that this account belongs to
17 Ian King because not only is it his name, it's also
18 the address that he told Deputy Valencia that he was
19 going to meet him at, 2621 West Fairway Loop, Citrus
20 springs, Florida 34434.

21 Not only that. It has two different credit
22 cards with his name attached to it showing that it
23 is his Facebook account that these messages came
24 from.

25 Here's a comparison of the time stamps. The

1 messages to Amanda Jimenez are on the left. I'm
2 going to lose it. Amanda missing a call. Leave me
3 alone, you lying piece of shit. Get your stuff.
4 And Ian King saying WTF, I'm going to lose it at the
5 same time that he's having a conversation about
6 loading up and meeting Kyle Kip. And Ian saying,
7 I'm stuck in an emergency, I'm super sorry.

8 Same thing. On the left side, Ian's statements
9 calling Ms. Jimenez a stupid ass bitch. I'll see
10 you soon. And you get this dumb ass hoe
11 disrespecting. Listen, you're going to get fucked
12 up. I'm not playing these childish ass games with
13 you no more, dude.

14 And on the right side, there he is about the
15 same time talking to Marissa, calling Marissa who
16 presumably can hear his voice when he calls her
17 saying, I'm trying to call you back, I'm here
18 meaning he's there in person.

19 So not only does she see him, she hears him and
20 he's sending these messages to Ms. Jimenez at the
21 same time.

22 He's also talking to Beto Scarangula trying to
23 sell his truck.

24 Ian King again, you're a dumb ass bitch,
25 Amanda. You really are a dumb ass mother fucker,

1 dude.

2 2/27, 1636 UTC. I'll kill you.

3 Same date, 1622, 14 minutes before he sends
4 that, he says to Daniel Peck, yes, it's available.

5 Threatening Ms. Jimenez while selling different
6 things.

7 He also says, I'm a kill you now. You and that
8 bitch will pay.

9 Now, if you recall, that's what he says to her
10 in response to her saying, I'm going to be happier
11 with this new man. And he goes off. You and that
12 bitch will pay. I'm a kill you now.

13 You heard from Ms. Jimenez that he gets
14 jealous, that he thinks that she's cheating, that he
15 just thinks these things and that he thought she was
16 cheating with her boss.

17 You also hear in the jail calls how he gets so
18 mad that she's doing her makeup. Why are you doing
19 that? Who are you going out with?

20 That's why he says I'm going to kill you and
21 him. At the same time he's sending messages to
22 Swing It Strikes saying the items were available for
23 purchase, that the four-wheeler was available.

24 1641 Ms. Jimenez says, I'm saving all this just
25 in case.

1 Ian at 1642 says, IDK, bitch. I'll call them
2 myself as I said of your dead fucking body. That
3 was at 1642.

4 And yet 1640, two minutes before, he tells
5 Andro Flip, I'm on my way. He goes, meets up with
6 Andro Flip.

7 These are being sent from the same Facebook
8 account. He would see those if it wasn't him. But
9 you know what, it was him. Because in the meantime,
10 he's calling law enforcement. And later on in the
11 jail call, he admits to Amanda just like
12 Mr. Lizanich said. Mr. Lizanich said, when Amanda's
13 yelling at him saying, you threatened me, you
14 threatened my kids. And Mr. Lizanich said, yeah, he
15 says -- he says, yeah, okay, he did, he said yes,
16 okay, I -- he agrees that he said that.

17 1649, 2/27, I got you, bitch. I swear, shoot
18 you in the face.

19 One minute before that, he's telling
20 Andro Flip, you can tell Amanda she can stay the
21 fuck away from me, I'm going to fuck her ass up all
22 about the same time that law enforcement was up
23 there, that he found out that she had called law
24 enforcement on him.

25 He says, I got fire on me and all. Not only

1 does he say that to her, he tells that to
2 Andro Flip, which shows it's the same person because
3 he says, I got fire on me when he threatens to burn
4 her house up.

5 1653, he's saying, now you're just another
6 bitch on a list, a dead bitch at that.

7 1657, he's talking to Kyle Kip again saying, if
8 you change your mind on the boat and want to trade,
9 let me know.

10 And then he says 1655, I really loved you. You
11 hear in the jail calls over and over he goes from
12 threatening to I love you to threatening to I love
13 you and please. And then he says, well, I'm just
14 never going to call you again. And then she says
15 okay. He goes, oh, I didn't mean that. I -- this
16 is what he does.

17 There it is. 1747, says -- he tells
18 Ms. Jimenez, go burn that bitch down. If this
19 wasn't him sending that, how would he know to tell
20 Andro Flip, I have the stuff to burn this thing
21 down? How would he know that if that wasn't him?

22 And then he calls Andro. So we know it's him
23 because he talks to his friend, Andro.

24 (Pause.)

25 This is where right after, he makes those

1 threats and he's blowing up Ms. Jimenez's phone
2 because she's not answering. Why is she not
3 answering? Because Deputy Belfry's sitting there
4 with her phone so she can't answer when
5 Deputy Belfry has the phone in his hand.

6 And he's just screenshotting away the messages,
7 taking pictures of it as this defendant's here
8 threatening Ms. Jimenez.

9 And then he calls. And it's his voice on the
10 phone. Ms. Jimenez told you that's his voice. And
11 not only do you have her word for it, but you heard
12 the jail calls where he identifies himself, where
13 he's called Ian multiple times and he's speaking.

14 And you can compare those voices for yourself.
15 It is the same person, because this is his Facebook,
16 this is the way he communicates with people and this
17 is the way that he threatened Ms. Jimenez.

18 I'm going to fuckin' snap, I promise you. You
19 will pay dearly. I swear to God I'm a fuckin' kill
20 you. Eat your heart -- eat your fuckin' heart,
21 bitch. You think it's a fuckin' game. I promise
22 you I'm going to cut your throat. That was at
23 000 -- 0500 hours.

24 000 hours, five minutes before, Jordan Hunter
25 asks, is there any issues with it? Four-wheeler

1 drive, works good?

2 At 120 -- at 0100 hours, he says, yes,
3 everything works great. So just four minutes before
4 he says, I'm going to F'n snap, I promise you, he's
5 talking about the four-wheeler again.

6 Right after the cop called, right after
7 Deputy Valencia calls and says, we're looking for
8 you, we need you to welfare check, what does this
9 defendant say to her but, cop calling ass bitch?

10 why? Because he just talked to Deputy Valencia
11 on that phone number, and he responds on this
12 Facebook. Who else would know that the cops were
13 out looking for him other than the person the cops
14 called to say we're looking for you?

15 He says, they can't save you. Yet another
16 threat. And at the same time, he's messaging
17 David Nava about selling more items.

18 He says, you ready for this shit? It's about
19 to get crazy, I promise you, one way or the other.
20 Then he tries to call her.

21 If it was somebody else, why -- and they wanted
22 Ms. Jimenez to believe that it was him, why would
23 they try to call? She dated him for seven years.
24 She would know that's not his voice. He was trying
25 to call because it was him.

