

IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA,  
Plaintiff,

vs

Case No: 99-21857  
MMANO-E

ROBERT S. MINTON,  
Defendant.

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PROCEEDINGS: Trial for Charge of Battery

BEFORE: Hon. Robert J. Morris  
County Court Judge

DATE: May 22, 2000

PLACE: Criminal Justice Center  
14250 49th Street North  
Clearwater, Florida 33762

REPORTED BY: Pamela Jenkins, VR  
Court Reporter

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**APPEARANCES:**

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 Clearwater, Florida 22762

and

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 Attorneys for the Defendant

**C O N T E N T S**

<b>WITNESSES</b>	<b>DIRECT</b>	<b>CROSS</b>	<b>REDIRECT</b>	<b>RECROSS</b>
FRANK OLIVER	14	25,45	57	61
RICHARD HOWD	210	226	258	260
MARK BEAUDETTE	264	269	--	--

**E X H I B I T S**

	<b>For ID</b>	<b>In Evidence</b>
State's Exhibit No. 1 (sign)	215	216
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## P R O C E E D I N G S

1  
2 THE COURT: Let's talk a little bit before  
3 we start a proffer, because in the motion we talked about  
4 a lot of things. And you all touched on some of these  
5 things. The reason that I reserved ruling on them is  
6 because we really did not with specificity identify them.  
7 It may be that each of you can identify these things,  
8 tell me what they are, and some of them I can rule on  
9 with what you tell me they are, others I may say, no, I  
10 need to hear witnesses. Why don't we do that? Who would  
11 like to go first?

12 MR. TYSON: Judge, I filed a motion in  
13 limine, I am not sure what they are going to come forward  
14 with.

15 MS. RIVELLINI: Judge, I think our  
16 witness, Frank Oliver, will the person testifying to the  
17 bulk of the policies and procedures, and beliefs that  
18 might be relevant in this trial. Not every belief  
19 involving Scientology, obviously, that is not relevant  
20 and that would take too long. The policies that we did  
21 not specifically identify and did not go into depth about  
22 go a little bit beyond "Fair Game". As a matter of  
23 fact, Frank Oliver has with him some credentials that  
24 show he was a member of Scientology. He was in the  
25 Office of Special Affairs, which you will hear referred

1 to as OSA, and was involved for a number of years. He  
2 went through numerous training activities and then  
3 actually practiced these beliefs and these policies.

4 So we plan on putting on Mr. Oliver for  
5 you and firming up his --

6 THE COURT: I will probably need to hear  
7 from him. We will probably need to hear about that.

8 MS. RIVELLINI: Okay. We planned on  
9 introducing some of his certificates of completion of  
10 those classes that teach the policies that we would be  
11 getting into under the Office of Special Affairs.

12 You heard a little bit about "Fair Game",  
13 and we actually have it delineated for you. It's  
14 actually in writing, and it was published by L. Ron  
15 Hubbard, "Fair Game" being a suppressive person order on  
16 how to treat the enemy. "Fair Game, may be deprived of  
17 property, or injured by any means by any Scientologist  
18 without any discipline of the Scientologist. May be  
19 tricked, sued, or lied to, or destroyed." That was what  
20 was referred to as "Fair Game" on how to treat the enemy.

21 Now, the actual "Fair Game Policy", the  
22 written policy was very quickly thereafter canceled.  
23 When they canceled that policy what they said in the  
24 cancellation of "Fair Game" is, "The practice of  
25 declaring people "Fair Game" will cease. "Fair Game" may

1 not appear in on any ethics order. It causes bad public  
2 relations. This policy letter does not cancel any policy  
3 on the treatment or handling of a treatment of a  
4 suppressive person."

5 So, although the State's witnesses may  
6 testify that they don't know what "Fair Game" is and they  
7 don't implement it, the cancellation order clearly shows  
8 that the policy of treatment is still in place, they just  
9 don't say anything about it. And Mr. Oliver will testify  
10 about that.

11 We told you and you ruled upon it in your  
12 order on the motion in limine about our posture that the  
13 entire policy per Scientologist and their treatment of  
14 critics is to prove them up to be a criminal. We found a  
15 lot of that documented in the Scientology paperwork and  
16 in their books. We brought with us some books written by  
17 L. Ron Hubbard, that are relied upon by Scientologists,  
18 and by people in OSA. We have paperwork that shows how  
19 critics of Scientology are to be treated.

20 What they state is that every time they  
21 have investigated the background of a critic of  
22 Scientology we have found crimes for which that person  
23 agreed to be imprisoned under existing law. We do not  
24 find critics of Scientology who do not have criminal  
25 pasts. Over and over we have proved this. If you oppose

1 Scientology we will promptly look up and will find and  
2 expose your crimes. If you leave us alone, we will leave  
3 you alone. All of these beliefs and policies are what  
4 the Scientologists follow to expose someone who is  
5 against them, as a criminal, and goes to our theory of  
6 defense, which is this was set up so that they could  
7 therefore call Mr. Minton a criminal.

8                   There is some documentation in their  
9 Department of Governmental Affairs books that talk about  
10 how to manufacture threats, use the court system to  
11 harass, and to threaten. There is some paperwork on how  
12 to stop attacks and how their belief is to attack,  
13 attack, attack.

14                   There is more documentation on suppressive  
15 persons, and "Fair Game". "Outright or covert acts  
16 knowingly designed to impede or destroy Scientology or  
17 Scientologists is what is meant by acts suppressive of  
18 Scientology or Scientologists." It goes to the theory  
19 that Mr. Minton is the main suppressive person right now  
20 targeted by Scientology. That their goal is to create  
21 him into a criminal and quiet him.

22                   Along another line, we talked about why  
23 Mr. Howd would have done this in the first place, why he  
24 would have had good motive to invent this situation. And  
25 then why he would have motive to not be truthful with

1 your Honor under oath while giving testimony. We told  
2 you that because of the reward and punishment system laid  
3 out by Scientology he would have a motive other than to  
4 tell the truth. There is documentation to that as well  
5 that Mr. Oliver can testify to. He learned when he was  
6 acting with Scientology and it's what the entire religion  
7 is based on.

8 Now, again we are not going to get into  
9 the religious aspects, whether it is good, bad, or  
10 indifferent, but the fact that it exists, the point  
11 system. It talks about you get points for attacking, one  
12 point for a local attack, five points for a regional  
13 attack. You will hear about what they call stats,  
14 statistics, which is when you do something that  
15 considered positive by Scientology, your statistics goes  
16 up. If you do something that is frowned upon they drop  
17 and you receive punishment by they way you are made to  
18 dress, what privileges you have, what doors you can  
19 enter, and so forth.

20 Mr. Oliver will testify that upon his  
21 leaving the church he was declared a suppressive person,  
22 and he has been the target of such attacks as well.  
23 There is actually a Department of Special Affairs, this  
24 OSA Department that Mr. Howd is a member of. Check lists  
25 on how to carry out such drills as targeting someone,



1 turning them into a criminal, and creating an engagement  
2 upon which they can rely for their propaganda. You will  
3 hear him testify about how a twin was used, and you will  
4 actually see this in the videos. Where you see two  
5 females together, that is actually part of their tactics  
6 on using a twin. You will hear him testify about the way  
7 everybody had scanned outside, be a witness, assumed the  
8 action took place, and then turned around. That this is  
9 not all coincidental, it's part of their tactics. They  
10 are actually taught this and they rehearse this. Mr.  
11 Oliver will testify to that.

12 As far as Mr. Howd's reasons for not being  
13 honest in court, you will find that there was a non-  
14 disclosure bond and release form that he was made to  
15 sign, and that if he were to ever say anything negative  
16 about Scientology that he would be fined in the amount of  
17 one million dollars, and punished by the church.

18 There is also numerous checks lists on how  
19 to create these episodes, how to practice them, the  
20 drills and so forth. And that would be the bulk of his  
21 testimony. We are going to keep it tailored as closely  
22 as possible to your Honor's ruling.

23 THE COURT: Okay. Well, we are probably  
24 going to proffer his testimony. Is that the only area  
25 that you want to proffer?

1 MR. DOUGLAS DE VLAMING: No, your Honor,  
2 we also have a witness, Jesse Prince, who is a former  
3 member of the Church of Scientology. He also was a  
4 member of OSA, the Office of Special Affairs. He has  
5 personal first-hand knowledge on how the Office of  
6 Special Affairs worked, and how they target individuals.  
7 And we did supply the Court with a copy of the September  
8 10, 1998 Boston incident. And he intends to explain how  
9 the tactics that he was taught were used against Mr.  
10 Minton in that particular incident.

11 THE COURT: Anybody else? Is that it?

12 MR. DENIS DE VLAMING: Yes.

13 THE COURT: Yes, that's it?

14 MR. DENIS DE VLAMING: That's it, your  
15 Honor.

16 THE COURT: Well, we probably need to hear  
17 from both of these witnesses, but I am going to tell you  
18 right now, you all have opened the scope far beyond  
19 anything that I had in my mind when I wrote that order.  
20 Okay. But I am going to listen to your witnesses with a  
21 mind of trying to figure out what part of this comes in  
22 and what part of it doesn't. It sounds like you plan to  
23 bring far beyond what I envisioned in my ruling. I am  
24 going to tell you right now.

25 So, who do you want to call right now?

1 MS. RIVELLINI: Judge, we would start with  
2 Mr. Oliver. We can either start from scratch, or you  
3 want to clarify which issues you thought were beyond the  
4 scope?

5 THE COURT: Well, I had ruled on the "Fair  
6 Game Policy." I expected there to be a succinct  
7 explanation of what that is, and how it was connected to  
8 this incident. I am not sure that I expected to have a  
9 two-part witness, long explanation of it. I ruled on the  
10 -- said that the Boston, Massachusetts incident was  
11 admissible, but I did not intend to make that a feature  
12 of this trial. It merely comes in for the purposes for  
13 which you addressed and argued in your motion, and which  
14 I addressed in writing my order. We are not trying the  
15 Boston incident here today.

16 MS. RIVELLINI: That's correct, Judge.  
17 What we intend on tailoring it to was the fact that it  
18 was set up and it could be proven so based on Mr.  
19 Oliver's experience in the church and that he was taught  
20 to do this. We really did try to tailor it down as  
21 closely as possible to those issues to what would affect  
22 Mr. Minton's state mind.

23 THE COURT: That really is the issue,  
24 right?

25 MS. RIVELLINI: Correct. And what would

1 go towards Mr. Howd's manufacturing of this incident and  
2 that it was not an intentional touching on Mr. Minton's  
3 part, but in fact, an invited touching by Mr. Howd for  
4 the purpose of declaring him a criminal.

5 THE COURT: Okay.

6 MR. TYSON: May I address you on the  
7 issue, Judge?

8 THE COURT: Yes, of course.

9 MR. TYSON: While you listen to the  
10 witnesses I would like you take into account, obviously  
11 relevance; number one.

12 THE COURT: Yes.

13 MR. TYSON: Number two; state of mind is an  
14 issue on self-defense of the case. I would like to  
15 remind you on the videos Mr. Minton is heard telling the  
16 police that this was an accident, Mr. Howd walked into  
17 the sign. So state of mind relevancy is a pretty big  
18 hurdle for him to shift gears, and it would be an  
19 inconsistent defense. It's allowed under the law, but  
20 you can't have a defense of bad faith. There is a  
21 difference.

22 THE COURT: I understand.

23 MR. TYSON: I would like you take that  
24 into account when you are considering the testimony.

25 THE COURT: Before we get underway, I in

1 reviewing my own order I may not have been completely  
2 clear on one point, and if you all were confused, you  
3 would have a reason to be, and that addresses the video  
4 taken by Mr. Minton and someone with him of the Slaughter  
5 home in Largo. That's in. I don't know if you all  
6 understood that from my ruling, but my intention was the  
7 predicate can be laid. I expect that it can from what I  
8 heard. That's in.

9 Let me ask a question about the July  
10 Clearwater segment of the video. I ruled on that  
11 understanding that it was Mr. Minton who was the vidoer?  
12 Am I correct about that?

13 MR. TYSON: Judge, if we look we confused,  
14 it is because we have so many videos right now.

15 THE COURT: I know that, I understand.  
16 Let me explain it, the videos that I saw --

17 MR. DENIS DE VLAMING: The --

18 THE COURT: Forget that one, I am not  
19 talking about that. What I am talking about is the video  
20 that starts with an incident in California that doesn't  
21 have anything to do with either of these parties, and it  
22 is very actually hard to follow it, but it looks like it  
23 breaks to a Clearwater incident. I had understood that  
24 that July Clearwater incident Mr. Minton was either the  
25 videoer or was present for it. Am I correct about that,

1 or not?

2 MR. DENIS DE VLAMING: Present, you can  
3 see him in the video.

4 THE COURT: I don't recall that you do.

5 MS. RIVELLINI: Not the taken --

6 THE COURT: I don't recall seeing him in  
7 that segment. We might want to look at that one again,  
8 because I ruled that that comes in with the understanding  
9 that he was there. Okay, and if I am confused about that  
10 I want to make sure that we clear that up. Okay. So the  
11 Slaughter video comes in, the Slaughter part of the  
12 Clearwater incident, and I ruled and said that all of  
13 those come in, but I wasn't specific about that part of  
14 it, and that was made an issue in that hearing. My  
15 intention is that it happened that day, it's part and  
16 parcel, it goes to state of mind, it comes in. It is  
17 relevant. Okay. I want to make sure that you all are  
18 clear on that point, because I was not sufficiently clear  
19 in my order. Okay. All right, well, let's hear from Mr.  
20 Oliver. I think that is where we go.

21 MS. RIVELLINI: It is, Judge. The only  
22 issue that we have not had time to address because we  
23 didn't know that you would let us proffer this early is I  
24 have some documentation that I would asking Mr. Oliver to  
25 identify and perhaps introduce. So I have not had time

1 to get those pre-marked.

2 THE COURT: That's fine. That's okay.  
3 This is a proffer. The jury is not here. I'd rather hear  
4 it all so that I can determine what part of this should  
5 be a part of this trial, and what part shouldn't. So  
6 don't worry about that. Don't worry about that, I  
7 understand.

8 MS. RIVELLINI: The defense would call Mr.  
9 Oliver.

10 (Whereupon, the witness was sworn.)

11 THE WITNESS: Good morning, your Honor.

12 THE COURT: Good morning, sir. Please  
13 proceed.

14 MS. RIVELLINI: Thank you, Judge.  
15 Whereupon,

16 FRANK OLIVER,  
17 a witness, was called for examination by counsel for the  
18 Defendant, and having been duly sworn, was examined and  
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. RIVELLINI:

22 Q Would you state your name please?

23 A Frank Oliver.

24 Q Mr. Oliver, how old are you?

25 A I am thirty-seven years old.

1 Q What city do you live in?

2 A I live in Miami, Florida.

3 Q When did you move there?

4 A 1979.

5 Q What do you do for a living?

6 A I am a graphic designer.

7 Q How long have you been doing that?

8 A I have been doing graphics for about ten years.

9 Q Were you also a member of the Church of  
10 Scientology?

11 A Yes, I was.

12 Q When was that?

13 A I joined the Church of Scientology in June of  
14 1986. I left the Church of Scientology officially in  
15 1992, I believe, November.

16 Q Did you leave on general good terms or bad  
17 terms?

18 A I left on what would be considered by the  
19 church on bad terms.

20 Q Do you know that reason?

21 A I was given a document by the Church of  
22 Scientology, which is called a "Declare", which states  
23 that I can no longer be a Scientologist because of some  
24 type of offense that they believe I committed.

25 Q Okay. Did you actually receive a document



1 stating so?

2 A Yes, I did.

3 Q What was the nature of the offense that they  
4 said that you committed?

5 A According to the Church of Scientology my  
6 offense was that I had secretly made plans to leave the  
7 Church of Scientology.

8 Q Okay. Were you not allowed to just leave?

9 A Under Scientology's rules and policies you  
10 don't secretly make plans to leave. It has to be  
11 something that has to be done by a certain procedure. I  
12 had been following that procedure, so it came as a shock  
13 to me when I received a document when it said that I had  
14 done something, when, in fact, it was done very much in  
15 the open.

16 Q How did you receive that order declaring you a  
17 suppressive person?

18 A It was handed to me by Eric Arnet, who is the  
19 Director of Inspections and Reports at the Church of  
20 Scientology in Miami.

21 MS. RIVELLINI: Judge, may I approach?

22 THE COURT: You may.

23 BY MS. RIVELLINI:

24 Q Mr. Oliver, we haven't had a chance to pre-mark  
25 these exhibits, but I am going to show you something.

1 Can you tell me if you recognize it?

2 A Yes, that is the Suppressive Person Declare on  
3 me.

4 Q This has a seal on it, and this is photocopy?

5 MR. TYSON: Judge, if I could have one  
6 second.

7 THE COURT: Okay.

8 MR. TYSON: Ms. Rivellini has given me all  
9 of these documents, if she could just show me.

10 THE COURT: Ms. Rivellini, the jury is not  
11 here so move about the courtroom as you feel the need to.  
12 Don't ask, just move.

13 BY MS. RIVELLINI:

14 Q Mr. Oliver, this has a seal on it, but this has  
15 a seal on it. Can you just take a look and tell me if  
16 this is substantially the same situation as the original?

17 A Yes.

18 Q A suppressive person that this declares you as,  
19 what is that?

20 A A suppressive person means that I am  
21 suppressive to the aims and goals of the Church of  
22 Scientology, and to mankind in general as well.

23 Q Is that what they call an enemy of Scientology?

24 A Yes, I am now considered an enemy of  
25 Scientology, actually as of that date.

1 Q Okay. Now when you were with Scientology did  
2 you actually have identification cards?

3 A I was issued an identification card when I was  
4 sent to Los Angeles to work in the Office of Special  
5 Affairs in the CAN Unit.

6 Q CAN being?

7 A Cult Awareness Network Unit. It was a unit  
8 established, that I was brought in to help establish for  
9 the Church of Scientology to help destroy the Cult  
10 Awareness Network.

11 Q Okay. And I am going to show you three photo-  
12 copies of identification cards. Can you just tell me if  
13 you recognize them?

14 A Yes. This is the one that I was issued in  
15 California that allowed me access to secured areas of the  
16 building. This is a card that I received in 1987, it was  
17 a temporary card that I was given for being a member of  
18 the International Association of Scientologists.

19 Q And keep in mind that the court reporter has to  
20 repeat each and every word that you say.

21 A I'm sorry. And this last card was issued to me

22 --

23 MR. TYSON: Judge, if it will speed  
24 matters up, I am not going to dispute that he was a  
25 member of Scientology.

1 THE COURT: Okay.

2 BY MS. RIVELLINI:

3 Q While you were in Scientology did you actually  
4 have to take some courses?

5 A Yes. The purpose of the indoctrination of  
6 Scientology is all based on the person taking certain  
7 courses and acquiring information that way. It is not a  
8 lecture type of indoctrination.

9 Q Do you actually receive certificates for these  
10 courses?

11 A Yes, for every course that you complete you  
12 receive a certificate.

13 Q About how many courses would you say that you  
14 have completed?

15 A Over the course of seven years in Scientology  
16 it is probably over a dozen courses I did.

17 Q Do you have a sample of some of these  
18 certificates here, and are these copies of them?

19 A Yes, these are photocopies of the originals  
20 that I do still have in my possession.

21 Q Okay. Does it take quite a bit of studying to  
22 obtain these certificates?

23 A Yes, some of these courses, depending on  
24 whether you are full-time or whether you have a job, and  
25 go there on a part-time basis, do take -- some courses

1 people have been on for several years.

2 Q Okay. Other than reading materials does it  
3 require any other specialized training or knowledge?

4 A You have to listen to video tapes and actually  
5 demonstrate that you have understood the materials that  
6 you have listened to to show your confidence in that  
7 particular area of what ever course that you have done.

8 Q Okay, and you did that?

9 A Yes, I did.

10 Q When you are part of Scientology and you take  
11 these classes, and you receive these certificates do you  
12 move up, what I will call a ladder?

13 A Yes. The structure of Scientology is two-fold.  
14 On the one side is what they refer to as processing,  
15 which is their type of spiritual counseling, and you move  
16 up different levels. They call this a bridge. The other  
17 side is the training side, which trains you in the  
18 processes and techniques, and that the other side of the  
19 bridge where you receive -- you go up different levels  
20 there.

21 Q Did you essentially move up the ladder in both?

22 A Different individuals move more or less on  
23 different sides, depending on what your side is. Because  
24 I was in an administrative position I moved up on the  
25 counseling side, if you will. But the training I

1 received was specific to the areas that I worked in.

2 Q So you were higher up on the hierarchy?

3 A On one side I was what is known as clear, and  
4 on the other side my training was in an administrative  
5 capacity, and I was considered a Status II, which is what  
6 is called in Scientology when you are a fully trained  
7 staff member. Then you take an additional course in your  
8 particular area of expertise, for example mine was in the  
9 Office of Special Affairs. So I was an investigations  
10 officer, and I took a course on being an investigations  
11 officer, and any related course to that I had to take.

12 Q Do you actually have some documentation on what  
13 the Office of Special Affairs is, and how it is run?

14 A Yes.

15 Q Could you just briefly explain what this packet  
16 contains?

17 A Every course in Scientology, if you will, a  
18 curriculum, and it identifies the different materials  
19 that are required for study in order to achieve the  
20 certificate in that area. This is a check-sheet, and  
21 this check sheet is for the Office of Special Affairs.  
22 They call it a HAT check sheet.

23 Q Is a HAT essentially the job that you have?

24 A Yes, exactly. What this does, it explains what  
25 it is that the objective to the course that you are

1 completing. It delineates the materials that need to be  
2 covered, what you need to know and understand, what you  
3 need to read. There are different things you have to do  
4 here. For example, in order to have a full understanding  
5 you may be asked to demonstrate something you have  
6 learned here on a table made of clay using figures, just  
7 so that you can explain to someone else that you do have  
8 a full understanding of it.

9           So, that it is very clear that you when you  
10 complete the course you are considered an expert, or  
11 qualified in that area.

12           Q     And you did that?

13           A     I completed probably two-thirds of this course  
14 here before I left Scientology.

15           Q     So Scientology themselves would have considered  
16 you an expert in the areas that you completed?

17           A     I was already doing the job while I was taking  
18 the course. They don't have you finish the course and  
19 then start doing the work. You immediately start doing  
20 the work. They do something called a Mini-HAT, which is  
21 basically a smaller version of this that you complete,  
22 and then you immediately are put in so that you can start  
23 producing for the organization.

24           Q     Okay. Do you have to learn these materials  
25 very thoroughly?

1           A     Absolutely.

2           Q     And do you have repeat them back on a  
3 consistent basis?

4           A     You are constantly being drilled on different  
5 things.  If there is a particular area that you show some  
6 kind of weakness on they send you to a specialist, who is  
7 called a cramming officer.  What they do is they go any  
8 materials or any deficiency that you might have in any  
9 area.

10          Q     Okay.  Now, you left the Church of Scientology  
11 in what year?

12          A     1992.

13          Q     Have you continued to follow news and  
14 occurrence that deal with the Church of Scientology?

15          A     From '92 until '94 I limited my exposure to  
16 what was going on because of the way in which I left, and  
17 how I felt about the organization, and why I left.  I  
18 became more involved after '94.  Because of the  
19 Internet's proliferation of information in the current  
20 scene, and I have kept very much up to date on what is  
21 going on.

22          Q     Have you talked to people who have left the  
23 Church of Scientology to keep up on what goes on inside  
24 the church?

25          A     I have --



1 MR. TYSON: I'm going to object on the  
2 hearsay. I know it is a proffer, but I just want you  
3 consider that.

4 THE COURT: I understand. Thank you.

5 THE WITNESS: Yes, I have talked to  
6 individuals who are still in, and individuals who have  
7 recently left.

8 BY MS. RIVELLINI:

9 Q Are you involved with any litigation involving  
10 the Church of Scientology?

11 A I am personally not involved in any litigation.

12 Q Do you follow it and keep up to date on it?

13 A Yes, I do.

14 MS. RIVELLINI: Judge, at this time I  
15 would ask that Mr. Frank Oliver be declared an expert in  
16 the field of Scientology based on his training.

17 THE COURT: Mr. Tyson?

18 MR. TYSON: Judge, may I voir dire the  
19 witness?

20 THE COURT: Yes, please.

21 VOIR DIRE EXAMINATION

22 BY MR. TYSON:

23 Q Mr. Oliver, when did you leave Scientology?

24 A 1992.

25 Q When were you in OSA?

1           A     I was in OSA -- I started doing things for OSA  
2 out of the Church of Scientology in Coral Gables in late  
3 1989. I was officially brought into the department in  
4 1990.

5           Q     Okay, and you left in 1992 you said?

6           A     Correct.

7           Q     Can you show me any documents you have post-  
8 1992, post-1992 showing any of the policies and practices  
9 of OSA?

10          A     No, I can't. I wouldn't need to.

11          Q     You wouldn't need to, that's your opinion,  
12 correct?

13          A     Yes.

14          Q     So if you don't have anything, then you don't  
15 know if anything has changed there, do you?

16          A     I do know one thing, that since the founder of  
17 Scientology passed, no document or policy of the Church  
18 of Scientology can be changed by any individual other  
19 than L. Ron Hubbard. That is in policy. So it would be  
20 some kind internal Scientology crime for someone to  
21 change the written word of L. Ron Hubbard.

22          Q     So in perpetuity no more doctrines or memos can  
23 ever come out, according to your knowledge?

24          A     No more policy letters can be issued, other  
25 than L. Ron Hubbard, yes.

1 Q Things change over time, don't they, Mr.  
2 Oliver?

3 A I believe things do change.

4 Q Policies change over time, don't they?

5 A No, they don't.

6 Q Any that you're aware of?

7 A I have never seen a policy change since L. Ron  
8 Hubbard passed.

9 Q Now, you are on the outside, right?

10 A Even when I was. Hubbard died in 1985, I  
11 believe.

12 Q Mr. Oliver, that is not my question. You are  
13 on the outside looking in from 1992 to the year 2000. In  
14 those eight years you haven't been involved in the  
15 internal workings or policy decisions of the Church of  
16 Scientology?

17 A No, I have not.

18 MR. TYSON: That's all I have, Judge.  
19 Judge, I'd ask that he not be declared an expert. It has  
20 been eight years since he has had any dealing with the  
21 internal policies at work with Scientology.

22 THE COURT: Ms. Rivellini, do you want to  
23 respond to that?

24 MS. RIVELLINI: Judge, based on Mr.  
25 Oliver's answer to the prosecutor's question that

1 policies cannot change, the testimony that he can offer  
2 is still relevant as to what was going on when he was  
3 there as to what is going on here. Also, Judge, you will  
4 have enough evidence before you in the form of testimony  
5 and video tapes to show that what he can testify to is  
6 still consistently carried out. So he is not testifying  
7 necessarily in theories, but he is going to tailor down  
8 his testimony to explain why what you see on video  
9 happened, and the fact that it is so consistent with what  
10 he testifies to in the written policies at the time that  
11 there will be no question about the relevance.

12 THE COURT: But his testimony will consist  
13 of the fact that he was a member of the Church of  
14 Scientology from some period of time. That he knows what  
15 the "Fair Game Policy" is. He is going to explain how he  
16 knows what the "Fair Game Policy" is. And then is going  
17 to explain what the policy is, right?

18 MS. RIVELLINI: Correct.

19 THE COURT: And that is really all he is  
20 going to testify to, is that it in a nutshell?

21 MS. RIVELLINI: Well, not quite, Judge. I  
22 asked that he be declared as an expert so that I can move  
23 into my next area of questioning.

24 THE COURT: And I guess my question is,  
25 why does he need to be an expert for purposes of the

1 testimony that I have just hit on?

2 MS. RIVELLINI: I am going to ask him to  
3 rely on some documentation in order to give his  
4 testimony, and rely on documents, and to give some  
5 opinions as to what he thinks is going on the video, and  
6 why. He will also give specific testimony about the  
7 Office of Special Affairs, which Mr. Howd is a member of.  
8 Mr. Howd has given previous testimony that he has never  
9 heard of "Fair Game". That he was never directed to go  
10 out and do the things that he did, and this witness could  
11 testify that that could never happen based on the way the  
12 office is run.

13 THE COURT: Okay. Mr. de Vlaming?

14 MR. DENIS DE VLAMING: Judge, I don't mean  
15 to interrupt. Maybe I can shortcut this. Based on what  
16 you just said when you laid out what our purpose is, you  
17 are real close to the mark on what we intend to use this  
18 witness for. If the hangup of the Court is as to whether  
19 or not we need to declare him an expert so that when you  
20 look to the tape we can use the "Fair Game Policy" as he  
21 knows and what he was taught to say, "You see when they  
22 went in there, you see when this happened, this is all  
23 part of the policy." Then I don't need to declare him an  
24 expert. If however, Mr. Tyson jumps up and says,  
25 "Objection, opinion." Then of course we are back into

1 this area.

2 THE COURT: I am reluctant to cloak him  
3 with the mantle of being an expert based on what I have  
4 heard.

5 MR. DENIS DE VLAMING: That's what I  
6 understand.

7 THE COURT: So I am going to be real  
8 ginger in this area. If you would like to continue to  
9 question him I will reserve ruling on that until I have  
10 heard everything that you would like him to say. Then I  
11 will go back and address the notion of whether he is an  
12 expert or not.

13 MS. RIVELLINI: Okay, Judge, and keeping  
14 in mind that it is hard to be an expert that you just do  
15 everyday. I know Mr. de Vlaming himself has been  
16 declared an expert in the practice of defense law, and it  
17 is along the same lines that we are asking that he be  
18 declared an expert. He was entrenched in the study of  
19 it. He actually did study and rely on treatises, and for  
20 that purpose we are asking that he be declared an expert.

21 MR. TYSON: May I address that?

22 THE COURT: Yes, go ahead.

23 MR. TYSON: Mr. de Vlaming is here  
24 everyday. Mr. de Vlaming has been continually involved  
25 in the practice of the law. You have eight years on the

1 outside. Judge, one other thing I would like to point  
2 out before we move on, is the intent to argue that their  
3 actions are consistent with the "Fair Game Policy" you  
4 have seen enough of these videos now, and have been  
5 educated enough to know that this is both sides of the  
6 street working here. They may be inflamed because of  
7 what Mr. Minton or any other anti-Scientologists are  
8 doing. So if they are inflamed, they get these people  
9 are worked up, and then the argument would be invoking  
10 "Fair Game" when it is a two-way street. I want you to  
11 understand that.

12 THE COURT: I am acutely aware of that.  
13 Please proceed.

14 BY MS. RIVELLINI:

15 Q Mr. Oliver, you said that you were involved  
16 with the Office of Special Affairs?

17 A Yes, I was.

18 Q In a nutshell, what are the duties of someone  
19 involved in the Office of Special Affairs, you said that  
20 it was to carry out investigations?

21 A Yes. That is one of the functions of the  
22 Office of Special Affairs, yes.

23 Q What does that mean, to carry out an  
24 investigation?

25 A Anyone that is identified by the Church of

1     Scientology as an enemy, or someone that is a potential  
2     threat to the Church of Scientology is investigated.  
3     This investigation is carried out one of several ways.  
4     It can be carried out using legal methods of obtaining  
5     information on an individual, or illegal methods of  
6     obtaining information on an individual.

7             Q     This is something that you were actually  
8     trained to do, and told how to do by policy?

9             A     Yes.

10            Q     Is that an actual written policy that teaches  
11     you how to do that?

12            A     The legal things are written, the illegal acts  
13     are told to us by seniors.

14            Q     Do you actually have check lists that you  
15     follow to make sure that are doing them to the plan of  
16     Scientology?

17            A     Yes, if the project is to obtain information on  
18     an individual there is a program or a project that is  
19     written out, and it delineates all the steps that need to  
20     be taken to arrange for whether it is a surveillance,  
21     whether the person is to be investigated, followed from  
22     where ever they go, followed from work, from home,  
23     investigate their friends, talk to neighbors. Whatever  
24     is part of the program are what we have to accomplish.  
25     All this information is then sent up lines in Scientology



1 to higher level individuals within in the department for  
2 analysis for implementation of another part of the  
3 program, or for orders to be sent back down for  
4 additional investigation to be done.

5 Q What kind of discretion was there on your part  
6 to carry out these plans? Could you just come up with  
7 your own plan on how to do an investigation?

8 A No, no.

9 Q Was everything delineated out specifically?

10 A Yes, and one of the steps in the check sheet  
11 was for certain actions to be side-checked by the legal  
12 division of Scientology.

13 Q Are you saying there are random acts in the  
14 course of an investigation?

15 A Not unless you are prepared to deal with the  
16 consequences of whether your random act is unsuccessful.

17 Q Let's talk about dealing with the consequences.  
18 How are you rated in Scientology? And keeping in mind  
19 that we don't want to get into what the whole religion is  
20 about, just specifically is there a point system, or some  
21 system that you are rewarded by in the Church?

22 A Like in any job, you are measured by what you  
23 can actually accomplish. In Scientology if someone is a  
24 counselor they are measured by how many hours of  
25 counseling they give for example. If you are in the

1 Office of Special Affairs and you work in intelligence  
2 investigation there are about ten specific things that  
3 are used to measure your performance. If your job is to  
4 combat the enemy or keep negative things to be written  
5 about the organization, then those are things that they  
6 have identified, using their own terminology as to how to  
7 get the points that you need. Everything is graphed and  
8 the statistical analysis determines what your particular  
9 condition is. If your statistics are down you are given  
10 -- you are told that your statistics are in emergency,  
11 for example, which means that you need to get your  
12 statistics up. If your statistics are up, then you are  
13 regarded as being a better Scientologist almost. You are  
14 paid actually more.

15 Q How important is this on a daily basis?

16 A In some cases it is important on an hourly  
17 basis, when things are extremely critical, whatever  
18 project that you are working on they want to monitor what  
19 your progress is, sometimes every hour, sometimes every  
20 fifteen minutes. What have you done? What have you got?  
21 They are just on top of you to make sure that you are  
22 achieving the projected goals, whatever that program or  
23 project is.

24 Q So you are either rewarded or punished on a  
25 constant basis, and is that the most important that goes

1 on in Scientology?

2 A That is the most important thing in  
3 Scientology.

4 Q You said that they actually keep graphs and  
5 reports on this?

6 A On everything.

7 Q If somebody fails, I call it a mission, if  
8 somebody fails a task, what are some of the consequences  
9 that can happen, and do they ever get to serious levels?

10 A Depending on where you are within the  
11 organization, for example I was originally based in what  
12 is called a Class Five Organization in the church, and  
13 the penalties there are you can be downgraded in your  
14 particular position in the organization. You can be  
15 denied your auditing or counseling that you receive. Yo  
16 can be sent -- they can have you washing the toilets if  
17 you fail on a mission.

18 Q Do they actually ever send you away?

19 A In well -- in different areas of the  
20 organization, if you were for example a member of the Sea  
21 Organization, which is their own internal fraternal  
22 organization, if you will, of Scientology that actually  
23 runs Scientology, there the penalties are more harsh,  
24 because those people actually live there, work there,  
25 they don't have any life outside of the organization. It

1 is basically like being interned in the organization.

2 Q Is that what we have here in Clearwater?

3 A Yes, this is one of the main centers of the Sea  
4 Organization.

5 Q What is the punishment if you fail a task in  
6 the Sea Organization?

7 A Depending on what the severity is you could  
8 lose certificates, you could lose privileges, you could  
9 be subject to doing manual labor. They could have you  
10 out picking weeds. I have heard cases where it has been  
11 much worse than that.

12 Q Did they ever send you off --

13 MR. TYSON: Judge, I am going to object to  
14 the hearsay, and ask you to consider that.

15 THE COURT: Okay, that is an ongoing  
16 objection, and I understand that has been your objection.

17 BY MS. RIVELLINI:

18 Q Did they ever send you away to what I call the  
19 equivalent of a boot camp?

20 A Within the Sea Organization the most extreme  
21 level of punishment is called the RPF, which stands for  
22 Rehabilitation Project Force. What they feel that the  
23 individual going there will somehow redeem himself by  
24 doing the most menial grueling labor that they can  
25 subject the individual to. Much more than just physical

1 duress, it is the emotional and mental duress that the  
2 people are put under when they are sent to the RPF.

3 Q When somebody is a member of the Office of  
4 Special Affairs is one of their jobs to handle critics?

5 A Yes.

6 Q Is there a policy that is known to the members  
7 of the Office of Special Affairs on what a critic is and  
8 how to handle them?

9 A There are several policies that delineate  
10 critics, attacks on Scientology and who the defined  
11 enemies are of Scientology. There are many policy  
12 letters.

