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APPEARANCES

**APPEARING ON BEHALF OF
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**APPEARING ON BEHALF OF
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1 Ms. Russell and myself just had a conversation in
2 the back just in terms of timing and everything.

3 So we have the non-death case, the death of
4 Mr. Barnes that's set on your Honor's calendar in
5 April. I'm trying to get my feet under me with
6 regards to this case.

7 I've been on the case for some time and,
8 obviously, had known Mr. Whitfield, but Ms. Manuele
9 has been the primary attorney on the case. So my
10 hope is that I can get my feet under me at the very
11 least with regard to the non-death case which is
12 set on the trial calendar.

13 So my thought was that we come back in either
14 the last week of January, first-ish weeks of
15 February just to report back in terms of a
16 readiness. I think that we have enough from that
17 we could potentially be ready for that trial.

18 In terms of our readiness on the death case,
19 it's not set. We will not be ready to set that at
20 this time. We, in addition to losing Ms. Manuele,
21 which is obviously a tremendous blow, we also lost
22 our mitigation specialist who retired.

23 So not to having start over, but it's a pretty
24 significant shift.

25 THE COURT: Is it somebody that works for the

1 office?

2 MS. SEIFER-SMITH: No, we have the contract
3 out.

4 THE COURT: Have you hired anybody else to
5 take over?

6 MS. SEIFER-SMITH: We have, but it's just an
7 enormous undertaking.

8 THE COURT: They're getting up to speed on all
9 the DP cases you guys have?

10 MS. SEIFER-SMITH: No. No. Obviously,
11 Mr. Whitfield is a priority for all of us including
12 the mitigation specialist that we just hired. But
13 these things are complex. You know, Mr. Whitfield
14 has a number of cases. He has a pretty extensive
15 like agency history.

16 So there are a great deal of things that we
17 all need as a team to get through. So we are
18 mindful of the amount of time that all of this has
19 taken. We're mindful of Mr. Whitfield's rights,
20 Ms. Barnes' rights as well. So we
21 will -- (inaudible) -- the very best that we can to
22 get ready for the April trial date, which I
23 understand is the State's prerogative given that
24 we're seeking to use that case as an aggravator in
25 the death case.

1 THE COURT: Is there any chance we can resolve
2 it short of trial?

3 MS. SEIFER-SMITH: I'm not certain at this
4 time given our mitigation state. My hope would be
5 that we may be in a position to make a presentation
6 to the State Attorney at some point in the very
7 early spring, obviously, in as much advance of the
8 non-death case as we can.

9 But I don't -- I mean, I certainly can't speak
10 for the State in terms of what their position would
11 be on that. But that would certainly be our hope,
12 given that with regards to the death case, that the
13 victims were family members and that this would be
14 tremendously traumatic for everybody should such a
15 sentence be passed down.

16 THE COURT: Not one but two trials, right?

17 MS. SEIFER-SMITH: Correct.

18 THE COURT: Any thoughts?

19 MR. KOSKINAS: I think we're on track, Judge.
20 It's been laid out there. But I don't see any way
21 around it. I mean, if he wants to admit what he
22 did and have a trial about whether it's life or
23 death, that's his option. It's one thing. But
24 other than that, I don't see -- I don't see that
25 happening.

1 THE COURT: Any way you waive juries?

2 MR. KOSKINAS: I'm sorry?

3 THE COURT: If he pled and waived the jury?

4 MR. KOSKINAS: I mean, that's up to the State
5 Attorney. I don't -- I really would think
6 that -- I mean, I don't want to speak for the State
7 Attorney. I don't.

8 I mean, if they want to throw that out there
9 as an option and put some mitigation packet
10 together and give it to him with all that, he's
11 certainly authorized and capable of making that
12 decision. But -- but I think the likelihood of
13 that is slim.

14 THE COURT: All right. Well, we've been at
15 it. Even if we get the first one tried in April,
16 it's still going to be probably towards the end of
17 the year. We can even potentially get to the
18 second one, I would think, especially in the change
19 in counsel knowing how these things go, right?