1 And then he says, I won't sleep until you pay.
2 At the same time messaging David Lara about selling
3 items on his Facebook account.

4 So one of the elements says that written
5 threats can be against the victim or their family.
6 This defendant does both. He says, I promise if I
7 have to take it -- if I have to, I'll take it out on
8 your family. Fuck with me. And then again tries
9 calling her multiple times.

10 If it was not him, why would he try calling
11 her? She would know if it was not him, if someone
12 else was trying to set him up for this.

13 He's still messaging, where you at? I've got
14 to go. And he's talking to Heather Agasini at the
15 same time.

16 At the same time, he's telling Brooke Vermilion
17 exactly what's going on, the fact that law
18 enforcement's looking for him and that he threatened
19 Amanda. And what does he say? He said, I was
20 stalking her and I threatened her. She says, were
21 you and maybe didn't realize it? He says, uh, yes,
22 but I didn't mean to. She was too.

23 And she says, what did she do? And he says,
24 she left me for dead. Which is the same exact thing
25 that he says in a jail call about his mother.

1 If that wasn't him, why would he use the same
2 exact phrasing when he talks about his mother? No
3 one loves me. No one's here for me. I don't even
4 care about my mother. She left me for dead.

5 **MR. LIZANICH:** Objection, Your Honor.
6 Counsel's becoming a witness as an expert in syntax
7 or something, and I believe it's improper argument.

8 **THE COURT:** Overruled.

9 **MS. HARTMAN:** Ladies and gentlemen, multiple
10 times was this defendant having conversation with
11 different people, calling them, seeing them in
12 person and using the same Facebook account. He uses
13 the same language. He says dude over and over in
14 the text messages. He says dude over and over in
15 the jail calls.

16 Those threats, those Facebook messages talk
17 about very personal things for Ms. Jimenez. They
18 talk about her ex-husband Jason who she confided in
19 the defendant about about his overdose, about how
20 she felt guilty about it because he took her
21 medicine.

22 And he used that against her. He says -- and
23 he threatens her saying, now you have two men dead.
24 I'm going to be just like Jason. He knew that. Who
25 else knew that she felt guilty like that to use it

1 against her?

2 And then not only that, they use -- this
3 defendant uses about Josh who lived down the street
4 if you recall, and his wife called law enforcement
5 on him. And Ms. Jimenez says, I wouldn't have done
6 that. I wouldn't have called the cops.

7 So what did this defendant do throughout
8 everything, throughout the phone call, throughout
9 those messages on Facebook? You lied to me. You
10 said you would never call the cops. You said you
11 didn't agree with what she did to Jason, uh, and
12 what -- sorry, what she did to Josh down the street
13 and that you would never call the cops. And that's
14 all in the messages.

15 Ms. Jimenez and this defendant were the ones
16 that lived down the block from that person. Who
17 else would know about that?

18 Now, ladies and gentlemen, we talked a little
19 bit about power and control, and you heard from
20 Detective Kelley what those elements were, emotional
21 abuse, telling someone they're cheating. Why are
22 you doing your makeup? Getting angry at them.
23 Screaming at them. Physical abuse or a threat or
24 coercion. I'm going to kill you. I'm going to slit
25 your throat.

1 Financial. You heard in that jail call, he
2 says over and over, put money on my phone, put money
3 on my phone.

4 Intimidation. I'm going to burn that down.
5 I'll come after your family.

6 Minimizing. You did this. I didn't do this.
7 You're the one that called the cops. You put me in
8 this situation.

9 And then when she says -- finally stands up for
10 herself and says, no, you did this, you sent threats
11 to me, he doesn't say, I don't even know what
12 threats you're talking about. He says, okay, yeah,
13 you're right.

14 And then he uses the kids. I miss them. How
15 are they?

16 Ladies and gentlemen, you do not need to take
17 each individual piece of evidence and look at it
18 like it's in a vacuum. You get to see everything as
19 a whole. Just like there's spokes on a wheel. And
20 those spokes include the use of the same language in
21 both this defendant's verbal statements as well as
22 in these threatening messages, the word dude
23 multiple times.

24 The phone call to the victim from the jail. He
25 doesn't say, I didn't make them. He says, I'm sorry

1 I was mean to you. I did it because I was mad.

2 That he knows things that the -- that the
3 defendant and Ms. Jimenez talked about that how
4 would other people know about Josh and about Jason?

5 He's sending messages to other people at the
6 same exact time. There's a phone call to the victim
7 while sending threats while law enforcement is
8 there.

9 You heard the phone call that he made to the
10 victim while law enforcement was there. You heard
11 the jail calls and you can read the messages.

12 Generally when people read messages about --
13 that come from their friends, they read it in their
14 friend's voice. These messages can be heard in that
15 defendant's voice.

16 The victim says that he talked to her in those
17 messages in a consistent way that he's talked to her
18 before. He shows in those messages that he's
19 concerned about her cheating. He gets angry when
20 she says she's with someone else and says who? I'll
21 kill both of you.

22 His Facebook photo, credit card info, address
23 and his statements all show that that was his
24 Facebook.

25 He wouldn't say sorry if he didn't do this. He

1 wouldn't know that these threats were made when law
2 enforcement calls and says, hey, we have a welfare
3 check, we need to make sure that you're okay. He
4 wouldn't say, I'm going to jail for the messages I
5 sent her. He wouldn't have even known about those
6 messages be it that's the first thing he says. If
7 he didn't send it, he wouldn't have known about
8 them.

9 In the jail call he says, I don't want to live
10 anymore. He makes suicide threats. That's the same
11 thing that he did in those text messages too in
12 between threatening her. He says, you're going to
13 have two dead men that you are with.

14 He's worried about his dog? Not only to
15 Deputy Valencia because you heard Deputy Valencia
16 say that he was supposed to meet with the defendant
17 at the defendant's residence, and the defendant
18 said, let me drop off my dog first, then I'll meet
19 you there, and never showed. That shows a
20 consciousness of guilt. why? Because he knew he
21 was guilty, so he didn't show.

22 Then he talks about his dog on the jail call.
23 And then he talks about Princess the puppy in
24 messages.

25 (Pause.)

1 The defendant admits to sending these messages.
2 He says it to Brooke, he says it to Deputy Valencia.
3 And then he agrees when the victim says over the
4 jail call, you did this to yourself, you sent them.

5 Not only does the evidence show that this
6 defendant's guilty, but the defendant's own words
7 show that he is guilty and the statements that he's
8 made to other people saying, yes, I did this.

9 And ladies and gentlemen of the jury, I know
10 that you'll come to that the only just verdict is
11 that this defendant is guilty of both written
12 threats and violation of pretrial release.

13 Thank you.

14 **THE COURT:** All right. Members of the jury, I
15 thank you for your attention during this trial.
16 Please pay attention to the instructions I'm about
17 to give you.

