

SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
PLAINTIFF-RESPONDENT,)	
)	
VS.)	SUPERIOR COURT
)	NO. BA075063
REGIS DEON THOMAS,)	
)	
DEFENDANT-APPELLANT.)	

AUG 31 1985

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE EDWARD A. FERNS, JUDGE PRESIDING
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT:	DANIEL E. LUNGREN
	STATE ATTORNEY GENERAL
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	LOS ANGELES, CA 90013

FOR DEFENDANT-APPELLANT:	IN PROPRIA PERSONA
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VOLUME 4 OF 33
PAGES 319 THROUGH 388, INCLUSIVE

COPY

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GEORGE W. SABIA, CSR #3336
OFFICIAL REPORTERS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. EDWARD A. FERNS, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

REGIS THOMAS,)

DEFENDANT.)

NO. BA075063

VOL 4

REPORTER'S DAILY TRANSCRIPT

MARCH 9, 1995
PAGES 319 THROUGH 388

FILED
LOS ANGELES SUPERIOR COURT

MAR 20 1995

EDWARD M. KRITZMAN, CLERK
D. Dancer
BY D. DANCER, DEPUTY

APPEARANCES:

FOR THE PLAINTIFF:

GIL GARCETTI, DISTRICT ATTORNEY
BY: MARK ARNOLD, DEPUTY
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FOR THE DEFENDANT:

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-AND-
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I N D E X

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1 LOS ANGELES, CALIFORNIA; THURSDAY, MARCH 9, 1995
2 DEPARTMENT NO. 106 HON. EDWARD A. FERNS, JUDGE
3 10:05 A.M.

4
5 (APPEARANCES AS HERETOFORE NOTED.)
6

7 THE COURT: ALL RIGHT.

8 RECALLING THE CASE OF PEOPLE VERSUS REGIS
9 THOMAS, MR. THOMAS IS PRESENT WITH RESPECTIVE COUNSEL.
10 WE'RE OUT OF THE PRESENCE OF THE PROSPECTIVE JURORS.

11 DO YOU WANT ME TO MAKE A RULING ON THE
12 CORONER'S PHOTOS? I'LL DO THAT NOW.

13 DO YOU HAVE ANYTHING ADDITIONAL TO ADD ON
14 THE RECORD, MR. JAFFE?

15 MR. JAFFE: NO.

16 THE COURT: MR. ARNOLD?

17 MR. ARNOLD: SUBMITTED.

18 THE COURT: ALL RIGHT.

19 FROM READING PEOPLE VERSUS WASH AT 6
20 CAL.4TH, 215, THEY TALK ABOUT PICTURES AND OBVIOUSLY
21 DEATH IS AN UGLY SITUATION.

22 BUT ON THOSE PARTICULAR PHOTOGRAPHS, AS
23 DIFFICULT AS THEY MAY BE TO LOOK AT FOR SOME PEOPLE, I
24 THINK FOR PURPOSES OF FIRST DEGREE MURDER AS FAR AS
25 WILLFUL, DELIBERATE AND PREMEDITATION, I THINK IT'S
26 RELEVANT UNDER 352. I THINK THAT THE PROBATIVE VALUE
27 OUTWEIGHS ANY PREJUDICIAL EFFECT.

28 THEREFORE, I'LL PERMIT THE PROSECUTION TO

1 USE THEM.

2 NOW, ON THE JURORS, I WAS TALKING TO MY
3 CLERK THIS MORNING. I DON'T KNOW IF HE HAS ARTICULATED
4 TO YOU MY THOUGHTS ON HOW TO HANDLE IT, BUT I BELIEVE WE
5 HAVE 111 WHO GOT BY THE HARDSHIP IS WHAT HIS COUNT WAS.

6 WHAT MY INTENTION TODAY IS TO HAVE -- HE
7 HAS GOT AN ALPHABETIZED LIST, IS TO CALL THEM
8 ALPHABETICALLY IN. WE'LL BRING 50 OF THEM IN AND THEN
9 WE'LL HAVE THE BAILIFF COLLECT THE QUESTIONNAIRE FROM
10 EACH OF THEM.