13 Q Have you heard of something called the "Fair  
14 Game Policy"?

15 A Yes, I have.

16 Q What is that?

17 A That was a policy that was originally written  
18 by Hubbard and it delineated that anyone that is  
19 identified as a member of Scientology that has committed  
20 any of these acts, or someone that is suppressive, or  
21 someone that is harmful to the organization they can be  
22 lied, cheated, tricked, sued, anything can be done to the  
23 individual without that individual -- without you  
24 suffering any kind of penalty for having done these  
25 things to someone else.

1 Q Okay. At some point was that "Fair Game  
2 Policy" canceled?

3 A There is an issue that cancels the term "Fair  
4 Game". The policy itself, from my understanding was  
5 never canceled, because the things are still done to this  
6 day. So had the policy been completely canceled these  
7 things wouldn't be done. I wouldn't have done the things  
8 that I did when I was in the organization had that policy  
9 truly been canceled, because I wouldn't have been ordered  
10 to do it.

11 Q Was that policy issued and then canceled by L.  
12 Ron Hubbard?

13 A Yes.

14 Q And that policy insofar as it practices was  
15 even carried out in the '80's and '90's when you were  
16 there?

17 A Yes.

18 Q What kind of things did you do to carry out  
19 that policy?

20 A We investigated individuals using legal, and  
21 depending on which individual was needed, illegal, credit  
22 reports were drawn on individuals by use of suitable  
23 guises. Their phone numbers and the phone records were  
24 obtained by us. We had private investigators going  
25 through people's garbage.

1 Q Are people consistently followed?

2 A Yes. I myself was on a surveillance of two  
3 subjects for three days non-stop while I was in  
4 California.

5 Q When somebody is followed are they given one of  
6 those check lists on exactly what to carry out?

7 A The lead person, whoever is handling the  
8 investigation on the individual is the one that runs the  
9 program out in the field and they actually at that  
10 particular time are telling people what they have to do.  
11 For example, when we were on a surveillance in California  
12 we were three teams of private investigators and we spent  
13 three days outside of a home surveilling two subjects  
14 that were identified as suppressive persons by the Church  
15 of Scientology.

16 Q Okay. You have had a chance to review some  
17 video tapes depicting Mr. Minton picketing on several  
18 occasions, is that correct?

19 A Yes, I have.

20 Q Could you tell from watching those videos what  
21 was going on as far as by the members of Scientology?

22 A Because there is such a potential for  
23 litigation anything that has to do with the type of  
24 activities Mr. Minton is involved in, such as picketing  
25 the organization, the members themselves don't make any

1 decisions whether they are going to go out there, or  
2 whether they are going to show outrage. Everything is  
3 handled in that area by the Office of Special Affairs.  
4 They have overriding control of the situation. So they  
5 determine everything that goes on. Any interaction that  
6 there may be between the potential attacker and the  
7 organization. No one acts independently on their own.  
8 Everything goes through OSA. If someone were to show up  
9 to picket one of the organizations and there might be  
10 members outside OSA immediately comes on the scene and  
11 takes control. Members are told to go inside. OSA  
12 handles the operation from that point on. There is no  
13 individual action by anyone.

14 Q Okay, how can OSA ensure that what goes on  
15 outside is consistent with what they want to go on?

16 A They have a policy where they never defend and  
17 they always attack. If someone comes at the organization  
18 they will attack. They don't defend, they don't go out  
19 there and try to talk to someone or talk them out of  
20 doing what they are doing. They are on the attack,  
21 because the only way to defend, according to the Doctrine  
22 of Scientology, is to attack.

23 Q How can members high up in OSA ensure that it  
24 is going to be carried out in manner they want it to, do  
25 they actually practice these exercises?



1           A     Absolutely. Anything that is done to an  
2 individual, or anything that is done by the organization,  
3 if they want to ensure that they are going to obtain the  
4 desired result it is drilled, what we call drilling. I  
5 am sure that term is used in the military as well. Where  
6 something is gone over by individuals to ensure that they  
7 both have an understanding of what they are going to do.

8           Q     Is each person on the scene given a specific  
9 task?

10          A     If there are multiple individuals that are  
11 needed for a particular thing, yes. Anybody that is  
12 going to be a part of any particular action has to be  
13 there and present because they need to recreate the scene  
14 exactly as it is going to be implemented, or carried out.

15          Q     And does the Church of Scientology have a  
16 policy or a belief that if anybody is a critic of  
17 Scientology they must also have committed crimes?

18          A     That's a known fact, and is reiterated over and  
19 over when you are in Scientology. Only criminals attack  
20 Scientology because they feel it is the savior for  
21 mankind.

22          Q     Is there any motivation for Scientology to  
23 expose a critic as a criminal?

24          A     The motivation is to ensure that their dogma is  
25 correct, they have to be right, so they will do whatever

1 they have to do to maintain the fact that they are right.

2 Q If the church were to investigate what they  
3 call a critic and look into his history for years and  
4 years and not come up with a known crime?

5 A They will and have been known to go so far as  
6 to manufacture something to pin on the individual.

7 Q Would someone be rewarded for doing so?

8 A If that is the project, if that is acquired  
9 result and that is what is done, and they obtain the  
10 acquired result, naturally they are rewarded. They have  
11 obtained their objective.

12 Q If someone were -- let me back up. When you  
13 became a member of the Church of Scientology did you have  
14 to fill out a form of non-disclosure?

15 A Not when I was a member, only when I joined the  
16 Office of Special Affairs.

17 Q Okay, and tell us about that non-disclosure  
18 form, what was the purpose of it? And what did you  
19 understand the purpose to be?

20 A I was told that I had to sign the form. The  
21 only way that I was going to continue in what I was doing  
22 was to sign this form. They told me because of the  
23 sensitive nature of what I was going to be dealing with  
24 that they had to have some kind of protection. Based on  
25 the fact that I was trying to move up in the organization

1 the only way I was going to move up or stay in was to  
2 sign this form, because that was the particular  
3 department that I was in at the time.

4 Q And what were you essentially promising not to  
5 disclose?

6 A Any of the information about any of the inner-  
7 workings of Scientology in the area that I was in.

8 Q Now, if you were still a member of OSA having  
9 signed that form would you be able to testify to the  
10 things that you are telling us today?

11 A Absolutely no.

12 Q What if you were under oath in a courtroom?

13 A Well, that again is up to the individual.

14 Q What would the church tell you to do?

15 A Whatever they wanted me to do. If they wanted  
16 me to say something then that is what I would have to  
17 say.

18 Q So it wouldn't be up to you as to what you  
19 disclose?

20 A No, because I would have to put the  
21 organization first.

22 Q Does that disclosure form set out punishments  
23 if you do disclose what goes on in OSA?

24 A Yes, breaches of a million dollars, or more.

25 Q Would there also be ramifications within the

1 church, and your position there?

2 A Absolutely, they wouldn't be pleasant.

3 Q Have you actually seen for yourself people who  
4 have been disciplined by the church?

5 A Yes, I have talked to individuals who have been  
6 disciplined by the organization.

7 Q Is there an understanding on how the law and  
8 the court system is to be used by Scientology?

9 A It's just another tool that is used to harass  
10 individuals, and if the individual doesn't have money and  
11 you really want to get somebody you can bankrupt somebody  
12 in a court.

13 Q Is that commonly done?

14 A Yes, it is.

15 Q What about the criminal law system?

16 A Anything they have to do.

17 Q And that's actually taught to you?

18 A Yes.

19 MS. RIVELLINI: Judge, if I can have a  
20 moment.

21 THE COURT: You may.

22 BY MS. RIVELLINI:

23 Q Mr. Oliver, I asked you previously if you had a  
24 chance to watch the films and see the pickets that Mr.  
25 Minton was involved in?

1 A Yes.

2 Q Were you able to form an opinion about what was  
3 going on as the Scientologists actions versus Mr.  
4 Minton's actions?

5 A Yes.

6 Q What is that opinion?

7 A The opinion is that Mr. Minton is identified as  
8 their largest critic, their most dangerous threat, and so  
9 they need to really do something about it. What I was  
10 able to see in the tape is a particular series of events  
11 were staged to ensure that their objective was gotten.

12 Q What did it look like the objective was?

13 A To get Mr. Minton arrested.

14 MS. RIVELLINI: Judge, that is what I  
15 have for purposes of the proffer.

16 THE COURT: Mr. Tyson?

17 MR. TYSON: Thank you, Judge.

18 CROSS EXAMINATION

19 BY MR. TYSON:

20 Q How are you doing, Mr. Oliver?

21 A Very good, sir.

22 Q I am Bill Tyson. I should have introduced  
23 myself before. I'm sorry.

24 Mr. Oliver, you talk almost as fast as I do.

25 A Sorry.

1 Q Not a problem because I talk fast too. So I  
2 was only able to write down as fast I could get. If I  
3 misunderstand something correct me now.

4 A Okay.

5 Q Did I understand you to say that when they  
6 thought you were leaving, they threw you out of  
7 Scientology?

8 A No, that wasn't exactly it.

9 Q Okay. Can you explain that again?

10 A When I returned back from Los Angeles having  
11 been working with hierarchy of the Church of Scientology  
12 I was very disillusioned at what I had discovered there  
13 working there in the Office of Special Affairs. At that  
14 time I had made a decision to make my exit from  
15 Scientology, however still fearing the repercussions of  
16 my action of doing such a -- what is considered a  
17 drastic thing in Scientology after being having been in  
18 the position of trust that I was in, I had to be very  
19 cautious on how I left.

20 In late '91 I made the decision to go to the  
21 Ethics Officer, which is a particular post within the  
22 organization and make my intention known that I wanted to  
23 leave the organization. I wanted to try and leave using  
24 the appropriate policies and procedures of the  
25 organization for someone leaving. There is a particular

1 check list that a person does when leaving the  
2 organization, it is called "Leaving Staff Routing Form".  
3 Once you make this declaration that you want to leave the  
4 organization the Ethics Officer acknowledges it and puts  
5 you on this form. So then you become something that they  
6 have to do. So they are put on notice basically that you  
7 want to leave.

8 It is the proper and correct way to leave per  
9 the policy. Once I made this known I was stripped of my  
10 keys to the building, and I was told that I would now  
11 need to report to the Ethics Office in the organization  
12 to follow the procedures of this particular check list.

13 It took many months for me to come into the  
14 organization on a weekly basis. Sometimes I would go,  
15 sometimes I wouldn't. I really wanted to get through  
16 this, and they were putting up road blocks to have me  
17 complete this procedural exit.

18 In '92 -- it took probably six months for me to  
19 get out of the organization. In '92 I went in one of  
20 these times and I was handed by the Director of  
21 Inspections and Reports, Eric Arnet, I was handed this  
22 document which she showed me, which I provided her copies  
23 of, which is my "Suppressive Person Declare." I was  
24 basically being expelled from the organization. The  
25 reason listed troubled me because it said I was leaving

1 because I had made secret plans to leave the  
2 organization, when in fact, there was never a secret plan  
3 to made. I was very much in the open, and in fact, they  
4 had acknowledged that I was leaving already. So it  
5 surprised me that they would expel me for something that  
6 I didn't commit.

7 However, since I had not committed any  
8 infraction within the organization they needed something  
9 to expel me for, and they chose to say that I was leaving  
10 in secret, when, in fact, I wasn't.

11 Q Sounds like someone trying to get out of the  
12 U.S. military?

13 A Something like that.

14 Q You say that you are not personally involved in  
15 litigation. Are you a witness at all in the Lisa  
16 McPherson case?

17 A I am a trial consultant in the Lisa McPherson  
18 case.

19 Q Which side are you with?

20 A Lisa McPherson's.

21 Q Okay. So you are against the Scientologists?

22 A Yes, sir.

23 Q Now you said that involvement with Scientology,  
24 if I got this right, were for you to carry on  
25 investigations on anybody that is identified as an enemy



1 or a threat. Would it be fair to say that U.S. military  
2 does that too, don't they?

3 A From what I know, yes.

4 Q And actually companies -- you are a business  
5 man, right?

6 A Yes, sir.

7 Q Do you compete with other companies?

8 A Yes, well, I am in a similar business -- my  
9 field is so broad there is not that kind of competition  
10 you see between AT&T and Sprint. It's not like that.

11 Q The bottom line though, you need to keep ahead  
12 of the competition to make a profit, don't you?

13 A Yes.

14 Q So you have got to keep an eye on what the  
15 competition is doing, don't you?

16 A Sure.

17 Q So it is not unusual to check out what anybody  
18 else is doing, investigate what they are up to, is it?

19 A Not to the extreme level that I carried out  
20 when I was in Scientology though. But, yeah.

21 Q But that begs the question, what type of  
22 military or company experience do you have on how they  
23 conduct their investigations?

24 A On how --

25 Q You said not the to the extreme level, you know

1 that they don't go to the extreme level that Scientology  
2 does. How extreme does the military go, are you even  
3 able to testify to that?

4 A How the military investigates?

5 Q Yes.

6 A No, I have never been in the military.

7 Q Okay, so it is difficult for you to make that  
8 comparison. You said that you don't know anybody that  
9 goes to the level that Scientologists do. You really  
10 don't know if that is true or not?

11 A Not businesses, sir. You asked me about  
12 business.

13 Q Oh, really, is that a fact? What business  
14 experience do you have on their investigations?

15 A On Scientology investigations?

16 Q Businesses investigating other businesses,  
17 corporate spying, what do you know about that?

18 A I have read some articles on it.

19 Q Do you consider yourself an expert on that?

20 A No, not at all.

21 Q So obviously you can't testify on what exactly  
22 they do, can you?

23 A No, not what a corporation does. No, I have  
24 never done that type of work.

25 Q If I understand your testimony you said that

1 they had documents telling you the legal methods to  
2 investigate?

3 A Correct.

4 Q Okay. And the illegal methods were told you  
5 verbally by a senior person?

6 A Yes.

7 Q So there is nothing in writing on the illegal  
8 methods?

9 A No, nothing in writing, but there is plenty of  
10 documentation to substantiate it.

11 Q Okay. It's fair to say that it would be some  
12 rogue supervisor who wants to get ahead in the  
13 organization having you do illegal activities, wouldn't  
14 it be fair to say?

15 A No, I don't think that would be fair say at  
16 all, sir. There are too many people in the chain of  
17 command that see all the data that is gathered. Even the  
18 attorneys.

19 Q It also begs the questions, you had no problem  
20 performing illegal activities, did you?

21 A I never performed an illegal activity when I  
22 was a member of the Church of Scientology.

23 Q You did not?

24 A No, sir, I did not.

25 Q You said that your position in Scientology is

1 measured by work product performance?

2 A Correct.

3 Q Isn't it true that a lot places do that?

4 A Sure.

5 Q Isn't it true that just about any place does  
6 that?

7 A As far as I know you are measured by what you  
8 actually get done.

9 Q So that's not unusual for them to do that, is  
10 it?

11 A It's not unusual for them to do it. I found it  
12 unusual that I was being rated on -- certain things that  
13 I was being rated on like identifying enemies, and number  
14 of attacks that I committed on individuals.

15 Q Well, you said attacks. Were these legal  
16 attacks, or illegal attacks?

17 A It depends on what you mean by legal, or  
18 illegal.

19 Q Is that true the meaning of the word, is is?

20 A Is is.

21 Q You just told me a minute ago that you didn't  
22 do anything illegal.

23 A I never did anything illegal.

24 Q Okay, I don't quite understand your last  
25 answer.

1           A     Well, I am sure that someone is measured by the  
2 number of illegal acts that they commit. I, however, was  
3 measured by the number of legal things that I did.

4           Q     And you said that there are penalties you fail  
5 a task, right?

6           A     Correct.

7           Q     And it would be fair to say that there are  
8 penalties pretty much everywhere if you fail a task? If I  
9 don't do my job, and I don't come to work, then I would  
10 get fired?

11          A     Correct.

12          Q     She is a business woman, and she is selling a  
13 product and she doesn't perform, she may lose her job?

14          A     As far as I know that is correct, sir.

15          Q     You said as far as handling critics, they may  
16 sue them?

17          A     Correct.

18          Q     Have you ever heard of false advertising, one  
19 company defames another company's products and they get  
20 sued?

21          A     Yes, I have.

22          Q     So that is really not that unusual, is it?

23          A     If they have got a legitimate reason for it, I  
24 guess it is not that unusual.

25          Q     But your opinion is it is illegitimate?

1 A It depends on the circumstance, sir.

2 Q Now the video tapes, you said that you watched  
3 them?

4 A That's correct.

5 Q You watched the four that we have of the scene?

6 A Excuse me?

7 Q You watched the four that we have at the scene  
8 of the Fort Harrison, or you have the Boston incident and  
9 some other tapes?

10 A I watched the four video tapes. I have also  
11 seen the Boston tape, but I have seen the four video  
12 tapes.

13 Q I guess my question to you, is your expertise  
14 on video based on the four that you saw at the Fort  
15 Harrison, and the Boston one, or all the other ones that  
16 we all have? Because we have tons of these things?

17 A No, I didn't see all the video tapes that you  
18 all have.

19 Q Okay, but what you see on that video tape would  
20 be in your opinion "Fair Game", what they are doing?

21 A I know what an operation looks like, sir.

22 Q Okay. So if I was a Scientologist and you were  
23 peacefully picketing and I was to come up to you and say  
24 that I had sex with your mother, but I wouldn't say it  
25 that way, if I got up in your face and did that, would

1 that be an example of "Fair Game"?

2 A Sure, I guess that would be an example of "Fair  
3 Game."

4 Q You talk about they have been known to  
5 manufacture crimes against people. I need you tell me  
6 when, where, and we need to know who that innocent person  
7 was?

8 A Have you ever heard of something called  
9 "Operation Snow White", it's well documented?

10 Q When, where, and who is the person sitting in  
11 jail that shouldn't be?

12 A Well, fortunately she was exonerated, but the  
13 woman's name was Paulette Cooper. It happened sometime I  
14 believe in the late '70's. She was set up by  
15 Scientology. This was later found to be true when the  
16 Church of Scientology were raided by the FBI. They  
17 obtained copies of the operation on how they were going  
18 to set her up. Ms. Cooper was subjected to two polygraph  
19 tests to try to prove her innocence. Eventually, she was  
20 completely exonerated when they found the documentation  
21 after they raided the Churches of Scientology. That is  
22 one specific example.

23 Q This is 1970, so that would be at least six  
24 years before you were there?

25 A Excuse me?

1 Q At least six years before you were even there,  
2 so we are talking --

3 A You didn't ask me --

4 Q So this would be at least twenty years ago?

5 A Sure. But it did happen.

6 Q And you know that from first-hand knowledge?

7 A No, I know that from reading the documentation.

8 Q From who?

9 A It's available on the Internet, it's in court  
10 records. It was published in major news records. It was  
11 published in national magazines.

12 Q You had signed a non-disclosure form?

13 A Correct.

14 Q Under penalty of a million dollars?

15 A Uh-huh.

16 Q Have you ever heard of signing an agreement to  
17 not release trade secrets under penalty of a suit?

18 A Yes, I have heard of that.

19 Q Have you ever heard of signing an agreement  
20 with the military to keep certain things secret under  
21 penalty of imprisonment?

22 A I think I have heard of that also.

23 Q So this policy is not that unusual, is it?

24 A I thought it was unusual because I was a member  
25 of what I thought at the time to be a church.



1 Q How old are you?

2 A Thirty-seven.

3 Q How old were you in 1986?

4 A I've got to do math. I was in my twenties. I  
5 was in my twenties.

6 MR. TYSON: Judge, I have no further  
7 questions.

8 THE COURT: Okay. Ms. Rivellini anything  
9 further?

10 MS. RIVELLINI: Just very briefly.

11 THE COURT: Okay.

12 REDIRECT EXAMINATION

13 BY MS. MS. RIVELLINI:

14 Q Mr. Oliver, the prosecutor asked you about  
15 whether it was unusual for companies to sue other  
16 companies legitimately?

17 A Yes, he did.

18 Q Do you remember when he asked you that?

19 A Yes.

20 Q And you tried to make the distinction between  
21 legitimate suits and non-legitimate suits?

22 A Correct.

23 Q I want to show the cover of a pamphlet called  
24 "Ability, the Scientologists, a manual on the  
25 dissemination of material, by L. Ron Hubbard." Do you

1 recognize what that material is?

2 A Yes, I do.

3 Q Is that something that you studied and relied  
4 upon as a Scientologists?

5 A Not that particular pamphlet, no, but the  
6 contents are used in different things. They are  
7 presented to us in different ways. In Scientology you  
8 could hear them as a transcript, you could hear them as a  
9 separate issue. They take the information and pull it  
10 apart and use it for specific things.

11 Q In this pamphlet I notice that you have had  
12 time to look through it and make some highlights. Did  
13 you notice anything that talked about the purpose of  
14 filing suits?

15 A Yes.

16 Q Can you just read what you have highlighted  
17 down here, what the purpose of suit is?

18 A "The purpose of a suit is to harass and to  
19 discourage rather than to win. The law can be used very  
20 easily to harass. And enough harassment on somebody who  
21 is simply on the thin edge, while knowing that he is not  
22 authorized will generally be sufficient to cause his  
23 professional decease. If possible, of course, ruin him  
24 utterly."

25 Q Did you find that to be a little different than

1 what you consider to be a legitimate suit, or a  
2 legitimate lawsuit?

3 A Yes.

4 Q Have you also had a chance to rely on some book  
5 by L. Ron Hubbard and the following of Scientology?

6 A Yes.

7 Q I am going to show you two volumes here, the  
8 Organization Executive Course. HCM Division I and VII by  
9 L. Ron Hubbard, do you recognize these?

10 MR. TYSON: Short stack or big stack?

11 MS. RIVELLINI: Actually both volumes.

12 BY MS. RIVELLINI:

13 Q These books, Mr. Oliver, do they set policies  
14 and procedures for the organization?

15 A Yes, those two books are part of a larger  
16 volume of books that are used to run and administer the  
17 policies of the organization.

18 Q Okay, this book, Rules and Regulations on how  
19 to carry out anything from being a member of the Sea Org.  
20 to, how to open up mail?

21 A Yes, they -- Scientology is very bureaucratic  
22 in that there is a policy for just about everything.

23 Q So not much is left to individual discretion?

24 A No, not much is left to individual discretion.

25 Q Mr. Tyson also asked you about the way an

1 investigation is carried out, and do a lot of agencies do  
2 that, and you said that you didn't necessarily know what  
3 the military and other companies do, is that correct?

4 A Yes.

5 Q But you do find that some of the investigations  
6 tactics going a little bit over the edge?

7 A Yes.

8 Q Okay, in fact, you were listed as a witness for  
9 Mr. Minton just several days ago, is that correct?

10 A That is correct.

11 Q And since that time have you learned that  
12 certain people have been contacted in your family and  
13 prior employment?

14 A Yes, as soon my -- as soon as I was notified  
15 that my name had been put on the witness list, my ex-wife  
16 and my landlord were contacted by a private investigator.

17 Q Any prior employers?

18 A Not that I know of thus far, not since  
19 Wednesday. But I haven't talked to any prior employers  
20 yet. I am sure I will be hearing. If that did, in fact,  
21 happen I will be hearing about it when I get back home.

22 Q Okay, do you recognize those tactics?

23 A Absolutely.

24 MS. RIVELLINI: Just a moment, Judge.

25 BY MS. RIVELLINI:

1 Q Individual tactics are expressed by higher-ups?

2 A What do you mean?

3 Q Check lists?

4 A Oh, yeah, all that is issued from senior  
5 management.

6 Q Okay, and that is derived from the policies  
7 that are still in place?

8 A Yes.

9 Q And those can't be changed?

10 A No.

11 MR. TYSON: Judge, I have just one follow  
12 up question since this is a proffer, I would be allowed  
13 to go back and go outside the scope of the redirect a  
14 little bit, if you will allow me?

15 THE COURT: No problem, go ahead.

16 RE CROSS EXAMINATION

17 BY MR. TYSON:

18 Q If you were filming me right now and I was  
19 putting a little laser pen-light right in your face while  
20 you are filming me, do you know what I am talking about?

21 A Uh-huh,

22 Q Do you know what a laser pen is?

23 A Yes, sir.

24 Q Would that be "Fair Game"?

25 A No.

1 Q Even though you are the one that did it, right?

2 A I don't see how it would be "Fair Game". I am  
3 not lying, cheating, suing, or tricking you.

4 Q Neither is someone when they said that they had  
5 sex with your mother?

6 A Yeah.

7 THE COURT: Anything further?

8 MS. RIVELLINI: No, Judge.

9 THE COURT: We are going to take fifteen  
10 minutes. We are adjourned.

11 (Brief break)

12 THE COURT: Mr. Oliver has been tendered  
13 as an expert by this court, I have listened to his  
14 testimony and both sides in their examination of him. I  
15 think as we all know as to whether or not someone is to  
16 be qualified as an expert is in the sound discretion of  
17 the trial court. And really the question is whether or  
18 not he meets the appropriate criteria, would assist the  
19 trier of fact in any way, whether he has got specialized  
20 knowledge to support an opinion. Well, let's take this  
21 one at a time.

22 First of all, we heard the testimony and  
23 that Mr. Oliver is clearly not detached. He is not  
24 impartial. He is not what we typically, of an expert,  
25 someone who comes in who has no axe to grind, had no

1 interest in the outcome of the case. He does not fall  
2 into that category. His training and expertise is not  
3 common, not readily understood, or ascertainable.  
4 Moreover, we have the unusual situation in this case, we  
5 don't have one video, we don't have two videos, we don't  
6 have three videos. We have four videos of the incident  
7 itself. The question is how much help can he give the  
8 trier of fact who is going to be able to watch four  
9 videos. So I find him not to be an expert. And do not  
10 allow him to testify in his opinions in that regard.

11 Now, as far as I am concerned what I have  
12 heard is that his testimony could be and would be, he was  
13 a member of the Church of Scientology, he knows that  
14 there was a "Fair Game Policy". He will testify as to  
15 his personal knowledge as to how he knows, and not  
16 hearsay knowledge. What it is, and what penalties there  
17 may be for violation of it. Period, that's all.

18 While I am on this area let me make it  
19 really clear here, because I think there is some  
20 confusion in this courtroom. The Church of Scientology  
21 is not on trial here today and will not be on trial here  
22 today. This is a battery. That is all it is going to  
23 be. Those things that relate to this are strictly  
24 relevant insofar as they may explain some of the actors  
25 behaviors, period. We are not going to digress onto what

1 the Church of Scientology does, what it doesn't do, what  
2 it believes, what it doesn't believe. I hope that I am  
3 clear on that, because I opened the door a crack and it  
4 sounds like we are trying to drive a platoon through it,  
5 and it's not going to happen. Okay. Who would you like  
6 me to hear next?

7 MR. DOUGLAS DE VLAMING: Judge, as  
8 previously mentioned Jesse Prince who is present here in  
9 the courtroom. He was present during the videotaping.  
10 The Court has already agreed with it coming in and that's  
11 the September 10th incident of the Boston.

12 THE COURT: Okay.

13 MR. DOUGLAS DE VLAMING: He is a former  
14 member of the church. He was the number two person in  
15 the church and his title was Deputy Inspector General and  
16 External, meaning all external press. He was responsible  
17 for the Religious Tech Center, which is the highest  
18 Ecclesiastical Organization within Scientology. He  
19 reported directly to David Miscavige who is the leader of  
20 Scientology at the present time. He has firsthand  
21 knowledge of capers that were organized by him and others  
22 and participated in them and would be able to testify  
23 that what went on in the Boston video was not an  
24 accident, but it was a well orchestrated caper as  
25 referred to in the world of Scientology. He was actually



1 present at the Boston incident.

2 THE COURT: But the Boston video was  
3 submitted and argued that it should be admissible, and  
4 was ruled on as being admissible to show Mr. Minton's  
5 state of mind as to why he believed certain things would  
6 occur and were relative to his various defensive  
7 theories, which include, but are not limited to self-  
8 defense. So help me understand what you just told me is  
9 relevant, and if so how it is probative value is not  
10 offset by any prejudicial impacts it is going to have,  
11 because I am having a hard time seeing it.

12 MR. DOUGLAS DE VLAMING: Judge, as you  
13 mentioned there are going to be numerous videos shown in  
14 this particular case. The October 31st video shows Mr.  
15 Minton picketing and it shows two members of the Church  
16 of Scientology filming him. Also, there is the July 9th  
17 video tape, and also a video tape taken earlier that day  
18 at the church. Mr. Minton --

19 THE COURT: Hang on, stop just a minute.  
20 Do you mean earlier that day at the church?

21 MR. DOUGLAS DE VLAMING: No.

22 THE COURT: At the Slaughter house?

23 MR. TYSON: Judge, maybe I can help. If  
24 you think I am planning on playing that, I'm not, because  
25 there is nothing really unusual about that.

1 MR. DOUGLAS DE VLAMING: I think the point  
2 I am trying to make here, Judge, it is clear in these  
3 video tapes that Mr. Minton is being agitated by the fact  
4 that the camera is being stuck in his face. It was no  
5 accident that on October 31st, the evening of there were  
6 two videographers present. One, to capture to what was  
7 going on and to document the event. The other one, to do  
8 nothing but to harass Mr. Minton by placing the video  
9 camera in his face. That is part of what we consider the  
10 "Fair Game Policy", what Mr. Prince would certainly  
11 testify to was going on at that particular time. What  
12 went on in Boston in the form of somebody getting up and  
13 intimidating him by screaming in his ear, and putting  
14 spittle on his face.

15 THE COURT: But isn't that obvious from  
16 the video? One can watch the video and come to all those  
17 conclusions.

18 MR. DOUGLAS DE VLAMING: But, Judge, if it  
19 is an orchestrated event we believe we are entitled to  
20 show that that is the policy of the Office of Special  
21 Affairs of Scientology and this was a directed course of  
22 conduct which invited the conduct of Mr. Minton. That is  
23 a pivotal portion of our defense.

24 THE COURT: I understand.

25 MR. DOUGLAS DE VLAMING: We believe that

1 if we are not entitled to go into what the "Fair Game  
2 Policy" is, and how it works --

3 THE COURT: Well, I said that you could do  
4 that. I have said that you could do that. We are in  
5 that threshold. Now whether or not we need some analysis  
6 of the Boston video, other than to see it, that is the  
7 issue that I guess you are offering Jesse Prince for?

8 MR. DOUGLAS DE VLAMING: Right, that this  
9 was no accident.

10 THE COURT: Well, it doesn't really look  
11 like an accident when you view it. But you are thinking  
12 that you need somebody to tell people -- is that what I  
13 am understanding?

14 MR. DOUGLAS DE VLAMING: Yes, your Honor,  
15 why this is an orchestrated event, and why it is the  
16 actions of the church to attack their critics and use the  
17 criminal justice system in an effort to silence their  
18 critics.

19 THE COURT: Okay.

20 MR. TYSON: Judge, may I be heard?

21 THE COURT: Yes, sir, of course.

22 MR. TYSON: Judge, you have heard my  
23 argument on that, the Boston video is two years ago. It  
24 is 1,500 miles away, different victim, a different set of  
25 circumstances. I think that it is irrelevant. In other

1 words when start talking bringing in -- number one, the  
2 video is narrated, which I have a huge problem with, but  
3 you have already watched it. They narrate their side of  
4 the story. Mr. Bunker who is in the courtroom narrates  
5 it and plays it back the clips that he wants. It hurts  
6 bad enough getting that in, much less having another  
7 person come in. You have got the play by play, and you  
8 have the person doing the analysis of the game, and  
9 that's what they want here. I think just have the videos  
10 put in, I respect the Court's ruling and will abide by  
11 that, but I think they want the whole thing here. I  
12 think it's getting to the point that there is going to be  
13 a side show just at that video and they are going to  
14 spring back around and put the religion on trial again

15 THE COURT: I agree. The video itself I  
16 think speaks for itself. It is abundantly clear what it  
17 is and what it isn't. Any testimony in that regard is  
18 cumulative and not relevant and take the focus off of  
19 this incident and put the focus on that incident. I  
20 don't think it is appropriate.

21 MR. DOUGLAS DE VLAMING: Judge, may I be  
22 heard?

23 THE COURT: Yes.

24 MR. DOUGLAS DE VLAMING: Judge, I don't  
25 think it is going to out the focus on that incident.

1 It's going to help explain to the jury what was going on  
2 on October 31st. It is no accident that it happened in a  
3 similar way, and if it goes to showing to why the  
4 incident ended the way it did. And there are other  
5 things that will help explain that as well, but I think  
6 that it is very important that we be allowed to get into  
7 that area.

8 THE COURT: I think what you want to do  
9 with Jesse Prince is cumulative, not relevant. It will  
10 take the focus off of this incident and make that Boston  
11 incident a feature of this trial, it should not be. That  
12 video is appropriate to explain the behavior, what was in  
13 Mr. Minton's mind on the day in question. And I think  
14 beyond that it goes farther than is necessary is go.

15 What else do we need to do?

16 MR. TYSON: Judge, as far as October 31st,  
17 the afternoon video. I hadn't planned on playing it,  
18 mainly because it is a picket like they always do.

19 THE COURT: The afternoon video?

20 MR. TYSON: Yes, the afternoon of October  
21 31st Mr. Minton was in front of the Church of Scientology  
22 picketing.

23 THE COURT: I don't think that I have seen  
24 that one.

25 MR. TYSON: You haven't?

1 THE COURT: Everything I have seen was at  
2 night.

3 MR. TYSON: They picket all the time.

4 THE COURT: But it is on the day in  
5 question, is that correct?

6 MR. TYSON: Yes, it is earlier in the day.  
7 I hadn't planned on playing that one. I'm not sure where  
8 we are going with that.

9 THE COURT: Is there any intention of  
10 anybody using that video? It sounds like you are not  
11 going to use it. Do you all intend to use it?

12 MR. DENIS DE VLAMING: Judge, first of all  
13 it is not inflammatory, so I don't think it is the kind  
14 of one that you are going to see right away.

15 THE COURT: It is also the day in question  
16 between the parties, so I think it is a relatively easy  
17 call.

18 MR. DENIS DE VLAMING: That's exactly  
19 right. So I don't want to be committed right now. Right  
20 now I don't plan on playing it, but I don't want to be  
21 committed.

22 THE COURT: That's fine. Then let's not  
23 address it unless it becomes an issue and then we will  
24 address it then.

25 What else do we need to do?

1 MR. TYSON: Before we pick a jury,  
2 determine as far as opening statements what we can use  
3 and can't use, Judge.

4 THE COURT: We have kind of done that, I  
5 thought. But tell me what else we need to talk about.

6 MR. TYSON: I'm not sure. We still  
7 haven't talked about whether the coming to Mr. Minton's  
8 house is relevant. The order says --

9 THE COURT: Again, I have reserved ruling  
10 on those things, and unless and until you want me to --  
11 because I don't have enough specificity to know what is  
12 involved in those things. You have merely mentioned them  
13 in a very cursory fashion at the last hearing.

14 MR. TYSON: My theory is that they are  
15 going to bring that up until you realize that it is not  
16 relevant. And it is quite frankly --

17 MR. DENIS DE VLAMING: This might shortcut  
18 this. I am not going bring in the fact that they went to  
19 Minton's house, opening statement is not going to into  
20 that. Anything else?

21 MR. TYSON: That's it.

22 THE COURT: Okay. It sounds like we are  
23 where we need to be. It sounds like we are ready to  
24 bring a panel and start the jury selection process. I am  
25 going to go off the bench. We are going to seat the

1 panel. I will go back on the bench and we will get  
2 started. We are adjourned until the panel is seated.

3 (Brief break)

4 (Whereupon, the jury panel was sworn and  
5 seated.)

6 THE COURT: Good morning ladies and  
7 gentlemen. I am Judge Robert Morris. I will presiding  
8 over the trial of this case today. As you have been told  
9 this is the State of Florida versus Robert Minton. This  
10 is a criminal trial, the charge is battery.

11 Before we get underway I want to cover a  
12 few things with you. First of all, I want to welcome you  
13 all here. I recognize that many of you may have never  
14 sat on a jury before, you may have never been part of a  
15 judicial proceeding before. In fact, you may have never  
16 been in this building before. Consequently, I realize  
17 that these surroundings and these proceedings may be very  
18 unfamiliar to you and you might be nervous about that.  
19 Please don't be. Part of my responsibility as a judge is  
20 to make sure that you have the information you need to  
21 perform function, and I will try to make sure that I give  
22 you that information as we go along.

