

CIRCUIT COURT MINUTES

DATE 9/24/07

TIME 8:56 am

PRESIDING JUDGE Michael C. Overstreet

CLERK PRESENT J. Gilpin & A. Wester

COURT REPORTER PRESENT S. Diltz

STATE OF FLORIDA
VS

[REDACTED]
Kristin Schmiot
[REDACTED]

ATTORNEYS PRESENT
FOR STATE Mark Ober

Henry Dickens

Charles Einfinger

CASE NUMBER 06-4016 CFMA - CFMH

CHARGE Agg. Manslaughter of a child

FOR DEFENDANT W. Smith

H. Crawford

S. Sambathuy

J. White

W. Graham

J. Dingus

A. Stone

R. Pell

8:56 am - Court in session

8:58 am - Juror 115 called - Jason Creamer - accepted

8:59 am - Defense voir dire - B. Sambathuy

9:00 am - State voir dire

9:01 am - Juror 80 called - Violet Watkins - accepted

9:01 am - State voir dire

9:02 am - Juror 145 called - Butch Givrey - accepted

9:02 am - Defense voir dire - A. Stone

9:03 am - State voir dire

9:04 am - Juror 164 called - John Cox - accepted

9:05 am - Defense voir dire - W. Graham

9:06 am - State voir dire

9:07 am - Juror 70 called - Vivians Brinson - accepted

9:07 am - Defense voir dire - B. Sambathuy

9:08 am - State voir dire

9:08 am - Juror 63 called - Latasha Franklin - accepted

9:09 am - State voir dire

9:10 am - Defense voir dire - W. Graham

9:11 am - Def mtn to reject juror - denied

9:12 am - Juror 102 called - Katherine Weckhard - accepted

9:12 am - Defense voir dire's - H. Crawford

9:13 am - State voir dire's

9:14 am - Juror 43 called - Carol Henry - accepted

9:14 am - State voir dire's

9:15 am - Defense with to dismiss juror - denied

9:15 am - Defense voir dire's - B. Sombathary

9:15 am - Juror 139 called - Kathleen Swaine - accepted

9:16 am - Defense voir dire's - J. White

9:17 am - State voir dire's

9:18 am - Juror 78 called - Sandra Ditz - accepted

9:19 am - State voir dire's

9:21 am - Juror 126 called - Erica Bond - not accepted

9:21 am - Defense voir dire's - W. Smith

9:23 am - State voir dire's

9:24 am - Defense with to dismiss juror - granted

9:24 am - Juror 16 called - William Tucker - accepted

9:24 am - State voir dire's

9:29 am - Juror 180 called - Heather Phillips - accepted

9:29 am - State voir dire's

9:31 am - Juror 38 called - John Baker - accepted

9:31 am - Defense voir dire's - J. Diquis

9:33 am - Juror 4 called - Winifred Essma - accepted

9:33 am - State voir dire's

9:34 am - Defense voir dire's - W. Graham

9:35 am - Juror 127 called - Jeanette Stansberry - accepted

9:35 am - Defense voir dire's - B. Sombathary

9:36am - State voir dire
9:37am - Juror 42 called - Robert Briggs - accepted
9:37am - State voir dire
9:38am - Juror 11 called - Georgia Weaver - accepted
9:39am - Defense voir dire - A. Stone
9:42am - The Judge voir dire
9:43am - Defense voir dire - B. Sombathong - J. Dingus
9:44am - State voir dire
9:44am - Defense voir dire - B. Sombathong
9:45am - Juror 185 called - Hope Guthrie - accepted
9:45am - Defense voir dire - W. Graham
9:46am - Juror 9 called - Tracey Liefman - accepted
9:46am - State voir dire
9:48am - Juror 152 called - Sharon Smith - accepted
9:48am - Defense voir dire - B. Sombathong
9:50am - State voir dire
9:51am - Defense voir dire - W. Graham
9:51am - Juror 69 called - Michael Crider - accepted
9:52am - State voir dire
9:53am - Juror 103 called - Elias Fernandez - accepted
9:53am - Defense voir dire - H. Crawford
9:54am - Juror 99 called - Jenny Hudson - accepted
9:54am - State voir dire
9:56am - Court in recess until 10:10am
9:11am - Court in session
10:11am - Juror 159 called - Michelle Frick - accepted
10:12am - State voir dire

