

1 IN ABOUT TWO MINUTES, AS SOON AS I GET THROUGH WITH
2 SOME BRIEF INSTRUCTIONS. AND THEN WE'LL START THE
3 TRIAL AFTER LUNCH. WE DO EAT LUNCH OCCASIONALLY.

4 JUST SOME SHORT INSTRUCTIONS THAT I NEED
5 TO GIVE TO YOU AT THIS POINT BEFORE WE GET STARTED
6 ON THE TRIAL.

7 YOU SHOULD NOT FORM ANY DEFINITE OR FIXED
8 OPINION ON THE MERITS OF THE CASE UNTIL YOU HAVE HEARD
9 ALL OF THE EVIDENCE, THE ARGUMENT OF THE LAWYERS, AND
10 THE INSTRUCTIONS ON THE LAW BY THE JUDGE. UNTIL THAT
11 TIME YOU SHOULD NOT DISCUSS THE CASE AMONG YOURSELVES.

12 DURING THE COURSE OF THE TRIAL THE COURT
13 MAY TAKE RECESSES, DURING WHICH YOU WILL BE PERMITTED
14 TO SEPARATE AND GO ABOUT YOUR PERSONAL AFFAIRS.

15 DURING THESE RECESSES DO NOT DISCUSS THE
16 CASE WITH ANYONE NOR ALLOW ANYONE TO SAY ANYTHING TO
17 YOU OR IN YOUR PRESENCE ABOUT THE CASE.

18 IF ANYONE ATTEMPTS TO SAY ANYTHING TO YOU,
19 OR IN YOUR PRESENCE ABOUT THE CASE, TELL THEM THAT
20 YOU ARE ON THE JURY TRYING THE CASE AND ASK THEM TO
21 STOP. IF THEY PERSIST, LEAVE THEM AT ONCE AND
22 IMMEDIATELY REPORT THE MATTER TO THE BAILIFF, WHO
23 WILL ADVISE ME.

24 THE CASE MUST BE TRIED BY YOU ONLY ON THE
25 EVIDENCE PRESENTED DURING THE TRIAL IN YOUR PRESENCE,

1 AND IN THE PRESENCE OF THE DEFENDANT, THE ATTORNEYS
2 AND THE JUDGE.

3 JURORS MUST NOT CONDUCT ANY INVESTIGATION
4 OF THEIR OWN. ACCORDINGLY, YOU MUST NOT VISIT ANY OF
5 THE PLACES DESCRIBED IN THE EVIDENCE. AND YOU MUST
6 NOT READ NOR LISTEN TO ANY REPORTS ABOUT THIS CASE.

7 FURTHER, YOU MUST NOT DISCUSS THIS CASE
8 WITH ANY PERSON, AND YOU MUST NOT SPEAK WITH THE
9 ATTORNEYS, THE WITNESSES, OR THE DEFENDANT ABOUT
10 ANY SUBJECT UNTIL YOUR DELIBERATIONS ARE FINISHED.

11 YOU MAY PASS THE ATTORNEYS OR THE ATTORNEY
12 IN THE HALL, AND SOMEBODY MAY SAY, "HI," JUST BY
13 ACCIDENT, OR SOMETHING. THAT'S ALL RIGHT. BUT YOU'RE
14 REALLY NOT TO HAVE ANY CONTACT WITH THEM.

15 SOMETIMES YOU CAN'T HELP IT, IF YOU'RE
16 PASSING IN THE HALL. BUT YOU ARE NOT TO DISCUSS THE
17 CASE IN ANY MANNER OR REALLY HAVE ANY CONVERSATION
18 WITH THEM AT ALL.

19 BEYOND THAT YOU ARE NOT TO HAVE ANY
20 CONVERSATION WITH ANY OTHER PEOPLE CONCERNING THE
21 CASE UNTIL YOU HAVE DELIBERATED AND REACHED A VERDICT,
22 AND THAT INCLUDED AMONG YOURSELVES, CONCERNING THE
23 CASE.

24 NOW, OBVIOUSLY, YOU CAN TALK ABOUT MANY
25 INSTANCES. YOU CAN TALK ABOUT HOW THE GATORS CAN'T

1 BE IN THE NATIONAL CHAMPIONSHIPS ANY MORE AFTER THAT
2 MISERABLE LOSS TO TENNESSEE LAST SATURDAY, OR YOU CAN
3 TALK ABOUT THE WEATHER OR WHATEVER YOU WOULD LIKE TO
4 TALK ABOUT. BUT YOU COULD NOT TALK ABOUT THE CASE
5 UNTIL AFTER THE CONCLUSION OF THE TRIAL.

6 THE REASON FOR THAT IS YOU HAVEN'T HEARD
7 ANY OF THE EVIDENCE SO FAR. YOU HAVE A LITTLE BIT
8 OF IDEA ABOUT WHAT THE CASE IS ABOUT, CERTAINLY THE
9 NATURE OF THE CHARGES.