23 I also understand that all of you gave up  
24 something to be here today. All of you would be at work,  
25 you would be attending to family matters or business



1 matters, or things that are very important to each and  
2 every one of you, and it was a sacrifice to be here. We  
3 recognize that. We appreciate that. We will try not to  
4 inconvenience you any more than is necessary. But it is  
5 important that you realize that it is Monday morning  
6 across all of America today and that in every  
7 jurisdiction in this nation people like you were summoned  
8 to the courthouses in the big cities and the small towns  
9 to sit in a courtroom to talk to a judge like me. And  
10 this is one of the unique things about our system of  
11 justice. We are unique in the world about the way we  
12 resolve disputes.

13           You, like all of these other citizens, are  
14 going to be asked questions by the Court, by each of the  
15 sides, so that there can be an opinion developed on your  
16 ability to fair and impartial in a case like this.  
17 Because that is the way that we decide disputes in  
18 America. Juries of the peers, the parties are impaneled  
19 to listen to the evidence and make these determinations.  
20 We are unique in the world in this regard.

21           So your involvement in this process is  
22 vital. If you didn't come here today, if people you all  
23 didn't come to the courthouses as they did today the  
24 judicial branch of government couldn't function, because  
25 it is an important ingredient in what we do. So we

1 appreciate you being here.

2 Now, as we go forward I want to explain a  
3 couple things that are going to occur here. The lady in  
4 the middle of the courtroom here, speaking into what  
5 looks like a mask, she is the court reporter. She  
6 basically is responsible to make a record of these entire  
7 proceedings. She will take down everything that is said.  
8 When I am speaking now she is taking it down. When you  
9 speak she is taking it down. When the lawyers speak she  
10 is taking it down. It is important for us to be mindful  
11 of that when we have an opportunity to speak, we need to  
12 speak loudly, slowly, clearly so that she can understand  
13 what we say. Please be sensitive to that when you have  
14 an opportunity to speak. Speak so that she can hear you,  
15 so that she doesn't have to say, sir, ma'am, I can't hear  
16 you. Also understand that she can't take down shakes of  
17 the head or nods. She has to have an oral articulation  
18 of a response. Be sensitive to that.

19 We humans communicate in a variety of  
20 different ways, and it's not always orally, but we need  
21 to communicate for that purpose. Because she will take  
22 down these entire proceedings we will do things from time  
23 to time, or say things that may appear obvious to you,  
24 but we will have to say them so the record will reflect  
25 who is in and out of the courtroom, for example, and what

1 is going on.

2 I am going to do one of those things right  
3 now. One of the things that I have to do is confirm that  
4 both sides are ready to proceed to trial. So I am going  
5 to do that now. Counsel for the State, are you ready to  
6 proceed?

7 MR. TYSON: That's correct, Judge.

8 THE COURT: Counsel for the defense, are  
9 you ready to proceed?

10 MR. DENIS DE VLAMING: We are ready, your  
11 Honor.

12 THE COURT: Thank you very much. Now, as  
13 you all know from viewing the material down in the  
14 central jury room, the purpose of the jury selection is  
15 for us to try to select six jurors who can fairly and  
16 impartially try the issues in this case. Understand that  
17 we need to ask you questions in order to that. No one is  
18 going to ask you questions to try to embarrass you, or  
19 pry into your personal lives, or put you on the spot in  
20 any way. But we have to ask you questions so that an  
21 opinion can be developed as to your ability to be fair  
22 and impartial relative to the people seated around you.

23 Please understand, and you know this, life  
24 is a collection of experiences, how we view the world,  
25 how we make decisions, who we are is largely a product of

1 where we have been. Because of that no human is uniquely  
2 situated to be fair and impartial in every type of  
3 situation. There may be things in your background that  
4 would make it difficult for you to be fair and impartial  
5 in certain situations. That is why we have to ask you  
6 questions.

7 If you are not asked to sit on this jury  
8 no one has said anything bad about you. Your integrity  
9 has not been impugned in any way. Merely a decision has  
10 been made about you in a relatively short period of time,  
11 with a relatively small amount of information about your  
12 ability to be fair and impartial with the people seated  
13 around you.

14 The fact of the matter is, we might even  
15 be wrong. But that is what our effort is, is to try to  
16 give both sides a fair trial here today. That's all both  
17 sides are asking for here today. We need to try to  
18 select a jury that can give them that opportunity.

19 Now, what I am going to do, I want to go  
20 through is have you identify yourselves for us. We have  
21 questionnaires on you. We know who you are. We know  
22 some important things about you. It's important that we  
23 are able to put names with faces, and I do that for a lot  
24 of reasons. First of all, I'd like to try to identify  
25 the names and faces. Second of all, some of you have

1 difficult to pronounce names. So I view it as my job to  
2 mispronounce your name first to save the lawyers the  
3 embarrassment of having to do it. So bear with me as we  
4 sort of go forward and do this. What I am going to do is  
5 ask each of you to stand in place and briefly tell us  
6 your name. Tell us where you live in the county. We  
7 don't need to know your address, just generally what part  
8 of the county you live in. What you do for a living. If  
9 you are retired, what you used to do. What your  
10 significant other does, if that person is retired, what  
11 they used to do. If you have grown children, what they  
12 do.

13 The reason that we want to do that is to  
14 try to understand the expertise in your immediate circle,  
15 and these are the things that you might draw on in your  
16 decision making process, and it is helpful for us to know  
17 that.

18 I am going to go from my left to right,  
19 first row, second row, et cetera. So, Mr. Donald Fuller,  
20 that makes you first, sir, and I appreciate you doing  
21 that for me.

22 MR. FULLER: No problem. My name is Don  
23 Fuller. I live in Clearwater near Countryside Mall. I  
24 work for the State of Florida, Agency for Health Care  
25 Administration. My wife does accounting type work,

1 accounts payable, accounts receivable. No children.

2 THE COURT: Thank you, sir. Mary Maggard?

3 MS. MAGGARD: My name is Marianne Maggard.

4 I live in Seminole and I have been in the real estate  
5 title business for a long time.

6 THE COURT: Thank you. Ms. Kolba?

7 MS. KOLBA: Deborah Kolba. I live in  
8 Clearwater. We have our own family business. My grown  
9 child works in the family business and goes to school.

10 THE COURT: Thank you. Mr. Degenhart?

11 MR. DEGENHART: My name s James Degenhart.

12 I live in Clearwater. I do quality assurance for a  
13 technology company. I have four children.

14 THE COURT: Do I know you, sir?

15 MR. DEGENHART: I don't believe so.

16 THE COURT: Ms. Santacroce?

17 MS. SANTACROCE: Yes, sir.

18 THE COURT: Not even close?

19 MS. SANTACROCE: Beautiful. Rose Marie  
20 Santacroce, Palm Harbor. Retired school teacher and  
21 educational service employee. My husband is deceased.  
22 Grown children. Thank you.

23 THE COURT: Thank you. Ms. Robinson?

24 MS. ROBINSON: Katrina Robinson. I work  
25 as a claim's administrator. I live here in Pinellas

1 County. My husband is a air conditioning technician, and  
2 I have three step-sons and one son.

3 THE COURT: Thank you. Mr. Lindstam?

4 MR. LINDSTAM: Scott Lindstam. I am a  
5 service technician for Huffy Service First, a Division F  
6 Huffy Corporation. My wife is a marketing manager for  
7 AAA Auto Club South. I have three children, thirteen,  
8 ten and two.

9 THE COURT: Thank you, sir. Mr. Sanchez?

10 MR. SANCHEZ: My name is Felix Sanchez. I  
11 live in Oldsmar and I a barber.

12 THE COURT: Thank you, sir. Ms. Baldwin?

13 MS. BALDWIN: My name is Paula Baldwin. I  
14 live in Northeast (inaudible). My husband is retired.

15 THE COURT: Thank you. Mr. Stewart?

16 MR. STEWART: My name is Aaron Stewart I  
17 work at a restaurant as a waiter. I live in Palm Harbor.  
18 No kids, no wife.

19 THE COURT: Thank you, sir. Ms. Ortiz?

20 MS. ORTIZ: June Ortiz. I am a CNA. I  
21 have three grown married children, one teenage son, and  
22 six grandchildren.

23 MR. DENIS DEVLAMING: What city?

24 MS. ORTIZ: Clearwater.

25 THE COURT: Ms. Burke?

1 MS. BURKE: Stephanie Burke, I live in  
2 Clearwater. I am not married. No children.

3 THE COURT: Thank you. Ms. Pellegrino?

4 MS. PELLEGRINO: My name is Tina  
5 Pellegrino. I live in Pinellas Park. I am a server at  
6 IHOP, and a hairdresser. I am a single parent, and I  
7 have a sixteen year old daughter.

8 THE COURT: Thank you. Ms. Linde-Powers?

9 MS. LINDE-POWERS: I am Melissa Linde-  
10 Powers. I work AECHON Equity Group in the law  
11 department. I am a single parent with three children in  
12 a daycare situation.

13 THE COURT: Thank you, ma'am. Mr.  
14 Lovegrove?

15 MR. LOVEGROVE: My name is Don Lovegrove.  
16 I live in Clearwater. I work at Clearwater Christian  
17 College. I am an advisor there. My wife also works at  
18 the college as a secretary. We have four children, all  
19 grown.

20 THE COURT: Thank you, sir. Mr.  
21 McAllister?

22 MR. MCALLISTER: My name is Michael  
23 McAllister. I am a director of construction for a local  
24 construction company. I have a wife, and two adult  
25 children. My wife is a managing supervisor for an



1 insurance benefits organization.

2 THE COURT: Thank you, sir. Mr. Joiner?

3 MR. JOINER: My name is Leroy Joiner. I  
4 live in Clearwater. I work for Pinellas County. My wife  
5 also works for Pinellas County. We have four grown  
6 children.

7 THE COURT: Thank you, sir. Mr. Barnum?

8 MR. BARNUM: My name is Gerald Barnum. I  
9 live out in Feathersound. I am the owner of an air  
10 conditioning wholesale company. My wife is a housewife.  
11 My son works with me in the business. My daughter is a  
12 student.

13 THE COURT: Thank you, sir. Mr. Baker?

14 MR. BAKER: George Baker. I work as an  
15 electrician. My wife is retired. We have three grown  
16 children.

17 THE COURT: Thank you, sir.

18 MR. DENIS DEVLAMING: City please?

19 THE COURT: Where do you live, sir?

20 MR. BAKER: Seminole.

21 THE COURT: Thank you, sir. Mr. Haley, Ms.  
22 Haley, excuse me.

23 MS. HALEY: Sharon Haley. I live in  
24 Clearwater. I am a technical support person for a  
25 research company. (Inaudible.) No kids.

1 THE COURT: Thank you. Ms. Green?

2 MS. GREEN: My name is Joyce Green. I  
3 live in St. Pete. No kids.

4 THE COURT: Thank you. Ms. Grover?

5 MS. GROVER: Hi, my name is Josefine  
6 Grover. I own and operate an auto repair shop with my  
7 son, and have two daughters, which are both married. I  
8 live in Largo.

9 THE COURT: Thank you. Ms. Donizetti?

10 MS. DONIZETTI: Maria Donizetti. I am  
11 employee of Tech Ed. Corporation. At this time my  
12 husband is unemployed. He is an entrepreneur. I have  
13 three stepchildren, twenty-five, twenty-three, and  
14 nineteen. I reside in Tarpon Springs.

15 THE COURT: Thank you. Mr. Palmieri?

16 MR. PALMIERI: My name is Peter Palmieri.  
17 I reside in Largo. I retired from Breckman Aircraft. I  
18 worked on a government contract for military engines. I  
19 do volunteer work for Largo Police Department. I have  
20 two grown children.

21 THE COURT: Thank you, sir. Now that you  
22 have had an opportunity to introduce yourselves I am  
23 going to ask the parties to introduce themselves. I will  
24 start with counsel for the State, if you would.

25 MR. TYSON: Thank you, Judge. My name is

1 Bill Tyson. I work for the State Attorney's Office.

2 THE COURT: Counsel, for the Defendant  
3 please introduce yourselves and your client.

4 MR. DENIS DE VLAMING: Yes, my name is  
5 Denis de Vlaming. This is Douglas de Vlaming, my  
6 brother; and an associate in my law office, Kym  
7 Rivellini. We are here with the Defendant, Robert  
8 Minton, here to my left.

9 THE COURT: Ladies and gentlemen of the  
10 panel, at this time we would like to try to understand  
11 who might know each other in the courtroom. My first  
12 question to you as a group is, do any of you know each  
13 other?

14 (No response)

15 THE COURT: Are we all strangers back  
16 there? There should be twenty-four of you, and everybody  
17 is a total stranger?

18 (No response)

19 THE COURT: Okay. It's not bad that you  
20 all would know each other. We would just need to know  
21 that if you did. Okay. The next question is, do any of  
22 you know any of us? And sometimes we don't need to  
23 recognize each other.

24 Yes, sir, Mr. Fuller?

25 MR. FULLER: I served on a jury before you

1 about a year ago.

2 THE COURT: Okay, you know me because you  
3 were a juror before, is that right?

4 MR. FULLER: Correct.

5 THE COURT: Anyone else? Yes, ma'am.

6 MS. BURKE: I had a client here. You were  
7 filling in for Judge Ramsberger. I had a client here.

8 THE COURT: So you know me again in a  
9 professional capacity?

10 MS. BURKE: Yes.

11 THE COURT: Any one else?

12 (No response)

13 THE COURT: Okay, so we are all strangers  
14 here, and that is perfectly fine. What I want to do is  
15 try to understand a little bit about you and I am going  
16 to ask some general questions of the group. I am going  
17 to ask you to raise your hands in you have information to  
18 give me in response to my questions. You will get the  
19 hang of this as we go along. Some of my questions might  
20 involve a lot of hands coming up, so bear with me. I  
21 will go through the first row, then the second row, then  
22 the third row, and I will start from my left or right.  
23 So if you initially raise your hand you might want to  
24 just put it down until I start getting close to you and  
25 then you raise it again. Okay, so you will get the hang

1 of this as we go along.

2 What I want to try to understand first,  
3 how many of you have ever been on a jury before? Okay, a  
4 lot of hands. Mr. Fuller, I know about you. So I am not  
5 going to ask you any questions about it. Ms. Maggard,  
6 yes, ma'am. Was it a criminal or civil jury that you  
7 were on?

8 MS. MAGGARD: It was petty theft.

9 THE COURT: Was it here in this  
10 jurisdiction?

11 MS. MAGGARD: Yes.

12 THE COURT: Was it in this courthouse?

13 MS. MAGGARD: Yes.

14 THE COURT: And how long ago would it be?

15 MS. MAGGARD: Quite a while ago.

16 THE COURT: Anything about that you think  
17 might make it difficult for you to be fair and impartial  
18 here today?

19 MS. MAGGARD: No, I don't think so.

20 THE COURT: I just thought I would ask. I  
21 wasn't there, and I don't know. And you all are going to  
22 have to bear with me a little bit because that is the  
23 question of the morning. And you are going to hear this  
24 over and over again. Anything about that experience that  
25 would make it difficult for you to fair and impartial

1 here today? That's really what we need to know. So I  
2 will probably follow almost every question up that I ask  
3 with that question, and when I am through beating that to  
4 death the lawyers will probably do something similar.  
5 But that is what we need to know.

6 Is there anybody else in the first row  
7 with hands that I need to identify?

8 (No response)

9 THE COURT: Nobody else has been on a jury  
10 in the first row. Second row? Yes, Ms. Baldwin, tell  
11 me, was it civil or criminal?

12 MS. BALDWIN: Criminal.

13 THE COURT: Was it here?

14 MS. BALDWIN: Yes.

15 THE COURT: Was it recently?

16 MS. BALDWIN: A while ago.

17 THE COURT: What kind of case was it, do  
18 you remember?

19 MS. BALDWIN: (Inaudible)

20 THE COURT: Anything about that experience  
21 that would make it difficult for you to fair and  
22 impartial here today?

23 MS. BALDWIN: No.

24 THE COURT: Thank you. Anybody else?  
25 Yes, ma'am, that is Ms. Ortiz.

1 MS. ORTIZ: Criminal, it was about two  
2 years ago.

3 THE COURT: What kind of charge was it?

4 MS. ORTIZ: Criminal.

5 THE COURT: And you don't remember the  
6 specific charge?

7 MS. ORTIZ: No.

8 THE COURT: That's okay. That's fine.  
9 Anything about that experience that would make it  
10 difficult for you to fair and impartial here today?

11 MS. ORTIZ: No.

12 THE COURT: Anybody else in the second  
13 row? Ma'am, I missed you in the first row. Ms.  
14 Santacroce, yes, tell me about your experience.

15 MS. SANTACROCE: It was in New Jersey  
16 quite a while ago.

17 THE COURT: Anything about your previous  
18 New Jersey experience that would make it difficult for  
19 you to fair and impartial here today?

20 MS. SANTACROCE: No, sir.

21 THE COURT: Thank you. And that was a  
22 criminal case?

23 MS. SANTACROCE: Civil.

24 THE COURT: It was civil. Thank you. I  
25 appreciate that. I have found my first civil juror. Do

1 you understand that the burden of proof in a civil trial  
2 is different than it is in a criminal trial? In a civil  
3 trial the Plaintiff must prove their case a preponderance  
4 of the evidence. In a criminal trial the State must  
5 prove their beyond and to the exclusion of every  
6 reasonable doubt. Do you understand that there is a  
7 difference there?

8 MS. SANTACROCE: Yes.

9 THE COURT: Okay, because you have civil  
10 experience will you be able to set that civil experience  
11 aside and listen to the criminal instructions that you  
12 will hear at the end of this case?

13 MS. SANTACROCE: I believe so.

14 THE COURT: I think I got everybody in the  
15 first row. I am jumping back to the second row. And  
16 then, Mr. Lovegrove, are you next?

17 MR. LOVEGROVE: Yes. I was in a criminal  
18 case in Escambia County.

19 THE COURT: How long ago was that.

20 MR. LOVEGROVE: About twelve years ago  
21 probably.

22 THE COURT: Anything about that experience  
23 that would make it difficult for you to fair and  
24 impartial here today?

25 MR. LOVEGROVE: (Shaking head)



1 THE COURT: And you shook your head, you  
2 did what we all do a lot, but this lady can't take down  
3 shakes of the head.

4 MR. LOVEGROVE: No.

5 THE COURT: Thank you, sir, I appreciate  
6 using you as an example here for all of us. Anybody else  
7 in the second row. Yes, sir, Mr. McAllister?

8 MR. MCALLISTER: Yes, it was a criminal  
9 case. It was a burglary.

10 THE COURT: Here in this county?

11 MR. MCALLISTER: Yes, it was.

12 THE COURT: How long ago, sir?

13 MR. MCALLISTER: About twenty years ago.

14 THE COURT: Anything about that experience  
15 that would make it difficult for you to fair and  
16 impartial here today?

17 MR. MCALLISTER: No.

18 THE COURT: Thank you, sir. Third row.  
19 Anybody? Mr. Joiner, yes, sir, tell me about your  
20 experience.

21 MR. JOINER: It was a homicide case.

22 THE COURT: Was it in this county?

23 MR. JOINER: It in Clearwater about  
24 seventeen years ago.

25 THE COURT: Seventeen years ago. Anything

1 about that experience that would make it difficult for  
2 you to fair and impartial here today?

3 MR. JOINER: No.

4 THE COURT: Okay, thank you, sir. Mr.  
5 Barnum, did I see your hand?

6 MR. BARNUM: No.

7 THE COURT: Mr. Baker? I thought I saw  
8 another hand in that area. Mr. Baker?

9 MR. BAKER: I believe mine was civil. It  
10 was a condemnation case down in St. Pete.

11 THE COURT: Anything about that experience  
12 that would make it difficult for you to fair and  
13 impartial here today?

14 MR. BAKER: No.

15 THE COURT: And you heard my discussion  
16 with Ms. Santacroce about the difference between a  
17 criminal burden of proof and a civil burden of proof,  
18 didn't you?

19 MR. BAKER: Yes, sir.

20 THE COURT: Did you understand what I was  
21 trying to explain to her?

22 MR. BAKER: Yes, sir.

23 THE COURT: Thank you, sir. Anybody else  
24 in the third row? Yes, sir, Mr. Palmieri?

25 MR. PALMIERI: Yes, about twenty/thirty

1 years ago in Connecticut, civil.

2 THE COURT: Anything about that experience  
3 that would make it difficult for you to fair and  
4 impartial here today?

5 MR. PALMIERI: No.

6 THE COURT: Thank you, sir. Next question  
7 is similar but not exactly the same. I asked you about  
8 your prior jury experience. My next question is, have  
9 any of you ever been involved in a judicial proceeding of  
10 any type, in any capacity, whether it is a witness, a  
11 party, whether it is a traffic matter, a military matter,  
12 a domestic matter, a civil matter, criminal matter? I  
13 just want to know those among you have had any exposure  
14 to this process at all in any way, shape or form. I am  
15 going to go through the same process, first row first.

16 Ms. Maggard, yes, ma'am?

17 MS. MAGGARD: I was involved in a case  
18 where I was defrauded of a considerable sum of money.

19 THE COURT: So you were the victim?

20 MS. MAGGARD: Yes.

21 THE COURT: Was that a civil case or a  
22 criminal case?

23 MS. MAGGARD: I'm not sure that I  
24 understand the difference.

25 THE COURT: A civil case is usually an

1 action between private individuals and the result that is  
2 sought is money. A criminal case that is brought by the  
3 State to enforce criminal laws of the given jurisdiction.

4 MS. MAGGARD: It was civil then.

5 THE COURT: It was which one?

6 MS. MAGGARD: Civil.

7 THE COURT: Civil, okay. Anything about  
8 that experience that would make it difficult for you to  
9 fair and impartial here today?

10 MS. MAGGARD: Other than it was a horrible  
11 experience.

12 THE COURT: Okay, but are you going to  
13 hold that against either the parties here today?

14 MS. MAGGARD: No.

15 THE COURT: I'm sorry that I have to ask  
16 these questions, but I do. Thank you, ma'am. Anybody  
17 else in the first row have an experience we need to know  
18 about?

19 (No response)

20 THE COURT: Nobody else in the first row  
21 has ever been involved, even gotten a speeding ticket and  
22 went down to court to challenge it? Yes, ma'am, you are  
23 Ms. Robinson?

24 MS. ROBINSON: It was a criminal case, I  
25 was the Plaintiff, and I don't wish to discuss the

1 details.

2 THE COURT: That's fine. It was a  
3 criminal case, and you said that you were the Plaintiff,  
4 which maybe means that you were a victim?

5 MS. ROBINSON: Yes.

6 THE COURT: Anything about that experience  
7 that would make it difficult for you to fair and  
8 impartial here today?

9 MS. ROBINSON: I don't think so.

10 THE COURT: Thank you. Okay, everybody in  
11 the first row I got. I'm sorry, Mr. Lindstam?

12 MR. LINDSTAM: I don't know if this  
13 relates, but it was a very nasty divorce and there were a  
14 lot of accusations.

15 THE COURT: That's kind of what we are  
16 talking about. Anything about that experience that would  
17 make it difficult for you to fair and impartial here  
18 today?

19 MR. LINDSTAM: No.

20 THE COURT: Thank you. And, Mr. Fuller,  
21 that brought a memory or something?

22 MR. FULLER: Yeah, a long time ago I was  
23 called as a witness, it actually didn't go to court, but  
24 I had to go before the State Attorney and give a  
25 deposition on a case up in Illinois.

1 THE COURT: Okay. Anything about that  
2 experience that would make it difficult for you to fair  
3 and impartial here today?

4 MR. FULLER: No.

5 THE COURT: Okay, thank you, sir. Second  
6 row. I will start with Mr. Stewart, I think you are  
7 first.

8 MR. STEWART: I was pulled over and  
9 harassed by a cop. He gave me a paraphernalia charge. I  
10 had to go to court, at that time it was thrown out.

11 THE COURT: Okay. Anything about that  
12 experience that would make it difficult for you to fair  
13 and impartial here today?

14 MR. STEWART: No.

15 THE COURT: Okay. Ms. Ortiz?

16 MS. ORTIZ: Criminal case against a member  
17 of my family.

18 THE COURT: Were you a witness in that  
19 criminal case?

20 MS. ORTIZ: (Shaking head)

21 THE COURT: You were just aware of it, it  
22 was in your immediate family circle, so you had knowledge  
23 of it, right?

24 MS. ORTIZ: (Nodding head)

25 THE COURT: Ma'am, you have got to speak

1 for this young lady. You are nodding, and we all do  
2 that, but I have to remind you.

3 MS. ORTIZ: Yes.

4 THE COURT: Anything about that experience  
5 that would make it difficult for you to fair and  
6 impartial here today?

7 MS. ORTIZ: No.

8 THE COURT: Yes, ma'am, Ms. Burke?

9 MS. BURKE: I had a speeding ticket that I  
10 took to court in Hillsborough County.

11 THE COURT: Anything about that experience  
12 that would make it difficult for you to fair and  
13 impartial here today?

14 MS. BURKE: No.

15 THE COURT: So you think that you can put  
16 that aside, and it's not going to be a problem?

17 MS. BURKE: No.

18 THE COURT: Sometimes these little matters  
19 have a tendency to incur our ire more than bigger  
20 matters, and that's why we ask about things like traffic  
21 matters. Anybody else on this side of the room?

22 Yes, ma'am, Ms. Pellegrino?

23 MS. PELLEGRINO: Just traffic court.

24 THE COURT: Okay. Anything about that  
25 experience that would make it difficult for you to fair

1 and impartial here today?

2 MS. PELLEGRINO: No.

3 THE COURT: Yes, ma'am, Ms. Linde-Powers?

4 MS. LINDE-POWERS: A civil matter down in  
5 St. Pete, also a divorce.

6 THE COURT: Okay. Anything about that  
7 experience that would make it difficult for you to fair  
8 and impartial here today?

9 MS. LINDE-POWERS: No.

10 THE COURT: Okay, same question, you are  
11 okay with both of those things, they are not going to get  
12 in your way of your ability to just listen to the  
13 evidence and make the decision today?

14 MS. LINDE-POWERS: I don't think so.

15 THE COURT: Anybody else? Did I get  
16 everybody else? Mr. McAllister?

17 MR. MCALLISTER: Yes, it is a criminal  
18 case, and it is still ongoing.

19 THE COURT: Are you a witness?

20 MR. MCALLISTER: No, I am not a witness.  
21 It deals with a family member, and yes, it is bothering  
22 me.

23 THE COURT: So it is a family member and  
24 you are not a witness, and you are not a party, but it's  
25 inside your immediate family circle, and you are



1       disturbed by it?

2                       MR. MCALLISTER:   Yes, I am.

3                       THE COURT:   Are you disturbed to the point  
4 where you could not give both sides a fair and impartial  
5 trial?

6                       MR. MCALLISTER:   That's correct, I surely  
7 am.

8                       THE COURT:   I appreciate knowing that.  
9 I'm sorry that you are going through that, but I  
10 appreciate you sharing that with us because we need to  
11 know these things.

12                      Last row, anybody have something that they  
13 need to tell me about?   Yes, Mr. Baker?

14                      MR. BAKER:   I was in the military police  
15 in the service.   There were several uncomfortable  
16 situations.

17                      THE COURT:   So, these are previous  
18 experiences that you have had.   I guess the question is,  
19 are any of these experiences going to make it difficult  
20 for you to be fair and impartial here today?

21                      MR. BAKER:   Some of these experiences  
22 bother me, and they tend to stay with me.

23                      THE COURT:   So you are concerned about  
24 them, is that right?

25                      MR. BAKER:   Yes.

1 THE COURT: I don't mean to probe, and I'm  
2 not trying to do that, but I need to get the \$64,000  
3 question answered, and that is, whether these things are  
4 going to be impacting on your ability to sit here and  
5 listen to the evidence, and give both sides a fair trial  
6 this morning?

7 MR. BAKER: It's a possibility.

8 THE COURT: I appreciate that. That's  
9 probably the best answer that you can give me, and I  
10 appreciate that. Anybody else in the back row that I  
11 need to -- yes, sir, Mr. Palmieri, tell me about  
12 experience?

13 MR. PALMIERI: Divorce and a motorcycle  
14 accident. A woman pulled out in front of me, and I had  
15 nowhere to go. I was injured and that went to court. A  
16 parking citation that my partner had issued and the  
17 person brought it to court and I was there as a witness.

18 THE COURT: Okay. Anything about any of  
19 those experiences that would make it difficult for you to  
20 fair and impartial here today?

21 MR. PALMIERI: No.

22 THE COURT: Did I get everyone? I didn't  
23 get everybody.

24 MS. LINDE-POWERS: Right now I am involved  
25 in a lawsuit regarding a car accident.

1 THE COURT: Okay. Is that going to be a  
2 problem for you to be fair and impartial here today?

3 MS. LINDE-POWERS: It could possibly be,  
4 yes, sir.

5 THE COURT: And that is a civil matter,  
6 though, isn't it?

7 MS. LINDE-POWERS: Well, right now it is  
8 in mediation -- it was in mediation. It is scheduled to  
9 go to trial.

10 THE COURT: It is weighing on your mind  
11 though, and you are not sure that you can listen to the  
12 evidence and give both sides a fair trial, is that what I  
13 am hearing?

14 MS. LINDE-POWERS: Quite possibly, yes,  
15 sir.

16 THE COURT: Okay, did I get everybody?  
17 Next question. Anybody here have anybody with a close  
18 friend, or in their close family circle who make their  
19 living in the judicial system? I am going to expansively  
20 include in that police officers, sheriff's deputies,  
21 lawyers, court clerks, judges, things of that nature. Do  
22 you understand my question? I just need to go through  
23 this process and identify you all and these  
24 relationships. Mr. Fuller?

25 MR. FULLER: I have an uncle who is a

1 sheriff up in Iowa.

2 THE COURT: Anything about that experience  
3 that would make it difficult for you to fair and  
4 impartial here today?

5 MR. FULLER: No.

6 THE COURT: The thing that we worry about  
7 in these situations, there is somebody in your close  
8 circle of friends, and you get asked to sit on this jury,  
9 when you are thinking about this case things start  
10 creeping into your mind and say, Boy, I better make the  
11 right decision because when I see so and so, my close  
12 friend, or my brother, or my father-in-law, who is a  
13 sheriff's deputy, judge, or the lawyer I don't want them  
14 to say boy, you did something stupid here. Do you  
15 understand my point? I don't want anybody sitting here  
16 and have somebody outside this courtroom who is going  
17 impact on this decision. We worry about relationships  
18 like this that could be so close, and so strong that you  
19 would feel that you would be searching your mind to make  
20 sure that you did what they thought you should do. We  
21 don't want that to occur. So that is why we ask these  
22 questions. All right. Anybody else in the first row?  
23 Yes, Ms. Maggard?

24 MS. MAGGARD: I work with a lot of  
25 attorneys in my dealings with real estate title. I also

1 have several clients in the Pinellas County Sheriff's  
2 Department.

3 THE COURT: Anything about those  
4 relationships that would be so strong that we should be  
5 concerned about what I just explained?

6 MS. MAGGARD: I don't think it would. I  
7 am honestly not sure.

8 THE COURT: Okay, as we go along we are  
9 going to ask a lot of questions. And some of you may  
10 have answers like this from time to time. We certainly  
11 understand that. Sometimes you have got to search your  
12 mind a little bit. I understand that. When, Ms.  
13 Maggard, in your case in particular and others of you in  
14 general, if you have a situation like this I only ask  
15 that you consider it while we are asking questions. And  
16 don't rely on us to come back to you. If you get to a  
17 point in this question and answer process where all of  
18 the sudden it becomes real clear in your mind, you have  
19 had a change to think about it, and you can now clearly  
20 take a position on it, would you just raise your hand and  
21 say, "You know, I have thought about that question that  
22 you asked me and this is really how it is." Okay?

23 And for those of you that have these soul  
24 searching kind of responses please do that for us. There  
25 is a lot of you, and we would not want to inadvertently

1 not get back to you and give you a chance to really take  
2 a firm position. Okay?

3 MS. MAGGARD: Okay.

4 THE COURT: Anybody else in the first row?  
5 Yes, ma'am, Ms. Kolba?

6 MS. KOLBA: I have a distant family member  
7 who is detective in Clearwater, and also a close friend  
8 who is police officer in Clearwater.

9 THE COURT: Anything about those  
10 relationship that is going to be difficult in the areas  
11 that I have described?

12 MS. KOLBA: I don't believe so.

13 THE COURT: Okay, thank you. Anybody  
14 else? Yes, ma'am, Ms. Robinson?

15 MS. ROBINSON: My father-in-law is a  
16 retired police officer and my sister-in-law is an active  
17 police officer, and I don't think that it will have any  
18 bearing.

19 THE COURT: Any of them agencies in this  
20 county?

21 MS. ROBINSON: My father-in-law retired  
22 from the St. Petersburg Police Department several years  
23 ago.

24 THE COURT: And you don't think it will  
25 have anything to do with your ability to be fair and

1 impartial, is that correct?

2 MS. ROBINSON: No.

3 THE COURT: Okay. Anybody else in the  
4 first row? Did I get everyone? Second row, does anybody  
5 have something that they need to tell me? Yes, ma'am,  
6 Ms. Ortiz?

7 MS. ORTIZ: My brother is retired from the  
8 Sheriff's Department in Pasco County.

9 THE COURT: Which county?

10 MS. ORTIZ: Pasco.

11 THE COURT: Pasco. Anything about that  
12 will make it difficult for you to be fair and impartial?

13 MS. ORTIZ: (Shaking head)

14 THE COURT: Thank you. Anybody else  
15 second row? Yes, sir, Mr. Lovegrove?

16 MR. LOVEGROVE: I have a son who is  
17 employed by Escambia County Sheriff's Department. He is  
18 a corrections officer.

19 THE COURT: Anything about that is going  
20 to make it difficult for you to be fair and impartial?

21 MR. LOVEGROVE: No.

22 THE COURT: Thank you, sir. Did I get  
23 everybody in the second row? Third row, please. Does  
24 anybody have any of these relationships that we need to  
25 discuss? I don't see any hands on this side of the room,

1 and I think the first hand that I see is Ms. Donizetti?  
2 Yes, ma'am?

3 MS. DONIZETTI: I have a good friend who  
4 is a bailiff in Pinellas County in civil court.

5 THE COURT: In civil court, okay.  
6 Anything about that relationship that is going to make it  
7 difficult to be fair and impartial?

8 MS. DONIZETTI: I do not believe so.

9 THE COURT: Thank you. Mr. Palmieri?

10 MR. PALMIERI: I have a cousin who is an  
11 attorney in Connecticut, and two nephews who are police  
12 officers in Connecticut.

13 THE COURT: Any problems in this area?

14 MR. PALMIERI: No.

15 THE COURT: Thank you, sir. Did I get  
16 everybody? Okay. Other questions that I am now going to  
17 shift to are really designed to give you some information  
18 that you need to help you understand this process a  
19 little bit. What I would like to do, you will get the  
20 hang of this as we go along. It would be helpful -- or  
21 it is important that you give me an audible response as a  
22 group. And you will see how this works as we go forward.  
23 Okay.

24 Okay, Do each of you understand that the  
25 defendant in every criminal case is presumed to be



1 innocent unless, and until the State proves each material  
2 allegation of the charge, and that guilt is established  
3 the evidence to the exclusion of and beyond every  
4 reasonable doubt? Do all of you understand that?

5 (Jury panel responded yes.)

6 THE COURT: Do you understand that the  
7 Defendant's presumption of innocence stays with the  
8 Defendant throughout all stages of the trial until this  
9 burden has been met? Do you understand that?

10 (Jury panel responded yes.)

11 THE COURT: Do you understand that if you  
12 are chosen as members of this jury you will be the sole  
13 judges of the weight, and sufficiency of the evidence,  
14 and the credibility of the witnesses? Do you understand  
15 that that is the juries functions?

16 (Jury panel responded yes.)

17 THE COURT: You are the sole judges of the  
18 weight and sufficiency of the evidence, and the  
19 credibility of the witnesses? Everybody understands  
20 that?

21 (Jury panel responded yes.)

22 THE COURT: Do you understand that in  
23 determining the believability, and the credibility of the  
24 witnesses you may properly consider the demeanor of the  
25 witnesses, the frankness of the witness, the intelligence

1 of the witness, any interest that the witness may have in  
2 the outcome of the case, the means and opportunity of the  
3 witness to know the matters about which they are  
4 testifying, the ability of the witness to remember about  
5 which they are testifying, and the reasonableness of the  
6 testimony considered in light of all the other evidence  
7 in the case. Do you understand that these are some  
8 things that you should consider in performing your  
9 function?

10 (Jury panel responded yes.)

