

1 THE COURT: THE STATE MAY PROCEED. CALL YOUR
2 NEXT WITNESS.

3 MR. BENDER: WE HAVE NO FURTHER WITNESSES, YOUR
4 HONOR. WE WOULD REST AT THIS TIME.

5 THE COURT: ALL RIGHT. ANY SUR-REBUTTAL?

6 MR. EIDE: NO, YOUR HONOR.

7 THE COURT: COUNSEL APPROACH THE BENCH.

8 (THEREUPON, COUNSEL APPROACHED THE BENCH, AND THE
9 PROCEEDINGS WERE HAD OUTSIDE THE HEARING OF THE JURY, AND
10 OFF THE RECORD.)

11 THE COURT: OKAY. LADIES AND GENTLEMEN OF THE
12 JURY, WE'RE GOING TO RECESS FOR LUNCH. THE INSTRUCTIONS
13 I'VE PREVIOUSLY READ TO YOU, THAT I NEGLECTED TO READ
14 THEM TO YOU LAST NIGHT BEFORE WE DEPARTED, BUT I TRUST
15 YOU ABIDED BY THEM AND APPLIED THEM AS YOU HAD ON THE
16 OTHER TIMES THAT WE HAD RECESSED.

17 BUT THAT IS, THAT YOU ARE NOT TO DISCUSS
18 THE CASE AMONG YOURSELVES UNTIL YOU HAVE HEARD THE
19 INSTRUCTIONS ON THE LAW, THE ARGUMENTS OF THE ATTORNEYS.
20 YOU'VE NOW, HEARD ALL OF THE TESTIMONY IN THE CASE.

21 YOU ARE PERMITTED TO SEPARATE AND GO ABOUT
22 YOUR PERSONAL AFFAIRS HERE AT THIS JUNCTURE. YOU ARE
23 NOT TO DISCUSS THE CASE WITH ANYONE OR HAVE ANYONE SAY
24 ANYTHING TO YOU OR IN YOUR PRESENCE ABOUT THE CASE.

25 AND IF THEY DO, TELL THEM THAT YOU'RE ON

1 THE JURY TRYING THE CASE. IF THEY PERSIST, ADVISE THE
2 BAILIFF, AND HE OR SHE WILL ADVISE ME.

3 THE CASE IS TO BE TRIED ONLY ON THE EVIDENCE
4 IN YOUR PRESENCE AND IN THE PRESENCE OF THE ATTORNEYS,
5 THE DEFENDANT AND THE JUDGE.

6 AND, ACCORDINGLY, YOU ARE NOT TO GO TO ANY
7 OF THE PLACES DESCRIBED IN THE TESTIMONY. AND YOU MUST
8 NOT READ NOR LISTEN TO ANY NEWS REPORTS OF THIS CASE.

9 AND YOU ARE NOT TO DISCUSS THE MATTERS
10 WITH ANYONE, WITH THE ATTORNEYS, THE DEFENDANT, OR
11 THE WITNESSES. AND YOU ARE NOT TO DISCUSS ANYTHING
12 WITH THEM AT THIS POINT.

13 ANYTHING ELSE, AS FAR AS INSTRUCTIONS, FROM
14 THE STATE OR THE DEFENSE?

15 MR. BENDER: NO, YOUR HONOR.

16 THE COURT: MR. EIDE, ANYTHING ELSE FROM THE
17 DEFENSE?

18 MR. EIDE: NO, YOUR HONOR.

19 THE COURT: ALL RIGHT. WE'RE GOING TO RECESS THEN
20 UNTIL 1:30. I WOULD LIKE TO MEET WITH THE ATTORNEYS
21 AT 1:15. WE'LL SEE YOU BACK THEN.

22 (THEREUPON, COURT RECESSED AT 11:59 A.M.)

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24 (CONTINUED IN VOLUME VI)

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