

1
2 (Whereupon a discussion was
3 had at the bench, between
4 Court and counsel, out of the
5 hearing of the jury, after
6 which proceedings continued as
7 follows:)

8
9 THE COURT: Ladies and gentlemen of
10 the jury, that concludes the stage of the trial
11 where final arguments are made, and we now go
12 into the stage of this trial where the jury
13 makes its deliberations on guilt or innocence.
14 I'm going to hand the Bailiff the Charge of the
15 Court, and that charge will go with you into the
16 jury room for your consideration. Any evidence
17 that has been admitted into evidence in this
18 cause will be available to you.

19 I would like to ask the first and
20 second alternate, Ms. Parmer and Ms. Guerra, to
21 remain in the jury box when the jury goes out.
22 I need to talk with the two of you.

23 You set your own hours and you set
24 your own pace. Now, this evening I have
25 requested that the Bailiffs bring you in

1 something to eat in the jury room, so you can do
2 some work this evening. And as you know, that
3 you will be sequestered now. That means you
4 will have to spend the night in a hotel that we
5 have provided for you. But you set your own
6 hours, and they can be reasonable hours. But
7 I'm suggesting to you that you eat your lunch --
8 or your supper rather -- in the jury room and do
9 some work this evening. And then if those
10 hours, once you have eaten your supper and done
11 some work, those will be determined by you, and
12 you let me know what your hours are going to be.
13 But I suggest to you that there is some time to
14 work this evening.

15 All right. You will be excused, and
16 you will be in the charge of the Bailiff, and
17 remember my instructions concerning
18 communications. Communicate through the Bailiff.
19 All right. You are excused.

20
21 (Whereupon the jury retired to
22 begin deliberations at 7:22
23 p.m., after which the
24 following proceedings were had
25 out of the presence of the

1 jury:)

2
3 THE COURT: Mr. Lucas, I received the
4 following communication from the jury:

5 "What evidence can we have? We would
6 like all of the exhibits, edited tapes, audio
7 and video, that we actually heard."

8 I'm submitting the following reply:

9 "You have asked the following
10 question: 'What evidence can we have? We would
11 like all of the exhibits, edited tapes, audio
12 and video, that we actually heard.'

13 "Answer: 'All of the exhibits, with
14 the exception of the audio and videotapes, will
15 be provided to you in the jury room. If you
16 wish to review any of the tapes which have been
17 admitted into evidence, you must do so in the
18 courtroom. Upon receiving such a request in
19 writing, it will be taken to the courtroom for
20 your review.'" And I'm going to sign it.

21 Is there any objection by the State?

22 MR. WALSH: No, sir.

23 THE COURT: Any objection by the
24 Defense?

25 MR. HIGGINBOTHAM: No, sir.