18 Ian Joseph King, the defendant in this case,
19 has been accused of the crimes of written threats to
20 kill or do bodily harm in violation of condition of
21 pretrial release.

22 written electric -- written electronic threat
23 to kill or do bodily injury:

24 To prove the crime of written or electronic
25 threat to kill or do bodily jury, the state must

1 prove the following three elements beyond a
2 reasonable doubt:

3 Number one. Ian Joseph King, excuse me, made a
4 threat to kill or do bodily harm to another person
5 in writing or other record.

6 Two. Ian Joseph King sent, posted or
7 transmitted or procured the sending, posting or
8 transmission of that writing or other record.

9 Ian Joseph King -- number three.
10 Ian Joseph King did so in any manner in which it may
11 be viewed by another person.

12 To procure means to persuade, induce, prevail
13 upon or cause a person to do something.

14 Other record includes an electronic record.

15 The term electronic record means any record
16 created, modified, archived, received or distributed
17 electronically which contains any combination of
18 texts, graphics, video, audio or pictorial
19 representation in digital form, but does not include
20 a telephone call.

21 8.25, violation of a condition of pretrial
22 release from a domestic violence charge.

23 To prove the crime of violation of a condition
24 of pretrial release from a domestic violence charge,
25 the state must prove the following four elements

1 beyond a reasonable doubt:

2 Number one. Ian Joseph King was arrested for
3 an act of domestic violence. Before his trial,
4 Ian Joseph King's release on the domestic violence
5 charge was set with a condition of no contact with
6 the victim, Amanda Jimenez.

7 Number three. Ian Joseph King knew that a
8 condition of his pretrial release was no contact
9 with the victim.

10 Number four. Ian Joseph King willfully
11 violated that condition of pretrial release by
12 contacting the victim, Amanda Jimenez.

13 Domestic violence means any assault, aggravated
14 assault, battery, aggravated battery, sexual
15 assault, sexual battery, stalking, aggravated
16 stalking, kidnapping, false imprisonment, or any
17 criminal offense resulting in physical injury or
18 death of one family or household member by another
19 family or household member.

20 Family or household members means spouses,
21 former spouses, persons related by blood or
22 marriage, persons who are presently residing
23 together as if a family or who have resided together
24 in the past as if a family, and persons who are
25 parents of a child in common regardless of whether

1 they have been married.

2 with the exception of persons who have a child
3 in common, the family or household members must be
4 currently residing or have in the past resided
5 together in the same single dwelling unit.

6 willfully means knowingly, intentionally and
7 purposely.

8 An order of no contact is effective immediately
9 and is valid for the duration of the pretrial
10 release or until it is modified by a Judge. Unless
11 otherwise stated by the Judge, no contact means it's
12 prohibited for Ian Joseph King to have communicated
13 orally or in any written form either in person,
14 telephonically, electronically or in any other
15 manner either directly or indirectly through a third
16 person with Amanda Jimenez.

17 If you find that the crime alleged was
18 committed, an issue in this case is whether the
19 crime of written threats to kill or do bodily harm
20 was an independent act of a person other than the
21 defendant.

22 An independent act occurs when a person other
23 than the defendant commits or attempts to commit a
24 crime which the defendant did not intend to occur
25 and in which the defendant did not participate and

1 which was outside of and not reasonably
2 foreseeable -- a reasonably foreseeable consequence
3 of the common design or unlawful act contemplated by
4 the defendant.

5 If you find the defendant was not present when
6 the crime of written threats to kill or do bodily
7 harm occurred, that in and of itself does not
8 establish that the written threats to kill or do
9 bodily harm was an independent act of another.

10 If you find the written threats to kill or do
11 bodily harm was an independent act of another, then
12 you should find Ian Joseph King not guilty of the
13 crime of written threats or do bodily harm.

14 The defendant has entered a plea of not guilty.
15 This means you must presume or believe the defendant
16 is innocent. The presumption stays with the
17 defendant as to each material allegation in the
18 Information through each stage of the trial unless
19 it has been overcome by the evidence to the
20 exclusion of and beyond a reasonable doubt.

21 To overcome the defendant's presumption of
22 innocence, the state has the burden of proving the
23 crime with which the defendant is charged was
24 committed and the defendant is the person who
25 committed the crime. The defendant is not required

1 to present evidence or prove anything.

2 whenever the words reasonable doubt are used,
3 you must consider the following:

4 A reasonable doubt is not a mere possible
5 doubt, a speculative, imaginary or forced doubt.
6 Such a doubt must not influence you to return a
7 verdict of not guilty if you have an abiding
8 conviction of guilt.

9 On the other hand, if after carefully
10 considering, comparing and weighing all the
11 evidence, there is not an abiding conviction of
12 guilt or if having a conviction, it is one which is
13 not stable, but one which wavers and vacillates,
14 then the charge is not proved beyond every
15 reasonable doubt, and you must find the defendant
16 not guilty because the doubt is reasonable.

17 It is to the evidence introduced in this trial
18 and to it alone that you are to look for that proof.

19 A reasonable doubt as to the guilt of the
20 defendant may arise from the evidence, a conflict in
21 the evidence or the lack of evidence.

22 If you have a reasonable doubt, you should find
23 the defendant not guilty. If you have no reasonable
24 doubt, you should find the defendant guilty.

25 It is up to you to decide what evidence is

1 reliable. You should use your common sense in
2 deciding which is the best evidence and which
3 evidence should not be relied upon in considering
4 your verdict.

5 You may find some of the evidence not reliable
6 or less reliable than other evidence. You should
7 consider how the witnesses acted as well as what
8 they said. Some things you should consider are the
9 following:

10 Number one. Did the witness seem to have an
11 opportunity to see and know the things about which
12 the witness testified?

13 Number two. Did the witness seem to have an
14 accurate memory?

15 Number three. Was the witness honest and
16 straightforward in answering the attorney's
17 questions?

18 Number four. Did the witness have some
19 interest in how the case should be decided?

20 Five. Did the witness's testimony agree with
21 the other testimony and other evidence in the case?

22 Six. Had any pressure or threat been used
23 against the witness that affected the truth of the
24 witness's testimony?

25 Seven. Did the witness at some other time make

1 a statement that is inconsistent with the testimony
2 he or she gave in court?

3 Finally, has the witness been convicted of a
4 felony or misdemeanor involving dishonesty or false
5 statement?

6 whether the state has met its burden of proof
7 does not depend upon the number of witnesses it has
8 called or upon the number of exhibits it has
9 offered, but instead upon the nature and quality of
10 the evidence presented.

11 The fact that a witness is employed in law
12 enforcement does not mean that his or her testimony
13 deserves more or less consideration than that of any
14 other witness.

15 It is entirely proper for a lawyer to talk to a
16 witness about what testimony the witness would give
17 if called into the courtroom. The witness should
18 not be discredited by talking to a lawyer about
19 their testimony.