10 BUT YOU ARE NOT TO TRADE ANY KIND OF WAR
11 STORIES OR ANYTHING THAT YOU MAY KNOW FROM A FRIEND
12 OR SOMEONE ELSE CONCERNING ANY OTHER TYPES OF CASES,
13 OR ANY OTHER MATTERS THAT MAY PERSUADE ANOTHER JUROR
14 IN SOME MANNER.

15 AND THAT'S WHY YOU'RE REALLY NOT TO DISCUSS
16 THE CASE IN ANY WAY UNTIL YOU'VE HEARD ALL OF THE
17 EVIDENCE AND THE ARGUMENTS OF THE ATTORNEYS AND THE
18 INSTRUCTIONS ON THE LAW BY ME.

19 CERTAINLY, YOUR RELATIVES, HUSBAND, WIVES,
20 BOYFRIENDS, GIRL FRIENDS, SISTERS, BROTHERS, MOTHERS,
21 FATHERS, WHATEVER, ARE GOING TO BE EXTREMELY CURIOUS
22 AS TO WHAT YOU'RE DOING DOWN HERE AT THE COURTHOUSE.

23 YOU CAN TELL THEM THAT YOU'RE ON A TRIAL.
24 THAT'S ALL YOU CAN TELL THEM. YOU CANNOT TELL THEM
25 ANYTHING ABOUT THE CASE. BECAUSE AS SOON AS YOU DO

1 THEY WILL WANT TO OFFER THEIR OPINIONS, WITHOUT HAVING
2 SAT HERE IN COURT, AND THAT OBVIOUSLY SHOULD NOT BE AN
3 INFLUENCE UPON YOU DURING THE TRIAL.

4 AFTER THE TRIAL IS OVER, YOU CAN GIVE A
5 COMPLETE DESCRIPTION FOR HOURS ON END ABOUT YOUR
6 EXPERIENCES, IF YOU WISH TO DO SO.

7 JURORS ALSO HAVE THE ABSOLUTE RIGHT TO
8 REMAIN SILENT. SO AFTER A TRIAL YOU'RE CERTAINLY
9 NOT OBLIGATED TO DISCUSS THE CASE WITH ANYONE.

10 DURING THE COURSE OF THE TRIAL, AND
11 PARTICULARLY RIGHT NOW, WE'RE GOING TO BE TAKING A
12 RECESS FOR LUNCH. AND WE'LL START BACK UP AT TWO
13 O'CLOCK.

14 YOU ARE WELCOME TO GO TO LUNCH TOGETHER,
15 IF YOU WISH, OR YOU MAY SEPARATE AND GO ABOUT YOUR
16 PERSONAL AFFAIRS. IF YOU WANT TO STROLL AROUND THE
17 LAKE OR HAVE LUNCH IN ONE OF OUR RESTAURANTS DOWNTOWN,
18 THAT'S ALSO FINE, OR TAKE CARE OF WHATEVER MATTERS
19 YOU NEED TO TAKE CARE OF DURING LUNCH TIME.

20 I WOULD TELL YOU THAT THAT ORDINARILY WE
21 WOULD BE WORKING UNTIL 6:30, PERHAPS SEVEN O'CLOCK
22 IN THE EVENINGS UNTIL THE CASE IS CONCLUDED.

23 SO YOU NEED TO LET YOUR FAMILY KNOW, IF
24 THEY'RE ANTICIPATING YOUR BEING HOME TO EAT DINNER
25 OR COOK DINNER OR JUST TO BE PRESENT, THAT YOU ARE

1 GOING TO BE PRESENT IN THIS TRIAL UNTIL WE REACH A
2 CONCLUSION.

3 I DON'T ANTICIPATE GOING TO NINE O'CLOCK
4 AT NIGHT, OR SOMETHING LIKE THAT, UNLESS ABSOLUTELY
5 NECESSARY. AND I DON'T THINK THAT WILL OCCUR IN THIS
6 CASE.

7 THE CASE WILL CERTAINLY TAKE AT LEAST TWO
8 DAYS TO TRY AND QUITE POSSIBLY THREE DAYS. SO YOU
9 NEED TO BE PREPARED BY WHATEVER PHONE CALLS AND
10 CONTACTS YOU NEED TO BE AWARE OF, TO BE AWAY FROM
11 YOUR NORMAL DUTIES THROUGH TOMORROW AND PERHAPS
12 THROUGH THURSDAY.

13 AND BY WORKING TO SIX UNTIL SEVEN O'CLOCK
14 TONIGHT, HOPEFULLY, WE WILL BE ABLE TO CONCLUDE THE
15 TRIAL WITHIN TWO DAYS.

16 THAT SHOULD PRETTY WELL COVER IT. ANYTHING
17 ELSE FROM THE STATE?

18 MR. BENDER: NO, YOUR HONOR.

19 THE COURT: OR THE DEFENSE?

20 MR. EIDE: NO, YOUR HONOR.

21 THE COURT: ALL RIGHT. WE'LL RECESS UNTIL TWO
22 O'CLOCK.

23 (THEREUPON, COURT RECESSED AT 1:47 P.M.)

24 * * * * *

25 (CONTINUED IN VOLUME II)