11 I WILL ORDER THEM TO RETURN AT A PARTICULAR
12 TIME NEXT WEEK AND WE'LL BRING THE NEXT 50 IN, DO THE
13 SAME THING. ORDER THEM TO RETURN AND THEN THERE IS
14 GOING TO BE A HANDFUL MORE.

15 NOW, THERE WERE SOME PEOPLE THAT WERE GOING
16 TO CHECK. IF THEY RAISE IT TODAY, I WILL THEN TAKE UP
17 THAT ISSUE. OTHERWISE I'LL TAKE UP THE ISSUE NEXT WEEK.

18 AS FAR AS USING NUMBERS OR AN ANONYMOUS
19 PANEL, OBVIOUSLY MR. JAFFE, YOU WANTED TO DO SOME
20 RESEARCH ON THAT AND I'LL TAKE THAT UP NEXT WEEK SOME
21 DAY.

22 FOR NOW WHAT I INTEND TO DO IS MY CLERK HAS
23 THE ALPHABETIZED LIST. HE'LL NUMBER THAT LIST ONE
24 THROUGH WHATEVER.

25 MR. JAFFE, YOU HAVE AGREED THAT I CAN TURN
26 THE QUESTIONNAIRES OVER TO THE PROSECUTOR FOR
27 REPRODUCTION; IS THAT CORRECT?

28 MR. JAFFE: YES.

1 THE COURT: ALL RIGHT.

2 WE WILL GIVE THE PROSECUTOR THE
3 QUESTIONNAIRES TO PHOTOCOPY.

4 WHILE THAT IS BEING DONE, MY CLERK WILL GO
5 DOWN TO GET A RANDOM LIST OF THE JURORS. HE WILL THEN
6 PROVIDE EACH OF YOU WITH THE RANDOM LIST AND WITH THAT
7 NAME OF THAT JUROR. HE WILL HAVE PUT THE NUMBER NEXT TO
8 THE NAME OF THAT JUROR.

9 SO THAT WHEN YOU'RE REVIEWING THE
10 QUESTIONNAIRES, YOU WILL THEN HAVE ACCESS TO BOTH.

11 THEN I'LL DECIDE AFTER FURTHER ARGUMENT BY
12 MR. JAFFE WHETHER WE WILL USE NUMBERS WHEN WE'RE CALLING
13 THEM UP OR NAMES.

14 IS THAT A SATISFACTORY APPROACH?

15 MR. JAFFE: YES.

16 THE COURT: MR. ARNOLD?

17 MR. ARNOLD: THAT IS FINE, YOUR HONOR.

18 THE COURT: MR. JAFFE, YOU GRABBED A TRANSCRIPT.

19 IS THERE SOMETHING THAT YOU WANTED TO PUT
20 ON THE RECORD?

21 MR. JAFFE: BOTH MR. ARNOLD AND I NOTICED ONE OF
22 THE PROSPECTIVE JURORS FROM YESTERDAY, AND I DON'T KNOW
23 HER NAME. SHORT FEMALE.

24 HER NAME MAY BE ESQUEDA. SHE MAY HAVE COME
25 IN GROUP TWO OR THREE. I WAS LOOKING THROUGH THE
26 TRANSCRIPT TO TRY TO REFRESH MY RECOLLECTION, BUT IT
27 APPEARS SHE IS FILLING OUT THE QUESTIONNAIRE THIS
28 MORNING, AND I KNOW THE COURT HAD INDICATED TO THE

1 JURORS THAT THEY WERE TO FILL THEM OUT YESTERDAY, TAKE
2 THEM HOME AND SPEND SOME TIME THINKING ABOUT IT.

3 THE COURT: RIGHT.

4 MR. JAFFE: WELL, IT DOESN'T GIVE ME A VERY GOOD
5 FEELING TO HAVE A JUROR, WHO PROBABLY HAS IGNORED WHAT
6 THE COURT SAID IN TERMS OF FILLING OUT THE
7 QUESTIONNAIRE.