20 You may rely upon your own conclusion about the
21 credibility of any witness. A juror may believe or
22 disbelieve all or any part of the evidence or
23 testimony of any witness.

24 The Constitution requires the state to prove
25 its accusations against the defendant. It is not

1 necessary for the defendant to disprove anything,
2 nor is the defendant required to prove his
3 innocence. It is up to the state to prove the
4 defendant's guilt by evidence.

5 The defendant exercised a fundamental right by
6 choosing not to be a witness in this case. You must
7 not view this as an admission of guilt or be
8 influenced in any way by his decision. No juror
9 should ever be concerned that the defendant did or
10 did not take the witness stand to give testimony in
11 the case.

12 A statement claimed to have been made by the
13 defendant outside of the court has been placed
14 before you. Such a statement should always be
15 considered with caution and be weighed with great
16 care to make certain it was freely and voluntarily
17 made. Therefore, you must determine from the
18 evidence that the defendant's alleged statement was
19 knowingly, voluntarily and freely made.

20 In making this determination, you should
21 consider the total circumstances including, but not
22 limited to whether when the defendant made the
23 statement he had been threatened in order to get him
24 to make it and whether anyone had promised him
25 anything in order to get him to make it.

1 If you conclude the defendant's out-of-court
2 statement was not freely and voluntarily made, you
3 should disregard it.

4 Rules for deliberation.

5 These are some general rules that apply to your
6 discussion. You must follow these rules in order to
7 return a lawful verdict:

8 Number one. You must follow the law as it is
9 set out in these instructions. If you fail to
10 follow the law, your verdict will be a miscarriage
11 of justice. There is no reason for failing to
12 follow the law in this case. All of us are
13 depending on you to make a wise and legal decision
14 in this matter.

15 Number two. This case must be decided only
16 upon the evidence that you have heard from the
17 testimony of witnesses and have seen in the form of
18 the exhibits in evidence and these instructions.

19 Three. This case must not be decided for or
20 against anyone because you feel sorry for anyone or
21 angry at anyone. Remember, the lawyers are not on
22 trial. Your feelings about them should not
23 influence your decision in this case.

24 Your duty is to determine if the defendant has
25 been proven guilty or not in accord with the law.

1 It is the Judge's job to determine the proper
2 sentence if the defendant is found guilty.

3 whatever verdict you render must be unanimous,
4 that is, each juror must agree to the same verdict.

5 The jury is not to discuss any questions that
6 the jurors wrote that was or were not asked by the
7 Court and must not hold that against either party.

8 Your verdict should not be influenced by
9 feelings of prejudice, bias or sympathy -- sympathy.

10 Your verdict must be based on the evidence and
11 on the law contained in these instructions.

12 Deciding a verdict is exclusively your job. I
13 cannot participate in that decision in any way.
14 Please disregard anything I may have said or done
15 that made you think I preferred one verdict or
16 another.

17 All right. As to the verdict.

18 You may find the defendant guilty or not
19 guilty. The verdict must be unanimous, that is, all
20 of you must agree to the same verdict.

21 Only one verdict may be returned as to each
22 crime charged. The verdict must be in writing. And
23 for your convenience, the necessary verdict forms
24 have been prepared for you. They are as follows:

25 All right. In the Circuit Court of the Fifth

1 Judicial Circuit of the State of Florida in and for
2 Citrus County.

3 The State of Florida versus Ian Joseph King.

4 Case number 2022-CF-000261.

5 Verdict.

6 Count One.

7 We, the jury, find as follows:

8 As to Count One of the charge, check only one
9 as to this count.

10 A. The defendant is guilty of written threats
11 to kill or do bodily harm as charged in the
12 Information.

13 B. The defendant is not guilty.

14 So say we all, dated this -- it would be -- if
15 it's today, the 11th day of August 2022, signed by
16 the foreperson.

17 Verdict as to Count Number Two.

18 In the Circuit Court of the Fifth Judicial
19 Circuit of the State of Florida in and for
20 Citrus County.

21 The State of Florida versus Ian Joseph King.

22 Case number 2022-CF-000261.

23 Verdict.

24 Count Two.

25 We, the jury, find as follows as to Count Two

1 of the charge. Check only one as to this count.

2 A. The defendant is guilty of violation of
3 condition of pretrial release as charged in the
4 Information.

5 Or B. The defendant is not guilty.

6 So say we all, dated -- fill in the blank for
7 the date, August 2022.

8 Signed by the foreperson.

9 All right. A separate crime is charged in each
10 count of the Information, and although they have
11 been tried together, each crime and the evidence
12 applicable to it must be considered separately and a
13 separate verdict returned as to each. A finding of
14 guilty or not guilty as to one crime must not affect
15 your verdict as to the other crimes charged.

16 In just a few moments, you'll be taken to the
17 jury room by the bailiff. The first thing you
18 should do is choose a foreperson who will preside
19 over your deliberations.

20 The foreperson should see to it that your
21 discussions are carried on in an organized way and
22 that everyone has a fair chance to be heard.

23 It is also the foreperson's job to sign and
24 date the verdict forms when all of you have agreed
25 on a verdict and to bring the verdict forms back to

1 the courtroom when you return.

2 During the deliberations, jurors must
3 communicate about the case only with one another and
4 only when all jurors are present in the room -- in
5 the jury room. If a juror goes to the restroom, the
6 deliberations should stop until the jurors return.

7 You are not to communicate with any person
8 outside the jury about this case. Until you have
9 reached a verdict, you must not talk about the case
10 in person or through the telephone, writing or
11 electronic communication such as a blog, Twitter,
12 email, text message or any other means.

13 Do not contact anyone to assist you during the
14 deliberations. These communications rules apply
15 until I discharge you at the end of the case. If
16 you become aware of any violation of these
17 instructions or any other instruction I have given
18 in this case, you must tell me by giving me --
19 giving a note to the bailiff.

20 If you need to communicate with me, send a note
21 through the bailiff. If you have voted, do not
22 disclose the actual vote in the note. If you have a
23 question, I will talk with the attorneys before I
24 answer, so it may take some time. You may continue
25 your deliberations while you wait for my answer. I

1 will answer any questions if I can in writing or
2 orally here in open court.

3 During the trial, items were received into
4 evidence as exhibits. You may examine whatever
5 exhibits you think will help you in your
6 deliberations. If you wish to see exhibits, please
7 request that in writing.

8 In closing, let me remind you that it is
9 important that you follow the law as spelled out in
10 these instructions in deciding your verdict. There
11 are no other laws that apply to this case. Even if
12 you do not like the laws that must be applied, you
13 must use them.

14 For more than two centuries, we have lived by
15 the Constitution and the law. No juror has the
16 right to violate the rules we all share.

17 Anything else from the state?

18 **MS. HARTMAN:** No, Your Honor. Just the fact
19 that the exhibits will go back separate. If they
20 want to see the Facebook records or the audios,
21 they'll have to come out here (unintelligible).