11 THE COURT: Do you also understand that if  
12 you are chosen members of this jury you must disregard  
13 the consequences of any verdict that you may render? Do  
14 you understand that the consequences are not the province  
15 of the jury? That is what the Court does. Does  
16 everybody understand that?

17 (Jury panel responded yes.)

18 THE COURT: Do you also understand that  
19 you must lay aside any personal of sympathy, bias, or  
20 prejudice and that those things play no role in an  
21 American court? Do you understand that?

22 (Jury panel responded yes.)

23 THE COURT: You lay aside all feelings and  
24 sympathy, bias, or prejudice, they play no role in this  
25 process. Everybody understands that?

1 (Jury panel responded yes.)

2 THE COURT: Do you understand that at no  
3 time in the United States of America is a defendant in a  
4 criminal case required to prove his or her innocence, or  
5 to furnish any evidence whatsoever, and that this right  
6 is guaranteed to everyone under our constitution? Does  
7 everybody understand that?

8 (Jury panel responded yes.)

9 THE COURT: Do you promise that if you are  
10 chosen as members of this jury you will follow the  
11 instructions on the law that the Court gives you at the  
12 end of the trial, and that you will follow and apply this  
13 law, even if you don't like the law, even if you don't  
14 agree with the law? The Court tells you that that is the  
15 law applies to this case that you will follow it. Will  
16 anyone have any difficulty in doing that?

17 (Jury panel responded no.)

18 THE COURT: Everybody understand that law  
19 is not made in the judicial branch of government, it is  
20 made in the legislative branch of government. What we do  
21 here is interpret and apply the law, and if we tell you  
22 that is what the law is, you must use the law. Is anyone  
23 going to have a problem with that.

24 (Jury panel responded no.)

25 THE COURT: Let's cover now our schedules,

1 because there are some things that we need to understand  
2 here. Counsel, is it fair to tell this panel that this  
3 case will not be concluded today?

4 MR. DENIS DE VLAMING: Yes.

5 THE COURT: Everybody agrees with that.

6 MR. DENIS DE VLAMING: Yes, Judge, and I  
7 think Mr. Tyson might agree it might be wise for the  
8 Court to inquire, it might even spill into Wednesday.

9 THE COURT: That's what I thought. So we  
10 need to understand your schedules and the impact that  
11 this trial could have on it. You just heard that we  
12 expect that it is possible that this could be a three day  
13 trial. Is anybody going to have a problem with that?  
14 Let's identify those of you now, and let's go through  
15 them. I am going to have it discuss it with you, so bear  
16 with me with your hands.

17 Mr. Fuller, as always you are first, sir.  
18 Tell me what your problem is.

19 MR. FULLER: In my position at work I have  
20 three days a month in which a report has be generated for  
21 Tallahassee, and that starts tomorrow and it has to be  
22 completed by Thursday.

23 THE COURT: And there is no one who could  
24 cover you and do that?

25 MR. FULLER: No. I am the only one who has

1 the security to do that.

2 THE COURT: No way that could be  
3 postponed?

4 MR. FULLER: No.

5 THE COURT: It has absolutely got to be  
6 done tomorrow, and you are the only person that can do  
7 it?

8 MR. FULLER: It has to be finished by  
9 Thursday and I am the only one there who has the security  
10 clearance to do that report.

11 THE COURT: And you couldn't do it on  
12 Thursday? I don't mean to pressure you, but I have got  
13 to ask these questions.

14 MR. FULLER: Not in one day, no. If I was  
15 on the jury I would have to work at night to finish it.  
16 That would be a problem.

17 THE COURT: Okay. Who was the next hand?  
18 Mr. Degenhart?

19 MR. DEGENHART: My wife and children were  
20 involved in an accident on Friday where they had to Bay-  
21 flighted out and they are basically -- they got released  
22 and they are home now, but they are pretty much  
23 bedridden.

24 THE COURT: So they need you to care for  
25 them?

1 MR. DEGENHART: Pretty much.

2 THE COURT: Who is there now?

3 MR. DEGENHART: One of my friends is there  
4 now until I get back. They had to take off work to get  
5 there.

6 THE COURT: And that couldn't continue  
7 three days?

8 MR. DEGENHART: No, definitely not.

9 THE COURT: All right. Did I skip  
10 anybody? I thought I saw a hand. Yes, Ms. Maggard?

11 MS. MAGGARD: I am in the process of  
12 closing down a business and right now I am the only one  
13 there. It would be difficult, not impossible. But it  
14 would be difficult to be away three days.

15 THE COURT: And you are closing a  
16 business? Is the business not open right now?

17 MS. MAGGARD: In my business you don't  
18 just stop. It takes months to close it down. And I am  
19 in the process of that.

20 THE COURT: And three days would just be a  
21 real undue hardship, is that what I am understanding?

22 MS. MAGGARD: It would difficult, not  
23 impossible.

24 THE COURT: I appreciate your candor.  
25 Thank you very much. Anybody else in the front row? Ms.

1 Santacroce, tell me what you are worried about?

2 MS. SANTACROCE: My things are medical.

3 THE COURT: So for medical reasons being  
4 here three days is a bad thing for you?

5 MS. SANTACROCE: Yes.

6 THE COURT: Is it a serious thing?

7 MS. SANTACROCE: I wont' know until the  
8 tests.

9 THE COURT: I see, you have tests that you  
10 are waiting to hear about?

11 MS. SANTACROCE: No, I am having the tests  
12 Tuesday, Wednesday, and Thursday, and the results of that  
13 depends on surgery scheduled on the 31st.

14 THE COURT: I see, thank you. Who else?  
15 Ms. Robinson?

16 MS. ROBINSON: I work for a small  
17 entrepreneurial company. I am the only one that does my  
18 specific job. And it would be a major hinder to business  
19 for me to be out for three days. One day they can work  
20 around.

21 THE COURT: Three days is going to be a  
22 hardship in the people that you work for?

23 MS. ROBINSON: Yes, it's going to be a  
24 hardship on my company.

25 THE COURT: Okay. Who else? Mr. Lindstam?

1 MR. LINDSTAM: Financial-wise I have three  
2 children to support. The job that I am in is paid piece  
3 work, that would be three days that I would be out of  
4 work without pay.

5 THE COURT: Thank you, sir. Anybody else  
6 in the first row? Second row? Ms. Ortiz?

7 MS. ORTIZ: I work for hospice and I do  
8 long-term care. People who I take care of are at the end  
9 stages and they would have a very difficult time to find  
10 anyone to replace me.

11 THE COURT: Three days is too much?

12 MS. ORTIZ: It's difficult for them. They  
13 get very upset. They are in the end stages, and it is  
14 difficult for them if someone else has to come in.

15 THE COURT: Okay, thank you. Who else?  
16 Ms. Pellegrino?

17 MS. PELLEGRINO: I am a single parent. I  
18 need to get my daughter to school and work.

19 THE COURT: And you can't be covered at  
20 work?

21 MS. PELLEGRINO: Not my work, her work.

22 THE COURT: So when do you pick her up and  
23 take her?

24 MS. PELLEGRINO: I take her to school in  
25 the morning, she goes to school in Largo.



1 THE COURT: What time is that though?  
2 What time of day are we talking about?

3 MS. PELLEGRINO: 7:00.

4 THE COURT: So that doesn't sound like it  
5 would be a problem at that end. It must be the other end  
6 that is the problem.

7 MS. PELLEGRINO: I pick her up at 12:30  
8 and I take her to work, and then I pick her up at night  
9 after work.

10 THE COURT: There is no one else that can  
11 do that?

12 MS. PELLEGRINO: I have no family here.

13 THE COURT: How old is your daughter?

14 MS. PELLEGRINO: Sixteen.

15 THE COURT: She does not drive herself?

16 MS. PELLEGRINO: No.

17 THE COURT: Anybody else? Ms. Linde-  
18 Powers?

19 MS. LINDE-POWERS: I am also a single  
20 parent. My children -- I don't know if it will have any  
21 bearing on the court, my children have to be picked up at  
22 6:00 at night. I am the only one, I have no family here.  
23 Also, I have two herniated discs which makes sitting very  
24 difficult, I have a doctor's note that says that I cannot  
25 sit for any length of time over thirty minutes.

1 THE COURT: At any time that you want to  
2 stand, please do that, you are not going to upset anybody  
3 here. I don't want you be in any discomfort. I wish you  
4 had told me that right away. You have been sitting  
5 longer than thirty minutes.

6 MS. LINDE-POWERS: Yeah, I know.

7 THE COURT: You can stand right now if you  
8 want to. Thank you. And you can stay standing as long  
9 as you would like. Please don't feel the need to sit  
10 down if your comfort level is enhanced by that.

11 Anybody else in the second row? Mr.  
12 McAllister?

13 MR. MCALLISTER: Yes, sir. It would  
14 impact on my responsibility as the director of  
15 construction for our company. One of my duties is, I am  
16 charged with the responsibility for out of town work. I  
17 have a number of projects that are out of town, and they  
18 are not receiving my attention as I sit here today. And  
19 then for the next two or three days would be an even  
20 greater burden. I don't have anybody that is able to  
21 take over my position at the moment. The only other  
22 people that would be available would the president and  
23 vice-president of the company, and each of those  
24 individuals have tasks that involve the operations in  
25 their side of the house. So based on that I feel that

1 that is a burden on me right now.

2 THE COURT: Thank you, sir. Sheriff, we  
3 have a padded chair for Ms. Linde-Powers. We can pull  
4 that up next to Ms. Pellegrino, and I know she would be  
5 more comfortable in it. So why don't we do that.

6 MS. LINDE-POWERS: Thank you.

7 THE COURT: Third row please. Those of  
8 you who have problems with being here for three days.  
9 Anybody in the third row please? No hands in the third  
10 row. Yes?

11 MS. DONIZETTI: I would just like to get  
12 approval of my employer, I think it would be okay.

13 THE COURT: So, you think it would okay,  
14 but you just need to clear it?

15 MS. DONIZETTI: I think it would be okay,  
16 I just want to make sure.

17 THE COURT: So you need to make a phone  
18 call. All right, did I get everybody? Thank you. You  
19 heard it will be three days. Sometimes we go into the  
20 evening, it's difficult to anticipate how late we would  
21 go. A trial like this I would try to break it around the  
22 6:00 hour, but we like to break logically. As evidence  
23 is being presented sometime we might run beyond that.

24 But I would try not to let it be egregiously beyond that.

25 Is there anyone who would have difficulty with that who

1 has not already said they can't be here for the three  
2 days? And you are Ms. Green?

3 MS. GREEN: Are you saying that the trial  
4 would go on after 6:00?

5 THE COURT: It is possible that it might,  
6 but it's not my intention to let it go well beyond 6:00.  
7 Just once in a while it may be the wrong time to break  
8 because we are in the middle of something that should  
9 finish before we break. Okay. Is 6:00 a concern for  
10 you?

11 MS. GREEN: Yes, because I catch the bus  
12 out here.

13 THE COURT: When is the last bus, do you  
14 know?

15 MS. GREEN: I think about 5:00 or 6:00.

16 THE COURT: Does anybody know? Nobody  
17 knows.

18 THE SHERIFF: We have the schedule  
19 downstairs.

20 THE COURT: We will figure that out,  
21 ma'am. I appreciate you telling me that. Anybody else  
22 that we need to hear from on these issues? Ms. Linde-  
23 Powers brought a very good point. We brought you down  
24 here, we are going to ask you to sit here for three days.  
25 I sure hate to do that and torture somebody

1 unintentionally because they had some physical thing that  
2 if I had known about I could have accommodated. Is there  
3 anybody here who has anything like that makes it  
4 difficult to sit in these hard benches, you don't hear  
5 well, you don't see well? Do you have something about  
6 you that if I knew I could be sensitive to and make it  
7 easier for you to be here? Does anybody have anything  
8 like that?

9 I asked that question once of a panel and  
10 we tried the case well into the night, about 9:00 at  
11 night two jurors let me know then that they were diabetic  
12 and because they hadn't eaten that this was a problem. I  
13 said, I asked you these questions, tell me these things.  
14 I don't want anybody to be in that situation. Yes, sir,  
15 Mr. Baker?

16 MR. BAKER: I am a diabetic.

17 THE COURT: So you just need to eat in  
18 regular intervals? Is that right.

19 MR. BAKER: It is at the point now where  
20 they are controlling it with a special diet at home that  
21 I take and three prescriptions that I do take. I have to  
22 monitor my blood sugar three or four times a week. From  
23 what the doctor tells me it is kind of important that I  
24 eat about the same time everyday, not to vary too much  
25 from it.

1 THE COURT: Okay. I am glad to know these  
2 things. I appreciate you telling me. Anybody else?  
3 Yes, ma'am? Well, you have kind of told us, right?  
4 Unless you want to add to that, but you don't necessarily  
5 have to. You have explained to me that you have some  
6 health concerns. Is that right?

7 MS. SANTACROCE: And I tried to express  
8 them prior to coming here.

9 THE COURT: You raised these before in  
10 hopes that you wouldn't have to come, and then it didn't  
11 work out, is that right?

12 MS. SANTACROCE: Yes.

13 THE COURT: I appreciate it, ladies and  
14 gentlemen. I just ask counsel to approach the bench  
15 briefly. I don't need the court reporter at this time.

16 (Whereupon, a bench conference was held out of  
17 the hearing of the jury panel that was not reported at  
18 this time.)

19 THE COURT: What I want to do is read a  
20 list of potential witnesses. I don't know if some or all  
21 of these people are going to testify, but this is a list  
22 of people who could. I read this because if you know any  
23 of these people we need to know that. So, please listen  
24 carefully.

25 I am going to butcher these names too, so

1 please forgive me. I will spell them when I am not sure.  
2 Officer Mark Beaudette, Clearwater Police. Officer Ron  
3 Heck, Clearwater Police. Officer James Moore, Clearwater  
4 Police. Officer Michael Stewart, Clearwater Police.  
5 Richard Howd. Stacy Brooks. Jessica Burns. Philip  
6 Dellar. Ken Kramer. Jesse Prince. Frank Oliver. John  
7 Lenz. Ray Emmons. Does anyone know any of these people?

8 (Jury panel responded no.)

9 THE COURT: What I would like to do is  
10 give you all a momentary opportunity to stretch your  
11 legs, go to the restroom, get a drink of water. But I am  
12 going to ask the Deputy Sheriff make sure that there is  
13 no one else out there so that you might accidentally bump  
14 into a witness, and have an improper conversation. Okay.  
15 If there are witnesses in the area I need them to go into  
16 the witness rooms so that members of the panel can do  
17 this very briefly. This is going to take about ten  
18 minutes. It will give you chance to stretch a little bit  
19 before we proceed to the next process. Are we all clear?  
20 All of the witnesses are in a room somewhere? Okay. The  
21 only people that are going to leave the courtroom are  
22 members of the panel. Everyone else is here who is not  
23 on this panel will remain here with us, so we don't have  
24 any intermingling of the panel with anybody else. Okay.  
25 Thank you. You are excused for about ten minutes.

1 Please stay close by because we will need you right back.

2 (Jury panel was excused for a brief break)

3 THE SHERIFF: The panel is out of hearing  
4 of the Court, your Honor.

5 THE COURT: Thank you, Sheriff. Counsel,  
6 ordinarily what I would do is turn it over to the State  
7 to ask their questions and then Defense could do it. Is  
8 there any reason any of you would like to discuss cause  
9 challenges now though, and if not we will proceed to the  
10 next stage.

11 MR. TYSON: If you would like we can do it  
12 now. If you want to use the time.

13 THE COURT: Do you want to do them now?

14 MR TYSON: We can do some of them if you  
15 like, Judge. It would seem to me that there are some  
16 clear, and we agree there is no sense in keeping them  
17 here, and belaboring the point.

18 MR. DENIS DE VLAMING: That's a good idea.  
19 Let's use the time.

20 THE COURT: If the other side wants to go  
21 first, if you heard somebody?

22 MR. TYSON: Judge, I wrote down what they  
23 said. I guess it's up to you to make a decision.

24 MR. DENIS DE VLAMING: We might be in  
25 agreement, go ahead.



1 MR. TYSON: Number one, the first guy, a  
2 problem with his work, Mr. Fuller.

3 MR. DENIS DE VLAMING: He has got a  
4 problem, does he? I say cause him.

5 THE COURT: Everybody agrees, Mr. Fuller  
6 is stricken for cause. What I will do, and again, let's  
7 talk about how we handle this, when they come back my  
8 intention is to announce that to them right now, and let  
9 them ago, unless you all would like me not to do that.

10 MR. TYSON: No use wasting their time,  
11 Judge.

12 THE COURT: That's what I am thinking.

13 MR. TYSON: Judge, I believe Ms. Maggard,  
14 I'm not sure how you pronounce her name, closing down her  
15 business. She is the only one there. It's extremely  
16 difficult, but not impossible.

17 MR. DENIS DE VLAMING: Cause, good, I mean  
18 if we are in agreement about -- there is no sense in us  
19 arguing.

20 MR. TYSON: Yeah.

21 THE COURT: Agreed, if everybody agrees no  
22 point in beating it to death. She had two good reasons  
23 and that was one of them.

24 MR. DENIS DE VLAMING: Yes.

25 THE COURT: What else?

1 MR. TYSON: Judge, I believe the gentleman  
2 number four was saying that his wife and children were  
3 Bay-flighted Friday.

4 THE COURT: Mr. de Vlaming, do you agree?

5 MR. DENIS DE VLAMING: I agree, cause.

6 THE COURT: Number four is gone for cause.

7 MR. DENIS DE VLAMING: Ms. Santacroce,  
8 Judge.

9 THE COURT: She has tried repeatedly to  
10 get out of it.

11 MR. DENIS DE VLAMING: Well, not only  
12 that, I think she should get out.

13 MR. TYSON: I agree.

14 THE COURT: I agree. Everybody agrees,  
15 Ms. Santacroce is gone, number five. Who is next?

16 MR. TYSON: Ms. Robinson is saying that  
17 there is a hindrance to her business. It is a small  
18 company. I am not sure where we will go on that one.

19 MR. DENIS DE VLAMING: Do you have a  
20 problem with excusing her?

21 MR. TYSON: I am not sure we are going to  
22 get a panel, that's my problem.

23 THE COURT: Does everybody agree, is she  
24 gone or not?

25 MR. TYSON: Judge, can we hold off on that

1 one at this point in time?

2 THE COURT: That's fine. Who is next?

3 MR. TYSON: Mr. Lindstam says it is a  
4 financial burden. I'm not sure that rises to the level  
5 of cause.

6 MR. DENIS DE VLAMING: It probably  
7 doesn't. We might hold a little bit on him. We will see  
8 how he exercise preempts, and if it is we might be able  
9 to let him go.

10 THE COURT: Okay, who is next?

11 MR. TYSON: Ms. Ortiz, long term hospice  
12 care with patients during the last stages of death. I  
13 don't have a problem with releasing her either.

14 MR. DENIS DE VLAMING: I don't either.

15 THE COURT: She is gone. Who is next?

16 MR. DENIS DE VLAMING: Pellegrino I have  
17 next.

18 MR. TYSON: I say hold on to her. Her  
19 daughter is sixteen, Judge.

20 MR. DENIS DE VLAMING: Single parent,  
21 nobody else in the state of Florida and I don't think  
22 that we can accommodate that type of scheduling without a  
23 tremendous interruption.

24 MR. TYSON: She is sixteen, can we hold  
25 off on that, Judge?

1 MR. DENIS DE VLAMING: Oh.

2 THE COURT: That's fine. Let's hold off  
3 on that one. Who is next?

4 MR. TYSON: Ms. Linde-Powers, the one that  
5 has the special chair. She can't sit for thirty minutes.  
6 I'm not sure she is going to be pay attention to this  
7 trial, Judge. If she is standing up that will be a  
8 problem, Judge.

9 MR. DENIS DE VLAMING: She also has minor  
10 children, no husband, or no family in the area. I wrote  
11 that down.

12 THE COURT: She has health problems, she  
13 has got work problems, she has got child problems. Any  
14 reason that we want to keep her?

15 MR. DENIS DE VLAMING: No, cause.

16 THE COURT: Okay, she is gone. Who is  
17 next?

18 MR. TYSON: Judge, Mr. McAllister. I had  
19 a problem with him -- says that he can't be fair and  
20 impartial in this case. Maybe we need to talk to him at  
21 the bench and discuss what that is about. I didn't catch  
22 everything he was saying.

23 THE COURT: He had a work problem, and it  
24 appeared that he is concerned that other people would  
25 have to do what he would do if he were there, and they

1 already had full plates. He did indicate that he had a  
2 family member that was involved with the criminal justice  
3 process in some way and we was clearly upset about it and  
4 said that he couldn't be fair. I wrote down, "can't be  
5 fair."

6 MR. TYSON: I say we cause him also.

7 MR. DENIS DE VLAMING: I agree.

8 THE COURT: I agree. Number sixteen, he  
9 is gone also. Who else?

10 MR. TYSON: Number twenty-three, she says  
11 if okay with employer, we can keep her, too.

12 MR. DENIS DE VLAMING: I had marked  
13 nineteen. Let's see.

14 MR. DOUGLAS DE VLAMING: Military  
15 policeman he had some problems --

16 MR. DENIS DE VLAMING: Yeah, being fair  
17 and impartial, that's what I had written down.

18 MR. TYSON: Judge, I would like to bring  
19 him to the bench and ask what those are before we release  
20 him.

21 THE COURT: That's fine.

22 MR. DENIS DE VLAMING: That's fair.

23 THE COURT: He said that he has some  
24 health concerns as well. That's fine, we can talk him to  
25 further. Who else?

1 MR. TYSON: That's all I have.

2 MR. DENIS DE VLAMING: That's all I have.

3 THE COURT: What I propose to do then is  
4 bring the ones that we all agree are challenges for  
5 cause, thank them, release them. I will rely on you all  
6 to proceed with the others that we did not release in any  
7 way that you all see fit. If you want someone to  
8 approach the bench then we can cover it all at that time.

9 Let's bring them back in, and go forward.  
10 Is everybody okay, does anybody need a break? Ladies and  
11 gentlemen, let's take a five minute break, and let those  
12 of us who need a break, quickly take one.

13 (Brief break)

14 THE COURT: Ladies and gentlemen, the  
15 following people will be excused at this time. Please  
16 listen carefully. And as you go I want to make sure that  
17 you know that you go with my sincere thanks. You have  
18 spent a long time with us already, but we have determined  
19 that there is no reason to detain you any longer and we  
20 would like to tell you that sooner rather than later.  
21 Okay.

22 Donald Fuller, Mary Maggard, James  
23 Degenhart, Rose Santacroce, June Ortiz, Melissa Linde-  
24 Powers, Michael McAllister, you are excused at this time.  
25 You go with my sincere thanks. Please be careful going

1 home.

2 (Potential jurors excused.)

3 THE COURT: I'm going to turn this over to  
4 the lawyers to ask questions. The last thing I want to  
5 do at this time in this process is read the information  
6 to you. This is the charge against Mr. Minton. This is  
7 not evidence, but it helps you understand a little bit  
8 about why we are here. It reads as follows:

9 State of Florida and Robert S. Minton,  
10 Battery, in the name and by the authority for the State  
11 of Florida, Bernie McCabe, State Attorney for the Sixth  
12 Judicial Circuit of Florida, in and for Pinellas County,  
13 prosecuting for the State of Florida, in the said County,  
14 under oath, information makes that Robert S. Minton in  
15 the County of Pinellas, State of Florida, on the 31st day  
16 of October in the year of our Lord, 1999, in the County  
17 and State aforesaid did then and there actually  
18 intentionally touch, or strike, or cause bodily harm to  
19 Richard Howd, against the will of Richard Howd, contrary  
20 to Chapter 784.03, Florida Statutes, and against the  
21 peace and dignity of the State of Florida.

22 This is the charging instrument. It is  
23 not evidence. It is the instrument upon which the State  
24 has moved this case forward. So I turn it over now to  
25 the State Attorney to ask their questions. Mr. Tyson?

1 MR. TYSON: Thank you, Judge. Good  
2 afternoon, ladies and gentlemen, it's a little after  
3 12:00 right now. The Judge has asked you a lot of  
4 questions. I've already got a lot of the answers. So I  
5 will be a little briefer. As Mr. de Vlaming told the  
6 Judge, you heard that this may be a two, maybe a three  
7 day trial that we have here. One question I have, we  
8 already have who were prior jurors. On this side who was  
9 a prior jury, raise your hands?

10 (Jury panel responded as requested.)

11 MR. TYSON: Okay, that is Ms. Baldwin.  
12 Was that criminal?

13 MS. BALDWIN: Yes, sir.

14 MR. TYSON: I don't need to know the  
15 verdict. Were you able to reach a verdict in that case?

16 MS. BALDWIN: Yes.

17 MR. TYSON: Were you the foreman in that  
18 case?

19 MS. BALDWIN: No.

20 MR. TYSON: Mr. Joiner?

21 MR. JOINER: Yes.

22 MR. TYSON: You said that that was a  
23 homicide case seventeen years ago?

24 MR. JOINER: Yes.

25 MR. TYSON: Did it get all the way through



1 to a jury verdict?

2 MR. JOINER: Yes.

3 MR. TYSON: Was the jury able to reach a  
4 verdict?

5 MR. JOINER: Yes.

6 MR. TYSON: Were you the foreman of that  
7 jury?

8 MR. JOINER: No.

9 MR. TYSON: Anyone else on this side of  
10 the courtroom? Anybody on this side of the courtroom?  
11 I'm sorry, Mr. Baker?

12 MR. BAKER: Yes.

13 MR. TYSON: You sat on a jury, sir?

14 MR. BAKER: Yes.

15 MR. TYSON: Was that in Pinellas County?

16 MR. BAKER: Yes, it was.

17 MR. TYSON: Criminal case?

18 MR. BAKER: No, civil.

19 MR. TYSON: Were you able to reach a  
20 verdict in that case?

21 MR. BAKER: Yes, we did.

22 MR. TYSON: Were you the foreman of that  
23 jury?

24 MR. BAKER: No, sir.

25 MR. TYSON: Anyone on this side of the

1 courtroom?

2 (Jury panel raised their hands.)

3 MR. TYSON: Okay, Mr. Lovegrove.

4 MR. LOVEGROVE: It was a criminal case.

5 MR. TYSON: How long ago?

6 MR. LOVEGROVE: About twelve to fifteen  
7 years.

8 MR. TYSON: Were you able to reach a  
9 verdict in that case?

10 MR. LOVEGROVE: Yes.

11 MR. TYSON: Were you the foreman of that  
12 jury?

13 MR. LOVEGROVE: No.

14 MR. TYSON: Mr. Palmieri?

15 MR. PALMIERI: Civil in Connecticut, and  
16 they reached a verdict.

17 MR. TYSON: Were you the foreman?

18 MR. PALMIERI: No.

19 MR. TYSON: How long ago was that?

20 MR. PALMIERI: Twenty/thirty years ago.

21 MR. TYSON: You will learn in this trial  
22 that the victim in this case is a Scientologist. That  
23 will come out. Obviously I need to know, there are some  
24 strong feelings in Pinellas County about Scientologists.  
25 We are starting from this side of the room.

1 Ms. Kolba, do you know anything about  
2 Scientology?

3 MS. KOLBA: Just a little, what I have  
4 read.

5 MR. TYSON: Do you have any feelings one  
6 way or the other against Scientologists?

7 MS. KOLBA: Not really.

8 MR. TYSON: Would you agree with the  
9 proposition then that nobody is above the law, and that  
10 the law protects everyone?

11 MS. KOLBA: I'm sorry?

12 MR. TYSON: Nobody is above the law, and  
13 the law protects everyone, would you agree with that?

14 MS. KOLBA: I agree with that.

15 MR. TYSON: Will you keep that in your  
16 mind when you are considering if you are picked for the  
17 jury today?

18 MS. KOLBA: Yes.

19 MR. TYSON: Let's talk about the people in  
20 the second row. Ms. Burke, do you know anything about  
21 the Scientologists at all?

22 MS. BURKE: Not much. I don't agree with  
23 what they believe in.

24 MR. TYSON: Do you believe that the law  
25 should protect them as well as everybody else?

1 MS. BURKE: Yes.

2 MR. TYSON: If you find that a battery was  
3 committed against Mr. Howd, who is a Scientologist, will  
4 you be able to render a verdict based on the evidence, or  
5 will your feelings interfere with that?

6 MS. BURKE: I don't think so.

7 MR. TYSON: There are a lot of religions  
8 out there, and we don't necessarily agree with different  
9 religions. We all agree that you respect the right of  
10 people to be protected by law. Ms. Baldwin, what do you  
11 think about that?

12 MS. BALDWIN: I really don't have an  
13 opinion.

14 MR. TYSON: Excuse me?

15 MS. BALDWIN: I really don't have an  
16 opinion one way or the other.

17 MR. TYSON: But do you believe that  
18 everybody should be protected by law?

19 MS. BALDWIN: Yes.

20 MR. TYSON: Mr. Joiner?

21 MR. JOINER: I don't know that much about  
22 Scientology.

23 MR. TYSON: Okay. Mr. Stewart, what do  
24 you think about it?

25 MR. STEWART: It's not a religion that I

1 follow, but it wouldn't affect on my decision.

2 MR. TYSON: Mr. Stewart, you said at one  
3 point in time you had a problem with the police. Was  
4 that the Clearwater Police Department?

5 MR. STEWART: Yes. It was an illegal  
6 search, and a false charge. They charged me with  
7 paraphernalia. I had to take it court, and the charge  
8 was dismissed.

9 MR. TYSON: Let me tell you this, a  
10 Clearwater police officer, at least one will testify  
11 today. It's Officer Beaudette, you heard several other  
12 names. Did any of the names of that you heard, were they  
13 any of the officers involved in that?

14 MR. STEWART: No.

15 MR. TYSON: Would it influence the way you  
16 judge their credibility on the witness stand today?

17 MR. STEWART: Excuse me?

18 MR. TYSON: If Officer Beaudette from the  
19 Clearwater Police Department testifies today, which he  
20 will, will your prior experiences come into play when you  
21 judge Officer Beaudette's credibility?

22 MR. STEWART: No, sir.

23 MR. TYSON: Mr. Barnum, do you know  
24 anything about Scientology, or do you know any  
25 Scientologists?

1 MR. BARNUM: I don't believe that I know  
2 any Scientologists, but I know what I read about  
3 Scientologists.

4 MR. TYSON: Could you tell me what you  
5 read?

6 MR. BARNUM: I put it in the same category  
7 as a cult.

8 MR. TYSON: Regardless of that, I  
9 represent the State of Florida as you know. I don't  
10 represent the Scientologists, I don't represent Mr.  
11 Minton. Mr. de Vlaming does. I represent the State of  
12 Florida, and we are here to prosecute for violation of  
13 the law. If you find that a law was violated can you  
14 convict, or will your feelings interfere with that?

15 MR. BARNUM: Knowing it was a  
16 Scientologist I feel that my feeling may interfere with  
17 that.

18 MR. TYSON: Fair enough. Thank you.  
19 Judge, may I have a moment?

20 (Brief pause)

21 MR. TYSON: Mr. Baker, what do you think  
22 about Scientology, do you know anything about it?

23 MR. BAKER: I don't know that much about,  
24 but what I have read about it and everything, I kind of  
25 think it is a cult myself.

1 MR. TYSON: Okay. Regardless of what you  
2 think, would you put whatever your feelings aside and if  
3 you find that Mr. Minton has violated the law, would you  
4 let that interfere with your decision, or can you make a  
5 fair and impartial decision in this case?

6 MR. BAKER: I am not sure.

7 MR. TYSON: Okay. Ms. Haley?

8 MS. HALEY: I have heard all about  
9 Scientologists. It is a religion. It is their choice  
10 what they want to do. I have no problem with that.  
11 Nobody is above the law.

12 MR. TYSON: Thank you. On this side of  
13 the courtroom, Ms. Robinson, do you know anything about  
14 Scientology or Scientologists?

15 MS. ROBINSON: No.

16 MR. TYSON: Since you don't know anything,  
17 I guess it is fair to say that you can be fair and  
18 impartial regardless of who they are?

19 MS. ROBINSON: Yes. I have a question  
20 though?

21 MR. TYSON: Certainly.

22 MS. ROBINSON: Was the dispute involving  
23 religion? I don't understand why it is being brought up.

24 MR. TYSON: Well, we are not supposed to  
25 get into the facts of the case, but it some way, yes.

1 That's why it is being brought up. It will come into  
2 play during the trial.

3 Mr. Lindstam, do you know anything about  
4 Scientology, do you read anything in the paper?

5 MR. LINDSTAM: Yeah, just what I hear. It  
6 is supposed to be like a cult.

7 MR. TYSON: What do you think about that?

8 MR. LINDSTAM: They leave me alone, and  
9 don't bother me.

10 MR. TYSON: Do you believe that they  
11 deserve the protection of the law as everybody else?

12 MR. LINDSTAM: Yes.

13 MR. TYSON: Mr. Sanchez, do you know  
14 anything about Scientologists at all?

15 MR. SANCHEZ: Not very much.

16 MR. TYSON: Do you believe that the law  
17 should protect everyone?

18 MR. SANCHEZ: I agree.

19 MR. TYSON: Do you agree that nobody is  
20 above the law also?

21 MR. SANCHEZ: Yes.

22 MR. TYSON: Ms. Pellegrino?

23 MS. PELLEGRINO: I have no idea.

24 MR. TYSON: You have no idea about  
25 Scientology and it won't play a role at all?



1 MS. PELLEGRINO: No.

2 MR. TYSON: Mr. Lovegrove?

3 MR. LOVEGROVE: I don't know a whole lot  
4 about it. I would categorize it as a cult as well.

5 MR. TYSON: Okay, let's say that you feel  
6 that way, regardless of how you feel, do you believe a  
7 member of that organization, and religion is entitled to  
8 the same protections of the law as everyone else is?

9 MR. LOVEGROVE: Yes.

10 MR. TYSON: Will you promise that you will  
11 put aside any feelings of bias or prejudice that you have  
12 in this case and decide it on the facts?

13 MR. LOVEGROVE: Yes.

14 MR. TYSON: Ms. Green?

15 MS. GREEN: Don't know what it is.

16 MR. TYSON: It looks like you were hiding  
17 behind there, when I turned my head -- you don't know  
18 what it is?

19 MS. GREEN: No.

20 MR. TYSON: Regardless, do you have any  
21 feelings one way or the other about any religions? Is  
22 there any religions? Is there any religions that you  
23 don't agree with?

24 MS. GREEN: No.

25 MR. TYSON: Ms. Grover?

1 MS. GROVER: Yes. I don't know too much  
2 about it, but I look at it, to each their own, their  
3 choice, and it's fine with me.

4 MR. TYSON: Okay. Ms. Donizetti?

5 MS. DONIZETTI: I have no feelings whether  
6 it is religion or a cult, or anything like that. I don't  
7 feel that it will influence my decision either way.

8 MR. TYSON: Okay. Mr. Palmieri?

9 MR. PALMIERI: I don't know anything about  
10 them.

11 MR. TYSON: Okay. The charge here is  
12 battery and the Judge read that to you. I am going to  
13 talk to people on this side of the courtroom. Does  
14 anybody here believe that if someone is intentionally  
15 pushed, but there is not much injury then that is not a  
16 crime? Okay, if I intentionally push Mr. de Vlaming a  
17 little bit right here, technically in the technical sense  
18 that would be a battery. But we know more in the common  
19 sense world that an intentional touch would be pushing or  
20 hitting in anger, or whatever. Does anyone believe that  
21 if there is not a lot of injury, like if I don't bust his  
22 head open it's not a crime?

23 (No response from jury panel.)

24 MR. TYSON: Different people from  
25 different parts of the country, let me give you and

1 example, I am from Baltimore, sometimes when people get  
2 in fights, when you hit somebody it's not that big a  
3 deal. I'm not saying that it is right or it's wrong, but  
4 people bring different things into their lives about what  
5 is -- the way the law is too picky. Does anyone on this  
6 side of courtroom understand, will factor that in, do you  
7 understand that it doesn't matter, the level of injury in  
8 this case? You will hear that there is injury. But does  
9 the level of injury matter to any of you?

10 (No response from the jury panel.)

11 MR. TYSON: What about this side of the  
12 courtroom, does the level of injury matter to anybody  
13 over here?

14 MS. GREEN: Could you repeat that again?

15 MS. TYSON: The charge of battery is  
16 intentional touching. Regardless if you are injured.  
17 Mr. Lindstam, if I was in anger to push you, just push  
18 you back, and there is no injury there, would you agree?  
19 If I am to come up to you in anger right now and push  
20 you, everybody saw that. But you are not really injured,  
21 would you agree that I have committed a battery?