8 SHE WAITS HALF HOUR BEFORE SHE IS SUPPOSED
9 TO TURN IT IN.

10 THE COURT: WELL, WHEN I STAYED TO TAKE IT HOME,
11 I MEAN MAYBE MY PHRASING -- I MEANT THAT THEY SHOULD
12 HAVE IT COMPLETED BY THE TIME THEY COME.

13 MR. JAFFE: MY ONLY CONCERN IS AND IT MAY BE MUCH
14 TO DO ABOUT NOTHING, BUT IT'S STILL SOMETHING THAT I
15 OBSERVED, AND I WANTED TO BRING TO THE COURT'S
16 ATTENTION.

17 THE COURT: OKAY.

18 MR. JAFFE: AND THE NATURE OF THIS CASE IS SUCH
19 IF THERE IS ANY LITTLE THING THAT I THINK IT WAS
20 IMPORTANT OR SOMETHING SHOULD BE BROUGHT TO THE COURT'S
21 ATTENTION ON THE RECORD, I'M GOING TO DO SO.

22 THE COURT: ALL RIGHT.

23 WHAT I'M GOING TO DO IS WHEN IT COMES TO
24 HER QUESTIONNAIRE, IF THERE SEEMS TO BE A SITUATION THAT
25 IT'S NOT COMPLETELY FILLED OUT OR THERE IS FOLLOW-UP, I
26 MAY SPEND A LITTLE MORE TIME WITH HER IF SHE GETS IN THE
27 BOX AS FAR AS FOLLOWING UP ON THE QUESTIONS.

28 BUT REALLY MY INTENTION, I DIDN'T WANT THEM

1 TO GO HOME AND PUT THEMSELVES IN A ROOM AND FILL IT OUT.

2 BUT THE IDEA OF SOME GROUPS, ONE GROUP
3 DIDN'T LEAVE HERE UNTIL 4:20 YESTERDAY. I DIDN'T WANT
4 TO PUT THEM IN THE HALL TELLING THEM TO FILL IT OUT AND
5 BRING THEM BACK, BECAUSE I THINK IT'S A RUSH AS TO LIKE
6 KIDS, WHO CAN FINISH THEIR HOMEWORK FIRST. THEY DON'T
7 CARE WHAT ANYBODY SAYS.

8 IS THERE ANYTHING ELSE, MR. ARNOLD?

9 YOU'RE NODDING.

10 MR. ARNOLD: YES.

11 YOU HAD TENTATIVELY RULED THE OTHER DAY
12 THAT THE RENDERINGS COULD BE USED AS EVIDENCE BUT YOU
13 HAD ASKED ME TO LEAVE THEM HERE SO YOU CAN LOOK AT THEM.

14 THE COURT: IT'S STILL THE SAME, BUT WITH THE
15 PREMISE THAT AS YOU ARTICULATED, IT WOULD NOT BE ALL THE
16 RENDERINGS SHOWN TO EACH OF THE WITNESSES.

17 IT'S A SITUATION OF YOU ELICIT THE ORAL
18 TESTIMONY AND THEN USE THE RENDERINGS, AND IF, IN FACT,
19 MR. JAFFE HAS AN OBJECTION, YOU KNOW, YOU CAN COME TO
20 THE SIDEBAR SAYING THE PROPER FOUNDATION WAS OR WAS NOT
21 LAID.

22 BUT IT'S MY INDICATION TO YOU THAT BASED ON
23 THE MOVING PAPERS, WHAT YOU HAVE ARTICULATED IN THE
24 RENDERINGS AND THAT IT WILL BE PRESENTED TO -- WHETHER I
25 ASSUME IT WILL BE ELICITED IN TESTIMONY, AND IF THERE
26 IS, IF IT'S NECESSARY TO GIVE AN INSTRUCTION, I'LL DO
27 THAT, ALSO.