10:15 am - Juror 190 called - Nancy Hicks - accepted
10:15 am - Defense voir dire - J. White
10:20 am - Juror 45 called - Michelle Houser - accepted
10:20 am - State voir dire
10:22 am - Juror 89 called - Linda Burg. - accepted
10:22 am - Defense voir dire - W. Smith
10:24 am - State voir dire
10:25 am - Juror 3 called - Terry Cross - accepted
10:26 am - State voir dire
10:27 am - Juror 124 called - Stanley Montney - accepted
10:27 am - Defense voir dire - J. Dingus
10:29 am - State voir dire
10:29 am - Juror 64 called - Donna Statcott - accepted
10:30 am - State voir dire
10:31 am - Juror 46 called - John Hardenburg - not accepted
10:31 am - Defense voir dire - R. Pell
10:32 am - State mtn to dismiss juror - granted
10:32 am - Juror 6 called - Megan McDonald - not accepted
10:33 am - State voir dire
10:35 am - Def & State mtn. to dismiss juror - granted
10:36 am - Juror 7 called - Steven Crase -
10:37 am - Defense voir dire - A. Stone
10:39 am - Def & State mtn. to dismiss juror - granted
10:39 am - Juror 10 called - Labrena Sims - not accepted
10:39 am - State voir dire
10:40 am - Def & State mtn. to dismiss juror - granted
10:40 am - Juror 13 called - Dianna Riddle - accepted

10:40 am - Defense voir dire - W. Graham
10:42 am - State voir dire
10:43 am - State mtn to dismiss juror - denied
10:43 am - Defense voir dire - J. Dingus
10:44 am - Juror 14 called - Todd McVey - not accepted
10:44 am - State voir dire
10:44 am - State mtn to dismiss juror - granted
10:45 am - Juror 20 called - Victoria Fugner - accepted
10:45 am - Defense voir dire - B. Sombathong
10:46 am - State voir dire
10:46 am - Juror 27 called - Danny Summer - not accepted
10:47 am - State voir dire
10:48 am - Def mtn to dismiss juror - granted
10:48 am - Juror 28 called - Larry Frazee - not accepted
10:49 am - Defense voir dire - H. Crawford
10:50 am - Def mtn to dismiss juror - granted
10:50 am - State voir dire
10:51 am - Juror 35 called - Richard Ferrick - accepted
10:51 am - State voir dire
10:53 am - Juror 37 called - Richard Godfrey - not accepted
10:53 am - Defense voir dire - J. White
10:57 am - State voir dire
10:57 am - Def mtn to dismiss juror - granted
10:57 am - Juror 41 called - Donald Mull - not accepted
10:58 am - State voir dire
11:00 am - Def mtn to dismiss juror - granted
11:00 am - Juror 49 called - Richard Lind - not accepted

11:01 am - Defense voir dices - W. Smith
11:03 am - Def mtn to dismiss juror - granted
11:03 am - Juror 50 called - Roxane Murch - Not accepted
11:04 am - State voir dices
11:05 am - State mtn to dismiss juror - granted
11:05 am - Defense voir dices - J. White
11:07 am - Juror 53 called - Jane Hallman - accepted
11:07 am - Defense voir dices - J. Dingus
11:09 am - State voir dices
11:13 am - Defense voir dices - R. Pell
11:14 am - State mtn to dismiss juror - denied
11:14 am - Juror 54 called - Katherine Morris - Not accepted
11:14 am - State voir dices
11:16 am - States mtn to dismiss juror - granted
11:16 am - Juror 61 called - Ruby Taylor - accepted
11:17 am - State voir dices
11:17 am - Defense voir dices - R. Pell
11:17 am - Juror 67 called - Ricky Garner - Not accepted
11:18 am - State voir dices
11:19 am - Def mtn to dismiss juror - granted
11:19 am - Juror 73 called - Edie Lane - Not accepted
11:19 am - Defense voir dices - A. Stone
11:25 am - State voir dices
11:25 am - State mtn to dis
11:25 am - Juror 76 called - Jessica Piper - accepted
11:26 am - State voir dices
11:27 am - Juror 83 called - Jennifer Hicks - accepted