22 MR. DENIS DE VLAMING: Objection, Judge,  
23 that is asking a juror to commit to a specific factual  
24 situation.

25 THE COURT: Sustained.

1 MR. TYSON: Would anybody need to show  
2 substantial injury before they will convict somebody of a  
3 battery?

4 (No response by jury panel)

5 MR. TYSON: The law says that I don't have  
6 to show any injury. Would anybody here make me show  
7 substantial injury?

8 MR. LINDSTAM: I feel pretty strong about  
9 that.

10 MR. TYSON: You would make me show  
11 substantial injury?

12 MR. LINDSTAM: Yes.

13 MR. TYSON: Do you think that it is okay  
14 for somebody to come and push somebody in anger?

15 MR. LINDSTAM: I don't say that it is  
16 okay, but I don't perceive that it should be a lawsuit.

17 MR. TYSON: Well, this isn't a lawsuit  
18 here. Nobody is suing anybody. Everybody is clear here,  
19 this isn't Scientology against Mr. Minton, and Mr. Minton  
20 against Scientology. This is the State of Florida  
21 enforcing the laws in the State of Florida against Mr.  
22 Minton. Does everybody understand that? I do not  
23 represent the Scientologists.

24 Mr. Baker you said that there were some  
25 prior experiences that you had when you an MP that may

1 influence in your decision making process today.

2 MR. BAKER: It was just a lot of what we  
3 are discussing right here.

4 MR. TYSON: Would you like to approach and  
5 we can talk to the Judge in private at the bench so we  
6 can get some more information on that? Could you  
7 approach?

8 THE COURT: Why don't you come forward,  
9 Mr. Baker?

10 (Whereupon, a bench conference was held  
11 out of the hearing of the rest of the jury panel.)

12 THE COURT: Is everybody ready? Mr. Baker  
13 we just asked you to come forward because I think the  
14 parties would like to know a little bit more about it,  
15 and we would like to respect your privacy as much as  
16 possible. So I am going to let either side ask you some  
17 questions, okay?

18 MR. BAKER: Okay.

19 THE COURT: And understand that this is  
20 all on the record, but you need to respond to the  
21 questions as best you can.

22 MR. BAKER: Okay.

23 MR. TYSON: Could you please express the  
24 concerns about being fair and impartial and prior  
25 background that may influence that?

1 MR. BAKER: Well, in some cases in the  
2 military families were involved in it, somebody not doing  
3 supposedly what they are supposed to be doing. It was  
4 kind of getting in the middle of a domestic dispute in  
5 some cases. In other cases it was a case where just  
6 somebody went out to a lounge or something and things got  
7 out of hand. It just makes me very uncomfortable.

8 MR. TYSON: The fact that we are charging  
9 him at all makes you uncomfortable?

10 MR. BAKER: Well, if somebody does  
11 something wrong, that's fine. I think the biggest thing  
12 that bothered me was a lot of times, I am not a violent  
13 person, and I don't like to see families -- That is the  
14 part that really bothers me. Especially women and  
15 children.

16 MR. TYSON: This isn't a domestic violence  
17 case, there are no children involved. Do you think that  
18 you can be fair and impartial in this case?

19 MR. BAKER: I honestly don't know how I  
20 would feel about it. I honestly don't.

21 MR. TYSON: That's all I have, Judge.

22 THE COURT: Mr. de Vlaming?

23 MR. DENIS DE VLAMING: Mr. Baker, if you  
24 were told that this has to do with an incident between  
25 two grown men, not children, and not women, and that you

1 would be asked and called upon to find out and give us a  
2 verdict based on whether you believe he is guilty or not  
3 guilty in accordance with the laws could you do your best  
4 to do that for us?

5 MR. BAKER: I think that I could handle  
6 that part of it.

7 MR. DENIS DE VLAMING: If you knew it did  
8 not involve children, and knew that it didn't involve  
9 families or women, would that make it a little easier for  
10 you?

11 MR. BAKER: Probably.

12 MR. DENIS DE VLAMING: Thank you, Mr.  
13 Baker.

14 THE COURT: Anything further?

15 MR. TYSON: No.

16 THE COURT: Thank you, sir. Please go and  
17 retake your seat. Are we all set? Mr. Tyson?

18 MR. TYSON: Thank you for your time.

19 THE COURT: Mr. Tyson, are you through?

20 MR. TYSON: Yes, Judge, I'm sorry.

21 THE COURT: I didn't realize that.

22 Counsel for the Defendant you may proceed.

23 MR. DENIS DE VLAMING: Thank you, your  
24 Honor. If it please the Court. I think members of the  
25 panel, once I finish and the Judge makes come comments to

1 you we will probably break for lunch. You should know  
2 that in Florida this is a six person jury so the fact  
3 that you are remaining doesn't mean that everybody is  
4 going to be on the jury. A lot of people think that  
5 there is a twelve person jury, it is not. So many of you  
6 will not remain, in case that was a concern about who is  
7 already gone.

8 Mr. Tyson was correct that we cannot go  
9 over the facts in detail about this case in Voir Dire, it  
10 is not proper. However I need to tell you a few facts so  
11 we can find out whether you know anything about this  
12 case, because what we don't want is to get in middle of  
13 this or opening statements and you go, "I read all about  
14 that." Then all of the sudden we have got a problem. So  
15 if you will bear with me.

16 Ms. Kolba, let me just start with you, and  
17 let me tell the panel, this has to do with an alleged  
18 battery that took place outside of the Church of  
19 Scientology on Halloween of last year, October 31, 1999,  
20 while Mr. Minton was picketing, going up and down in  
21 protest in front of the church. The incident happened  
22 between Mr. Minton and another member of the Church of  
23 Scientology. That's about all I am going to tell you  
24 right now, just in case it jogs a memory about Mr. Minton  
25 or about the publicity that it might have generated.



1 Ms. Kolba, do you remember anything about  
2 this case?

3 MS. KOLBA: I remember basically hearing  
4 or reading about something. Mr. Minton does look a  
5 little familiar to me, but that's about it.

6 MR. DENIS DE VLAMING: In other words you  
7 might have seen his picture in the paper that way?

8 MS. KOLBA: Yes.

9 MR. DENIS DE VLAMING: It sounds as if you  
10 are rather nebulous about what you remember. Would it  
11 affect your verdict in any way based upon what you  
12 recall?

13 MS. KOLBA: I don't remember the facts.

14 MR. DENIS DE VLAMING: Okay, that's all we  
15 want to know, is whether or not you know enough, ladies  
16 and gentlemen, that you say I can't be fair and impartial  
17 in this case.

18 Ms. Baldwin, how about you?

19 MS. BALDWIN: (Shaking head)

20 MR. DENIS DE VLAMING: Don't remember the  
21 case or the incident?

22 MS. BALDWIN: I saw very little coverage,  
23 if at all.

24 MR. DENIS DE VLAMING: How about you, Mr.  
25 Stewart?

1 MR. STEWART: I don't remember it.

2 MR. DENIS DE VLAMING: Ms. Burke?

3 MS. BURKE: No.

4 MR. DENIS DE VLAMING: How about you, Ms.  
5 Pellegrino?

6 MS. PELLEGRINO: No.

7 MR. DENIS DE VLAMING: Ms. Robinson, do yo  
8 remember anything about the case, and for that matter,  
9 the name Robert Minton, I will throw that out, in case  
10 his name is familiar to you? I am not saying that it is,  
11 but no to both, don't know about the incident, don't know  
12 about the man?

13 MS. ROBINSON: No.

14 MR. DENIS DE VLAMING: Mr. Lindstam, how  
15 about you?

16 MR. LINDSTAM: No. He just looks familiar  
17 from somewhere. I don't know where.

18 MR. DENIS DE VLAMING: He's got that  
19 familiar kind of face?

20 MR. LINDSTAM: Yes.

21 MR. DENIS DE VLAMING: But nothing about  
22 the facts that I just told you, the limited facts that  
23 you recall reading about?

24 MR. LINDSTAM: No.

25 MR. DENIS DE VLAMING: Mr. Sanchez, how

1 about your sir?

2 MR. SANCHEZ: No.

3 MR. DENIS DE VLAMING: Mr. Lovegrove,  
4 anything about it?

5 MR. LOVEGROVE: No.

6 MR. DENIS DE VLAMING: How about you, Ms.  
7 Green? Nothing about the case Minton, anything like  
8 that?

9 MS. GREEN: No.

10 MR. DENIS DE VLAMING: Ms. Grover?

11 MS. GROVER: I don't remember anything  
12 about it.

13 MR. DENIS DE VLAMING: Ms. Donizetti, how  
14 about you, ma'am?

15 MS. DONIZETTI: No, nothing.

16 MR. DENIS DE VLAMING: How about you, Mr.  
17 Palmieri?

18 MR. PALMIERI: No.

19 MR. DENIS DE VLAMING: No, sir. Ms.  
20 Haley, Mr. Baker?

21 MS. HALEY: No.

22 MR. BAKER: No.

23 MR. DENIS DE VLAMING: Mr. Barnum?

24 MR. BARNUM: I am familiar with it.

25 MR. DENIS DE VLAMING: You are familiar

1 with it?

2 MR. BARNUM: Yes.

3 MR. DENIS DE VLAMING: Based upon your  
4 familiarity with of it, and we don't want you to tell us  
5 all of it, or we would be defeating the purpose for this  
6 dialogue, do you feel that you would have an opinion or  
7 it would affect your ability to serve on this particular  
8 jury?

9 MR. BARNUM: Yes, I do. I think he was  
10 baited.

11 MR. DENIS DE VLAMING: We won't get into  
12 that. Mr. Joiner, how about you, sir, do you remember  
13 anything about the case?

14 MR. JOINER: No, I don't.

15 MR. DENIS DE VLAMING: Ever heard the  
16 name, Robert Minton?

17 MR. JOINER: Not that I can remember, no.

18 MR. DENIS DE VLAMING: Anybody in the  
19 panel remember about Mr. Minton, go ahead?

20 MS. BURKE: I don't remember the name, but  
21 I do remember reading an article in the paper about  
22 someone that had devoted their life to fighting  
23 Scientology.

24 MR. DENIS DE VLAMING: If it is, would  
25 that affect your ability to sit on the case based upon

1 what you have been told or what you have learned?

2 MS. BURKE: No.

3 MR. DENIS DE VLAMING: Okay. Has anybody  
4 ever been to either a seminar or a program where the  
5 Church of Scientology principals have been discussed?

6 (No response)

7 MR. DENIS DE VLAMING: Okay, I see no  
8 hands. Has anybody studied anything about the Church of  
9 Scientology, wherein you feel that you know some of their  
10 principals, and dogma about the church itself, other than  
11 what you read cursory in the newspaper?

12 (No response)

13 MR. DENIS DE VLAMING: Has anybody picked  
14 up a book by L. Ron Hubbard and read it, let me ask you  
15 that?

16 (No response)

17 MR. DENIS DE VLAMING: No one? I see no  
18 hands. Okay. You just heard me talk a little bit about  
19 what the case was about so that I could find out about  
20 it. I want to know your opinions now about a person's  
21 right, constitutional right to protest. And we have all  
22 seen that, walking up and down street with a placard in  
23 protest. Ms. Kolba, what are you feelings about a  
24 person's right to do that?

25 MS. KOLBA: It's a free country. They

1 have a right to do that.

2 MR. DENIS DE VLAMING: Okay. Does that  
3 offend you, that someone may want to protest, or walk up  
4 and down the street with a placard, whether they go lousy  
5 service at an air conditioning place, or a care repair  
6 place, or a lousy lawyer for that matter, and go up and  
7 down the street?

8 MS. KOLBA: No.

9 MR. DENIS DE VLAMING: Ms. Baldwin, how  
10 about you, does that offend you in any respect?

11 MS. BALDWIN: No.

12 MR. DENIS DE VLAMING: Okay. Do you think  
13 that in this country that citizens have the right to do  
14 that?

15 MS. BALDWIN: Yes.

16 MR. DENIS DE VLAMING: Do you think while  
17 they are doing that, Ms. Baldwin, that they have a right  
18 to be left alone, that is not people invade that --

19 MR. TYSON: Objection, your honor, may we  
20 approach?

21 THE COURT: Please do.

22 (Whereupon, a bench conference was held  
23 out of the hearing of the jury panel.)

24 MR. TYSON: Judge, I understand that he  
25 has to get into a little bit of the facts of the case,

1 but I think now we are getting into a defense in front of  
2 the jury.

3 MR. DENIS DE VLAMING: Judge, with all due  
4 respect, I think I am entitled to ask a few limited  
5 questions about whether or not they can go along with a  
6 defense in this case and what defense we are going to put  
7 forward. If these people say that they will reject a  
8 defense of a person agreeing to be touched, or that they  
9 are entitled to be assaulted if they are walking up and  
10 down on private property I need to ferret those people  
11 out.

12 THE COURT: It's pretty much the same as  
13 where Mr. Tyson asked if they need an injury, isn't it?

14 MR. DENIS DE VLAMING: I am going to try  
15 not to be fact specific, but I would like to ask some  
16 general questions about the defense.

17 THE COURT: I think you can do it. I am  
18 going to overrule the objection.

19 MR. TYSON: Judge, I just talked about the  
20 law in mine though.

21 THE COURT; Well, that is what he is  
22 doing, too. These are legal defenses.

23 MR. TYSON: I just don't want him to try  
24 the case in voir dire.

25 THE COURT: I would just ask that you keep

1 your remarks limited to this. Okay.

2 MR. DENIS DE VLAMING: Yes, sir.

3 THE COURT: Thank you. Are we all set?

4 MR. DENIS DE VLAMING: Yes.

5 THE COURT: Please proceed.

6 MR. DENIS DE VLAMING: Ms. Baldwin, I  
7 think I was asking you a question at this particular  
8 time. It might be easier if when you give an answer I  
9 ask the panel if they agree or disagree with you, rather  
10 than go up and down the lines like we have in this case.  
11 I think I asked you whether or not agreed that citizens  
12 have a constitutional right to protest if they so desire?

13 MS. BALDWIN: Yes.

14 MR. DENIS DE VLAMING: And what one person  
15 may protest another person may embrace. Do you agree  
16 with that, different strokes?

17 MS. BALDWIN: Yes.

18 MR. DENIS DE VLAMING: Does everyone agree  
19 with her in that?

20 (Jury panel answered yes.)

21 MR. DENIS DE VLAMING: While are you  
22 exercising that right to protest, do you feel that person  
23 should also be free from being assaulting or accosted?

24 MS. BALDWIN: Yes.

25 MR. DENIS DE VLAMING: Does everyone agree



1 with Ms. Baldwin in that respect?

2 (Jury panel answered yes.)

3 MR. DENIS DE VLAMING: Walk up and down,  
4 let alone?

5 MR. STEWART: I believe the opposition or  
6 the other side of that protest has the same right to  
7 protest in the same place.

8 MR. DENIS DE VLAMING: Absolutely. Okay.  
9 But do you understand the question that I asked her, in  
10 other words do you feel as if that individual has a right  
11 in order to stop your protest, to either assault you or  
12 go after you?

13 (Jury panel answered no.)

14 MR. DENIS DE VLAMING: Mr. Lindstam, is  
15 that how you pronounce your last name?

16 MR. LINDSTAM: Yes, that's it.

17 MR. DENIS DE VLAMING: Did you hear the  
18 Judge when the Judge read the charge in this case, it has  
19 to do with touching, striking, or harming another person  
20 against their will, did you hear him say that that is  
21 battery to do that?

22 MR. LINDSTAM: Yes.

23 MR. DENIS DE VLAMING: If you are told by  
24 the Court that there are certain elements to battery, in  
25 other words that he has to prove certain things, if the

1 definition of battery is something that is different than  
2 what you might think, but the Judge tells you what the  
3 elements are, will you follow the dictates of the Judge?  
4 In other words, will you follow the law?

5 MR. LINDSTAM: Right, yes.

6 MR. DENIS DE VLAMING: And if you are told  
7 that one of those elements that it was against the will  
8 of somebody, can you hold the State to the burden of  
9 proving that the person did not want to be touched?

10 MR. LINDSTAM: I don't understand the  
11 question.

12 MR. DENIS DE VLAMING: Let me ask you  
13 this, did you ever play basketball?

14 MR. LINDSTAM: Yes.

15 MR. DENIS DE VLAMING: Did you ever watch  
16 NBA basketball?

17 MR. LINDSTAM: Yes.

18 MR. DENIS DE VLAMING: Someone is driving  
19 towards the hoop, the only one to stop them is to stand  
20 in front of them. It's called a foul. Okay, he does it  
21 for the cause, right. He takes the foul. He is on his  
22 fanny on the floor, right?

23 MR. LINDSTAM: Correct.

24 MR. DENIS DE VLAMING: Did he want to be  
25 touched?

1 MR. LINDSTAM: Obviously.

2 MR. DENIS DE VLAMING: Okay, because he  
3 wanted to take the foul and stop the shot, right?

4 MR. LINDSTAM: Right.

5 MR. DENIS DE VLAMING: If an element in  
6 this case is that the person did not want to be touched,  
7 and the defense establishes that he did, do you  
8 understand that that is a defense in this case? Think of  
9 the NBA thing.

10 MR. LINDSTAM: Okay.

11 MR. DENIS DE VLAMING: I am getting some  
12 wrinkled foreheads. Ms. Robinson, you are one of my  
13 wrinkled foreheads. I go up and I touch somebody, all  
14 right? It would have to be against this man's will in  
15 order for it to be a crime, correct?

16 MS. ROBINSON: Yes.

17 MR. DENIS DE VLAMING: If he didn't mind  
18 being touched, or he invited to be touched, then what?

19 MS. ROBINSON: No crime.

20 MR. DENIS DE VLAMING: Okay, okay. Does  
21 everybody understand that, and agree with that?

22 (Jury panel answered yes.)

23 MR. DENIS DE VLAMING: It has to be  
24 against your will. Uncle come around you, puts his  
25 hands over your shoulder, no problem. A stranger,

1 problem. Okay. Does anybody have a problem with that  
2 element, that there is an element in every case that it  
3 has to be against the expressed or implied permission to  
4 be touched? Does everybody understand that precept of  
5 law? Ms. Burke, Ms. Haley?

6 MS. BURKE: Agree.

7 MS. HALEY: Sure.

8 MR. DENIS DE VLAMING: Can you envision  
9 cases where conduct may be invited?

10 MS. HALEY: It depends on what the  
11 situation is.

12 MR. DENIS DE VLAMING: Okay, you have to  
13 hear more about it to make that determination, correct?

14 MS. HALEY: Yes.

15 MR. DENIS DE VLAMING: Do you think that  
16 every citizen has a right to defend themselves?

17 MS. HALEY: Yes.

18 MR. DENIS DE VLAMING: Do you feel  
19 strongly about that?

20 MS. HALEY: It depends on what the  
21 circumstances are.

22 MR. DENIS DE VLAMING: If a person has  
23 reason to feel threatened do they have a right to defend  
24 themselves?

25 MS. HALEY: It depends on the situation.

1 MR. DENIS DE VLAMING: You would prefer  
2 that they try to retreat first before they have to defend  
3 themselves perhaps in certain circumstances?

4 MS. HALEY: Try to work it out.

5 MR. DENIS DE VLAMING: And if you are  
6 attacked after that, do you think that a citizen has  
7 right to defend themselves?

8 MS. HALEY: Yes.

9 MR. DENIS DE VLAMING: Ms. Burke, how  
10 about you?

11 MS. BURKE: I agree.

12 MR. DENIS DE VLAMING: Other than the  
13 amount of force used, do you think there are any  
14 limitations on a person's right to defend themselves or  
15 their children, or their wife, or spouse?

16 MS. BURKE: Other than --

17 MR. DENIS DE VLAMING: Other than the  
18 amount of force used, do you think there are any  
19 limitations, for example -- I am not going to use any  
20 examples. Do you think there are any limitations in that  
21 respect?

22 MS. BURKE: I don't agree with someone  
23 killing someone because they got pushed.

24 MR. DENIS DE VLAMING: Right. Okay. So  
25 there are limitations in that respect. But other than

1 that you believe in right of self-defense?

2 MS. BURKE: Yes.

3 MR. DENIS DE VLAMING: You were hesitant,  
4 Ms. Burke?

5 MS. BURKE: Because it conflicts with what  
6 I teach the kids that I work with. That's the only  
7 thing.

8 MR. DENIS DE VLAMING: When they are this  
9 big you say when you are pushed don't push back, just go  
10 over there and shake his hand, right?

11 MS. BURKE: Or go tell someone, or just  
12 walk away.

13 MR. DENIS DE VLAMING: Do you understand  
14 that there are times if you walk away that you may still  
15 have to use defense?

16 MS. BURKE: Yes.

17 MR. DENIS DE VLAMING: If there is an  
18 assault or an attack?

19 MS. BURKE: Yes.

20 MR. DENIS DE VLAMING: Ms. Kolba, do you  
21 understand that?

22 MS. KOLBA: Yes.

23 MR. DENIS DE VLAMING: Do you understand  
24 that occasionally there is a need to defend yourself?

25 MS. KOLBA: Yes.

1 MR. DENIS DE VLAMING: Do you think that  
2 somebody can pick a fight without throwing the first  
3 punch? Do you understand my question?

4 MS. KOLBA: Yes.

5 MR. DENIS DE VLAMING: Mr. Stewart, I can  
6 look over her shoulder and see you nodding your head. Do  
7 you think there are occasions where that can happen?

8 MR. STEWART: Yes, it can be instigated.

9 MR. DENIS DE VLAMING: Say it again.

10 MR. STEWART: If you push someone a little  
11 too far just by words a lot of people will step over the  
12 line with words and instigate a fight.

13 MR. DENIS DE VLAMING: Does anybody  
14 disagree with Mr. Stewart? Do you understand what he  
15 said? That somebody can pick a fight, instigate it  
16 without throwing the first punch? I am seeing all nods,  
17 shake your head -- raise your hand if you say, "No, I  
18 don't think that could happen." Ms. Green raised her  
19 hand. Go ahead, ma'am.

20 MS. GREEN: No, I was agreeing with what  
21 he was saying.

22 MR. DENIS DE VLAMING: Now, that you have  
23 raised your hand, that will teach you. It went out of my  
24 head. Let me take a look. Oh. Did you ever hear the  
25 expression "somebody's personal space." Has anyone ever

1 heard that expression? Ms. Robinson, you have heard it?

2 MS. ROBINSON: Yes.

3 MR. DENIS DE VLAMING: Ms. Green, have you  
4 ever?

5 MS. GREEN: Yes.

6 MR. DENIS DE VLAMING: Ms. Burke, okay.  
7 Did you ever hear the expression that somebody is  
8 invading your personal space?

9 MS. BURKE: Yes.

10 MR. DENIS DE VLAMING: Let me start with  
11 Ms. Green since she is the one that raised her hand.  
12 What does that mean to you? If I invaded your personal  
13 space, what does that mean to you?

14 MS. GREEN: How do I say it?

15 THE COURT REPORTER: Judge, I can't hear  
16 her.

17 MR. DENIS DE VLAMING: She said, "How did  
18 I say it?" She hasn't said yet.

19 MR. GREEN: You are saying --

20 MR. DENIS DE VLAMING: I am going to  
21 invade your personal space, what am I doing? How about  
22 getting in your face?

23 MS. GREEN: Yeah.

24 MR. DENIS DE VLAMING: Pretty close?

25 MS. GREEN: It's wrong.



1 MR. DENIS DE VLAMING: It's wrong, what do  
2 you take by that, Ms. Robinson?

3 MS. ROBINSON: I see either verbal  
4 comments, just the closeness, threatening gesture, or  
5 threatening words, or words that are politically  
6 sensitive, shall we say. Certain words should not be  
7 used in front of certain groups of people, or it will  
8 incite violence.

9 MR. DENIS DE VLAMING: How about invading  
10 personal -- well, I never thought of it that way, and now  
11 that you say it, I understand it. In a physical sense,  
12 invading your space. Ms. Pellegrino, do you know what I  
13 mean? I am a stranger to you, if I came up and got in  
14 your face --

15 MS. PELLEGRINO: Touching.

16 MR. DENIS DE VLAMING: Touching you. How  
17 about getting real real close to you? You know, when you  
18 are talking to somebody you might do it. You might talk  
19 this way. "Get out of my face." Yes, no? Yes? Ms.  
20 Grover?

21 MS. GROVER: I don't like someone being so  
22 close to me.

23 MR. DENIS DE VLAMING: Okay. Ms.  
24 Donizetti, have you heard that term, personal space?

25 MS. DONIZETTI: Absolutely.

1 MR. DENIS DE VLAMING: Do you have  
2 personal space yourself?

3 MS. DONIZETTI: Absolutely.

4 MR. DENIS DE VLAMING: Mr. Lovegrove?

5 MR. LOVEGROVE: Yes.

6 MR. DENIS DE VLAMING: Are you a  
7 professor, sir?

8 MR. LOVEGROVE: No.

9 MR. DENIS DE VLAMING: I know you work at  
10 Clearwater Christian College.

11 MR. LOVEGROVE: I am Director of Christian  
12 Services.

13 MR. DENIS DE VLAMING: Do you know an  
14 individual there named Puckett?

15 MR. LOVEGROVE: Yes.

16 MR. DENIS DE VLAMING: Is he an  
17 administrator there, Mr. Puckett?

18 MR. LOVEGROVE: Yes.

19 MR. DENIS DE VLAMING: Mr. Palmieri, how  
20 about you, personal space?

21 MR. PALMIERI: If someone gets too close  
22 to me.

23 MR. DENIS DE VLAMING: Right. What do you  
24 do if he gets real close to you, up in your face?

25 MR. PALMIERI: I would try to back off.

1 MR. DENIS DE VLAMING: Back off. Either  
2 you would take a step back or you would try to back him  
3 off. Are we all in agreement? Mr. Joiner, how about  
4 you, sir?

5 MR. JOINER: Yes, I agree.

6 MR. DENIS DE VLAMING: Do you have  
7 personal space?

8 MR. JOINER: Most definitely.

9 MR. DENIS DE VLAMING: Do you like it when  
10 people invade it?

11 MR. JOINER: No.

12 MR. DENIS DE VLAMING: Does anybody like  
13 it when it is invaded? Anybody?

14 (Jury panel responded no.)

15 MR. DENIS DE VLAMING: Ms. Robinson, have  
16 you ever -- I don't know how to put this. Have you ever  
17 felt as if someone is staring at you?

18 MS. ROBINSON: Sure.

19 MR. DENIS DE VLAMING: Ever have that in  
20 your life, and you look over and they are staring at you?  
21 How does that make you feel?

22 MS. ROBINSON: Curious and slightly  
23 uncomfortable.

24 MR. DENIS DE VLAMING: If it is the  
25 opposite sex, don't know them, and it's not in a social

1 setting where you might expect that type of conduct,  
2 would that make you feel uneasy? Or could it make you  
3 feel uneasy?

4 MS. ROBINSON: Mostly curious.

5 MR. DENIS DE VLAMING: Okay.

6 MS. ROBINSON: Mostly curious, why are  
7 they staring at me? Do they think they know me? Do I  
8 resemble somebody else? Is there something amiss about  
9 me.

10 MR. DENIS DE VLAMING: That's your first  
11 thought.

12 MS. ROBINSON: First thought.

13 MR. DENIS DE VLAMING: What if it  
14 continues throughout the day, and the person follows you  
15 and stares at you, would that make you uncomfortable?

16 MS. ROBINSON: Yes. I would have a  
17 problem with that.

18 MR. DENIS DE VLAMING: Let me talk to the  
19 ladies first, and it's not a gender question, but I am  
20 going to ask the ladies first. Raise your hand if you  
21 agree with Ms. Robinson that it would make you feel  
22 uncomfortable if someone stared at you and then followed  
23 you.

24 (Ladies in jury panel raised their hands.)

25 MR. DENIS DE VLAMING: I see no ladies

1 with their hands down. Okay. Men, with either another  
2 man or woman staring at them and then following you,  
3 raise your hand if it would make you feel uncomfortable  
4 if you didn't know why they were staring at you? We have  
5 two, three. All right. I only have one that with no  
6 hand up. It would not bother you, sir?

7 (Men in the jury panel raised their  
8 hands.)

9 MR. PALMIERI: No, I don't believe that  
10 would bother me.

11 MR. DENIS DE VLAMING: Okay. Let me ask a  
12 question about following now. Okay. Ms. Pellegrino, what  
13 are your feelings about if somebody that you did not know  
14 was following you around town, would that make you feel  
15 in any way uneasy? If you didn't know the reason why  
16 they were following you?

17 MS. PELLEGRINO: Yes.

18 MR. DENIS DE VLAMING: Do you feel that  
19 rises, if it continues, to the level of either harassment  
20 or stalking, or could it?

21 MS. PELLEGRINO: Yes.

22 MR. DENIS DE VLAMING: Ms. Robinson?

23 MS. ROBINSON: Yes, sir.

24 MR. DENIS DE VLAMING: How about you, Ms.  
25 Grover?

1 MS. GROVER: Yes.

2 MR. DENIS DE VLAMING: Would it frighten  
3 you?

4 MS. GROVER: Yes.

5 MR. DENIS DE VLAMING: Ms. Donizetti?

6 MS. DONIZETTI: Unless I could get away.

7 MR. DENIS DE VLAMING: Well, let's say  
8 that you probably could get away, let's say if you wanted  
9 to run to the police you could. Let's say that after you  
10 reported it and guess who you saw in the rearview mirror,  
11 same person?

12 MS. DONIZETTI: Then I would be bothered.

13 MR. DENIS DE VLAMING: Okay. How about  
14 you, Ms. Green? Would it bother you to be followed by  
15 somebody that you did not know? Would it cause you any  
16 kind of fear, or concern?

17 MS. GREEN: Yeah, it would bother me.

18 MR. DENIS DE VLAMING: Ms. Burke?

19 MS. BURKE: Yes.

20 MR. DENIS DE VLAMING: How about you, Ms.  
21 Haley, yes?

22 MS. HALEY: Yes.

23 MR. DENIS DE VLAMING: Ms. Baldwin?

24 MS. BALDWIN: Yes.

25 MR. DENIS DE VLAMING: Let me do a

1 housekeeping matter. There were some of you that did not  
2 indicate where you lived, what city you lived in. So let  
3 me ask you, Ms. Robinson, what city?

4 MS. ROBINSON: St. Petersburg.

5 MR. DENIS DE VLAMING: You are in St.  
6 Pete. Mr. Lindstam?

7 MR. LINDSTAM: Pinellas Park.

8 MR. DENIS DE VLAMING: You are in Pinellas  
9 Park. Ms. Powers is gone, Mr. McAllister is gone. And,  
10 Ms. Haley, I didn't get from you?

11 MS. HALEY: Clearwater.

12 MR. DENIS DE VLAMING: You are a  
13 Clearwater resident?

14 MS. HALEY: Yes.

15 MR. DENIS DE VLAMING: I suppose I should  
16 ask you, have you ever been in a job or profession where  
17 anybody protested against your company, or you? In other  
18 words, were you ever protested against?

19 (No response)

20 MR. DENIS DE VLAMING: I see no hands.  
21 Mr. Baker, let me ask you, I lived through the '60's, you  
22 lived through the '60's. There was a time when people  
23 protested the military, right, I mean there was?

24 MR. BAKER: That's true.

25 MR. DENIS DE VLAMING: I am not saying

1 that they did, or if you were in the service at the time,  
2 I'm not saying that, but that would be what I am talking  
3 about, is whether or not you had ever seen -- maybe I  
4 should ask it that way. Has anybody ever seen protesters  
5 on the street?

6 (Jury panel answered yes.)

7 MR. DENIS DE VLAMING: Let me start with  
8 you, in what capacity, Mr. Baker? Were they carrying a  
9 sign, for example?

10 MR. BAKER: They were carrying signs and  
11 maybe protesting some of the company policies.

12 MR. DENIS DE VLAMING: That's right,  
13 pickets are an example of that, wouldn't they be up and  
14 down in front of the airlines, or something like that?

15 MR. BAKER: Pickets, union, non-union, if  
16 it is something they are uncomfortable with they  
17 displayed it with signs and a picket.

18 MR. DENIS DE VLAMING: Any problem with  
19 that?

20 MR. BAKER: No.

21 MR. DENIS DE VLAMING: Who else has seen  
22 protesters? Mr. Joiner, in what capacity?

23 MR. JOINER: I have seen Scientologists  
24 walking up and down the street. Telephone company.

25 MR. DENIS DE VLAMING: You said that you



1 and your wife both worked for the city?

2 MR. JOINER: For the county.

3 MR. DENIS DE VLAMING: The county, in what  
4 capacity?

5 MR. JOINER: I work for the maintenance  
6 department.

7 MR. DENIS DE VLAMING: Okay. Yes, Ms.  
8 Haley?

9 MS. HALEY: I saw a protest against  
10 abortion on 19, lots of people out there.

11 MR. DENIS DE VLAMING: Again, if they want  
12 to spend their time doing that, no problem?

13 MS. HALEY: Yes.

14 MR. DENIS DE VLAMING: Who else has seen  
15 protesters walk up and down the street?

16 MS. ROBINSON: I have been a protester.

17 MR. DENIS DE VLAMING: You have been a  
18 protester.

19 MS. ROBINSON: I have been a protester  
20 from everything from the Vietnam war on up.

21 MR. DENIS DE VLAMING: Oh, you are the  
22 '60's, too. You don't look old enough. Who else in the  
23 front row? In what capacity?

24 MR. LINDSTAM: A friend of mine, his dad  
25 used to work for General Electric, and they had picketers

1 out front. They stretched across, her dad drove through,  
2 they shattered his windshield.

3 MR. DENIS DE VLAMING: Did that have  
4 affect on your feelings about the first amendment? I  
5 mean do you feel --

6 MR. LINDSTAM: I mean as long as it  
7 doesn't affect -- I mean, if they want to protest that's  
8 fine, but as far as stretching a cable across, that hurt  
9 somebody, and I don't agree with that.

10 MR. DENIS DE VLAMING: Of course, and we  
11 understand that. But beyond that, there is no ill  
12 feelings about protesters, or somebody's first amendment  
13 rights to protest. Who else had their hand up? Yes, Ms.  
14 Pellegrino?

15 MS. PELLEGRINO: On abortion.

16 MR. DENIS DE VLAMING: What are you  
17 feelings when you see that? What do you think? Do you  
18 have a feeling about it?

19 MS. PELLEGRINO: If they want to do it.

20 MR. DENIS DE VLAMING: But nothing further  
21 than that, like they shouldn't be doing that, or why  
22 don't they just stay in their house? You have no problem  
23 with that?

24 MS. PELLEGRINO: No.

25 MR. DENIS DE VLAMING: Anybody else in

1 there that has actively seen any kind of protest? Mr.  
2 Lovegrove?

3 MR. LOVEGROVE: I seen people protesting,  
4 my feeling is if they cross the line and antagonize  
5 people it's wrong, but as long as it peaceful and  
6 organized properly then I don't have a problem with it.

7 MR. DENIS DE VLAMING: So what you are  
8 saying is that the protester basically should remain  
9 peaceful as he doing his protest, right?

10 MR. LOVEGROVE: Yes.

11 MR. DENIS DE VLAMING: People inside the  
12 building should also remain peaceful, and not come out  
13 and get in people's faces too, or not? Both ways?

14 MR. LOVEGROVE: Yes.

15 MR. DENIS DE VLAMING: I have got to ask  
16 this question and then I'm done. Everybody brings in to  
17 court lifetime personal experiences, okay. You may be a  
18 great jury for one kind of case, and not a good jury for  
19 another. Let me give you an example. If this was a DUI  
20 case, Ms. Burke, okay, and you lost your sister to a DUI,  
21 it might be pretty tough to ask you to be fair and  
22 impartial, right?

23 MS. BURKE: Yes.

24 MR. DENIS DE VLAMING: Now, my question is  
25 this, this has to do with an alleged battery, or assault,

1 okay? If that has occurred to you in your life where you  
2 were battered or you were assaulted that might have an  
3 effect where you look through the evidence in this case.  
4 If that has happened to you, in other words you were the  
5 victim of this, I need to know it. Even if it is just a  
6 hand raise. If it is further than that you might want to  
7 come on up to the bench. Okay, would you feel more  
8 comfortable to come up to the bench?

9 MS. ROBINSON: Uh-huh.

10 MR. DENIS DE VLAMING: Do you mind doing  
11 that?

12 MS. ROBINSON: No.

13 MR. DENIS DE VLAMING: Your Honor, may I?

14 THE COURT: Please.

15 (Whereupon, a bench conference was held  
16 out of the hearing of the full jury panel.)