28 BUT I DON'T ANTICIPATE THAT IT'S GOING TO

1 BE PRESENTED THAT THESE ARE FACTS, FACTUAL AS TO
2 SOMEBODY SAW IT AND THEY DREW THIS OUT THERE.

3 ALL RIGHT.

4 MR. JAFFE: YOUR HONOR, THERE WILL BE --

5 THE COURT: JUST ONE SECOND.

6 I'M SORRY.

7 MR. JAFFE.

8 MR. JAFFE: THERE WILL BE A FEW AREAS OF
9 EVIDENCE, SOME EVIDENTIARY RULINGS THAT I'M GOING TO
10 WANT THE COURT TO RULE ON BEFORE WE BEGIN.

11 I DON'T THINK IT'S NECESSARY TO DO IT
12 TODAY.

13 THE COURT: ALL RIGHT.

14 THE SUBJECT MATTER IS --

15 MR. JAFFE: A COUPLE SUBJECT MATTERS.

16 SO WHY DON'T I ADVISE THE COURT AS WELL.

17 MR. ARNOLD AND I DID NOT PREPARE ANY
18 WRITTEN PAPERS BECAUSE I DIDN'T THINK THAT THEY WERE
19 SUCH THAT WE NEEDED TO HAVE MOVING PAPERS ON IT. WE
20 PERHAPS WOULD JUST DO IT ORALLY.

21 BUT IF I CAN, WHY DON'T I JUST GO OVER THE
22 ISSUES NOW.

23 THE COURT: ALL RIGHT.

24 MR. JAFFE: THERE MAY BE SOME ISSUE AND I'M JUST
25 TRYING TO ANTICIPATE WHAT THE PROSECUTION MAY DO TO TRY
26 TO PROVE THAT MR. THOMAS HAD A HABIT OF CARRYING A GUN
27 OR THAT HE ALWAYS CARRIED A GUN.

28 I DON'T KNOW IF THAT KIND OF TESTIMONY

1 WOULD BE ATTEMPTED TO BE ELICITED OR NOT, BUT IF IT
2 WERE, I WOULD OBJECT BECAUSE IT REALLY WOULD NOT COME IN
3 UNDER 1105, HABIT EVIDENCE.

4 IT WOULD BE MORE IN THE NATURE OF CHARACTER
5 EVIDENCE, AND I HAVE SOME BRIEF AUTHORITY ON THAT, BUT
6 I'M JUST GIVING YOU THE GENERAL ISSUES THAT I
7 ANTICIPATE.

8 THE COURT: ALL RIGHT.

9 MR. JAFFE: THERE WAS A QUESTION ASKED, A NUMBER
10 OF QUESTIONS ASKED OF MRS. GULLEY AND ALICIA JORDAN AT
11 THE PRELIMINARY HEARING WHERE THEY WERE TENTATIVE IN
12 THEIR IDENTIFICATION, AND THEN LATER ALICIA JORDAN SAID
13 THAT SHE WAS ALMOST POSITIVE.

14 AND MR. ARNOLD ELICITED ANSWERS FROM THEM
15 AS TO WHETHER OR NOT REGIS THOMAS APPEARS TO BE SIMILAR
16 OR DIFFERENT THAN THE INDIVIDUAL WHO WAS OUT AT THE
17 SCENE SHOOTING THE OFFICERS.

18 I HAVE SOME TROUBLE WITH THE CONCEPT OF
19 ASKING A QUESTION, DOES THE DEFENDANT APPEAR SIMILAR TO
20 OR DIFFERENT THAN. I THINK THAT IT'S VAGUE TO ASK THAT
21 QUESTION.

22 I ANTICIPATE THAT WHAT MR. ARNOLD WOULD SAY
23 IS THAT IF THESE WITNESSES CAN STATE THAT MR. THOMAS
24 LOOKED SIMILAR TO AND NOT DIFFERENT THAN, THEN IT
25 NARROWS THE CLASS OF PERSONS THAT COULD HAVE COMMITTED
26 THE CRIME TO WHICH REGIS THOMAS WOULD BELONG. THAT HE
27 HAS A SIMILAR BODY BUILD OR THAT HIS APPEARANCE IS NOT
28 DIFFERENT THAN.

1 THEREFORE, IF IT'S NOT DIFFERENT THAN,
2 SIMILAR TO, AND HE IS NOT EXCLUDED AS BEING A PERSON WHO
3 COULD POTENTIALLY BE ONE OF THE PARTICIPANTS.