22 **THE COURT:** All right, very well.

23 Anything else from the defense?

24 **MR. LIZANICH:** Just renew all objections,
25 Your Honor.

1 **THE COURT:** All right. As a preliminary
2 matter -- counsel approach.

3 (Begin sidebar.)

4 **THE COURT:** All right, I'm going to release the
5 two alternates now. Any objection to that?

6 **MR. LIZANICH:** No.

7 **MS. HARTMAN:** No, Judge.

8 **MR. LIZANICH:** Your Honor, I am going to -- if
9 the jury comes back between 4:30 and 5:15 or so --

10 **THE COURT:** Kid issues?

11 **MR. LIZANICH:** -- I won't be able to be here
12 because I got to get my kid, and I got to get my
13 wife at 5:00, so.

14 **THE COURT:** We'll wait for you.

15 How long does it take you to get there and
16 back?

17 **MR. LIZANICH:** Well, everything's within four
18 miles of here, so.

19 **THE COURT:** That's not bad. We'll work with
20 it.

21 I don't know if it's going to be quick or long.

22 I'm going to release them now, and then -- it's
23 4:15. What time do you have to leave, 4:45?

24 **MR. LIZANICH:** I got to go pretty soon. I --
25 her bus, I don't know what time it gets home every

1 day. It got home like 4:40 yesterday.

2 **MS. HARTMAN:** Especially the second day of
3 school, yeah.

4 **THE COURT:** Yeah, it's going to change, going
5 to change a lot too. Will be sooner every day.

6 All right, I'll go ahead and release them, and
7 you can go handle your business and just make sure
8 that somebody has your cell phone.

9 **MR. LIZANICH:** Yes, sir.

10 (End of sidebar.)

11 **THE COURT:** All right, folks, Ms. Gibson and
12 Ms. Johnson, you are not going to go back. You are
13 the two alternates in this case. You can remain in
14 the courtroom if you'd like.

15 As to the other jurors, now you can begin your
16 deliberations.

17 Thank you.

18 **THE BAILIFF:** All rise, please.

19 **THE DEPUTY CLERK:** We have the jury
20 instructions.

21 (Unintelligible conversation.)

22 **THE COURT:** Yeah, uh, should be here.

23 (Pause.)

24 I made a mess of these. Hold on.

25 **THE BAILIFF:** Yeah, you can take them with you.

1 (Unintelligible conversation.)

2 **THE COURT:** Just one I have to change.

3 (Pause.)

4 I know. I can't remember whether I stuck it in
5 or I didn't. I read from it.

6 (Unintelligible conversation.)

7 (Jury exits courtroom to commence deliberations
8 at 4:17 p.m.)

9 **THE COURT:** It was the verdict. I'm reading
10 the wrong one.

11 (Pause.)

12 Yeah, that was (unintelligible).

13 You want the verdict forms on top?

14 **THE DEPUTY CLERK:** Yeah.

15 **THE COURT:** (Unintelligible).

16 **THE DEPUTY CLERK:** No, just the form that
17 they -- are both of them there, Count One and Count
18 Two?

19 **THE COURT:** Yeah.

20 **THE DEPUTY CLERK:** Okay.

21 **THE COURT:** All right, we'll be off the record.

22 (Court in recess at 4:18 p.m.)

23 (Session X)

24 (Court reconvenes at 4:45 p.m.)

25 (Unintelligible conversations.)

1 **THE BAILIFF:** Go ahead and resume your seats,
2 please.

3 (Jury returned to the courtroom.)

4 **THE COURT:** All right, thank you.

5 All right. Has the jury selected a foreperson?

6 **THE JUROR:** Yes.

7 **THE COURT:** All right.

8 State your name, sir.

9 **THE JUROR:** Al Jackson.

10 **THE COURT:** All right.

11 Has the jury reached a verdict?

12 **THE JUROR:** Yes.

13 **THE COURT:** All right.

14 Go ahead, fold the verdict in half, hand it to
15 the bailiff, please.

16 Bailiff, hand that to the clerk.

17 (Pause.)

18 I've reviewed the verdict. I'm satisfied that
19 it complies with the law.

20 Defendant, please stand and remain standing.

21 Thank you.

22 All right, clerk, please publish the verdict.

23 **THE DEPUTY CLERK:** In the Circuit Court of the
24 Fifth Judicial Circuit of the State of Florida in
25 and for Citrus County.

1 The State of Florida versus Ian Joseph King.

2 Case number 22-CF-261.

3 Verdict.

4 Count One.

5 We, the jury, find as follows as to Count One
6 of the charge: The defendant is guilty of written
7 threats to kill or do bodily harm as charged in the
8 Information.

9 So say we all, dated this 11th day of
10 August 2022.

11 Alan Jackson, foreperson.

12 Verdict.

13 Count Two.

14 We, the jury, find as follows as to Count Two
15 of the charge: The defendant is guilty of violation
16 of condition of pretrial release as charged in the
17 Information.

18 So say we all, dated this 11th day of
19 August 2022.

20 Alan Jackson, foreperson.

21 **THE COURT:** All right. Does either party
22 request that the jury be polled?

23 **MR. LIZANICH:** Yes, Your Honor.

24 **MS. HARTMAN:** Yes, Your Honor.

25 **THE COURT:** Madam Clerk, poll the jury.

1 **THE DEPUTY CLERK:** Mr. Jackson, is this your
2 verdict?

3 **THE JUROR:** Yes.

4 **THE DEPUTY CLERK:** Mr. Sippel, is this your
5 verdict?

6 **THE JUROR:** Yes.

7 **THE DEPUTY CLERK:** Mr. Martin, is this your
8 verdict?

9 **THE JUROR:** Yes.

10 **THE DEPUTY CLERK:** Ms. Beltowski, is this your
11 verdict?

12 **THE JUROR:** Yes.

13 **THE DEPUTY CLERK:** Thank you.

14 Mr. Kuzel, is this your verdict?

15 **THE JUROR:** Yes.

16 **THE DEPUTY CLERK:** And Ms. Ratcliff, is this
17 your verdict?

18 **THE JUROR:** Yes.

19 **THE DEPUTY CLERK:** Thank you.

20 **THE COURT:** All right.

21 Ladies and gentlemen, I wish to thank you for
22 your time and consideration of this case. I also
23 wish to advise you of some very special privileges
24 enjoyed by jurors -- you can -- you can have a seat.

25 No juror can ever be required to talk about the

1 discussions that occurred in the jury room except by
2 Court order.

3 For many centuries, our society has relied upon
4 juries for consideration of difficult cases. We
5 have recognized for hundreds of years that a jury's
6 deliberations, discussions and votes should remain
7 in their private affair as long as they wish it.
8 Therefore, the law gives you a unique privilege not
9 to speak about the jury's work.

10 Although you are at liberty to speak with
11 anyone about your deliberations, you are also at
12 liberty to refuse to speak to anyone.