- 11:27 am - Defense voir dices - W. Graham
- 11:28 am - Def mtn to dismiss juror - denied
- 11:28 am - Juror 85 called - Ian Owens - not accepted
- 11:29 am - State voir dices
- 11:30 am - Def mtn to dismiss juror - granted
- 11:30 am - Juror 86 called - Opal Walker - not accepted
- 11:31 am - Defense voir dices - R. Sambathy
- 11:32 am - Def mtn to dismiss juror - granted
- 11:32 am - Juror 90 called - Ronald Pitt - not accepted
- 11:32 am - State voir dices
- 11:34 am - State's mtn to dismiss juror - granted
- 11:34 am - Defense voir dices - H. Crawford
- 11:35 am - Juror 95 called - Shawn Brown - accepted
- 11:35 am - Defense voir dices - H. Crawford
- 11:37 am - State voir dices
- 11:39 am - Defense voir dices - H. Crawford
- 11:40 am - State voir dices
- 11:40 am - State mtn to dismiss juror - denied
- 11:40 am - Juror 96 called - Eric Morehead - not accepted
- 11:41 am - State voir dices
- 11:44 am - Defense voir dices - R. Pell
- 11:45 am - State mtn to dismiss juror - granted
- 11:45 am - Juror 97 called - Barbara Kyser - accepted
- 11:45 am - Defense voir dices - J. White
- 11:46 am - State voir dices
- 11:47 am - Juror 106 called - Martie Slocumb - not accepted
- 11:47 am - State voir dices
- 11:49 am - Def mtn to dismiss juror - granted

- 11:50 am - Juror 114 called - Jennifer Butler - accepted
- 11:50 am - Defense voir dices - W. Smith
- 11:52 am - State voir dices
- 11:54 am - Defense voir dices - A. Stone
- 11:55 am - Juror 116 called - Thomas Kinnear - accepted
- 11:55 am - State voir dices
- 12:01 pm - Court in recess until 1 pm
- 1:02 pm - Court in session
- 1:02 pm - Juror 122 called - Cynthia Kleypas - not accepted
- 1:02 pm - State voir dices
- 1:06 pm - Defense voir dices - H. Crawford
- 1:06 pm - State mtn to dismiss jurors - granted
- 1:07 pm - Juror 123 called - Sandra Robinson - accepted
- 1:07 pm - Defense voir dices - R. Pell
- 1:08 pm - Juror 149 called - April Johnson - not accepted
- 1:08 pm - State voir dices
- 1:10 pm - Def mtn to dismiss juror - granted
- 1:10 pm - Juror 151 called - Otis McGrew - accepted
- 1:11 pm - Defense voir dices - A. Stone
- 1:14 pm - Juror 160 called - Jimmy Pope - not accepted.
- 1:14 pm - State voir dices
- 1:15 pm - Defense mtn to dismiss juror - granted
- 1:15 pm - Juror 169 called - Michael Cantrell - not accepted
- 1:16 pm - Defense voir dices - W. Graham
- 1:17 pm - State mtn to dismiss juror - granted
- 1:17 pm - Juror 175 called - Violet Redden - accepted
- 1:18 pm - State voir dices