17 THE COURT: Does anybody want to ask her  
18 some questions?

19 MR. DENIS DE VLAMING: I kind of figured  
20 based upon what you said before, and I didn't want to  
21 embarrass you, could you tell us very briefly --

22 MS. ROBINSON: Very briefly. I was eight  
23 years old and I was gang raped, and I really don't want  
24 to say any more about it.

25 MR. DENIS DE VLAMING: You don't have to.

1 Let me just ask you this, do you feel that because of  
2 that happening, it was a very large invasion upon you,  
3 that you would in any way --

4 MS. ROBINSON: I would tend to side with  
5 the victim.

6 MR. DENIS DE VLAMING: With the victim.

7 MS. ROBINSON: Sure.

8 MR. DENIS DE VLAMING: Now, knowing that  
9 this a battery case, having nothing to do with sex -- do  
10 you feel that you would still me more sympathetic so that  
11 you may lean towards the victim's side, or do you think  
12 that you could still be fair?

13 MS. ROBINSON: I'm not sure if I could be  
14 fair. I would be tossed up between my own personal  
15 feelings, and wanting to be fair to all parties, not  
16 wanting to go too extreme either way. I not sure that I  
17 could be fair.

18 MR. DENIS DE VLAMING: I appreciate you  
19 being honest with me.

20 THE COURT: Any questions?

21 MR. TYSON: No questions.

22 THE COURT: Thank you, ma'am.

23 MR. DENIS DE VLAMING: Before she goes,  
24 could I just ask a question from here?

25 THE COURT: Sure.

1 MR. DENIS DE VLAMING: I think Ms.  
2 Pellegrino had her hand up? Ms. Pellegrino, could you  
3 very briefly, without going into a lot of detail, tell us  
4 how you might have been a victim in an assault?

5 MS. PELLEGRINO: It was just a domestic  
6 thing with me and my ex.

7 MR. DENIS DE VLAMING: He might have hit  
8 you?

9 MS. PELLEGRINO: Yes.

10 MR. DENIS DE VLAMING: The reason why we  
11 are doing this, is not to embarrass you, is if you would  
12 be more prone to be sympathetic towards a victim as you  
13 were a victim in your husband's case, with all due  
14 respect I would have to know that. If you would say I  
15 would call balls balls, and strikes strikes then I would  
16 --

17 MS. PELLEGRINO: No, it wouldn't matter.

18 MR. DENIS DE VLAMING: You wouldn't.

19 THE COURT: Thank you.

20 MR. DENIS DE VLAMING: Ms. Pellegrino,  
21 this is not a sensitive question. Was the office of the  
22 State Attorney here in any way involved with what you  
23 shared with us?

24 MS. PELLEGRINO: Not this county.

25 MR. DENIS DE VLAMING: Not Pinellas

1 County?

2 MS. PELLEGRINO: No.

3 MR. DENIS DE VLAMING: That's all I have,  
4 your Honor.

5 THE COURT: Ladies and gentlemen of the  
6 panel I am going to give you another chance to stretch  
7 and take a break here. Please, just as before, stay in  
8 the immediate area. Sheriff, just as before, please make  
9 sure all witnesses are in rooms so that the panel members  
10 won't inadvertently have contact with witnesses and have  
11 a well intentioned, but inappropriate conversation.

12 And as before, all the panel members as  
13 soon he clears will and must leave.

14 MR. DENIS DE VLAMING: Judge, I almost  
15 overheard a juror -- all I heard was on the basis of the  
16 last question, probably my error, I talked to the two  
17 ladies about whether they have ever been victims of  
18 assault, and I probably left a gentleman out. Is that  
19 what you wanted to tell us.

20 MR. LINDSTAM: I wanted to be a part of  
21 talking to you about it, yes.

22 THE COURT: Come forward. We are sorry  
23 about that, sir.

24 MR. DENIS DE VLAMING: I apologize.

25 (Whereupon, a bench conference was held

1 out the hearing of the rest of the jury panel.)

2 MR. DENIS DE VLAMING: Mr. Lindstam is at  
3 the bench.

4 THE COURT: Would anyone like to inquire,  
5 or do you just want to tell us?

6 MR. LINDSTAM: I just basically want to  
7 tell out that I was involved in a very nasty divorce. I  
8 was falsely accused of molesting my children. I just  
9 felt that during the whole thing I had to prove myself.  
10 I was more or less accused, and I had to prove my  
11 innocense, where you are always told that you are  
12 innocent until proven guilty. In that case everything I  
13 did I had to prove myself. I felt fairly strongly  
14 against that, so I figured that should be brought in this  
15 consideration.

16 THE COURT: Does anyone want to ask any  
17 questions?

18 MR. TYSON: Would you find it difficult  
19 being fair to either side?

20 MR. LINDSTAM: Sometimes, it depends. It  
21 is a very touchy subject.

22 MR. TYSON: Is there anything about what  
23 you have heard so far?

24 MR. LINDSTAM: Not so far. I just, like I  
25 said, I just wanted to be open, that you are aware of



1 this.

2 THE COURT: We appreciate you coming  
3 forward. It's important that we know this. Does anybody  
4 want to ask more?

5 MR. DENIS DE VLAMING: Just one question,  
6 Judge. Do you feel as if you could keep an open mind and  
7 listen to the evidence of the case and bring back a  
8 verdict that --

9 MR. LINDSTAM: That's where I am unsure  
10 about it because there was evidence supposedly against  
11 me, but nothing came up in court, but yet I still had to  
12 prove myself, when there was no evidence. So evidence  
13 isn't as strong as you would think.

14 MR. DENIS DE VLAMING: Let me ask you this,  
15 could you provide what was not provided to you to Mr.  
16 Minton, that is that he is presumed to be innocent, and  
17 if you were a juror could you make sure that that precept  
18 is followed?

19 MR. LINDSTAM: Possibly.

20 THE COURT: Thank you, sir.

21 (Whereupon, the jury panel was excused.)

22 THE COURT: Counsel, what I would like to  
23 do is give you the time that you need to sort out your  
24 notes. Let me know when you are ready. It's ten after  
25 one, getting people to lunch is my objective at this

1 point. So I am open to discussion as to how we go  
2 forward. I'd like to go through and see if we can get a  
3 jury out of this panel, and I think we can do that in a  
4 reasonable period of time. If you think it is going to  
5 be protracted let me know.

6 MR. TYSON: I don't believe it will.  
7 There will be a couple of causes. Let's pick and the  
8 ones that are picked can go to lunch. And then send the  
9 rest --

10 THE COURT: That's what I am thinking.  
11 What I want to do is give the court personnel a chance to  
12 take a break right now while you all sort out your notes.  
13 I am going to go off the bench for ten minutes and let  
14 them leave. We will come back at twenty after, and  
15 hopefully go through this as quickly as we can.

16 (Brief break)

17 THE COURT: Is everybody ready.

18 MR. TYSON: Can we go with causes first?

19 THE COURT: Yeah, let's go back through  
20 causes. Mr. Tyson, are there any other challenges for  
21 causes?

22 MR. TYSON: Judge, I think both may agree  
23 with this, Ms. Robinson, I think she said that she tends  
24 to side with the victim. I assume Mr. de Vlaming agrees.

25 THE COURT: Everybody agrees?

1 MR. DENIS DE VLAMING: Yeah, right.

2 THE COURT: She's gone. Who else?

3 MR. TYSON: Number seven, Mr. Lindstam.  
4 What his statement was, that he has some concerns, the  
5 best he could come up with, "I possibly can. I will try.  
6 Maybe I can be fair and impartial." The best he did was  
7 "possibly". I would ask that we strike him for cause  
8 also.

9 MR. DENIS DE VLAMING: Judge, I think that  
10 he did indicate, however, that he felt that system is  
11 that you are innocent until proven guilty. That is a  
12 precept that we all want to accept. He wasn't treated  
13 that way. However, when I asked him whether he could  
14 apply the law to this case as the Court gives him, I  
15 believe he indicated his assent.

16 MR. TYSON: He indicated that he was  
17 falsely accused. The strongest he said was "possibly"  
18 that he could be fair and impartial.

19 THE COURT: I wrote down "not sure and be  
20 fair". I also very early in the ball game made notes  
21 about his ability to follow the law, which I have doubts  
22 about based on things he has said. I find there to be a  
23 two-fold basis to strike him for cause. I think the case  
24 law says that I have the totality of what he says, and if  
25 I can in good faith determine that there may be a cause

1 issue I should err on the side of caution, and I have, I  
2 will, and I did. Go on.

3 MR. TYSON: Judge, number eighteen, Mr.  
4 Barnum, he has already from the start he says that he  
5 might not be able to fair and impartial. He said that he  
6 has heard of facts of the case. He has already made up  
7 his mind, he believes the Defendant was baited.

8 THE COURT: Any issue there?

9 MR. DENIS DE VLAMING: We like him.

10 THE COURT: He's gone. Who is next?

11 MR. TYSON: Judge, the only one I have  
12 concern about is number nineteen, Mr. Baker. I still  
13 don't think we are really clear about what his concerns  
14 are about the trial, and his prior experiences. I'm not  
15 sure Mr. de Vlaming --

16 MR. DENIS DE VLAMING: I don't want him  
17 challenged for cause. I agree with you that it was a  
18 little bit nebulous, but he had some concern over when he  
19 was an MP dealing with domestic matters, and when  
20 husbands go after wives, and children. When I indicated  
21 that this case had nothing to do with children or spousal  
22 problem and asked if he could be fair, he indicated yes.  
23 I don't think he is for cause.

24 MR. TYSON: I don't have any strong  
25 reasons other than his uncertainty, Judge.

1 THE COURT: He didn't rise to the level of  
2 cause. I agree, so we will leave him alone. Anybody  
3 else?

4 MR. TYSON: No.

5 THE COURT: Mr. de Vlaming, you agree with  
6 Mr. Tyson's choices, you don't have any to add?

7 MR. DENIS DE VLAMING: I have nothing more  
8 to add.

9 THE COURT: That's fine. Peremptory  
10 challenges, three per side. I don't care how you use  
11 them. You can back strike them. You can use them any  
12 way you want to right up to the moment that we swear the  
13 jury. I just want a fair jury and let you all determine  
14 how you want to strategically use your causes. Let's go  
15 through and see if I am clear on who is left.

16 We have juror three, juror eight, we have  
17 nine, ten, twelve, and thirteen. Mr. Tyson, I am going  
18 to let you tell us how you feel about those first six.

19 MR. TYSON: Judge, the State will strike  
20 number twelve.

21 THE COURT: Number twelve. Then we have  
22 number three, eight, nine, ten, thirteen, and fifteen.  
23 Mr. de Vlaming, to you?

24 MR. DENIS DE VLAMING: We will excuse  
25 number nine.

1 THE COURT: Nine. So we have three,  
2 eight, ten, thirteen, fifteen, seventeen. Mr. Tyson,  
3 back to you?

4 MR. TYSON: Judge, I will strike number  
5 ten.

6 THE COURT: Number ten. We have three,  
7 eight, thirteen, fifteen, seventeen, and nineteen. Mr.  
8 de Vlaming, to you?

9 MR. DENIS DE VLAMING: Let me just see,  
10 Judge, we have got three, eight, thirteen, fifteen,  
11 seventeen, nineteen. No challenges.

12 THE COURT: No challenges. Mr. Tyson?

13 MR. TYSON: Strike number nineteen, Judge.

14 THE COURT: Number nineteen is gone. So  
15 are your preemptory challenges. So we have three, eight,  
16 thirteen, seventeen, twenty, twenty-one. Mr. de Vlaming?

17 MR. DENIS DE VLAMING: Judge, you just  
18 included fifteen?

19 THE COURT: Yes, I did, he is still in.

20 MR. DENIS DE VLAMING: We are going to  
21 excuse twenty.

22 THE COURT: Twenty is gone. That leaves  
23 three, eight, thirteen, fifteen, seventeen, and twenty-  
24 one.

25 MR. DENIS DE VLAMING: How many do I have

1 left?

2 MS. RIVELLINI: One more.

3 MR. DENIS DE VLAMING: I have one left?

4 THE COURT: Yes.

5 MR. DENIS DE VLAMING: How many does the  
6 State have?

7 MR. TYSON: I'm out.

8 MR. DENIS DE VLAMING: You out?

9 MR. TYSON: I am out of bullets, Denis.

10 MR. DENIS DE VLAMING: We will strike  
11 number eight.

12 THE COURT: Number eight is gone. Let's  
13 see what we have left. We have three, we have thirteen,  
14 we have fifteen, we have seventeen, we have twenty-one,  
15 and we have twenty-two, which means that juror number  
16 twenty-three would be the alternate.

17 MR. TYSON: Strikes and challenges for  
18 cause. I will strike number twenty-three for the  
19 alternate.

20 MR. DENIS DE VLAMING: You strike number  
21 twenty-three, that leaves us with twenty-four. We will  
22 take it.

23 THE COURT: Twenty-four is the alternate.  
24 Mr. de Vlaming, for the record, your client has been  
25 present for this process. I assume that he satisfied

1 with the jury, is that correct?

2 MR. DENIS DE VLAMING: That's correct.

3 THE COURT: What I would like to do is  
4 bring them in, give them preliminary instructions and  
5 send everybody to lunch for an hour. Is everybody okay  
6 with an hour.

7 MR. TYSON: Can we swear them after we  
8 come back? Would that be fine?

9 THE COURT: That's fine, we can do that.

10 MR. DENIS DE VLAMING: Judge, there is a  
11 small housecleaning matter. Pellegrino is the one, you  
12 may recall, that --

13 THE COURT: With the daughter.

14 MR. DENIS DE VLAMING: And Ms. Green with  
15 the bus.

16 THE COURT: The bus I can work with, I  
17 don't know how to handle the daughter. Does anybody got  
18 any suggestions. I guess she is going to have to sort it  
19 out. Hopefully she can work it. Let's bring them in and  
20 get them seated.

21 (Whereupon, the jury panel was brought  
22 in.)

23 THE COURT: Ladies and gentlemen of the  
24 panel we have a jury. If your name is called please come  
25 forward, the deputy sheriffs will escort you to the jury



1 box, and give you your assigned seats. Deborah Kolba,  
2 Tina Pellegrino, Donald Lovegrove, Leroy Joiner, Joyce  
3 Green, Josefine Grover. Peter Palmieri, you will be the  
4 alternate juror, but please come forward as well.

5 Ladies and gentlemen of the panel, those  
6 of you who remain, it's 1:30. You have been very patient  
7 with our questions. We appreciate that very much,  
8 however, your jury service is complete. You are free to  
9 go. You have my sincere thanks. Please be careful going  
10 home.

11 Okay, ladies and gentlemen of the jury,  
12 what we are going to do is give you some instructions,  
13 let you go to lunch. Then you will receive the oath as  
14 jurors when you return from lunch. What I am going to do  
15 now is give you what is called preliminary instructions.  
16 Please pay attention. Okay.

17 You have been selected and sworn as the  
18 jury to try the case of the State of Florida versus  
19 Robert Minton. This is a criminal case, as you know.  
20 This Defendant has been charged with battery, as we have  
21 already told you. The definition of the elements of this  
22 crime will be explained to you later. It is your solemn  
23 responsibility to determine if the State has proven its  
24 accusation beyond a reasonable doubt against this  
25 defendant.

1           Your verdict must be based solely on the  
2 evidence, or lack of evidence, and the law. The  
3 information is not evidence, and it is not to be  
4 considered by you as any proof of guilt. It is the  
5 judge's responsibility to decide laws apply to this case,  
6 and then explain those laws to you. It's your  
7 responsibility to decide what the facts of the case may  
8 be, and then apply the law to those facts. Thus, the  
9 province of the jury and the province of the Court are  
10 well defined. They do not overlap. This is one of the  
11 fundamental principles of our system of justice. Before  
12 proceeding further it will be helpful for you to  
13 understand how a trial is conducted.

14           At the beginning of the trial the  
15 attorneys have an opportunity, if they want to, to make  
16 an opening statement. The opening statement gives the  
17 attorneys a chance to tell you what evidence they believe  
18 will be presented during this trial. What the lawyers  
19 say is not evidence. And you are not to consider it as  
20 such. Following the opening statements witnesses will be  
21 called to testify under oath. They will be examined and  
22 cross examined by the attorneys. Documents and other  
23 exhibits may also be produced as evidence. After the  
24 evidence has been presented the attorneys will then have  
25 an opportunity to make their final or closing argument.

1                   Following the arguments by the attorneys,  
2 the Court will then instruct you on the law that applies  
3 to this case. After the instructions are given you will  
4 then retire to consider your verdict.

5                   You should not form any definite or fixed  
6 opinions on the merits of this case until you have heard  
7 all of the evidence, all of the arguments of the lawyers,  
8 and the instructions on the law by the judge. Until that  
9 time you should not even discuss this case among  
10 yourselves. During the course of the trial we are going  
11 to take recesses, and I told you, we will take one  
12 shortly for lunch, but there will be others during the  
13 course of this trial. During these times you will be  
14 permitted to separate and go about your personal affairs.  
15 During these recesses you should not discuss this case  
16 with anyone, or permit anyone to say anything to you or  
17 in your presence about this case.

18                   If anyone attempts to say anything to you,  
19 or in your presence about this case, tell them that you  
20 are on the jury trying the case, and ask them to stop.  
21 If this person persists, leave them at once, and  
22 immediately report them to the deputy sheriffs that you  
23 see working this courtroom so they can tell me what has  
24 occurred, and I can determine what, in the interest of  
25 justice, needs to be done about it.

1                   This case must be tried by you only the  
2 evidence presented during the trial, in your presence,  
3 the presence of the Defendant, the lawyers, and the  
4 judge, in other words we have to hear all together for  
5 the first time.

6                   Accordingly, you must not visit any of the  
7 places described in the evidence, and you must not read  
8 or listen to any reports about this case. Further, you  
9 must not discuss this case with any person. And you must  
10 not speak with the attorneys, the witness, or the  
11 Defendant about any subject whatsoever until your  
12 deliberations are finish.

13                   In every criminal proceeding the Defendant  
14 has an absolute right to remain silent. At no time is it  
15 the duty of a defendant to prove his or innocence. From  
16 the exercise of a defendant's right to remain silent a  
17 jury is not permitted to draw any inference of guilt.  
18 And the fact that a defendant did not take the witness  
19 stand must not influence your verdict in any manner  
20 whatsoever.

21                   The attorneys are trained in the rules of  
22 evidence and trial procedure. It's their duty to make  
23 all objections they believe are proper. When an  
24 objection is made you should not speculate on the reason  
25 why it was made. Likewise, when an objection is

1 sustained or upheld by me, which means I stop the  
2 testimony because of the objection, if I do that, you  
3 must not speculate on what might have occurred had the  
4 objection not been sustained, nor what the witness might  
5 have said had the witness been permitted to answer.

6 It's 1:35, what I would like to do is  
7 resume at quarter to three, that gives you a little more  
8 than hour. It gives you a chance to make the phone calls  
9 that you need to make and now further arrange your lives  
10 a little bit because you now know that you will be with  
11 us for awhile. It gives you a chance to figure some of  
12 these things out. It gives you a chance to get something  
13 to eat and just kind of stabilize things, and let people  
14 know where you are, and what's going to happen.

15 So we are adjourned until quarter to  
16 three. Have a good lunch.

17 (Jury excused)

18 THE COURT: Is there anything that we need  
19 to do before we break?

20 (Whereupon, court was recessed for lunch  
21 from 1:35 p.m. until 2:45 p.m.)

22 (Whereupon, the jury was brought in and  
23 sworn.)

24 THE COURT: Is counsel for the State ready  
25 to proceed with opening statement?

1 MR. TYSON: That's correct, your Honor.

2 THE COURT: Please do so.

3 MR. TYSON: Thank you, Judge. Good  
4 afternoon, ladies and gentlemen. You have heard a lot of  
5 preliminary stuff. Now you know what the facts are.  
6 October 31, Sunday night, Halloween 1999, about 10:30  
7 p.m. the Defendant, Robert Minton took, what he alleges  
8 was a protest sign, and shoved it in the face of Richard  
9 Howd.

10 Now, before we get into that, let's start  
11 at the beginning of the day. Early in the day Mr. Minton  
12 comes into town. It will no be secret here that Mr.  
13 Minton doesn't like the Scientologist and vice versa.  
14 They don't like each other. No doubt about that. Mr.  
15 Minton shows up at The Fort Harrison Hotel about 3:00  
16 Sunday afternoon October 31st. He is holding a sign. I  
17 will show what he has got. I am sure that you will be  
18 seeing this quite a bit today.

19 He is walking with a protest sign. A  
20 little banter back and forth, people getting close.  
21 Close to each other on purpose. He is walking holding  
22 the sign. He leaves The Fort Harrison after a period of  
23 time protesting. Then Mr. Howd and some other  
24 Scientologists find out that he is at the Belleview  
25 Biltmore, so they go down. They want to keep an eye on

1 him. You will learn that they believe he is harassing  
2 them.

3           You will learn that through this trial  
4 that Mr. Minton thinks they are harassing him. There  
5 won't be any secret of this. They go down to the  
6 Belleview Biltmore to check him out. He finds out they  
7 are there, and there is a little confrontation there.

8           Later in the night, however, and this  
9 something I want you to understand, it is now 10:30 at  
10 night, on a Sunday, and now he is returning back to The  
11 Fort Harrison. Just prior to getting there, you will see  
12 a video, we have four videos. You will see through the  
13 course of this trial that everybody has got a video  
14 camera. You will see shortly before that Mr. Minton,  
15 along with a woman named Stacy Brooks, who is a friend of  
16 his, goes to the residence of an executive of  
17 Scientology's house. They go to her house late at night.

18           They are filming around her house, you  
19 will see them knocking into the gate. They are talking  
20 about Scientology, saying that is a spontaneous picket.  
21 It will be up to you to decide whether that is a proper  
22 time to be picketing outside of somebody's residence, at  
23 10:00 at night.

24           They then leave there to go down to The  
25 Fort Harrison at 10:30 p.m. on Sunday night to picket.

1 Again, you can leave that up to your decision making  
2 process whether at that point in time it is a lawful  
3 picket.

4 You will see as Mr. Minton is walking  
5 along side The Fort Harrison and his friend Stacy Brooks  
6 has a video too, so she will tape what you see in here.  
7 You will see her tape. Richard Howd has got a tape.  
8 There is a building security tape. Philip Dellar, who is  
9 a Scientologist has a tape. You will see all four of  
10 them.

11 As Mr. Minton is walking, coming down the  
12 side of The Fort Harrison you will hear him yell, "That's  
13 right, scramble and go hide you cockroaches, just like  
14 the ones that ate Lisa McPherson." You will see  
15 somebody, it's a little difficult to see it in these  
16 videos because it is a little blurry, but you will see a  
17 couple people go around the side of the building.

18 Mr. Minton then comes around The Fort  
19 Harrison and Mr. Howd is there with a video camera. They  
20 had spotted him in the area driving by shortly before, so  
21 he figured he was coming. So Mr. Howd has got the video  
22 camera in his hand. Then Mr. Minton is carrying the  
23 sign, you will see him pull it over like this, so it goes  
24 right towards Mr. Howd's head. Okay, Mr. Minton is  
25 walking down the sidewalk, he is telling people what he



1 thinks about Scientologists. You will hear them say, "Go  
2 home, Bob, and go away." You will not be hearing a whole  
3 lot other than that.

4           The one thing that you will see is that  
5 Mr. Howd is very close to him with the video. Mr. Howd  
6 is close to him with the video at varying times. You  
7 will see between the four videos it is almost like the  
8 NFL here, where is he out of bounds or not, let's check  
9 the different videos. Well, you will see on the one  
10 video Mr. Minton is walking, Mr. Howd is walking  
11 backwards. He intentionally walks in the path of Mr.  
12 Howd.

13           Mr. Minton tells Mr. Howd, I hope that you  
14 got that on video, and tells him to get of his way. Mr.  
15 Minton is taunting Mr. Howd at that point in time. You  
16 will hear on the video of Stacy Brooks, who is a friend  
17 of Mr. Minton's, tell the Scientologists when they say,  
18 "Go home, Bob. Go home, Bob." She will say, "Is that  
19 the best you can do? Is that all you can say is, "Go  
20 home, Bob. Go home, Bob." You will hear that.

21           You will then see on video Mr. Minton go  
22 around the dark side of the building a couple of times.  
23 You need to think about what the purpose of that was. At  
24 one point in time on the video it's only him and Mr. Howd  
25 on the side of the building. You will see on Mr. Howd's

1 video Mr. Minton say, "What if I grab that?"

2 When you see Philip Dellar's video, when  
3 he comes around the corner, Mr. Howd has a camera strap  
4 there. He's talking about grabbing that strap. Mr.  
5 Howd's hand goes out as a natural reaction, but Mr.  
6 Minton says, "Oh, you are pushing me now." And then  
7 pushes him against the wall. He is pinned against the  
8 wall.

9 Mr. Minton shortly thereafter says, "I'm  
10 sick of this, and I'm calling the police." Even though  
11 during the course of the time you will see that he is the  
12 aggressive one. Mr. Howd never says a word. It is Mr.  
13 Minton in the taunting of Mr. Howd. There is no taunting  
14 by anyone else there.

15 Mr. Minton gets on the cell phone and  
16 calls a detective of the Clearwater Police Department.  
17 Mr. Howd has got the video up to his eye, in a non-  
18 threatening manner. It's up to his eye, he is backed up  
19 four feet. Mr. Minton steps off the curb with his cell  
20 phone and is walking, he turns around, and says, "Don't  
21 follow me across the street." And shoves it in his face.  
22 You will see that Mr. Howd has a cut above his eye and  
23 bruise on his face. He falls down in the street.

24 Unbeknownst to Mr. Minton there is a  
25 Clearwater police officer sitting on Fort Harrison Avenue

1 aimed in the northbound direction and he sees that. So  
2 on the videos you will see a police car come around the  
3 corner pretty quick. He stops Mr. Minton. And when he  
4 stops Mr. Minton you will see Mr. Minton on the video  
5 says, "I told him I'm calling the police." Which is  
6 true, it was about fifteen seconds before that. Then he  
7 says, "I told him, I want you to stay away from me. And  
8 then he walks right into the sign." I want you to look  
9 at the videos carefully. You will be determining whether  
10 he walked into that sign or not. I submit to you that he  
11 did not. The sign was shoved into this face.

12 Basically, Mr. Minton is telling the  
13 police officer seconds after the incident, when there is  
14 no real time for reflection, basically it was an  
15 accident. That was Mr. Minton's statement, seconds after  
16 this happened. I want you consider that during this  
17 trial, also.

18 Officer Beaudette who was northbound on  
19 Fort Harrison and stopped Mr. Minton gathered up the  
20 videos at the scene, after listening to Mr. Minton's  
21 statement that Mr. Howd had walked into the video [sic],  
22 he gathered three videos at the scene. The fourth one is  
23 a surveillance camera on the building. He watched the  
24 videos. After he watched the videos he arrested Mr.  
25 Minton for battery.

1                   Now Mr. Minton may believe that he was  
2 protesting at night, 10:30 at night. It is up to you  
3 decide whether that is proper. It is not a crime that we  
4 are charging him with, but it is a part of the  
5 circumstances that I want you to consider, 10:30 at night  
6 on a Sunday night. How much of the message is really  
7 getting out. I want you to consider the demeanor of Mr.  
8 Minton and the Scientologists. You will see it all.

9                   I think when this is done you will agree  
10 that Mr. Minton is the one who lost his cool. Mr. Minton  
11 was the one who was provoking people that night. I am  
12 going to ask you to find him guilty of battery. Thank  
13 you.

14                   THE COURT: Counsel for Defendant, opening  
15 statement.

16                   MR. DENIS DE VLAMING: Your Honor, if it  
17 please the Court. Members of the jury this is my  
18 opportunity to give an opening statement on behalf of Mr.  
19 Minton. In doing so I too would like to recap the  
20 evidence in this case, and to a certain extent the video  
21 says what the video says, and the video shows what the  
22 video shows. However in order to fully understand the  
23 facts in this case we have to go back in time. You will  
24 learn to a very limited degree a little bit about the  
25 Church of Scientology and one particular aspect of their

1 policy. That will be described to you by me in a moment.

2 As far as the incident is concerned what  
3 you are going to learn is that Mr. Minton came in town,  
4 flew into town and he was greeted by members of the  
5 Church of Scientology at the airport. Mr. Minton had no  
6 idea as to how they could have possibly known that he was  
7 on that flight. They did. As he exited the airplane  
8 they said, "Go home, Bob. What are you doing here? Get  
9 out of here."

10 Mr. Minton and Ms. Brooks gathered their  
11 belongings, their luggage and they got in the vehicle on  
12 their way to a local hotel. As they drove down the road  
13 they realized that there were people following them. Mr.  
14 Minton is tuned to that. He has been followed before.  
15 He realized that member of the Church of Scientology in a  
16 unit called the Office of Special Affairs.

17 Mr. Tyson, if I may digress, said that Mr.  
18 Minton doesn't like Scientologists. That's not the  
19 truth. You are not going to hear anything about Mr.  
20 Minton not liking Scientologists. I think the evidence  
21 in this case is going to show that he lives and let live.  
22 If that is what their personal beliefs are, you are going  
23 to hear from the evidence then that is fine. His quarrel  
24 is to get out the word about the Office of Special  
25 Affairs, and about certain natures and the manner in

1 which the church is run. Not the members, but the manner  
2 in which it is run, its doctrine, its dogma.

3 That is essence one of the reasons why he  
4 was holding this sign, "Lisa's blood on Scientology  
5 hands." We are not going to go into this Lisa McPherson,  
6 but I think very generally, she is the woman who died at  
7 the church, and part of Mr. Minton's reason for  
8 protesting is to establish that the practices of the  
9 church caused her death.

10 But beyond that, this was an avenue for  
11 him to bring this to light to the citizens of Clearwater.  
12 To march up and down the street in protest so that they  
13 will look into this doctrine and this dogma. So is it to  
14 the members that he has a quarrel. The evidence will  
15 establish not at all. But rather it is to that dogma.

16 Now, when Mr. Minton came into town, as I  
17 indicated, he realized that someone was behind him. They  
18 were following him. In fact, at one point in time -- at  
19 one point in time a vehicle stopped in front of Mr.  
20 Minton's automobile when it reached the Belleview  
21 Biltmore Hotel and a vehicle stopped behind his vehicle  
22 at the Belleview Biltmore Hotel, so that he was  
23 sandwiched between the two of them. Mr. Minton got out  
24 of the vehicle. As the other people got out of the  
25 vehicle, a woman and a man, they began filming Mr.

1 Minton. They filmed as he was on the grounds in the  
2 place in which he was going to stay. One car sandwiching  
3 his car on the grounds of the Belleview Biltmore.

4 Mr. Minton, after leaving went to the  
5 guardhouse at the Belleview Biltmore Hotel and he told  
6 the guard that he was being followed. He gave them the  
7 tag, which he had photographed. He got the tag number of  
8 the car that was following and said that these people are  
9 not guests at the hotel, do not let them on the premises.

10 Now, as Mr. Tyson said, he did go to this  
11 woman's house named Slaughter. She is a high ranking  
12 official of the Church of Scientology. It was Halloween  
13 night. He had heard that Scientology hierarchy were  
14 going to be at a Halloween party that night. He was  
15 wrong. When he showed up there, there was nobody there.  
16 You will see this footage. He talks back and forth with  
17 Stacy. There's no confrontation. There is no yelling or  
18 screaming, or going to the individuals house to knock on  
19 the door. Look at it for what it is worth, or what have  
20 you.

21 Later that evening Mr. Minton went to The  
22 Fort Harrison Hotel for the purpose of continuing to  
23 protest, which is his first amendment right to do that.  
24 He began walking up and down the street. What you are  
25 going to find is that Richard Howd, and you are going to

1 see him on the video, was already there. He didn't know  
2 the time that Mr. Minton was going to be there, or even  
3 if he was going to be there. But you are going to see  
4 Mr. Minton being filmed by Ms. Brooks as he got out of  
5 his vehicle. You are going to see them walking from a  
6 parking lot around the corner to where the church is  
7 located on Fort Harrison. It is The Fort Harrison Hotel.

8                   You are going to see Mr. Howd already  
9 there with a camera in his hand, a video digital camera  
10 in his hand. From the moment that Mr. Minton stepped on  
11 that property, as he walked up and down that public  
12 sidewalk Richard Howd was within inches of Robert  
13 Minton's face. You are going to see his video, that is  
14 from what he was taping. You are going to see it on  
15 occasion so close that you can see the pores in skin,  
16 that you can see the sweat on his cheeks, and you can see  
17 time after time Mr. Howd doing this as he walked up and  
18 down. As Minton moved he was right in his face, as close  
19 as he could get. To document what was happening? No,  
20 no. There was another Scientologist documenting what was  
21 happening down the street a little bit, a comfortable  
22 distance away, just like Ms. Brooks was a comfortable  
23 distance away, filming without getting in his face.  
24 Without getting in his face.

25                   Howd, up and down the street, up and down



1 the street, camera in the face, camera in the face. Can  
2 you let me picket, can you get out of the way? No  
3 response. Up and down the street. Until at one point  
4 Mr. Minton went around the corner of The Fort Harrison  
5 Hotel. When he went around the corner is when the police  
6 officer was parked on the road. The officer did not see  
7 what happened around that corner. What happened around  
8 that corner is Mr. Howd assaulted Mr. Minton. Mr. Tyson  
9 said that he put his hand out and touched his -- no, no.  
10 You are going to see it in a minute. I am going to throw  
11 it up on that screen. But you are going to see that  
12 there is a crease here. So this wasn't slapped. You are  
13 going to see the force that Howd used on this sign as he  
14 came back to Minton and knocked him back. What you are  
15 going to see in a moment is a piece of evidence that is  
16 going to be introduced in this trial. It is from the  
17 vantage point of somebody that came around the corner  
18 after the assault took place. This is not what the  
19 officer said, but this is right after the assault took  
20 place.

21 Your Honor, could you flip on the sound?

22 THE COURT: It is on.

23 (Whereupon, the video tape was played for  
24 the jury.)

25 MR. DENIS DE VLAMING: Howd on the left,

1 Minton on the right. Okay, now, as Mr. Tyson said, it  
2 is, it is almost like an NFL game. We are going to have  
3 different views in different areas. What you are going  
4 to see Mr. Howd's camera view of what happened in that  
5 assault that just preceded this. Remember the Church of  
6 Scientology shot this. He was running to try to get the  
7 footage, when he comes around the corner he saw Mr.  
8 Minton say, "You do that one more time, you hit me now.  
9 You do that one more time." Now you are going to see  
10 what happened which caused those statements to be made.  
11 What you are also going to see on this tape, ladies and  
12 gentlemen, is after Mr. Minton was assaulted he walked  
13 down to the end of the corner and he says, "It's time to  
14 call the police." He had just been assaulted. The  
15 members of the Office of Special Affairs of the Church of  
16 Scientology were there as witnesses, and when he says it  
17 you watch what they do. You will see some women that are  
18 going to be described to you as members of the Office of  
19 Special Affairs, and other people. They turn right  
20 around, they go to the entrance of the Church of  
21 Scientology and they go in there and take a right.  
22 Actually, that is on the video. What you are going to  
23 see now is what happened, what happened when Minton and  
24 Howd went around the corner. The assault had taken  
25 place. Minton then saying it is time to call the police.

1 And then you are going to see him retreat across the  
2 street, getting away from the church property, and  
3 leaving it. You are also going to see instead of Mr.  
4 Howd, a member of the Office of Special Affairs, saying,  
5 "Fine you are leaving." He didn't do that. He went  
6 right after him. He followed him. He took his step off  
7 the roadway, and went after him as Minton was retreating.  
8 This is what happened when he did.

9 (Whereupon, the video was played for the  
10 jury.)

11 MR. DENIS DE VLAMING: You are going to  
12 have an opportunity to see these whole tapes in total.  
13 What is important for take into context however is Robert  
14 Minton's state of mind. And what you have to do, the  
15 evidence is going to show, and what the Judge is going to  
16 instruct you at the conclusion of this case, if somebody  
17 acts in self-defense, what is their state of mind. What  
18 were they thinking? What went through their mind earlier  
19 in the day? What went on in their lives? And most  
20 importantly, what did he believe that the Office of  
21 Special Affairs was capable of doing to him? In order to  
22 do that, and for only this purpose, because is not in the  
23 video that I am going to show you right now, and this is  
24 specifically to establish the state of mind of Mr.  
25 Minton, to show you an incident that happened in Boston,

1 Mass --

2 MR. TYSON: Judge, I want to object at  
3 this point in time. May we approach?

4 THE COURT: Please do.

5 (Whereupon, a bench conference was held  
6 out of the hearing of the jury.)