20 MR. KOSKINAS: I think that's fair to say.

21 MS. SEIFER-SMITH: I mean, I'm afraid I can't
22 even say what our readiness would be on the death.

23 THE COURT: I know. I understand. I'm not
24 asking you to commit to anything. It's going to be
25 all of next year.

1 MR. KOSKINAS: First one.

2 THE COURT: Family is here, right?

3 It's not just next year. Depending on what
4 the outcome is, might be the next 20 years. I'll
5 be long gone but still dealing with Mullins from
6 '08, and I'm still on post-conviction stuff. So
7 that's the reality of it.

8 You figure it out and get to a resolution.
9 And it's in the end, right? Is it ever the end?

10 MR. KOSKINAS: No, it's not.

11 THE COURT: Right.

12 MR. KOSKINAS: The fight continues.

13 THE COURT: Huh?

14 MR. KOSKINAS: The fight continues.

15 THE COURT: I know, believe me.

16 MR. KOSKINAS: It's -- sometimes it's
17 appropriate.

18 MS. SEIFER-SMITH: Sometimes it's not --

19 THE COURT: I won't comment because I've seen
20 all sides of it over the last 41 years. I'm going
21 to the update. On Friday at the Judge thing, I
22 want to stand up and ask, Has anybody in here tried
23 35 or 40? You know how many hands I might get? 45
24 hands out of everybody in the room.

25 After 35 or 40 of them, you attain some

1 knowledge and know something about the process and
2 how hard -- how long it works and how far it goes.
3 And somebody says it's over and -- nobody ever says
4 it's over, right? Put a bow on it at some point in
5 these scenarios, and somebody make a call. I
6 volunteered before to do it a couple times. They
7 gave me leave to do it in those situations.

8 All right. So you want to get
9 together -- what? -- January, late January, early
10 February? Is that what you're thinking for?

11 MS. SEIFER-SMITH: Why don't we say early
12 February.

13 THE COURT: Okay. You guys like Wednesday
14 5/12/19? Any of those good for you guys on a
15 Wednesday, or another day those weeks is fine?

16 I don't prefer Mondays because it's
17 usually -- (inaudible) -- day, and Friday is mental
18 health court day, so...

19 MS. SEIFER-SMITH: How about the 12th?

20 THE COURT: Is that good for you,
21 Mr. Koskinas?

22 MR. KOSKINAS: Actually --

23 MS. SEIFER-SMITH: Or we can do the 19th.

24 MR. KOSKINAS: Is there any -- I'm scheduled
25 to be in trial from the 10th to the 21st. Can we

1 do the week prior?

2 MS. RUSSELL: I'm scheduled in a homicide
3 trial.

4 THE COURT: You want another day of the week?
5 I don't care if it's Tuesday or Thursday.

6 MR. KOSKINAS: Late January, the week of the
7 20th?

8 MS. SEIFER-SMITH: That week of the 20th,
9 Ms. Russell's not available.

10 THE COURT: Yeah. I'm not here the week of
11 the 20th.

12 MS. SEIFER-SMITH: We can do the week of the
13 27th.

14 THE COURT: How about the 1/29? 1/28, 1:30?

15 MR. KOSKINAS: I'm out of the state for that
16 week, sorry; 27th through 31st.

17 MS. SEIFER-SMITH: How about the week of
18 the -- I'm sorry, you said you're in trial the week
19 of the 17th?

20 MS. RUSSELL: I can --

21 (SIMULTANEOUS TALKING)

22 MR. KOSKINAS: Let's just set it the week of
23 the 10th. If I can't be here, Judge, you know how
24 these things go. So I'll have somebody stand in if
25 I can't be here --

1 THE COURT: So 2/12 of '25, we're going to set
2 an intervening pretrial date of April or May, we'll
3 get together on 2/12, 8:30 and check on our
4 readiness for trial on the one we have scheduled,
5 right?

6 Sound good?

7 MS. SEIFER-SMITH: Yep.

8 MR. KOSKINAS: Thank you, Judge.

9 THE COURT: All right. Thank you. Have a
10 great day. Appreciate it.

11 **(PROCEEDINGS CONCLUDED)**

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Karen E. Roman, Registered Professional Reporter,
certify that I was authorized to and did stenographically
report the foregoing proceedings and that the transcript
is a true record.

DATED this 3rd day of March, 2025.

/s Karen E. Roman
Karen E. Roman
Registered Professional Reporter