- 1:20 pm - Juror 191 called - Jean Mazur - Not accepted
- 1:20 pm - Defense voir dire - R. Sambathay
- 1:22 pm - The judge dismisses the juror
- 1:22 pm - Juror 196 called - Chad Shramek - Not accepted
- 1:23 pm - State voir dire
- 1:25 pm - Defense mtn to dismiss juror - granted
- 1:26 pm - Juror 198 called - Margie Watford - accepted
- 1:26 pm - Defense voir dire - H. Crawford
- 1:27 pm - State voir dire
- 1:28 pm - Court in recess - last of am jurors
- 2:43 pm - Court in session
- 2:44 pm - The judge addresses the jurors
- 2:45 pm - Juror 182 called - Meghan Grimstey - accepted
- 2:45 pm - State voir dire
- 2:46 pm - Defense voir dire - W. Graham
- 2:47 pm - Juror 117 called - Pao Lin - Not accepted
- 2:48 pm - Defense voir dire - R. Pell
- 2:48 pm - State mtn to dismiss juror - granted
- 2:48 pm - Juror 173 called - Wesley Goeden - accepted
- 2:49 pm - State voir dire
- 2:50 pm - Juror 57 called - Karri Bisbee - accepted
- 2:50 pm - Defense voir dire - A. Stone
- 2:51 pm - State voir dire
- 2:54 pm - Juror 125 called - Jeffrey Almond - accepted
- 2:54 pm - State voir dire
- 2:57 pm - Juror 176 called - Roger Melvin - accepted
- 2:58 pm - Defense voir dire - W. Graham

- 2:59 pm - State voir dire
2:59 pm - Juror 70 called - Kerry Cole - accepted
3:00 pm - State voir dire
3:02 pm - Juror 200 called - Ledue Moore - accepted
3:02 pm - Defense voir dire - R. Sombathing
3:03 pm - Juror 58 called - Brian Cahill - accepted
3:04 pm - State voir dire
3:05 pm - Juror 184 called - Jeanne Brookhouse - accepted
3:05 pm - State voir dire
3:08 pm - Juror 194 called - Aline Tyson - accepted
3:08 pm - Defense voir dire - H. Crawford
3:09 pm - State voir dire
3:11 pm - Juror 185 called - Mark Young - accepted
3:11 pm - State voir dire
3:14 pm - Juror 113 called - Donald Green - accepted
3:15 pm - Defense voir dire - J. White
3:16 pm - Juror 193 called - Teresa Stephens - accepted
3:17 pm - State voir dire
3:18 pm - Juror 12 called - Randy Steigler - accepted
3:18 pm - State voir dire
3:23 pm - Juror 110 called - William Middleton - accepted
3:23 pm - Defense voir dire - W. Smith
3:24 pm - Juror 32 called - James Williamson - accepted
3:25 pm - State voir dire
3:27 pm - Juror 61 called - John Shields - accepted
3:27 pm - State voir dire
3:28 pm - Juror 23 called - Shannon Parker - accepted

- 3:29 pm - Defense voir dire - J. Dingus
- 3:29 pm - State voir dire
- 3:30 pm - Juror 45 called - Donna Jacobs - accepted
- 3:30 pm - State voir dire
- 3:32 pm - Juror 101 called - Debra Brandan - accepted
- 3:33 pm - Defense voir dire - R. Pell
- 3:34 pm - State voir dire
- 3:35 pm - Defense voir dire - R. Sombathuy
- 3:37 pm - Juror 122 called - Glenda Sly - not accepted
- 3:37 pm - State voir dire
- 3:37 pm - Defense mtr to dismiss juror - granted
- 3:38 pm - Juror 181 called - Jackie Arnold - not accepted
- 3:38 pm - Defense voir dire - A. Stone
- 3:41 pm - State voir dire
- 3:42 pm - Juror 64 called - Ollie Bright - accepted
- 3:43 pm - State voir dire
- 3:43 pm - Defense voir dire - R. Sombathuy
- 3:44 pm - Juror 87 called - Wendy Lazaro - accepted
- 3:44 pm - Defense voir dire - W. Graham
- 3:46 pm - State voir dire
- 3:46 pm - Juror 33 called - Katherine Lawson - accepted
- 3:47 pm - State voir dire
- 3:48 pm - Defense voir dire - W. Graham
- 3:49 pm - Juror 22 called - Angelia Musson - accepted
- 3:49 pm - State voir dire
- 3:51 pm - Juror 3 called - Alexander Harris - accepted
- 3:51 pm - Defense voir dire - R. Sombathuy