4 WHEN THE OFFICERS ARRIVED AT -- I'M NOT
5 CERTAIN WHAT DATE IT WAS, WHETHER IT WAS THE DATE OF THE
6 SEARCH WARRANTS, WHICH WAS APRIL 6TH, 1993, OR WHETHER
7 IT WAS ON A PREVIOUS OCCASION, WHEN OFFICERS WENT TO
8 MR. THOMAS' RESIDENCE, DESHAUNNA CODY, WHO WAS RESIDING
9 AT THE RESIDENCE AND WAS MR. THOMAS' GIRLFRIEND AT THE
10 TIME, NOW HIS WIFE, TOLD THE OFFICERS THAT "I WAS
11 EXPECTING YOU."

12 IT MIGHT HAVE BEEN MARCH THE 4TH. SHE
13 SAID, "I WAS EXPECTING YOU."

14 WELL, I THINK THAT HER COMMENT THAT SHE WAS
15 EXPECTING THE POLICE, ALTHOUGH I HAVEN'T YET DECIDED
16 WHETHER OR NOT I'M GOING TO ASK FOR A RULING TO EXCLUDE
17 THAT.

18 I MAY NOT ASK TO EXCLUDE THAT, BUT AGAIN,
19 I'M JUST MAKING REFERENCE TO THAT IS A POSSIBILITY.

20 THE COURT: ALL RIGHT.

21 MR. JAFFE: THE VEHICLE IN QUESTION WAS PURCHASED
22 FOR \$18,000 CASH, AND I WOULD OBJECT TO ANY REFERENCE
23 THAT THE VEHICLE WAS PURCHASED WITH CASH.

24 I THINK THAT THERE COULD BE A CONNOTATION
25 THAT IF INDEED THE VEHICLE WAS PURCHASED WITH CASH,
26 PERHAPS DRUGS MIGHT BE INVOLVED, AND I DON'T THINK THAT
27 THERE IS ANY FACTUAL BASIS FOR THAT CONCLUSION, AND I
28 THINK THAT THE PURCHASE OF THE VEHICLE FOR \$18,000, THAT

1 MAY BE RELEVANT.

2 BUT THE FACT THAT IT WAS PAID IN CASH I
3 THINK WOULD BE IRRELEVANT.

4 CALVIN COOKSEY IS EXPECTED TO BE A
5 PROSECUTION WITNESS IN THIS CASE. HIS MOTHER WAS KILLED
6 AFTER, AT SOME POINT IN TIME AFTER HE TESTIFIED AT THE
7 PRELIMINARY HEARING. THE SPECIFIC DATE I DON'T HAVE
8 WITH ME TODAY.

9 I SPOKE TO MR. ARNOLD ABOUT THAT. I DON'T
10 THINK THAT THERE SHOULD BE ANY REFERENCE TO THE FACT
11 THAT SHE IS NOW DECEASED.

12 ANOTHER WITNESS TO THE ADKINS CASE WAS AN
13 ANDRE CHAPPEL WHO IS THE HUSBAND OF A WITNESS WHO WILL
14 TESTIFY, JANICE CHAPPEL. ANDRE CHAPPEL IS ALSO NOW
15 DECEASED.

16 I'M NOT CERTAIN. AGAIN, I DON'T HAVE THE
17 DATE. I BELIEVE IT MIGHT HAVE BEEN MAY.

18 MR. ARNOLD: MARCH.

19 MR. JAFFE: MARCH OF '92.

20 STAAL, OFFICER STAAL OR DETECTIVE STAAL
21 FROM THE HOUSING AUTHORITY MAY BE CALLED TO TESTIFY THAT
22 HE HAD PRIOR CONTACT WITH REGIS THOMAS TO THE EXTENT
23 THAT HE TESTIFIES, IF HE DOES TESTIFY, THAT HE OBSERVED
24 MR. THOMAS DRIVING THE RED TRUCK.

