

1 THE COURT: I ASSUME YOU WISH TO RENEW YOUR  
2 MOTIONS?

3 MR. EIDE: YES, YOUR HONOR.

4 THE COURT: I'LL ALLOW YOU TO STATE ANY ADDITIONAL  
5 GROUNDS. BUT, JUST FOR THE RECORD, YOU HAVE PRESERVED  
6 YOUR RIGHT. AND I'LL HEAR THE GROUNDS AFTER WE HEAR  
7 THE BRIEF REBUTTAL WITNESS.

8 MR. EIDE: THANK YOU.

9 MR. EIDE: MAY I HAVE A MOMENT TO GO OUT IN THE  
10 HALLWAY TO CHECK ON A POSSIBLE SUR-REBUTTAL WITNESS?

11 THE COURT: YOU JUST WANT TO STICK YOUR HEAD OUT?

12 MR. EIDE: YES, IF I MAY.

13 THE COURT: ALL RIGHT.

14 (THEREUPON, THE SIDE-BAR CONFERENCE WAS CONCLUDED.)

15 THE COURT: THE DEFENSE HAVING RESTED, DOES THE  
16 STATE HAVE ANY REBUTTAL TESTIMONY?

17 MR. BENDER: YES, YOUR HONOR, WE WOULD AGAIN CALL  
18 INVESTIGATOR FRANK ROACH.

19 \* \* \* \* \*

20 THEREUPON,

21 FRANCIS P. ROACH,

22 WAS CALLED AS A WITNESS BY THE STATE AND, AFTER HAVING  
23 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED ON HIS  
24 OATH AS FOLLOWS:

25