13 A request may come to you from those who are
14 simply curious, or from those who might seek to find
15 fault with you. It will be up to you to decide
16 whether to preserve your privacy as a juror.

17 I would like to thank you, the members of the
18 jury, for your attention. While serving on the jury
19 is a part of your obligation for your citizenship in
20 the state and country, the jury system works because
21 of the earnestness of the people like you.

22 This will excuse you from further jury duty
23 during this term of court, and your name should not
24 be selected again for at least another year.

25 Thank you, ladies and gentlemen of the jury and

1 counsel.

2 Court is adjourned. Thank you.

3 You may remain or you may choose to leave and
4 go about your business.

5 All right, any reason why the defendant should
6 not be sentenced today?

7 **MR. LIZANICH:** Your Honor, there are, uh -- I
8 had two reasons. Number one, Ms. Amanda Jimenez
9 would be one of my witnesses for, uh, mitigation in
10 sentencing. She had to take Mr. King's mother home.
11 Uh, I don't know when she'll be back, if she'll be
12 back in time, uh, for court today.

13 Is it far?

14 **THE DEFENDANT:** Uh, (unintelligible).

15 **MR. LIZANICH:** Your Honor, the other matter I
16 have, uh --

17 **MS. HARTMAN:** would you send us a copy.

18 **MR. LIZANICH:** I can let the state keep
19 reading.

20 If I may approach.

21 **THE COURT:** You may.

22 **MR. LIZANICH:** Your Honor, I just testified
23 yesterday -- it was yesterday, right, in a 3850
24 hearing. And it is never my intent to offend the
25 Court, and this is hopefully not offensive to the

1 Court, but I'm afraid if I didn't make a motion to
2 ask Your Honor to, uh, set Mr. King a sentencing
3 hearing with a different Judge, I'd be ineffective.

4 (Pause.)

5 MS. HARTMAN: And Judge, the state's argument
6 is I -- I don't believe you can. I believe the
7 trial Judge who oversaw the trial is the one that
8 has to do the sentencing.

9 (Pause.)

10 If that motion was going to be filed, it should
11 have been filed.

12 THE COURT: The motion's denied.

13 I believe I actually have to hear it as well or
14 actually conduct the sentencing.

15 MR. LIZANICH: And will the, uh, Court agree
16 this -- this motion's filed in open court presently?

17 THE COURT: Sure.

18 MR. LIZANICH: Thank you, sir.

19 (Pause.)

20 THE COURT: All right.

21 MR. LIZANICH: In the same instance --

22 THE COURT: Is he entitled to a mitigation
23 hearing?

24 MS. HARTMAN: Yes.

25 MR. LIZANICH: He's not entitled to a PSI, but

1 he is entitled to present evidence and testimony at
2 his sentencing hearing, Your Honor, and we would --

3 THE COURT: How long do you think Ms. -- it'll
4 take Ms. Jimenez to get back?

5 MR. LIZANICH: I don't know how far away --

6 THE COURT: Let's see if we -- do you have
7 anything else?

8 MS. HARTMAN: I would just argue that he's not
9 entitled to a PSI and that sentencing should be
10 conducted today, uh, while the facts are fresh in
11 Your Honor's mind.

12 THE COURT: Yeah, I -- I intend to conduct the
13 sentencing today.

14 Let's see if we can't get her on the phone and
15 find out how long it's going to be before she can
16 return.

17 MR. LIZANICH: Yes, sir.

18 MS. HARTMAN: And Judge, I don't know if this
19 changes Mr. Lizanich's -- we'd agree that and we've
20 put on record before that, uh, the victim does not
21 want him to go to prison. If that's all she's going
22 to say, then we would stipulate to that basically.

23 MR. LIZANICH: That's, uh, not all I'm going to
24 ask her to say.

25 THE COURT: Okay.

1 All right, in the meantime, we'll be in recess.

2 **MR. LIZANICH:** Thank you, Your Honor.

3 (Court in recess at 4:52 p.m.)

4 (Session XI)

5 (Court reconvenes at 4:45 p.m.)

6 **THE COURT:** As to the motion to disqualify, I
7 want to address that. I want to make sure I make
8 the right call on this.

9 Uh, pursuant to Rule 2.330, the motion is
10 denied. It is not legally sufficient. The -- as
11 far as Subsection G under the rule, I'm sorry, is
12 it -- yes, Subsection G under the rule, uh, any
13 motion for disqualification made during a hearing or
14 trial must be based on facts discovered during the
15 hearing or trial and may be stated on the record
16 provided that it is also promptly reduced to writing
17 in compliance with the subdivision.

18 The basis for the motion is comments made when
19 the Court was under the auspices that your client
20 was entering a plea. That's why the comment was
21 made, uh, to give him some direction in his conduct.
22 Therefore, it is not legally sufficient.

23 Additionally, I do believe I am required after
24 having heard the trial to conduct the sentencing.

25 I understand that, uh, the witness is on the

1 phone and is not going to --

2 MR. LIZANICH: She is on the phone. She's not
3 going to be able to make it back today. The state
4 has indicated that they have no objection to, uh,
5 having her testimony heard telephonically.

6 THE COURT: You all right with that?

7 MR. LIZANICH: She should be -- I'm all right
8 with that.

9 THE COURT: Mr. King, are you okay with that as
10 well?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right, very good.

13 MS. HARTMAN: And Judge, just, uh, for the
14 record, I would argue that Mr. Lizanich's filing a
15 motion to disqualify yourself after a guilty verdict
16 is a strategic move made by defense, not on any
17 failure, uh, for Mr. Lizanich to file that.

18 THE COURT: Noted.

19 THE DEPUTY CLERK: Okay, Your Honor, you want
20 me to transfer her to you?

21 THE COURT: Uh, what's easiest for -- I mean, I
22 imagine you're going to question her, so.

23 MR. LIZANICH: Uh, Your Honor, if -- if she's
24 on the phone there at the bench --

25 THE COURT: She can probably hear it.

1 **MR. LIZANICH:** -- uh, I can -- we can approach
2 to --

3 **THE COURT:** Okay, let's do that.

4 **MR. LIZANICH:** -- (unintelligible).

5 **THE COURT:** Go ahead and transfer her.

6 **THE DEPUTY CLERK:** There's no mics here.

7 **THE COURT:** Yeah, there's a mic over here,
8 though, right here.

9 Sorry. I just hit the mic.

10 **THE DEPUTY CLERK:** Uh, do you mind transferring
11 her up. Are we ready?

12 Okay, I'm going to transfer you to the Judge's
13 bench --

14 **MS. HARTMAN:** Can I use your computer for a
15 second because (unintelligible).

16 (Pause.)

17 (Phone ringing.)

18 **THE COURT:** Is this Amanda Jimenez?

19 **THE WITNESS:** Yes, it is.

20 **THE COURT:** It's Jimenez, not Jimenez, right?

21 **THE WITNESS:** Yes.