25 THERE WOULD BE NO OBJECTION TO THAT. I
26 THINK THAT IS RELEVANT TESTIMONY.

27 BUT TO THE EXTENT THAT THOSE PRIOR CONTACTS
28 MIGHT HAVE RESULTED IN EITHER AN ARREST OR SOME CRIMINAL

1 BEHAVIOR, I WOULD REQUEST AN IN LIMINE MOTION UNDER
2 1101B, IF INDEED STAAL IS GOING TO TESTIFY ABOUT SOME
3 PRIOR BAD CONDUCT.

4 AND FINALLY A GUN WAS RECOVERED IN
5 DESHAUNNA CODY'S PURSE THE DATE THAT THE WARRANTS WERE
6 SERVED ON 4-6-92. THE GUN RECOVERED WAS ONE OF SEVERAL
7 GUNS STOLEN FROM LAS VEGAS IN A BURGLARY THAT OCCURRED
8 PRIOR TO THE COMMISSION OF THE HOMICIDES, THE OFFICER'S
9 HOMICIDES.

10 AND I EXPECT THAT THE PROSECUTION WOULD
11 ARGUE THAT IT IS RELEVANT BECAUSE THE MURDER WEAPON ALSO
12 WAS STOLEN FROM THE SAME BURGLARY, AND, THEREFORE, IF
13 MS. CODY HAD A GUN IN HER POSSESSION, WHICH WAS A FIRE
14 STAR BRAND, THAT IT WOULD IN SOME WAY BE RELEVANT TO
15 PROVE THAT REGIS THOMAS ALSO HAD ONE OF THE WEAPONS FROM
16 THE LAS VEGAS BURGLARY.

17 SO THOSE ARE SEVERAL EVIDENTIARY ISSUES
18 WHICH I ANTICIPATE THAT WE WILL HAVE TO DISCUSS, AND I
19 DON'T THINK THAT IT WILL TAKE A GREAT DEAL OF TIME TO
20 DISCUSS EACH AND EVERY ONE. BUT THOSE ARE ISSUES THAT I
21 HAD ANTICIPATED THAT MAY BECOME A SOURCE OF DISCUSSION.

22 THE COURT: MR. ARNOLD.

23 MR. ARNOLD: YOUR HONOR, I THINK THAT WE NEED,
24 SINCE THERE IS SOME TIME NOW, I THINK WE NEED TO DEAL
25 WITH THIS NOW BECAUSE YOUR RULINGS ON THIS CAN GREATLY
26 AFFECT THE CASE, INCLUDING OPENING STATEMENTS, WITNESSES
27 I AM GOING TO BE PUTTING ON. SOME ISSUES OF THE SEVEN
28 ISSUES, SOME MORE THAN OTHERS, BUT I THINK THEY SHOULD

1 BE DEALT WITH NOW.

2 THESE ARE NOT THE TYPES OF ISSUES, AT LEAST
3 SOME OF THEM WHERE I CAN EITHER TURN LEFT IF YOUR RULING
4 IS ONE WAY AND KIND OF VARY IT IF YOUR RULING IS ANOTHER
5 WAY.

6 THESE ARE SIGNIFICANT SUBSTANTIAL RULINGS,
7 THE MOST IMPORTANT OF WHICH IS THE LAST ONE.

8 MR. JAFFE: I DID INTEND TO HAVE THESE ISSUES
9 PRESENTED TO THE COURT IN ADVANCE OF MR. ARNOLD'S
10 OPENING STATEMENT. THAT IS WHY I BROUGHT IT TO THE
11 COURT'S ATTENTION TODAY.

12 THE COURT: ALL RIGHT.

13 LET ME TELL YOU, I CAN DO THIS TWO WAYS.

14 I'M NOT GOING TO RULE TODAY. I CAN EITHER
15 BRING YOU BACK. I REALLY DON'T WANT TO CUT INTO YOUR
16 TIME AS FAR AS YOUR EVALUATION OF THE QUESTIONNAIRES
17 BECAUSE I THINK THAT IF YOU HAVE TIME TO DO THAT, IT
18 HELPS ON THE JURY SELECTION.