7 MR. TYSON: There is going to be some  
8 arguments about the relevancy later on of that thing.  
9 Have you already ruled that it is definitely coming in?

10 THE COURT: I have ruled that it is  
11 relevant, but it is subject to predicate which from what  
12 I have heard is likely to be laid. So if that is your  
13 objection I am going to overrule it, because based on  
14 what I have heard, I have heard enough evidence to  
15 believe that they can establish that foundation.

16 MR. TYSON: Okay.

17 MR. DENIS DE VLAMING: What Mr. Tyson said  
18 is true, Mr. Minton has been a thorn in the side of the  
19 administration of this organization for quite some time.  
20 The Office of Special Affairs and the manner in which  
21 they conduct their business had made him a target. What  
22 you are going to see now has given him the state of mind  
23 of what Howd was capable of doing and what he was about  
24 to do. That's the purpose of this short tape. It was  
25 approximately thirteen months before this incident in

1 question this was shot. This was shot in Boston,  
2 Massachusetts. It was shot in front of the Church of  
3 Scientology unit up there. You will see the man, for  
4 lack of better term that is in Mr. Minton's face, is a  
5 member of the Office of Special Affairs. At the end of  
6 the tape you will hear, "Minton, you are just a fucking  
7 mental patient." That is a minister of the Church of  
8 Scientology.

9 (Whereupon, the video was played for the  
10 jury.)

11 MR. TYSON: I have a continuing objection  
12 to the narration.

13 THE COURT: Objection is overruled, as  
14 previously stated.

15 (Whereupon, the video was continued.)

16 MR. DENIS DE VLAMING: Mr. Minton had his  
17 camera knocked from him so that he could no longer film.  
18 He was assaulted and he was later accused by that man you  
19 saw in his face of assaulting him. If you heard a piece  
20 of wood fall in that case, it was a balsa wood, and it  
21 was with that piece of balsa wood that member of the  
22 Office of Special Affairs said that he had committed a  
23 battery against him.

24 When the police were called so was an  
25 ambulance, for a piece of balsa wood being thrown in the

1 direction of that member. The significance is in this  
2 case with what you saw the ambulance was called. He is  
3 laying on the ground for an inordinate period of time  
4 while they call the ambulance. Why did they do that?  
5 Why is it done that way? That is what we are going to  
6 tell you. That is what is going to be a part of this  
7 trial.

8                   Because you see, one of the witnesses in  
9 this case is someone who used to be a member of the  
10 Church of Scientology the Office of Special Affairs. He  
11 is a young man who was there for approximately seven to  
12 eight years. He was a member of the Office of Special  
13 Affairs, but he left the Church of Scientology.

14                   What he is going to do is he is going to  
15 tell you about a policy that this organization has, an  
16 that it is carried out by the Office of Special Affairs.  
17 The policy was once called "Fair Game" by its founder L.  
18 Ron Hubbard. What this witness is going to tell you  
19 briefly is this is the goal of "Fair Game". A  
20 suppressive person, that is somebody like Bob Minton to  
21 the Church of Scientology, a suppressive person is  
22 someone who doesn't go along with the doctrine, someone  
23 that criticizes the church. That's a suppressive person.

24                   A suppressive person order is "Fair Game".  
25 "He or she may be deprived of property, or injured by any

1 means, by any Scientologists, without any discipline of  
2 the Scientologists. He may be tricked, sued to, lied to,  
3 or destroyed." In 1967 L. Ron Hubbard made that edict.  
4 A year later this is what he did in another policy  
5 letter. "The practice of declaring people 'Fair Game'  
6 will cease. 'Fair Game' will not appear on any ethics  
7 order. It causes bad public relations." Naturally.  
8 This policy letter does not cancel any policy on the  
9 treatment or handling of a suppressive person. What  
10 Hubbard did was, he said, "Let's not call it 'Fair  
11 Game'." But the policy remained. Get them arrested,  
12 silence the critic, file an injunction against them,  
13 which they did in this case, you will hear about that.  
14 Prosecute them if you can, and that will make them a  
15 criminal, and will neutralize them as a critic. And we  
16 don't have to watch them walk up and down the street  
17 anymore. Because they were a 'Fair Game' target and we  
18 neutralized them.

19 We are not going to make a feature of this  
20 trial anything about Scientology, with the exception of  
21 this policy of the Office of Special Affairs. What the  
22 members of that church do is no concern to Mr. Minton, or  
23 anyone else in this courtroom. But it is the manner in  
24 which they silence critics.

25 You might say what does that have to do

1 with this? It is two-fold as the defense in this case.  
2 You probably realized that from the voir dire questions.  
3 The evidence is going to show number one, that Mr. Minton  
4 based upon his knowledge of their tactics, based upon  
5 Boston, based upon the way he was treated, based upon  
6 getting in your face, that is exactly what was going to  
7 happen to him as he retreated and walked across the  
8 street Howd came after him, followed him, left the church  
9 property to go after him. "Don't you follow me" as the  
10 thing went out. He had a right to defend himself. He  
11 had an absolute right to stop him from getting in his  
12 face or in his face any further.

13 The second defense in this case may sound  
14 strange to you. That is his actual conduct by Mr. Howd,  
15 according to the individual who will testify about the  
16 Office of Special Affairs, was invited conduct. He  
17 wanted it to occur. I believe that we are going to be  
18 able to prove that. He wanted it to occur for the  
19 benefit of the cause to neutralize this man, and stop him  
20 as a critic of the Church of Scientology. Like the man  
21 on the NBA court, he will take the foul to stop the shot.  
22 And that is exactly what Howd did here.

23 I believe the evidence is going to show  
24 that. He is going to show that he didn't want to get  
25 hit, but when this trial is over you are going to find



1 out he was rewarded for taking that hit. I believe that  
2 without question at the conclusion of this case, once you  
3 listen to the facts, and yes the tapes show what they  
4 show, and they say what they say, but when you put  
5 everything together about the practices of this  
6 particular aspect of the Church of Scientology you will  
7 agree that Mr. Minton acted the way he should have acted  
8 under the law. He acted in self-defense and this man got  
9 exactly what he wanted. Thank you.

10 THE COURT: Counsel, approach the bench  
11 just briefly.

12 (Whereupon, a bench conference was held  
13 out of the hearing of the jury.)

14 THE COURT: Just a matter of procedure,  
15 are we invoking the rule on witnesses?

16 MR. TYSON: Yes.

17 THE COURT: I want to make sure both of  
18 you are aware. Rule is invoked and you all instruct your  
19 own witnesses. Just give everybody a second and then we  
20 will get going.

21 (Whereupon, the witnesses were excluded  
22 from the courtroom.)

23 (Whereupon, the witness was sworn.)

24 THE COURT: Please proceed.

25 MR. TYSON: Thank you, Judge.

1 Whereupon,

2 RICHARD HOWD,

3 a witness, was called for examination by counsel for the  
4 State, and having been previously duly sworn, was  
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. TYSON:

8 Q Please introduce yourself to the jury?

9 A My name is Richard Howd.

10 Q And are you connected with the Church of  
11 Scientology?

12 A Yes, sir.

13 Q I'm sorry?

14 A I work in the Office of Special Affairs, in the  
15 legal department where I conduct research and liaise with  
16 the security for the church.

17 Q You say that you liaise with security, please  
18 explain what that means?

19 A What that means is that I am contact with  
20 security concerning anybody that could pose a threat to  
21 the parishioners, staff, or actual physical locations to  
22 any of the church properties, anybody that would come  
23 from outside the church inside the church to do anybody  
24 harm.

25 Q Okay. How long have you been with the Church

1 of Scientology?

2 A I have been a Scientologist for over ten years.  
3 I've been employed here in Clearwater for approximately  
4 three years.

5 Q In Clearwater for three years?

6 A Yes.

7 Q Do you know who Bob Minton is?

8 A Yes, sir, I do.

9 Q Do you see Mr. Minton in court here today?

10 A Yes, sir.

11 Q Would you please identify what he is wearing  
12 and point to him?

13 A Mr. Minton is sitting right over there, wearing  
14 the dark blue suit.

15 Q Red and blue tie?

16 A Red and blue tie.

17 MR. TYSON: Judge, let the record reflect  
18 that he has identified the Defendant.

19 MR. DENIS DE VLAMING: No objection.

20 THE COURT: The record will so reflect the  
21 ID.

22 BY MR. TYSON:

23 Q I direct your attention to October 31, 1999.  
24 Were you at The Fort Harrison Hotel that day?

25 A Yes, I was.

1 Q In the afternoon did you see Mr. Minton at The  
2 Fort Harrison Hotel?

3 A Yes, I did.

4 Q Tell the jury what he was doing?

5 A Mr. Minton was walking back and forth in front  
6 The Fort Harrison with a picket sign screaming  
7 obscenities about my religion. He was screaming  
8 obscenities at the parishioners that were coming in and  
9 out of the building, and pretty much trying to provoke an  
10 incident at the church.

11 Q Were you filming him?

12 A Yes, I was.

13 Q Were other members of the church filming him?

14 A Yes, there was a couple of other people there  
15 filming him as well.

16 Q How long was he there for?

17 A He was there approximately an hour.

18 Q Did he then leave the area?

19 A Yes, he did.

20 Q Did you follow him from the area?

21 A No, I didn't follow him from the area.

22 Q Did there come a time when you encountered him  
23 at the Belleview Biltmore?

24 A Yes, I did.

25 Q Please explain to the jury why you were there,

1 and what the encounter was?

2 A We received a message at my office that  
3 somebody called in to say that Mr. Minton had  
4 reservations at the Belleview Biltmore and after Mr.  
5 Minton left the front of The Fort Harrison I went to --  
6 near the Biltmore to see if, in fact, that was correct.  
7 To see if I could see him driving up into the Biltmore  
8 property.

9 Q Why did you want to do that?

10 A I wanted to know where he was. Mr. Minton has  
11 repeatedly harassed Scientologists whenever he is in  
12 Clearwater. He has shown up at unexpected times, since I  
13 have been here, to harass Scientologists and do what he  
14 did earlier in the afternoon. I wanted to know where he  
15 was staying for the safety and security of staff and  
16 parishioners.

17 Q Now, you were videotaping during the day and  
18 taping at night?

19 A Yes, sir.

20 Q Tell the jury why you were videotaping?

21 A I was videotaping him for a couple of reasons.  
22 Number one was, to make sure that we had a complete  
23 running record of everything that Mr. Minton said and  
24 did. Many times he will threaten Scientologists that are  
25 around him while he is out there with his sign. And also

1 so that he knew that he was being video taped so that he  
2 wouldn't physically assault somebody.

3 Q On the evening of October 31, 1999, did you  
4 encounter Robert Minton again?

5 A Yes, I did.

6 Q When he first showed up, where were you  
7 located?

8 A I was located -- when he first showed up I was  
9 in The Fort Harrison and I was talking with some people  
10 in security who said that a security guard at the front  
11 door just saw Mr. Minton drive by. I went out to the  
12 front and sure enough he comes around the corner and  
13 around Pierce with his picket sign.

14 Q You had knowledge that he was on his way?

15 A No.

16 Q No?

17 A No.

18 Q Right then, that's when you knew?

19 A Oh, that's when I knew.

20 Q You have seen the tapes in this case, is that  
21 why you are outside waiting for him?

22 A That's correct. I mean security at this time,  
23 they knew he was in the area, so they were looking for  
24 him.

25 Q Who was with him when he showed up at night?

1 A Ms. Stacy Brooks.

2 Q And you know who she is?

3 A Yes, I do.

4 Q Was Minton carrying anything when he showed up?

5 A Yes, he was carrying a sign that said,

6 "Scientology Spiritual Death." It had human skulls on  
7 the front of it.

8 MR. TYSON: Judge, if I can approach the  
9 clerk?

10 THE COURT: You may.

11 MR. TYSON: Judge, may I approach the  
12 witness?

13 THE COURT: Yes.

14 BY MR. TYSON:

15 Q I am going to show what is marked State's  
16 Exhibit for identification, number 1. Tell me what that  
17 is?

18 A That is the sign that Mr. Minton had that  
19 evening.

20 (The sign hereinafter  
21 referred to was marked  
22 State's Exhibit No. 1 for  
23 identification.)

24 BY MR. TYSON:

25 Q Is it in substantially the same condition that

1 it was that night?

2 A Yes, it is.

3 MR. TYSON: Judge, I would tender this as  
4 State's Exhibit Number 1.

5 THE COURT: Any objection?

6 MR. DENIS DE VLAMING: None.

7 THE COURT: It will be admitted and so  
8 marked.

9 (The sign heretofore marked  
10 as State's Exhibit No. 1  
11 for identification was  
12 received into evidence.)

13 BY MR. TYSON:

14 Q Did Stacy Brooks have anything in her hand?

15 A Yes, she had a video camera.

16 Q Did Mr. Minton start protesting on the sidewalk  
17 before he said anything about the Church of Scientology?

18 A Yes, as soon as he started walking up to the  
19 building he immediately started harassing the  
20 Scientologists that were out in front of the building,  
21 screaming such things as, "You killed Lisa McPherson.  
22 You are all responsible for Lisa McPherson's death. The  
23 Church of Scientology murdered Lisa McPherson." And  
24 things like that, on and on.

25 Q Okay. People were videotaping that night. Who



1 was videotaping?

2 A It was myself and Philip Dellar, and Stacy  
3 Brooks was also videotaping.

4 Q Was there also a surveillance camera on the  
5 building?

6 A Yes, there was.

7 Q Would you describe Mr. Minton's demeanor when  
8 he showed up that night?

9 A He was very aggressive, very threatening. He  
10 was getting in people's faces trying to provoke  
11 something.

12 Q Did there come a time when an incident occurred  
13 around the side of The Fort Harrison Hotel?

14 A Yes, sir.

15 Q Would you please look at the jury and explain  
16 what that was?

17 A I was following Mr. Minton and he turned around  
18 the side The Fort Harrison Hotel and turned back to me  
19 and grabbed the strap to video camera and said, "How  
20 would like it if I pulled this out of your hands?" At  
21 that time I grabbed the video camera with my other hand.  
22 I was holding it with my right hand to my right eye. I  
23 just grabbed it with my other and to hold on. Eventually  
24 he let go. When he let go he just turned around with his  
25 picket sign and pushed me up against the building. At

1 that time I pushed back on the picket sign to get him  
2 away from me. He became very upset, very belligerent at  
3 that time and started screaming that I assaulted him.  
4 That's when he just rammed the picket sign and me into  
5 the building.

6 Q Up to this time had you said a word to him?

7 A No, sir, I did not say a word to him.

8 Q Did you ever say a word to him at all that  
9 evening?

10 A No, I didn't.

11 Q What happened after the pushing against the  
12 wall, did he then walk around to the front?

13 A Yes, well, he walked around the corner of  
14 Pierce and Fort Harrison.

15 Q Let me back up a second. Around the side of  
16 The Fort Harrison, is that well lit there?

17 A No, not particularly.

18 Q Is that well trafficked there?

19 A No.

20 Q Is it fair to say that it is dark?

21 A Yes.

22 Q After he left around the side of the building,  
23 did he then return to the front?

24 A Yes.

25 Q What happened at that time?

1           A     At that point he said, "I have had it, I am  
2 going to call the police." He pulled out his cell phone  
3 and started dialing a number.

4           Q     And then what happened?

5           A     He started to walk across Pierce and I  
6 proceeded to follow him. I would say I was about five  
7 feet behind him when he spun around and said, "Don't you  
8 follow me." And he smashed the picket sign into the side  
9 of my face, and the bulldog clip on the edge of the  
10 picket sign caught me right over the eye.

11          Q     When he hit you, where did you have the video  
12 camera?

13          A     I had the video camera up to my right eye.

14          Q     Had you threatened him at all prior to that?

15          A     No, sir, I didn't.

16          Q     Said anything at all prior to that?

17          A     Not at all.

18          Q     Did you make an threatening gestures to him  
19 prior to that?

20          A     No, I was just there to videotape and ensure  
21 that I got a complete running record of everything he  
22 said and did.

23          Q     Did you receive any injuries?

24          A     Yes, I did.

25                   MR. TYSON: Judge, may I approach the

1 clerk?

2 THE COURT: You may.

3 BY MR. TYSON:

4 Q I am going to show you what is marked State's  
5 Exhibit for identification number 2. Can you tell me  
6 what that is?

7 A Yes, that is picture of me in the hospital.

8 (The photograph hereinafter  
9 referred to was marked as  
10 State's Exhibit No. 2 for  
11 identification.)

12 BY MR. TYSON:

13 Q Does it fairly and accurately depict the way  
14 your face looked that day?

15 A Yes, sir, it does. There is a cut above the eye  
16 and an abrasion below the eye.

17 MR. TYSON: Judge, at this time I would  
18 like to enter State's Exhibit Number 2 into evidence.

19 MR. DENIS DE VLAMING: No objection.

20 MR. TYSON: And publish it to the jury.

21 THE COURT: It will admitted and so  
22 marked, and you may publish it.

23 MR. TYSON: Thank you, Judge. Pass that  
24 around.

25 (The photograph heretofore

1 marked as State's Exhibit  
2 No. 2 for identification  
3 was received into  
4 evidence.)

5 BY MR. TYSON:

6 Q Mr. Howd, when he hit you in the face was that  
7 against your consent?

8 A Absolutely.

9 Q Did you want him to hit you in the face?

10 A No, I didn't.

11 Q Did there come a time subsequent to this event  
12 that you gave a written statement in which you said that  
13 it was your right eye hit?

14 A Yes.

15 Q Explain that?

16 A That during the restraining order hearing where  
17 -- the initial injunction -- it was mistakenly said that  
18 I was hit in the right eye.

19 Q And what is on the video you were hit in the  
20 left eye?

21 A Yes.

22 Q In the photo you were hit in the left eye?

23 A Yes.

24 MR. TYSON: Judge, if I may approach the  
25 clerk?

1 THE COURT: You may.

2 BY MR. TYSON:

3 Q Mr. Minton, I am going to show you what --

4 MR. DENIS DE VLAMING: Howd.

5 BY MR. TYSON:

6 Q I'm sorry. Mr. Howd, I am going to show you  
7 what is marked as States's Exhibit for identification,  
8 number 3, and it is marked Richard Howd video. Have you  
9 had an opportunity to view that prior to court today?

10 A Yes, sir, I did.

11 (The video hereinafter  
12 referred to marked as  
13 State's Exhibit No. 3 for  
14 identification.)

15 BY MR. TYSON:

16 Q Tell the jury who took that and what's on it?

17 A That's the video that I took of Mr. Minton  
18 protesting that evening.

19 Q Does it fairly and accurately depict the events  
20 that night?

21 A Yes, it does.

22 Q I show you what is State's Exhibit for  
23 identification number 4, and it is marked Stacy Brook's  
24 video. Have you had an opportunity view that today?

25 A Yes, I did.

1 (The video hereinafter  
2 referred to marked as  
3 State's Exhibit No. 4 for  
4 identification.)

5 BY MR. TYSON:

6 Q Does it fairly and accurately depict what was  
7 taking place at The Fort Harrison?

8 A Yes, it does.

9 Q Also on this tape does it show Benetta  
10 Slaughter's house?

11 A Yes, it does.

12 Q Are you familiar with her residence?

13 A Yes, I am.

14 Q Is that, in fact, her residence on the tape?

15 A Yes.

16 Q Were they wearing the same clothes at her house  
17 as they were when they were out in front of The Fort  
18 Harrison on October 31st?

19 A Yes, sir.

20 Q Same sign?

21 A Yes, same sign.

22 Q I am going to show you what is marked State's  
23 Exhibit for identification, number 5, that's marked  
24 Building Video, Building Surveillance Video. Have you  
25 had an opportunity to see this?

1           A     Yes, I did.

2                                 (The video hereinafter  
3                                 referred to marked as  
4                                 State's Exhibit No. 5 for  
5                                 identification.)

6           BY MR. TYSON:

7           Q     Have you had an opportunity to view this?

8           A     Yes.

9           Q     What does it show?

10          A     It shows me being struck.

11          Q     Does it fairly and accurately depict you being  
12          struck?

13          A     Yes, it does.

14          Q     I will show what is marked as State's Exhibit  
15          for identification, number 6. It is marked Dellar Video  
16          for Philip Dellar. Have you had an opportunity to view  
17          this video?

18          A     Yes, I did.

19                                 (The video hereinafter  
20                                 referred to marked as  
21                                 State's Exhibit No. 6 for  
22                                 identification.)

23          BY MR. TYSON:

24          Q     Does it fairly and accurately depict what  
25          happened that night?





1 (Whereupon, the videos were played for the  
2 jury.)

3 BY MR. TYSON:

4 Q The guy in the white shirt who is standing  
5 beside the officer who is wearing a black shirt, is that  
6 a paramedic?

7 A Yes, it was.

8 Q Was he telling you anything?

9 A He was asking me how I was doing, you know,  
10 what happened. If I was hurt anywhere.

11 Q Mr. Howd, is The Fort Harrison in Clearwater,  
12 Pinellas County?

13 A Yes, sir.

14 Q When Mr. Minton goes around the side of the  
15 building he says something to the effect, "How about if I  
16 grab that." Was that the camera strap?

17 A Yes.

18 Q Was there anybody on the dark side of the  
19 building? Any traffic, or anybody to get his message  
20 out?

21 A No.

22 MR. TYSON: Judge, I have no further  
23 questions.

24 THE COURT: Cross examination?

25 CROSS EXAMINATION

1 BY MR. DENIS DE VLAMING:

2 Q Good afternoon, Mr. Howd.

3 A Good afternoon, sir.

4 Q What is the Office of Special Affairs?

5 A The Office of Special Affairs deals with all  
6 public relations, legal matters, and community service  
7 activities related with the church.

8 Q Also security of the church?

9 A Yes, well, we liaise with security in the legal  
10 area.

11 Q What department of the church handles the  
12 investigation of critics?

13 A Well, the legal department would handle any  
14 type of litigation.

15 Q I didn't say litigation. Who does the  
16 investigation -- well, maybe I shouldn't take anything  
17 for granted. Are you aware that there is ever any  
18 investigations done of critics of the Church of  
19 Scientology?

20 A Well, if you mean if there is investigation of  
21 people who attack the church, yes.

22 Q Would they include critics, like Mr. Minton?

23 A Yes.

24 Q Is there a file on him?

25 A Is there a file on him?

1 Q Yes, sir.

2 A I don't know.

3 Q Didn't you deliver a file to Mr. Tyson last  
4 Friday that is marked Robert Minton?

5 A Yes, there is the file that I have on Mr.  
6 Minton that would contain all of his Internet postings,  
7 postings that he has done of threats that he has made to  
8 the church.

9 Q And investigation of him?

10 MR. TYSON: Judge, he is not finishing his  
11 answer.

12 THE COURT: If you would just let him  
13 finish.

14 THE WITNESS: I do keep a file on Mr.  
15 Minton because he has come to my church repeatedly making  
16 threats, doing things of this nature, and he does a lot  
17 of posts on the Internet. So I do have a lot of his  
18 Internet postings where he has bragged about calling the  
19 Ecclesiastical leader of the church, calling his mother,  
20 leaving threatening messages on her answering machine.  
21 Posting her number and phone number to the Internet.  
22 Inviting other people to do the same thing. So I do have  
23 like a folder of his Internet postings, yes, that is  
24 correct.

25 BY MR. DENIS DE VLAMING:

1 Q Have you categorized it and gave it to Mr.  
2 Tyson on Friday?

3 A That's correct.

4 Q You gave him a file on Stacy Brooks?

5 A That is correct.

6 Q You gave him a file on Jesse Prince?

7 A Uh-huh, yes.

8 Q Yes?

9 A Yes.

10 Q Any other files?

11 A I believe there was a file on Frank Oliver,  
12 too.

13 Q Those are all the witnesses that have been  
14 listed by the defense to testify in this case, is that  
15 accurate?

16 A That's correct.

17 Q And the purpose of giving them all of that  
18 investigative work that this church did was so that he  
19 could cross examine on what the church had found out and  
20 kept in these files, correct?

21 A Well --

22 Q To benefit him in cross examining these people,  
23 right?

24 A That's right, and also to give him a background  
25 on these people.

1 Q Did he ask for that, did the prosecution ask  
2 for that?

3 A No, he didn't.

4 Q You brought it up yourself?

5 A Yes, I did.

6 Q Is that part of the Office of Special Affairs  
7 then, to conduct these investigations into critics?

8 A These files were obtained from the legal  
9 department, where we do keep files on individuals that we  
10 have -- or could potentially have litigation with.

11 Q Do you ever do that investigation?

12 A I do legal research.

13 Q Legal research, let's see now, legal research,  
14 does that mean like looking into a person's past, looking  
15 into public records and documents, things like that?

16 A It means doing court checks, looking into court  
17 records, depending on what it could be. It could be like  
18 looking into -- researching different medical  
19 information, depending on --

20 Q Medical information of Mr. Minton?

21 A No, no. Any type of medical information that  
22 might be needed for a case, not personal medical  
23 information.

24 Q Who does the personal investigation and  
25 interviews of critics like Mr. Minton? What part of the

1 church does that?

2 A I don't know. I do know, like, attorneys we  
3 hire will hire PI's from time to time to interview or  
4 investigate people that we have litigation with.

5 Q Do you know who hired a witness [sic] to talk  
6 to Mr. Oliver's ex-wife, and other related individuals  
7 within forty-eight hours of him being listed as a  
8 witness?

9 A I have no idea.

10 Q Do you talk -- do people from the church talk  
11 to people's neighbors, their ex-spouses, the ex-  
12 employers, and current employers when someone becomes a  
13 critic of the church?

14 A I have no idea. Again, I liaise with security.  
15 I will like keep on what Mr. Minton is posting on the  
16 Internet because a lot of it is very inflammatory. Prior  
17 to this whole incident I was monitoring Mr. Minton quite  
18 closely on the Internet because there was a rising  
19 escalation of hostility his posts. That's what I do.

20 Q Who knew that Mr. Minton was coming into town  
21 on October 31st? How did you know that he was landing in  
22 Clearwater?

23 A I didn't.

24 Q Who told you?

25 A I found out when he showed up in front The Fort

1 Harrison.

2 Q Well, who met him at the airport? Somebody met  
3 him at the airport and said, "Go home, Bob." Who was  
4 that?

5 A I have no idea.

6 MR. TYSON: Judge, he said that he didn't  
7 know.

8 THE COURT: Sustained.

9 MR. DENIS DE VLAMING: I'll rephrase it.

10 BY MR. DENIS DE VLAMING:

11 Q Do you know whether or not any member of the  
12 Church of Scientology met Mr. Minton at the airport?

13 A No, I didn't.

14 Q When did you find out and from what source that  
15 he was in town?

16 A I don't remember exactly who told me, but it  
17 was when he showed up that afternoon in front The Fort  
18 Harrison and starting picketing.

19 Q So the first time that you saw Bob Minton on  
20 October 31, 1999 was when he was in front of The Fort  
21 Harrison, is that what you are telling us?

22 A That afternoon, that's correct, sir.

23 Q You didn't follow him?

24 A No, I didn't.

25 Q Did anybody tell you to go to the Bellevue



1 Biltmore where he was staying?

2 A No.

3 Q How did you know that he was staying there?

4 A Somebody -- I received a message, somebody  
5 called in and said that Mr. Minton has a reservation at  
6 the Belleview Biltmore.

7 Q You are not suggesting that the Belleview  
8 Biltmore calls the Church of Scientology and says that  
9 Minton is in town, do you?

10 A I have no idea. That was just a message that I  
11 received from our receptionist.

12 Q Did anybody ask you then to go out to the  
13 Belleview Biltmore to confront Mr. Minton?

14 A No, they didn't.

15 Q Did you do it by yourself?

16 A Yes, sir.

17 Q Did you have your camera?

18 A Yeah, I had my camera with me.

19 Q How long had you lived in this town before that  
20 time?

21 A Before that time, about two and a half years.

22 Q Do you own a car?

23 A No.

24 Q In fact, you had a rental car that day, right?

25 A That's correct.

1 Q And that rental car wouldn't even have come  
2 back to you if somebody ran the tag, would it?

3 A No, that rental car, I borrowed it from our  
4 security consultant.

5 Q And you had a woman with you at the time?

6 A Yes, there was a woman that showed up there.

7 Q Did she have another car?

8 A Yes, she did.

9 Q Was there a time that you had your vehicle on  
10 one side of Mr. Minton's car, front or back, and the  
11 woman had her car at Belleview Biltmore property in front  
12 or behind that behind that vehicle?

13 A I don't -- when she showed up, she was -- we  
14 were on a public road even before we entered the  
15 Belleview Biltmore property. She was parked along-side  
16 there with me. I believe that she just showed up there.  
17 I don't think that she went into the Biltmore property.

18 Q The woman didn't?

19 A I don't think so.

20 Q Let me show you what has been marked as  
21 Defendant's 1, A, B and C?

22 MR. TYSON: Objection, Judge can we  
23 approach?

24 THE COURT: Please.

25 MR. TYSON: Are you entering those in?

1 MR. DENIS DE VLAMING: I'm going to, but I  
2 can wait. I think he is withdrawing his objection.

3 THE COURT: Are you withdrawing your  
4 objection?

5 MR. TYSON: Yes, Judge.

6 THE COURT: Thank you, Mr. Tyson.

7 MR. DENIS DE VLAMING: May I continue?

8 THE COURT: Let her get ready. Please  
9 proceed.

10 BY MR. DENIS DE VLAMING:

11 Q Is this the vehicle, the rental vehicle that  
12 you just talked about?

13 A I believe so, yes.

14 (The photographs hereinafter  
15 referred to were marked as  
16 Defendant's Exhibits Nos. 1A, B,  
17 and C for identification.)

18 BY MR. DENIS DE VLAMING:

19 Q Is this the other woman at the Belleview  
20 Biltmore Hotel that drove the other vehicle there?

21 A That's correct.

22 Q What is her name?

23 A I'm sorry, I blanked out there for a second.

24 Q Is she a member of the Church of Scientology?

25 A Yes, she is, she is a hairstylist. Cheryl

1 Fester.

2 Q Are you sure of that?

3 A Yes.

4 Q Did you ever follow Mr. Minton that day?

5 A No, I didn't.

6 Q Isn't that part of your duties to do that?

7 A No.

8 Q Did you ever follow him?

9 A No, I didn't.

10 Q Did you ever follow him?

11 A No.

12 Q Did you ever follow any critic of the Church of  
13 Scientology?

14 A No.

15 Q You never did?

16 A No.

17 Q Did you go onto the property of the Belleview  
18 Biltmore Hotel?

19 A No, I didn't.

20 Q Did you go near the property of the Belleview  
21 Biltmore Hotel?

22 A No, not that day. I mean I have been --

23 Q That day?

24 A No, not at all.

25 Q Can't you see the Belleview Biltmore Hotel in

1 those photographs?

2 A You can see the front entrance to it.

3 Q And the purpose of you going there --

4 A I'm sorry, not from these photographs you  
5 can't, but on the side road, that's a side road, and then  
6 the entrance goes over this little bridge where the  
7 guard, where they have the guard shack and the gate. You  
8 could see it from the corner of the road, but not from  
9 these photos.

10 Q The purpose, Mr. Howd, of you going there that  
11 day, on October 31, 1999, wasn't because you were a  
12 resident or a renter, but it was specifically to go and  
13 find Mr. Minton, correct?

14 A That's correct. I wanted to ensure -- I wanted  
15 to find out if Mr. Minton was staying there or not.

16 Q And you found it out?

17 A Yes, sir.

18 Q And you filmed him?

19 A Yes, I did.

20 Q There is video footage of you filming him that  
21 day at the Belleview Biltmore where he had gone to stay,  
22 correct?

23 A That's correct.

24 Q And after you filmed you turned that film into  
25 the State Attorney's Office, didn't you?

1           A     Yeah, I believe that was -- I believe that I  
2 did. I'm not sure if that was part of other film that  
3 occurred earlier that day, if that was like the same film  
4 of when Mr. Minton was screaming obscenities earlier in  
5 the day at The Fort Harrison. I think it might have been  
6 all on the same tape.

7           Q     When you went to the Belleview Biltmore did you  
8 just happen to meet up with this woman?

9           A     Yes, she was at The Fort Harrison when Mr.  
10 Minton was outside screaming, and after he left I told  
11 her that I was going to go to the Belleview Biltmore to  
12 see if this, in fact, true that Mr. Minton was staying  
13 there.

14          Q     And she went as well?

15          A     Yes, she showed up there after I did, probably  
16 about ten minutes I arrive there.

17          Q     And you were there together for awhile. Was  
18 there a time when the three cars were lined up with Mr.  
19 Minton sandwiched in the middle? We can look at the tape  
20 if you need to?

21          A     Yeah, that would -- because what I remember is  
22 I was on the corner. There was a side street and I was  
23 on the corner to where the front entrance goes to the  
24 Biltmore. I had my camera with me. I saw Mr. Minton  
25 come up, and when he saw me he swung his car around,

1 almost hit me, and then he backed up the street to where  
2 I was parked. I'm not sure if he pulled around Cheryl  
3 Fester's car and parked in front of mine, or if he parked  
4 in front of Ms. Fester's car. Somewhere along the line  
5 is when he parked there, came out with his video camera  
6 and started videotaping the vehicles of Cheryl Fester and  
7 myself.

8 Q And you got out with your camera?

9 A Well, at that time I had my camera with me. I  
10 mean I just wanted to confirm to see if Mr. Minton was,  
11 in fact, staying there because it is so close to the  
12 church.

13 Q Did you need a camera to confirm whether or not  
14 somebody is staying at a hotel?

15 A No, not at all.

16 Q So you got out and started filming him, right?

17 A No, I didn't. I didn't start filming him at  
18 first. I didn't start filming him until he swung around  
19 with his car and backed up the street where I was parked,  
20 got out of his car and started playing around with his  
21 video camera. I figured it would good to have video  
22 documentation of whatever he was doing.

23 Q So instead of leaving, you stayed, got out with  
24 cars in the position that you just indicated and started  
25 videotaping him, right?

1 A That's right.

2 Q Did you say anything to him?

3 A No, I didn't.

4 Q So you were quietly doing that? Did you feel  
5 at all that you showing up where he was staying is in any  
6 form of harassment?

7 A No, not at all.

8 Q Not at all. What if he was a woman, Mr. Howd,  
9 do you think it --

10 MR. TYSON: Objection, Judge.

11 THE COURT: Basis?

12 MR. TYSON: Speculation, Judge, plus it is  
13 not relevant to this case.

14 THE COURT: Sustained.

15 BY MR. DENIS DE VLAMING:

16 Q After you left the Belleview Biltmore did you  
17 go back to The Fort Harrison?

18 A I think I might have went back to my office,  
19 which is in the Clearwater Bank building.

20 Q Did you make a report of the incident, did you  
21 call anybody?

22 A No.

23 Q You never called a superior?

24 A Well, no, my boss was there.

25 Q Where?



1           A     At the office.

2           Q     Okay, when you went back did you give him a  
3 report about Minton?

4           A     I told him what happened in front The Fort  
5 Harrison. I told him what happened over at the Belleview  
6 Biltmore.

7           Q     You said that you went to the Belleview  
8 Biltmore to see if he was there?

9           A     Yes.

10          Q     You told him that you filmed him?

11          A     Yeah, that's correct. I told him that this man  
12 almost hit me with his car when he spun in, and then  
13 backed up down the street, and then he started filming,  
14 and I proceeded to film.

15          Q     Do got that on film?

16          A     No, I don't, because I wasn't filming at that  
17 time. I didn't start filming until after that time.

18          Q     What kind of camera do you, that is video-type  
19 camera?

20          A     There were two cameras that day. In the  
21 afternoon I was using a Panasonic.

22          Q     Is it is a digital camera?

23          A     The Panasonic isn't a digital, no.

24          Q     You mean of the incident in question, that is  
25 not a digital?

1           A     No, the incident in question where Mr. Minton  
2 struck me, that is a digital camera.

3           Q     That's a digital camera. So you have multi-  
4 cameras?

5           A     I have two cameras.

6           Q     You have two cameras. And on the incident you  
7 were filming that night you were using a digital camera,  
8 correct?

9           A     Yes, sir, that is correct.

10          Q     Just the jury understand, the digital camera,  
11 is that the one where you can plug it into a computer and  
12 show it on a computer screen?