22 **THE COURT:** Okay, very good. I wanted to make
23 sure I was calling you by the right name.

24 Uh, this is Judge Fritton.

25 Ma'am, you remain under oath, uh, but in an

1 abundance of caution, raise your right hand.

2 Do you swear to tell the truth, the whole truth
3 and nothing but the truth so help you God?

4 THE WITNESS: Yes.

5 THE COURT: All right, the parties have
6 stipulated to allow you to answer their questions
7 and participate in this sentencing hearing via
8 phone.

9 You can proceed when ready.

10 Thereupon,

11 AMANDA JIMENEZ,
12 a witness, having been previously sworn, testified as
13 follows:

14 DIRECT EXAMINATION

15 BY MR. LIZANICH:

16 Q. Uh, Mrs. Jimenez, would you just advise for the
17 record, uh, are you the same witness we had in, uh, the
18 court this morning and testifying again this afternoon?

19 A. Yes, I am.

20 Q. Ms. Jimenez, uh, Ian King, how long were you
21 with him?

22 A. I was, uh, with Ian King for seven -- seven
23 years.

24 Q. And did you live together for all that time?

25 A. Yes.

1 (Pause.)

2 Q. You testified earlier, uh -- and Your Honor,
3 stop me if this is improper -- it was your impression
4 that Mr. King's statements to you that formed the basis
5 of this charge were anguish. Is that still your
6 testimony?

7 A. Yeah.

8 (Pause.)

9 Q. Is there anything else you want the Judge to
10 know about Ian?

11 A. Uh, I would like to tell the Judge that, uh, I
12 do have his mother in my household. He does have a
13 mental disability and, uh, Ian is the only family member
14 that she has. Uh, and basically that, uh, Ian is a good
15 man. I feel that he just lost his way and, uh, that's
16 pretty much it.

17 MR. LIZANICH: Any questions?

18 MS. HARTMAN: No.

19 MR. LIZANICH: Thank you, Ms. Jimenez.

20 Ms. Hartman indicates she has no questions.

21 MS. HARTMAN: I have no questions.

22 THE COURT: All right.

23 Thank you for your time, ma'am. I'm going to
24 disconnect the call.

25 THE WITNESS: Okay, thank you.

1 **THE COURT:** Thank you.

2 (witness disconnected.)

3 **THE COURT:** All right, any additional
4 witnesses?

5 (Pause.)

6 **MR. LIZANICH:** No other witnesses, Your Honor.

7 **THE COURT:** Okay.

8 Defendant, please rise for sentencing.

9 **MS. HARTMAN:** Your Honor, if I can just put a
10 couple things on the record --

11 **THE COURT:** Go ahead.

12 **MS. HARTMAN:** -- as far as argument purposes.

13 Uh, the defendant has 21 prior misdemeanors,
14 three prior violations of injunction and 14 prior
15 felonies. He has an extensive history most of which
16 relates back to domestic violence, and I'd ask you
17 take those into consideration upon sentencing and
18 ask for the 16-year maximum year sentence with the
19 15-year (unintelligible) and the one year, uh,
20 following for violation of conditional pretrial
21 release.

22 **THE COURT:** Can I have a score sheet?

23 **MS. HARTMAN:** Yes.

24 **MR. LIZANICH:** And Your Honor, for the record,
25 I have to make an objection to, uh, the score sheet

1 and the state's recitation of Mr. King's criminal
2 history. Uh, I believe the case law indicates the
3 only way to prove a prior criminal offense is with a
4 certified conviction. The state has shared with me
5 a certified conviction for seven prior felonies, but
6 not 14 and not for any misdemeanors. I understand
7 they were made for the purpose of impeachment, but a
8 certified is still required to prove a conviction,
9 Your Honor.

10 **MS. HARTMAN:** Is there any dispute or objection
11 as far as the score sheet?

12 **MR. LIZANICH:** Yes.

13 **MS. HARTMAN:** No, I mean as -- I mean is he
14 saying something on there is not him or that he
15 didn't do something, because that would change the
16 lowest permissible.

17 **MR. LIZANICH:** Your Honor, I have to object to
18 any -- any offenses that appear on that score sheet
19 other than the ones provided by -- on certified
20 convictions.

21 **THE COURT:** You said there are seven prior
22 felonies?

23 **MS. HARTMAN:** There was --

24 **THE COURT:** Or 14?

25 **MS. HARTMAN:** -- 14 prior felonies. I have in

1 my hand seven convictions for --

2 THE COURT: I'm sorry. There's a second page.
3 I didn't see it.

4 MS. HARTMAN: -- for prior felonies.
5 (Pause.)

6 THE COURT: All right, your objection is noted.

7 MR. LIZANICH: Thank you, Your Honor.

8 THE COURT: what seven do you have?
9 The Pinellas burglaries? I think it was
10 Pinellas.

11 MS. HARTMAN: There is a manufacture of
12 marijuana.

13 A fleeing and eluding a burglary.
14 I believe that is the same case number.
15 (Pause.)

16 THE COURT: Five of the 14 are driving while
17 license canceled, suspended or revoked?

18 MS. HARTMAN: Yes, sir.

19 MR. LIZANICH: And I also have a brief argument
20 if I may too.

21 THE COURT: No problem.

22 MS. HARTMAN: There is a habitual driving while
23 license suspended, canceled or revoked.

24 Another habitual felony license driving while
25 canceled or revoked.

1 An attempted burglary.

2 (Pause.)

3 I just want to be sure before I put on the
4 record. These are different case numbers.

5 (Pause.)

6 And -- and an aggravated battery against a, uh,
7 Craig person are the certified convictions that I
8 have.

9 **THE COURT:** Okay.

10 Mr. Lizanich.

11 **MR. LIZANICH:** Your Honor, I've, uh, kept this
12 case when all of the docket moved because I spent a
13 significant amount of time on it. Uh, there's a few
14 things I think Your Honor should note, and that is
15 that Mr. King was released from prison about seven
16 years ago. He lived with Ms. Amanda Jimenez at that
17 time. It was actually more like nine years.

18 **THE COURT:** Yes, 2014.

19 **MR. LIZANICH:** He's lived with Ms. Jimenez for
20 about seven years. So nine years since his release
21 from prison, and obviously he's had troubles, gotten
22 into issues, but for seven years he lived with
23 Ms. Jimenez without getting more -- getting charges
24 until here.

25 Ms. Jimenez says this happened as the result of

1 a very stressful breakup. His comments were
2 anguish.

3 As far as the aggravation of the offense, I
4 think it is less aggravated than an offense -- than
5 many offenses that we have. I think even the
6 offenses in Elonis, uh, and many of our other cases,
7 they examine cases where the victim very clearly
8 believed, uh, that the defendant was threatening.

9 And here, I understand the state might suggest
10 Your Honor shouldn't believe her when she says it,
11 but she says anguish, and that's the only evidence.
12 So for that, I'd ask Your Honor to impose the -- a
13 reasonable minimal sentence.