19 I COULD, IF YOU WANT, HAVE YOU -- TODAY IS
20 THE 9TH.

21 MR. ARNOLD, DO YOU HAVE ANY IDEA? ARE THEY
22 GOING TO DO THE COPYING TODAY OR TOMORROW OR DO YOU KNOW
23 ON THE QUESTIONNAIRES?

24 MR. ARNOLD: I DO NOT KNOW. I'M GOING TO IMPLORE
25 UPON THEM TO DO IT TODAY.

26 THE COURT: WHICH MEANS THEY'LL PROBABLY DO IT
27 TOMORROW.

28 I MEAN I'M NOT PUTTING IT AS FAR AS YOU'RE

1 CONCERNED. I MEAN I UNDERSTAND THEY HAVE GOT LOTS OF
2 THINGS TO DO AS FAR AS PHOTOCOPYING.

3 THERE ARE TWO WAYS I CAN HANDLE IT. I CAN
4 EITHER BRING YOU BACK ON TUESDAY OR WEDNESDAY AND HEAR
5 THESE ISSUES OR I CAN GIVE YOU A FOUR DAY TIME FRAME TO
6 DO THE QUESTIONNAIRES AND MARCH 17TH MAKE MY RULINGS AND
7 HEAR ARGUMENT AND/OR IF IT'S NECESSARY TO PRESENT ANY
8 EVIDENCE TO ME ON THESE MATTERS, AND THEN HAVE THE
9 JURORS COME BACK MARCH 20TH AT 10:00 O'CLOCK AND DO THE
10 VOIR DIRE THEN.

11 MR. JAFFE: ALL RIGHT.

12 THE COURT: BECAUSE REALLY I WOULD IMPLORE BOTH
13 OF YOU -- I MEAN OBVIOUSLY SITTING HERE I CAN GIVE YOU
14 MY GUT REACTION TO EACH OF THESE OR UNEDUCATED REACTION,
15 WHICHEVER YOU PREFER TO CLASSIFY IT, BUT IT'S A
16 SITUATION IF THERE IS SOME THAT ARE MUCH MORE
17 SIGNIFICANT THAN OTHERS, AND OBVIOUSLY I HAVE VERY
18 LIMITED KNOWLEDGE OF THE CASE OTHER THAN WHAT IS IN THE
19 MOVING PAPERS.

20 BUT I WOULD LIKE SOME AUTHORITY ON YOUR
21 POSITIONS.

22 MR. ARNOLD.

23 MR. ARNOLD: MY FEELINGS ARE THE STRONGEST ABOUT
24 THE LAST ONE.

25 THE COURT: THAT HAD TO DO WITH THE RECOVERY OF
26 THE GUN THAT WAS TAKEN IN THE BURGLARY?

27 MR. ARNOLD: YES, THAT IS THE SINGLE MOST, THE
28 SINGLE STRONGEST PIECE OF EVIDENCE THAT CONNECTS THE

1 DEFENDANT TO THIS CRIME.

2 IF NOT PERMITTED TO INTRODUCE THAT TO THE
3 JURY, IT IS MY SINCERE FEELING THAT IT WILL SINCERELY
4 GUT THE CASE.

5 IF YOU'RE GOING TO RULE ON THIS, PERHAPS I
6 CAN FLUSH OUT THE SIGNIFICANCE OF THAT AND PERHAPS IT
7 MIGHT GIVE YOU SOME INSIGHT AS TO THE RELEVANCE OR LACK
8 OF RELEVANCE.

9 THE COURT: ALL RIGHT.

10 MR. ARNOLD: ALL RIGHT.

11 THE CASE WAS BROKEN OPEN BY AN INDIVIDUAL
12 NAMED CALVIN COOKSEY. CALVIN COOKSEY IS A FRIEND, A
13 FRIEND OF THE DEFENDANT AND THE COUSIN OF THE
14 DEFENDANT'S VERY GOOD FRIEND, PHILLIP CATHCART, WHO WAS
15 ORDERED TO BE ON CALL THE OTHER DAY.