3:54 pm - State voir dire
3:54 pm - Juror 81 called - Bruce Woolum - accepted
3:55 pm - State voir dire
3:56 pm - Juror 109 called - Chauncey Kan - accepted
3:56 pm - Defense voir dire - H. Crawford
3:58 pm - State voir dire
4:00 pm - Juror 138 called - Pamela Schaefer - accepted
4:01 pm - Defense voir dire - J. White
4:03 pm - Juror 11 called - Gregory Nichols - accepted
4:04 pm - State voir dire
4:05 pm - Juror 155 called - Nathaniel Harris - accepted
4:06 pm - Defense voir dire - W. Smith
4:09 pm - Juror 163 called - James Morris - accepted
4:09 pm - State voir dire
4:10 pm - Juror 1 called - Susan Vaccaro - accepted
4:11 pm - Defense voir dire - J. Dingus
4:15 pm - Juror 18 called - Gregory Burnside - accepted
4:15 pm - State voir dire
4:17 pm - Juror 130 called - David Rudd - accepted
4:17 pm - Defense voir dire - R. Pell
4:19 pm - State voir dire
4:20 pm - Juror 54 called - Christie Sexton - Not accepted
4:21 pm - State voir dire
4:23 pm - Defense voir dire - R. Sombathiy
4:24 pm - Defense mtn to dismiss juror - granted
4:24 pm - Juror 177 called - Carol Holmes - Not accepted
4:24 pm - Defense voir dire - A. Stone

- 4:26 pm - State voir dire
4:27 pm - State's mtn to dismiss juror - granted
4:27 pm - Defense voir dire - H. Crawford
4:28 pm - State voir dire
4:29 pm - Court in recess for 10 min
4:43 pm - Court in session
4:44 pm - Juror 37 called - Roger Rhodes - accepted
4:44 pm - Defense voir dire - W. Graham
4:46 pm - State voir dire
4:47 pm - State's mtn to dismiss juror - denied
4:47 pm - Defense voir dire - H. Crawford & R. Bell
4:47 pm - State voir dire
4:50 pm - The Judge talks w/ Attny's about last motion
4:55 pm - Juror 41 called - Angela Hollinger - not accepted
4:55 pm - State voir dire
4:56 pm - Defense mtn to dismiss juror - granted
4:56 pm - Juror 53 called - Billie Parrott - not accepted
4:56 pm - Defense voir dire - R. Sombathing
4:57 pm - Def & State mtn to dismiss juror - granted
4:57 pm - Juror 56 called - William Etchells - not accepted
4:58 pm - State voir dire
5:03 pm - State mtn to excuse juror - granted
5:03 pm - Juror 63 called - Ronnie Mathis - not accepted
5:03 pm - Defense voir dire - H. Crawford
5:04 pm - Defense mtn to excuse juror - granted
5:05 pm - Juror 66 called - James Baker - not accepted
5:06 pm - State voir dire