14 **MS. HARTMAN:** And, Your Honor, if I may.

15 **THE COURT:** which is what?

16 **MS. HARTMAN:** He said which is what?

17 **MR. LIZANICH:** well, Your Honor, the, uh -- is
18 Your Honor accepting the score sheet as it is?

19 **THE COURT:** I think I have to.

20 **MS. HARTMAN:** well, Your Honor, just so that
21 this doesn't come back for anything, I -- first off,
22 I would object to Mr. Lizanich saying I have to
23 prove everything on the score sheet. If there is
24 something that the defendant, uh, states isn't him
25 or that he wasn't convicted of, I would have been

1 happy to remove that.

2 However, in an abundance of caution, I will
3 only list seven that I have so that Your Honor has
4 full discretion and this does not come back for him
5 objecting to what is on his score sheet.

6 **MR. LIZANICH:** In that case, uh, it sounds like
7 we'll have a new score sheet in a moment,
8 Your Honor.

9 **THE COURT:** Okay.

10 I guess redo the score sheet.

11 **MS. HARTMAN:** It -- it'll be done in one
12 second. We're just deleting things.

13 And just so that Your Honor has full discretion
14 in that --

15 **THE COURT:** I think the effects --

16 (Pause.)

17 I think Ms. Hartman's position is an accurate
18 statement of the law. I don't think, uh, at
19 sentencing it's appropriate to object to a score
20 sheets that's existed for quite some time. Uh, and
21 I think the burden is on you at that point when
22 you're making the argument to establish, uh, what
23 with this score is inaccurate.

24 **MR. LIZANICH:** I understand Your Honor's
25 position. Uh, it -- is Your Honor going to reject

1 the state's second score sheet?

2 THE COURT: The state produces the score sheet,
3 not the Court.

4 (Pause.)

5 (Unintelligible conversation.)

6 (Pause.)

7 MS. HARTMAN: And now, Mr. Lizanich, with these
8 having certified convictions, does Mr. King have any
9 objection to the score sheet with only the listed
10 certified convictions?

11 MR. LIZANICH: No, Your Honor, and Ms. Hartman.

12 (Pause.)

13 THE COURT: You can have a seat, Mr. King.

14 (Pause.)

15 MS. HARTMAN: Mr. Lizanich, we have the driving
16 while suspended that's on there. Uh, there was
17 (unintelligible).

18 (Pause.)

19 You left on the burg with firearm?

20 MS. MANNIS: I just -- I didn't know what to
21 change it to, but I adjusted it to --

22 MS. HARTMAN: Oh, you adjusted it.

23 MS. MANNIS: -- attempt, down a level, down a
24 degree, so it is the accurate, uh, charge cause I
25 double checked the statute number, so I believe

1 that's what he's initially charged with, but it was
2 an attempt.

3 **MS. HARTMAN:** It's the same statute as it was
4 on the certified, all right, so --

5 (Attorneys conversing unintelligibly.)

6 **MS. HARTMAN:** Now there's -- I think there's
7 two extra burglaries on there is what it is.

8 There is two burglaries right here.

9 **MS. MANNIS:** Yeah.

10 (Pause.)

11 (Attorneys conversing unintelligibly.)

12 **MS. HARTMAN:** Okay. So, Your Honor, for the
13 record, his new lowest permissible is 23.325 if
14 we're considering only the ones that we have the
15 certified convictions for which while the state
16 doesn't agree, just for purposes of it not coming
17 back, uh, we would still argue based on the facts in
18 this case the amount of threats made, the multitude
19 of days that it lasted, uh, the power and control
20 wheel and severity as well as, uh, his prior, uh --
21 his prior battery as well as the jail calls, we
22 would still be asking for the max sentence of 16
23 years.

24 **THE COURT:** Okay.

25 Despite what the Court does, I'm going to

1 require a memorandum on this issue because some of
2 the case law seems to indicate that, uh, a score
3 sheet can be amended even after sentencing. I'm not
4 sure how correct that is in looking at snippets
5 right now, so I'm going to require a memorandum on
6 this after the fact --

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

8 **THE COURT:** -- so that we don't have an issue
9 every time we have a trial.

10 (Pause.)

11 All right, anything else?

12 **MS. HARTMAN:** No, Your Honor.

13 **THE COURT:** All right, lowest permissible is
14 23.325.

15 Mr. King, please rise for sentencing.

16 You've been found guilty by a jury of your
17 peers as to Count One and Count Two. The Court
18 hereby sentences you to 12 years in the Department
19 of Corrections on Count One.

20 As to Count Two, there will be one year
21 concurrent, uh, incarceration with Count One. That
22 will run together.

23 Uh, all court costs are imposed as follows:

24 **THE DEPUTY CLERK:** 398 in court costs, \$20
25 Crime Stoppers applies to both counts, a hundred

1 dollars SAOP, a hundred dollars to the PD, uh, 151
2 in rape crisis, a hundred dollars to FDLE, \$68 in
3 BOCC and teen court fund, and, uh, the costs of
4 incarceration.

5 THE COURT: All right.

6 THE DEPUTY CLERK: 219,000.

7 THE COURT: All right, any restitution to the
8 victim?

9 No, there wouldn't be in this case.

10 MS. HARTMAN: No, Your Honor.

11 THE COURT: Anything else from the state?

12 MS. HARTMAN: No, Your Honor.

13 THE COURT: Anything else from the defense?

14 MR. LIZANICH: No, Your Honor.

15 THE COURT: All right.

16 So ordered. You have 30 days to appeal. Good
17 luck to you, sir.

18 MR. LIZANICH: Thank you, Your Honor.

19 THE DEPUTY CLERK: So, Your Honor, I'm sorry.
20 So Count Two would be 1,129 concurrent?

21 THE COURT: 1,129 concurrent with Count One.

22 THE DEPUTY CLERK: Okay, thank you.

23 MR. LIZANICH: (Unintelligible).

24 MS. HARTMAN: No, but tell me if you have a
25 problem about things before we get to trial.

1 **MR. LIZANICH:** There's sometimes I can't
2 because it --

3 (End of hearing of Trial-Day Two at 5:19 p.m.)
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2 STATE OF FLORIDA)

3 COUNTY OF CITRUS)

4 I, PAUL K. SPANGLER, hereby certify that I was
5 authorized to and did transcribe the foregoing ELECTRONIC
6 RECORDING, Pages 1 through 451; that the pages contained
7 herein are a true and complete record of the proceedings,
8 transcribed to the best of my ability.

9 I FURTHER CERTIFY that I am not a relative,
10 employee, attorney or counsel of any of the parties, nor
11 am I a relative or employee of any of the parties'
12 attorneys or counsel connected with the action, nor am I
13 financially interested in the action.

14 DATED this 5th day of October, 2022, at
15 Inverness, Citrus County, Florida.

16
17 S/PAUL K. SPANGLER

18 _____
JOY HAYES COURT REPORTING
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