13          A     Yeah, you can do that.

14          Q     Do you do that? How do you show it?

15          A     You could plug it into a VCR, or you can plug  
16 it into a computer.

17          Q     Do you have the ability to plug it into a  
18 computer?

19          A     Yes, I do.

20          Q     Do you also have the ability to edit the tape  
21 once it is plugged into the computer?

22          A     No.

23          Q     You cannot edit?

24          A     Not the tape directly, no.

25          Q     Do you have the equipment at the Church of

1       Scientology allowing you to edit digital video equipment?

2           A       Not that I know of.

3                   MR. TYSON:  Objection, relevance.

4                   THE COURT:  Objection sustained.

5                   BY MR. DENIS DE VLAMING:

6           Q       Now did you know that Mr. Minton was going to  
7       return at approximately 10:30 at night to the Church of  
8       Scientology?

9           A       I had no idea what Mr. Minton was going to do.

10          Q       And yet what we see on these tapes that you  
11       watched with the jury, that when Mr. Minton came around  
12       the corner after getting there for the first time that  
13       night, that night, you were already outside holding the  
14       digital video camera?

15          A       That's correct.

16          Q       So you were waiting for him?

17          A       No, I was talking to other people security.  I  
18       had the camera with me, because as in the past, I never  
19       know when Mr. Minton is going to show up or not.  So I  
20       had the camera with me to ensure -- while I was talking  
21       to security, there was as security guard out in front of  
22       The Fort Harrison, he radioed in saying that he thinks he  
23       saw Bob Minton and Ms. Brooks drive by.

24          Q       So then you were ready then with your camera in  
25       the event that they came over?

1           A     Right, and that's when I went outside to the  
2 front and was looking around for him when he came around  
3 the corner.

4           Q     Is there a stationary camera overlooking the  
5 sidewalk at the location in question?

6           A     I think so.

7           Q     One of the videos that we saw a still camera?

8           A     Yes.

9           Q     Do you know if there is a still surveillance  
10 camera overlooking Mr. Minton's building, put up by the  
11 Church of Scientology?

12          A     I don't know.

13          Q     As part of security at Office of Special  
14 Affairs you are saying that you don't know?

15                   MR. TYSON: Asked and answered, Judge.

16                   THE COURT: Overruled.

17                   BY MR. DENIS DE VLAMING:

18          Q     That is what you are telling me?

19          A     I don't know.

20          Q     Say it again?

21          A     I don't know.

22          Q     When did you become a member of the Church of  
23 Scientology?

24          A     In 1989.

25          Q     When did you become a member of the Office of

1 Special Affairs?

2 A I became a member of the Office of Special  
3 Affairs in 1993.

4 Q 1993?

5 A Uh-huh.

6 Q Yes?

7 A Yes, sir.

8 Q As part of your study with the Church of  
9 Scientology do you read and have read the teachings of  
10 and procedures of man by the name of L. Ron Hubbard?

11 A Yes, I have read some of it.

12 Q And has some of it included at one time in the  
13 '60's a policy entitled "Fair Game"?

14 A No.

15 Q You have never never read about "Fair Game"?

16 A That's correct.

17 Q Never heard the term?

18 A Well, actually I have heard the term. I have  
19 heard the term, okay I have heard the term where  
20 attackers of the church have used it in the past. I've  
21 also during the injunction hearing where we got the  
22 injunction to enjoin Mr. Minton from the property it came  
23 up, and I did some research into it. I found that any  
24 policy that mentioned this term "Fair Game" was canceled  
25 back in 1967.

1 Q Was it your understanding that the policy was  
2 canceled, or the term was canceled?

3 A The policies that mention this term were  
4 canceled.

5 Q Okay. Isn't it true, Mr. Howd, that what the  
6 directive said --

7 MR. TYSON: Objection, he has already  
8 testified that he heard about it at the injunction  
9 hearing. He is trying to impeach him with something he  
10 didn't know anything about.

11 MR. DENIS DE VLAMING: Judge, he has  
12 already testified that he has some knowledge about it,  
13 and I think I have an opportunity to impeach him.

14 MR. TYSON: Judge, that is off the  
15 Internet and when Mr. de Vlaming was questioning he said  
16 it was after the injunction hearing, and he is trying to  
17 impeach him with a document that is thirty years old.

18 THE COURT: Objection is overruled.

19 BY MR. DENIS DE VLAMING:

20 Q What is an "SP"?

21 A Suppressive person.

22 Q A suppressive person?

23 A That is correct.

24 Q Would Mr. Minton according to the Church of  
25 Scientology meet the definition of a suppressive person?

1           A     He could. I mean I've never analyzed any anti-  
2 social characteristics of Mr. Minton.

3           Q     Are you aware of -- do you know what "PL" is?

4           A     I believe that stands for policy letter.

5           Q     Right, a policy letter by L. Ron Hubbard, dated  
6 October 1968. "This policy letter does not cancel any  
7 policy on the treatment or handling of an "SP" or  
8 suppressive person." And that is the policy of "Fair  
9 Game." Isn't that true?

10          A     Okay.

11          Q     Isn't that true?

12          A     I don't know.

13          Q     Let me ask you this, Mr. Hubbard is dead,  
14 correct?

15          A     That's correct.

16          Q     To your knowledge can the church now pass laws,  
17 that is internal laws that obliterate the teachings of L.  
18 Ron Hubbard?

19          A     Pass laws?

20          Q     Pass procedure, pass procedures of L. Ron  
21 Hubbard, if they are in existence after his death can  
22 procedures that he put into effect be changed by the  
23 current administration?

24          A     No.

25          Q     They cannot?

1 A No.

2 Q Mr. Howd, now you said that you did not in any  
3 way invite this conduct of Mr. Minton, is that correct?

4 A That's correct.

5 Q When we see you in these video tapes walking  
6 extremely close to Mr. Minton, correct?

7 A At times I was about two feet away from him,  
8 but most of the time I was about I would say four to five  
9 feet away.

10 Q Was there anyone ever closer to you as he  
11 walked up and down that sidewalk?

12 A Was there anyone -- I'm sorry I don't  
13 understand your question.

14 Q Was there anyone closer to Mr. Minton than you,  
15 as he was walking up and down the sidewalk?

16 A No, but the reason why I stayed the distance I  
17 did to Mr. Minton is because I wanted to ensure that I  
18 had a recording of everything that Mr. Minton said and  
19 did that morning.

20 Q Well, you say said and did, did you see the  
21 other videos taken in this case?

22 A Yes, I did.

23 Q All right. Mr. Minton talks in terms of one guy  
24 being of the name of Crock, did you hear that?

25 A That is the term that Mr. Minton uses to



1 address him, sure.

2 Q But you know who we are talking about?

3 A Uh-huh.

4 Q He does a video here?

5 A Uh-huh.

6 Q Yes?

7 A That's correct.

8 Q And you could see everything that is said on  
9 here, and see everything that Mr. Minton is doing on  
10 that, can't you?

11 A Yeah, I mean some of it is hard to hear because  
12 they are a distance away.

13 Q So what you are telling us then is no way did  
14 you intend to harass Mr. Minton by the closeness of you,  
15 but only to document Mr. Minton, correct?

16 A That's correct.

17 Q Why was Crock there?

18 A Uh --

19 Q He is a member of the Church of Scientology,  
20 why do you need two cameras?

21 A I don't know, maybe he felt that it would be  
22 good to have another recording.

23 Q Isn't it true, Mr. Howd, that everything that  
24 happened that night was choreographed inside the Church  
25 of Scientology between you and other members of the

1 Officer of Special Affairs?

2 A No, that's totally not true.

3 Q Nothing was practiced about that night?

4 A Nothing at all.

5 Q Let me ask you this, do you remember that one  
6 scene taken by Ms. Brooks where just before you go around  
7 the corner all of the sudden you see those women, do you  
8 know who the women were that were out there that day?

9 A Yes.

10 Q Were they members of the Church of Scientology?

11 A Yes, they are.

12 Q Office of Special Affairs?

13 A Uh-huh.

14 Q Okay. You see them walk back to the front of  
15 the church entrance and walk inside. Did you see that  
16 part?

17 A Yes, I did.

18 Q Right after that is when you round the corner  
19 with Mr. Minton, correct?

20 A It was a little bit after we rounded the  
21 corner.

22 Q Right, just a little bit after you rounded the  
23 corner. What happened between you and Mr. Minton is  
24 preserved on tape?

25 A Uh-huh.

1 Q When he says, "Are you assaulting me? Are you  
2 assaulting me?" That part?

3 A Well, hold on, the first thing that he did was  
4 grab the strap to my video camera and try to pull the  
5 video camera out of my hands. Then he pushes me into the  
6 building with his sign.

7 Q Wait a minute. Isn't it true that he starts to  
8 grab the strap and then he turns around and starts to  
9 walk and says, "Oh, you think so?" Isn't that the -- I  
10 thought that is way it went?

11 A No, it didn't. If you watch the video, he  
12 grabs the strap and he says, "How would you like me to  
13 pull this out of your hand?" And that's when I grabbed  
14 onto the video camera with both of my hands. Okay. Then  
15 he lets go of the strap and he pushes me into the  
16 building. That's when you see the camera jumble. I just  
17 push him back so that I could get some room to maneuver  
18 out of the way. That's when he starts screaming about me  
19 assaulting him and then pushes me back into the building  
20 again.

21 Q Just before that particular complaint, where he  
22 says, "You are assaulting me now." Did you say anything  
23 to him that provoked him?

24 A I didn't say anything at all.

25 Q Right after that you hear Mr. Minton say, "It's

1 time to call the police." Right?

2 A That's correct.

3 Q That's when the girls, the ladies, it's at the  
4 point in time that they start going back to the front  
5 entrance, right?

6 A Yeah, I guess so.

7 Q Here is what I want to ask you, they go into,  
8 according to these videos, they go into the front  
9 entrance, all of them together. When you hit the ground  
10 Crock's video show them all coming out at the same time,  
11 and walk up to you. Did you see that on the tape?

12 A Yeah.

13 Q They all come out at the same time. Did you  
14 notice, Mr. Howd, now your camera is rolling, it's on the  
15 ground, right?

16 A Right.

17 Q Rolling, not one of those people, not one asked  
18 you if you were all right, isn't that true? If you want  
19 to play it again, I'll play it.

20 A You know, I don't remember.

21 Q Isn't it true, Mr. Howd, the reason that they  
22 didn't ask you are you all right --

23 MR. TYSON: Objection speculation, Judge.

24 MR. DENIS DE VLAMING: I didn't finish the  
25 question.

1 THE COURT: Finish the question please.

2 BY MR. DENIS DE VLAMING:

3 Q Is because this whole scenario was practiced  
4 before it happened?

5 A No. Actually the reason why they didn't say  
6 anything to me is it is part of Scientology belief that  
7 if somebody is injured you don't say anything to them  
8 because that would be a recording that would be entered  
9 into a person's reactive mind. So they were just being  
10 very quiet because of that situation.

11 Q Even to the point of saying do you want me to  
12 call 911, they don't even say that?

13 A There was no reason to.

14 Q There was no reason to call 911?

15 A Why would they ask me to call 911 when they  
16 know there is Philip there, who is with security, and  
17 other security members who are trained to handle these  
18 situations.

19 Q Were you knocked out?

20 A No, I wasn't unconscious, no.

21 Q Do you recall on Crock's video that when it  
22 first starts out you see you open your eyes, look up at  
23 the camera and then shut your eyes again? Did you see  
24 that, Mr. Howd?

25 A I was blinking. I had blood in my left eye.

1 Q Okay, you were blinking. Now, you laid there  
2 motionless without moving your eyes, or hands, or your  
3 arms. And apparently the officer must have said, "Can I  
4 have some ID?" Or, "Do you have some ID?" You  
5 immediately reach in your pocket and hand up your wallet,  
6 do you remember that part?

7 A Uh-huh.

8 Q Okay, but your eyes were still closed, but you  
9 could still hear him, right? You knew that he needed to  
10 find out who you were?

11 A No, I think my eyes were open at that time.

12 Q Were you having any dialogue with the officer  
13 who asked you that?

14 A Yeah.

15 Q Will we be able to hear that on the tape?

16 A Yeah, well, I mean you should have heard it.  
17 He asked me if this was my correct address.

18 Q Any other -- because you camera was right there  
19 on the ground. So we are going to hear everything?

20 A Right. I don't remember if there was anything  
21 else. I do remember him taking my wallet, getting my ID  
22 and asking me, "Is this your correct address?" And me  
23 saying, yes it was.

24 Q Along the lines, Mr. Howd, of it being an  
25 invited conduct, we see you in your white shirt walking

1 down the street, you are not wearing your glasses, you  
2 have them tucked in right here. But yet we see that you  
3 are wearing glasses now.

4 A That's correct.

5 Q You weren't wearing glasses while you were  
6 videotaping because you didn't want to get seriously hurt  
7 when you provoked him, right?

8 A No, that's not true at all. I have the video  
9 camera up to my eye, and it was harder with my glasses on  
10 to videotape him. It was just easier if I took them off  
11 and had the video -- the peep site right up to my eye.

12 Q Okay, so what you are saying is that when you  
13 videotape you did it without eyeglasses, as opposed to  
14 with eyeglasses?

15 A Yeah, most of the time, when I am using a peep  
16 site. There's also -- the Panasonic has one where you  
17 can open up to the screen and you could just follow along  
18 with the screen.

19 Q But if it is up to the eye then no glasses, is  
20 that what you are saying?

21 A Normally, yeah.

22 Q How tall are you, Mr. Howd?

23 A 5'11".

24 Q And your weight?

25 A 210.

1 Q Did you go to the hospital over this?

2 A Yes, sir.

3 Q You rode in ambulance?

4 A That's correct.

5 Q And this foam board knocked you to the ground,  
6 keeping you there for fifteen minutes?

7 A Well, what happened was when he jabbed the  
8 picket sign into my eye, you can see on the video that  
9 the binder clip catches me right over the eye. It just  
10 took me totally by surprise. It snapped my head back. I  
11 lost balance. I was pretty much spinning trying to avoid  
12 a hard fall at the time. When I fell my back was a  
13 little sore. I wasn't sure what else happened. So -- I  
14 used to be an emergency medical technician up north a  
15 number of years ago. I really didn't want to play around  
16 with it if I had an injured back or injured head, so I  
17 just laid perfectly still. And then -- I wanted to get  
18 checked out to make sure everything was okay.

19 Q So this blow clearly -- was it the blow itself  
20 that clearly knocked you to the ground, keeping you there  
21 for fifteen, twenty minutes?

22 A The blow to my head knocked me off balance, and  
23 then in the process I fell to the ground.

24 Q Mr. Howd, did you hear Mr. Minton when he said,  
25 "I'm going to call the police."?



1           A     Yes.

2           Q     He said the words, "I'm going to call the  
3 police." After he accused you of assaulting him around  
4 the corner, correct?

5           A     That's correct.

6           Q     And not only did he say, "I am going to call  
7 the police." But you saw him take out his cellular phone  
8 and begin to dial, correct?

9           A     That's correct.

10          Q     Not did he say, "I'm going to call the police."  
11 And start to dial the police, but he started to leave the  
12 church property by walking across the street away from  
13 you and the Church of Scientology property, correct?

14          A     Uh-huh, yes.

15          Q     And instead of allowing him to go back to his  
16 car, or meet with the police you made the decision that  
17 you were going to continue to follow him, even though he  
18 was retreating?

19          A     I had not idea or indication that he was  
20 retreating, or calling the police.

21          Q     Wait a minute --

22          A     Please, sir. I had no idea that he was  
23 retreating or calling the police. He said that he was  
24 calling the police, but how am I to know exactly what Mr.  
25 Minton is doing. And up to that point in time I was

1 seeing a definite escalation in hostilities from Mr.  
2 Minton. That is the particular time that I wanted to  
3 make sure that he was on video tape, to document whatever  
4 he was going to do.

5 Q Was there anything, Mr. Howd, stopping you from  
6 that point, after hearing what he said, and not wanting  
7 to be followed, for you to stay back on that sidewalk as  
8 he walked away? Was there anything holding you there, so  
9 that you could film from afar?

10 A No, but I mean I was about five feet behind  
11 him. I was going to let him go ahead. I mean, if Mr.  
12 Minton went from there went to his vehicle and drove away  
13 I would have been fine. But he didn't. That's when he  
14 turned around in the middle of the crosswalk and smashed  
15 his sign into my face.

16 Q After saying what?

17 A Immediately after saying, "Don't be following  
18 me." Bang, he hit me.

19 Q "Don't be following me." After you met him at  
20 the Belleview Biltmore, after you walked within feet of  
21 him as he protested, and after you walked after him as he  
22 left the church property he said, "Quit following me."  
23 Didn't he?

24 A And then bang, he hit me.

25 Q That's right. That's right.

1 MR. DENIS DE VLAMING: Thank you.

2 THE COURT: Redirect?

3 REDIRECT EXAMINATION

4 BY MR. TYSON:

5 Q Was the Church of Scientology afraid that Mr.  
6 Minton would make an assault on some of its members?

7 A Yes, sir, absolutely.

8 Q Back in this policy of 1968 or 1967, how old  
9 were you?

10 A I was barely a year old, sir.

11 Q Do you know what the "Fair Game Policy" is? Is  
12 there such a policy with the Church of Scientology?

13 A No, I have never read this policy. And again  
14 the only time I have ever heard this mentioned is when  
15 somebody, some religious bigot is attacking my church. I  
16 have never studied this within the church, or for any  
17 instruction that I have done.

18 Q Mr. de Vlaming asked you about Mr. Dellar's  
19 video, why can't we just use that one. Did that pickup  
20 when what occurred when Mr. Minton immediately went  
21 around the corner?

22 A No, sir, it didn't.

23 Q So that video wouldn't have picked the sound of  
24 Mr. Minton saying, I am grabbing that camera strap, would  
25 it?

1 A No, sir, it wouldn't have. It wouldn't.

2 Q How good can you see without those glasses?

3 A I could read, but I can't see well at  
4 distances.

5 Q Do you recall earlier in the day when Mr.  
6 Minton was in Clearwater saying, "You guys can follow me  
7 all day if you want." Do you recall seeing a tape of him  
8 saying that?

9 A Yes, sir.

10 Q So he told you, "You can follow me all day if  
11 you want. I don't care."?

12 A That's correct.

13 MR. TYSON: I have no further questions,  
14 Judge.

15 MR. DENIS DE VLAMING: Very briefly?

16 THE COURT: Yes, please.

17 RE CROSS EXAMINATION

18 BY MR. DENIS DE VLAMING:

19 Q On the basis of what Mr. Tyson just said,  
20 didn't you tell me in direct examination that if Mr.  
21 Hubbard created a policy, that after his death that the  
22 administration could not change Hubbard Policy, didn't  
23 you tell me that?

24 A That's correct.

25 Q I want you to listen to this, in October 1967

1 as far as a suppressive person order, "Fair Game", "May  
2 be deprived of property, or injured by any means by any  
3 Scientologists, without any discipline of the  
4 Scientologists. May be tricked, sued, lied to, or  
5 destroyed." Signed L. Ron Hubbard, Founder. Are you  
6 aware of anything that took away this policy up until the  
7 time that this man --

8 MR. TYSON: I would object. He has  
9 already stated that he has never heard of it. He was one  
10 year old when that came out.

11 THE COURT: Objection overruled.

12 THE WITNESS: Actually I was one year old  
13 when that policy was canceled and any policies concerning  
14 -- that mentioned "Fair Game" were canceled.

15 BY MR. DENIS DE VLAMING:

16 Q What year was that?

17 A 1967.

18 Q So in 1968 it was canceled?

19 A No, I believe in 1967 it was canceled.

20 MR. DENIS DE VLAMING: May I approach the  
21 witness?

22 THE COURT: You may.

23 BY MR. DENIS DE VLAMING:

24 Q I don't mean to quibble about the date.

25 A No problem.

1 Q Cancellation of "Fair Game" would that be  
2 accurate?

3 A Okay, then it was 1968 that it was canceled.  
4 Okay, I was two years old.

5 Q That's okay. I didn't mean it for your age.  
6 But do you agree that it says, "This policy letter does  
7 not cancel any policy on the treatment or the handling of  
8 a suppressive person."?

9 A Sure.

10 Q They only canceled the term, not the policy,  
11 correct?

12 A Okay, that's correct. I've seen plenty of  
13 policy that says that with a suppressive person, that you  
14 don't communicate with suppressive person, you don't have  
15 anything to do with a suppressive person, you just leave  
16 them alone. That's probably what it is referring to.

17 Q Is that why the women on the tape are heard  
18 just saying, "Go home, Bob." And never answering his  
19 questions, is that part of the policy? They won't answer  
20 his questions, they just say, "Go home, Bob."?

21 A I don't know. I mean I don't know -- they were  
22 there, they were telling Bob what they felt. They don't  
23 want him here, they want him to go home. I mean we were  
24 there to answer. He was accusing them of being killers.

25 Q Didn't you just say that you do not communicate

1 with a suppressive person? Didn't I hear you say that?

2 A That's true, somebody that has been declared a  
3 suppressive person, you don't communicate with.

4 Q So if a suppressive person asks questions you  
5 don't communicate with them?

6 A Right, but now, Mr. Minton, I have never done  
7 an analysis that says that Mr. Minton is a suppressive  
8 person. He -- obviously he doesn't care for our church.  
9 Obviously, we don't care for him. But I mean there is  
10 nothing that says he is suppressive person.

11 MR. DENIS DE VLAMING: That's all I have,  
12 your Honor.

13 MR. TYSON: No further questions, Judge.

14 THE COURT: Thank you, sir, please step  
15 down.

16 (Whereupon, the witness was excused.)

17 MR. TYSON: Judge, can we approach?

18 THE COURT: Yes, please.

19 (Whereupon, a bench conference was held  
20 out of the hearing of the jury.)

21 MR. TYSON: Judge, all I have is Officer  
22 Beaudette. I don't think he is going to be more than  
23 about five minutes for me. How long do you think? I  
24 would like to finish him up today, if we can.

25 MR. DENIS DE VLAMING: Ten.

1 THE COURT: So rather than taking a break  
2 now --

3 MR. TYSON: Or a five minute break if they  
4 want to go to the bathroom, and then call him.

5 THE COURT: If you are telling me it is  
6 only fifteen or twenty minutes let's get this witness  
7 done. Please call your next witness.

8 MR. TYSON: Officer Beaudette.

9 (Whereupon, the witness was sworn.)

10 THE COURT: Please proceed.

11 Whereupon,

12 OFFICER MARK BEAUDETTE,  
13 a witness, was called for examination by counsel for the  
14 State, and having been duly sworn, was examined and  
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. TYSON:

18 Q Sir, would you please introduce yourself to the  
19 jury?

20 A Mark Beaudette, I am a police officer for the  
21 City of Clearwater.

22 Q How long have you been employed there?

23 A About eleven years.

24 Q Are you a patrol officer?

25 A Yes.



1 Q I'm going to direct your attention to October  
2 31, 1999, in the evening hours. Were you in the area of  
3 The Fort Harrison Hotel?

4 A Yes, I was.

5 Q Tell the jury what, if anything, unusual you  
6 observed at that location? And your vantage point, where  
7 you were, also?

8 A I was northbound on Fort Harrison Avenue at the  
9 stop light at Pierce Street. I noticed on the southwest  
10 corner there were several people there. I didn't pay  
11 much attention. My window was down. I did notice some  
12 yelling that started coming from that area. I looked up  
13 and I observed Mr. Minton strike Mr. Howd with a protest  
14 sign.

15 Q Then you -- do you see Mr. Minton at the  
16 courthouse right now?

17 A Yes, sir, I do.

18 Q Please identify him.

19 A He is right there.

20 MR. DENIS DE VLAMING: We will stipulate  
21 to his identifying him.

22 BY MR. TYSON:

23 Q You've seen Mr. Howd, you've seen him here in  
24 court also today?

25 A Yes, I have.

1 Q What did you see after you seen him hit him  
2 with the sign?

3 A I made contact with him and his companion.

4 Q Was that around the corner from Fort Harrison?

5 A Yes, it was.

6 Q While you were talking to him, did he describe  
7 how the incident happened?

8 A Yes. He didn't tell me a lot about it. What  
9 he said was that he was being hassled by the people from  
10 the church there and the guy was following him ever since  
11 they got off the plane earlier in the day. And he had  
12 told the guy that he was calling the police, I guess, and  
13 just to stay away from him.

14 Q Did you listen to the video that Mr. Minton  
15 had?

16 A Yes, I did.

17 Q Did you look at and see, did you take his video  
18 and look at it?

19 A I looked at a portion of it, yes.

20 Q Was it different than what he was telling you  
21 was on it? The words that he was saying, did he say I  
22 told him not to follow me?

23 A No.

24 Q Did he make other statements when he was  
25 addressing Mr. Howd?

1           A     The statement that I observed on the video was  
2 just prior the actual incident and what he has said was,  
3 "Don't you follow me across the street."

4           Q     Did Mr. Minton indicate to you when you were  
5 speaking to him that it was accidental, and that Mr. Howd  
6 had walked into the sign?

7           A     I don't recall that.

8           Q     Would it be on the video if he said that? I'm  
9 not going to play that again, but would it be on the  
10 video?

11          A     It should be.

12          Q     Your conversation with him is on the video?

13          A     Some of it is.

14          Q     Now, you have seen these videos, right?

15          A     I've seen some them. I haven't seen all of  
16 them.

17          Q     Now, the one with Mr. Minton, did you see that  
18 one where you are talking to him for a short period of  
19 time?

20          A     Yes.

21          Q     That is you on there?

22          A     Yes, it is.

23          Q     Did you observe Mr. Howd?

24          A     Yes, I did.

25          Q     Did he have any injuries?

1           A     Yes, he had a slight cut above his left eye,  
2 and a slight abrasion below it, on the cheek.

3           Q     Did you find out that there were three videos  
4 of this incident?

5           A     Yes, I collected three videos. One actually  
6 didn't show the incident though, but one showed the  
7 events that were prior to the incident.

8           Q     Did you view those videos?

9           A     Like I said, I only saw portions of them. I  
10 didn't see the entire videos at any time.

11          Q     What I am saying is, did you view that Mr. Howd  
12 was hit by Mr. Minton?

13          A     Yes, I did, on the two videos.

14          Q     You viewed those portions of the two videos?

15          A     Yes, I did.

16          Q     Based on what you viewed and based on your  
17 personal observations what course of action did you take?

18          A     I made a misdemeanor arrest of Mr. Minton for  
19 battery.

20          Q     What charge?

21          A     Misdemeanor battery.

22          Q     Was his sign taken into evidence?

23          A     Yes, it was.

24          Q     Were all the tapes taken into evidence?

25          A     Yes.

1 MR. TYSON: Judge, may I approach the  
2 clerk?

3 THE COURT: Yes, you may.

4 BY MR. TYSON:

5 Q Officer, just so we are clear, this is the  
6 sign?

7 A That's the sign that I took from Mr. Minton.

8 MR. TYSON: Judge, I have no further  
9 questions.

10 THE COURT: Cross examination?

11 MR. DENIS DE VLAMING: Briefly, your  
12 Honor.

13 CROSS EXAMINATION

14 BY MR. DOUGLAS DE VLAMING:

15 Q Good evening, Officer Beaudette.

16 A Hello.

17 Q You were stopped at the light on Fort Harrison?

18 A Yes, I was.

19 Q Approximately how long were you at the light  
20 before you noticed that particular incident that you  
21 described?

22 A A minute, maybe two minutes I would say. I  
23 observed some people on the corner, but there is always  
24 people there, it was nothing out of the ordinary when I  
25 first approached the intersection.

1 Q From your vantage point at the light could you  
2 see around the corner and down the sidewalk at Pierce  
3 Street?

4 A I think I could probably see part of it, but I  
5 don't think I could see along the entire length of the  
6 building.

7 Q So you didn't see Mr. Howd assault Mr. Minton?

8 A No, I did not.

9 Q And you wouldn't have known that Mr. Minton was  
10 retreating across the street?

11 A No.

12 Q You say that you have been a police officer for  
13 eleven years?

14 A Yes.

15 Q During your tenure with the Clearwater Police  
16 Department you went to the Police Academy?

17 A Yes, sir.

18 Q You have been trained in the use of force?

19 A Yes, sir.

20 Q You have used force in the past?

21 A Unfortunately.

22 Q You know the type of force that is required to  
23 take a man down?

24 A Yes, sir.

25 Q And you are trained as a police officer --

1 MR. TYSON: May we approach, your Honor?

2 THE COURT: You may.

3 (Whereupon, a bench conference was held  
4 out of the hearing of the jury.)

5 MR. TYSON: Judge, in the injunction  
6 hearing this question was asked about whether this  
7 officer thought he took a fall or not, that's speculation  
8 on the officer's part I think is what he his leading up  
9 to. I object to that line of questioning, it's pure  
10 speculation.

11 MR. DOUGLAS DE VLAMING: Ultimately,  
12 Judge, that is where I am going and it is based on the  
13 fact that this officer viewed the actual incident, his  
14 training and experience in the use of force qualifies him  
15 to make a determination on whether or not that type of  
16 force was required to take him down. Judge, he testified  
17 in the injunction hearing that his height is 5'10", his  
18 weight is 190. Mr. Howd testified that his height is  
19 5'11", and his weight is 210. What he testified to at  
20 the injunction hearing is, would the blow that you  
21 observed have been enough to knock you down. He said no.

22 MR. TYSON: Judge, people are different.  
23 You take your victim how you find them. That's entirely  
24 prejudicial.

25 THE COURT: I agree that it is

1 speculation. The objection will be sustained against the  
2 question. I don't think that question has been asked  
3 yet.

4 MR. TYSON: But we are getting there, so  
5 I' m not sure he wants to stop at this point or not.

6 THE COURT: Please proceed.

7 BY MR. DOUGLAS DE VLAMING:

8 Q Officer Beaudette, you witness a lot of  
9 incidents and accidents during the course of your tenure  
10 with the Clearwater Police Department?

11 A Yes, I have.

12 Q You described the injuries to Mr. Howd as  
13 slight injuries, is that correct?

14 A They were minor.

15 Q Minor?

16 A Minor.

17 Q When you approached Mr. Minton you asked for a  
18 copy of the video tape, isn't that correct?

19 A Not right away.

20 Q There came a point in time when you did that,  
21 is that correct?

22 A Yes, he offered to let me see it, I asked if I  
23 could keep it, and he said yes.

24 Q And he gave it to you right away?

25 A Yes.



1 Q That wasn't the case when you asked for Mr.  
2 Howd's video tape, was it?

3 A Couldn't seem to find it.

4 Q No one could seem to find it?

5 A That's correct.

6 Q In fact, there was a considerable length of  
7 time before it was actually produced, isn't that correct?

8 A Yes, sir.

9 MR. DOUGLAS DE VLAMING: May I have a  
10 moment, your Honor?

11 THE COURT: Yes, you may.

12 MR. DOUGLAS DE VLAMING: Judge, I have no  
13 further questions of this witness.

14 THE COURT: Thank you, any redirect?

15 MR. TYSON: No, your Honor.

16 THE COURT: Ladies and gentlemen of the  
17 jury it's time for a break. We are going to take fifteen  
18 minutes. We are long overdue and I apologize. We are in  
19 recess for fifteen minutes.

20 (The jury was excused from the courtroom.)

21 THE COURT: Mr. Tyson, do you plan to call  
22 another witness today?

23 MR. TYSON: No, Judge.

24 THE COURT: As far as you are concerned  
25 there is nothing further that you want to do at this

1 time?

2 MR. TYSON: No.

3 THE COURT: So I should have just let them  
4 go?

5 MR. TYSON: I should rest in front of  
6 them. I'm not sure if you want me to do that tomorrow  
7 morning.

8 THE COURT: So you are through, is that  
9 correct?

10 MR. TYSON: Yes.

11 THE COURT: Okay, what I would like to do  
12 is bring them back and let you rest in front of them.  
13 Then we can discuss it when we all come back and such  
14 things.

15 (Brief break)

16 THE COURT: Sheriff, please joint us.

17 (Whereupon, a bench conference was held  
18 out of the hearing of the jury.)

19 THE COURT: I am going to let the bailiff  
20 tell you what he just told me, so listen carefully.

21 THE SHERIFF: The man in the audience with  
22 the full beard, his name is Mark Bogart, he said he saw  
23 somebody in the audience either mouthing or hand sign  
24 testimony to the witness that was a Scientologist.

25 MR. DENIS DE VLAMING: Yeah, we had heard

1 that too, Judge. My associate is going down to see if  
2 they have a tape of it. I know who they are. They are  
3 two fairly highly ranking officials in the Church of  
4 Scientology. Mark Render is one who was on Dateline, he  
5 is pretty high up. My research clerk turned around and  
6 saw him.

7 THE COURT: I certainly didn't see it.

8 MR. DENIS DE VLAMING: And I didn't either  
9 for obvious reasons.

10 MR. TYSON: I had my back turned.

11 MR. DENIS DE VLAMING: And frankly I am  
12 not making any motions at this time.

13 THE COURT: We will just leave it alone,  
14 and let you look into it. You tell us what you want to  
15 do, when and if you want to do it.

16 THE SHERIFF: And there were two other  
17 witnesses besides him that saw it.

18 THE COURT: Let's bring in the jury. The  
19 State is going to rest and we will break for the evening.

20 (Whereupon, the jury was brought in.)

21 THE COURT: Mr. Tyson?

22 MR. TYSON: The State will rest at this  
23 time.

24 THE COURT: Ladies and gentlemen of the  
25 jury, the State has rested their case, which means that

1 they are through with their presentation of the evidence  
2 at this time. It is twenty-five to six. It is as good a  
3 time as any to break for the evening in light of that, so  
4 that is exactly what we are going to do. We are going to  
5 adjourn for the evening. I'd like to resume at 8:30 in  
6 the morning. Is there any reason that that is an  
7 inconvenience to anybody? That is the normal time we do  
8 things. I would like to just stay on schedule. We will  
9 start again at 8:30. That means that you should probably  
10 be here at twenty or a quarter after eight. You will  
11 meet in the judicial reception and you will be taken back  
12 to the jury room that you have been using, and we will  
13 start promptly at 8:30 and get underway. At this time  
14 you are excused. Please recall the things that I told  
15 you in my preliminary instructions about not listening to  
16 reports or reading anything, or talking to anyone, or  
17 going to any sites or scenes. You remember all those  
18 things that we talked about please. Be sure and bear  
19 those in mind. We will see you tomorrow at 8:30.

20 Ms. Green, are you going to be all right  
21 with the bus?

22 MS. GREEN: Yes.

23 THE COURT: Do not watch TV tonight,  
24 probably the news, any newspapers, please avoid those  
25 things. There may possibly be some reports. Please avoid

1 that. Good evening. I will see you tomorrow.

2 (Whereupon, they jury was excused at this  
3 time for the evening.)

4 THE COURT: We can either do the things  
5 that we customarily do at this time, or we can do them at  
6 8:30 in the morning. What would you all prefer to do?

7 MR. DENIS DE VLAMING: Let's do them now,  
8 Judge.

9 THE COURT: All right, let's do them now.

10 MR. DENIS DE VLAMING: Your Honor, Mr.  
11 Minton would move for a directed judgment of acquittal,  
12 there are grounds therefore would show that the State has  
13 failed to establish a prima facie case of guilt against  
14 him. I believe the testimony was such that there is a  
15 strong suggestion that this was invited conduct on the  
16 part of Mr. Minton, and that as a matter of law he acted  
17 in self-defense.

18 THE COURT: Mr. Tyson?

19 MR. TYSON: Judge, on the video the  
20 Defendant says it's an accident. It is obvious in the  
21 video that it was intentional and unwarranted and the  
22 victim said it is un-consented to.

23 THE COURT: I also must view the evidence  
24 at this juncture in the light most favorable to the  
25 State, and in that light I am going to deny your motion.

1 Have a nice evening everyone. We are adjourned. See you  
2 all at 8:30.

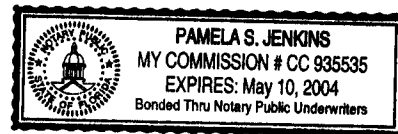
3 (Whereupon, at 5:45 p.m. the hearing in  
4 the above-entitled matter was continued to 8:30 a.m. on  
5 May 23, 2000.)  
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Certificate of Reporter

I, Pamela S. Jenkins, do hereby certify that I took the audio graphic notes of the foregoing proceedings and the same were reduced to typewriting under my direction; that the foregoing is a true record of said proceedings; that I am neither related to nor employed by any of the parties to the action herein; and, further, that I am not a relative or employee of any attorney or counsel or employed by the parties hereto, nor financially or otherwise interested in the action.

*Pamela S. Jenkins*

PAMELA S. JENKINS



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