5:06 pm - State mtn to dismiss juror - granted
5:08 pm - Juror 69 called - Florida Menchion - not accepted
5:09 pm - Defense mtn to excuse juror - granted
5:09 pm - Juror 71 called - Joe Marler - not accepted
5:09 pm - State voir dire
5:10 pm - State mtn to dismiss juror - granted
5:10 pm - Juror 73 called - Annette Hill - Not accepted
5:11 pm - Defense voir dire - W. Smith
5:11 pm - Defense mtn to dismiss - granted
5:12 pm - Juror 79 called - Martene Logue - Not accepted
5:12 pm - State voir dire
5:14 pm - State & Def- mtn to dismiss juror - granted
5:14 pm - Juror 82 called - John Vines - not accepted
5:15 pm - Defense voir dire - J. Dingus
5:16 pm - Defense mtn to dismiss juror - granted
5:16 pm - Juror 84 called - Paula Qualls - accepted
5:16 pm - State voir dire
5:18 pm - Juror 86 called - Alicia Hedgescock - accepted
5:19 pm - Defense voir dire - F. Pell
5:20 pm - State voir dire
5:22 pm - Juror 92 called - James Roddam - Not accepted
5:22 pm - State voir dire
5:24 pm - Defense mtn to dismiss juror - granted
5:24 pm - Juror 94 called - Nancy Thigpen - Not accepted
5:24 pm - Defense voir dire - A. Stone
5:26 pm - Defense mtn to dismiss juror - granted
5:27 pm - State voir dire

5:27 pm - Juror 98 called - Ronald Childs - accepted
5:27 pm - State voir dire
5:30 pm - Juror 105 called - Felicia Coleman - accepted
5:31 pm - Defense voir dire - W. Graham
5:32 pm - State voir dire
5:33 pm - Defense voir dire - W. Graham
5:33 pm - Defense mtn to dismiss - denied
5:34 pm - Juror 116 called - Robin McGinnis - accepted
5:35 pm - State voir dire
5:36 pm - Juror 120 called - Barry Rice - accepted
5:36 pm - Defense voir dire - R. Sombathing
5:38 pm - State voir dire
5:41 pm - Juror 126 called - Minnie Lindsey - not accepted
5:42 pm - State voir dire
5:43 pm - Defense & State mtn to dismiss juror - granted
5:44 pm - Juror 136 called - Lyman Barger - not accepted
5:44 pm - Defense voir dire - H. Crawford
5:45 pm - Defense mtn to dismiss juror - granted
5:45 pm - Juror 139 called - Melon Harris - not accepted
5:46 pm - State voir dire
5:47 pm - Defense mtn to dismiss juror - granted
5:47 pm - Juror 147 called - William Coffman - accepted
5:47 pm - Defense voir dire - J. White
5:49 pm - State voir dire
5:50 pm - Defense voir dire - J. White
5:51 pm - State voir dire
5:53 pm - Juror 148 called - Guillermo Boudet - not accepted

5:54 pm - State voir dire

5:56 pm - Defense mtn to dismiss juror

5:56 pm - Juror 156 called - Julie Hall - not accepted

5:56 pm - Defense voir dire - W. Smith

5:57 pm - Defense mtn to dismiss juror - granted

5:58 pm - Juror 158 called - Katherine Campbell - not accepted

5:58 pm - State voir dire

5:59 pm - Def & State mtn to dismiss juror - granted

5:59 pm - Juror 167 called - Susan Watson - not accepted

6:00 pm - Defense voir dire - J. Dingus

6:04 pm - Defense mtn to dismiss juror - granted

6:04 pm - Juror 170 called - Nicholas Wiegley - not accepted

6:05 pm - State voir dire

6:07 pm - State mtn to dismiss juror - granted

6:07 pm - Juror 178 called - William Snuggs - not accepted

6:08 pm - Defense voir dire - R. Pell

6:10 pm - Defense mtn to dismiss

6:10 pm - Juror 172 called - Floyd Woodham - not accepted

6:11 pm - State voir dire

6:11 pm - Def mtn to dismiss juror - granted

6:12 pm - Juror 187 called - Dennis Weatherford - not accepted

6:12 pm - Defense voir dire - A. Stone

6:13 pm - Defense mtn to dismiss - granted

6:14 pm - Juror 189 called - Karen Grindle - not accepted

6:14 pm - State voir dire

6:16 pm - States mtn to dismiss juror - granted

6:16 pm - Juror 199 called - Heather Lawson - not accepted

6:17 pm - Defense voir dire - W. Graham

6:18 pm - Defense mtn to dismiss jury - granted

6:19 pm - Court in recess