16 APPROXIMATELY FIVE WEEKS AFTER THE OFFICERS
17 WERE KILLED, CALVIN COOKSEY WAS ARRESTED FOR HAVING THE
18 GUN IN HIS CAR AND HE WAS TAKEN TO THE COUNTY JAIL. AND
19 TO MAKE A LONG STORY SHORT, HE CONTACTS THE POLICE AND
20 HE SAYS, "I KNOW WHO KILLED THE OFFICERS AND I KNOW
21 WHERE THE GUN IS."

22 SO DETECTIVES GO DOWN AND TALK TO HIM AND
23 ESSENTIALLY COOKSEY SAYS THAT THE DEFENDANT CONFESSED TO
24 HIM THAT HE DID IT AND HE GIVES THE -- THE DEFENDANT
25 GAVE A BRIEF DESCRIPTION OF HOW HE KILLED THE OFFICERS
26 AND THAT THE DEFENDANT HAD THE GUN PUT AWAY.

27 CATHCART SUGGESTS WHO WAS ALSO THERE AT THE
28 TIME. CATHCART SUGGESTS THAT COOKSEY BE ALLOWED TO

1 DISPOSE OF THE GUN. THE DEFENDANT ALLOWS COOKSEY TO
2 DISPOSE OF THE GUN BY DIRECTING COOKSEY TO WHERE THE GUN
3 IS. COOKSEY GOES, OBTAINS A GUN FROM A FEMALE. COOKSEY
4 THEN TURNS AROUND AND THEN SELLS IT TO ANOTHER
5 INDIVIDUAL.

6 AND THIS IS PERHAPS A DAY OR TWO OR THREE
7 AFTER THE OFFICERS ARE KILLED. IT'S NOT CLEAR. THE
8 PEOPLE INVOLVED IN THIS DON'T KEEP TRACK OF CALENDARS
9 AND DATES, BUT IT'S RIGHT AROUND THE TIME OF THE
10 KILLINGS WE KNOW BECAUSE IT WAS STILL FRESH ON THE NEWS.

11 AND IT'S ABOUT THREE TO FOUR WEEKS LATER
12 THAT COOKSEY GETS ARRESTED.

13 THE DETECTIVES DECIDE THAT COOKSEY HAS
14 SOMETHING TO SAY. HE POSSIBLY HAS SOME GOOD
15 INFORMATION. HE IS RELEASED ON HIS OWN RECOGNIZANCE TO
16 LOOK FOR THE PURCHASER OF THE GUN FROM APPROXIMATELY
17 THREE-AND-A-HALF TO FOUR WEEKS EARLIER.

18 THAT PERSON IS LOCATED AND ARRANGEMENTS ARE
19 MADE FOR THE NEXT DAY TO BUY THE GUN BACK.

20 THE NEXT DAY COOKSEY GOES OUT WITH AN
21 UNDERCOVER POLICE OFFICER AND OBTAINS THE GUN FROM THE
22 PERSON WHO HAD ORIGINALLY PURCHASED IT, THAT GUN WHICH
23 HAPPENS TO BE A SIGSAUER NINE MILLIMETER SEMI-AUTOMATIC
24 PISTOL.

25 THAT GUN IS IMMEDIATELY TAKEN TO THE
26 FIREARMS LAB, THE SHERIFF'S FIREARMS LAB AND FIREARMS
27 EXAMINER, DEPUTY DWIGHT VAN HORNE DOES A MICROSCOPIC
28 COMPARISON AND DETERMINATION OF THAT GUN. IN FACT,

1 FIRED ALL NINE SHELL CASINGS THAT WERE FOUND STREWN
2 ABOUT THE BODIES.

3 THAT GUN WAS STOLEN IN A BURGLARY OF A GUN
4 STORE IN LAS VEGAS APPROXIMATELY NINE DAYS BEFORE THE
5 OFFICERS WERE KILLED.

6 SO NOW BASED ON THE INFORMATION FROM
7 COOKSEY AND THE FACT THAT WE NOW HAVE THE GUN, OFFICERS
8 WROTE AN AFFIDAVIT FOR A SEARCH WARRANT FOR SEVEN
9 DIFFERENT LOCATIONS, THE MAJORITY OF WHICH ARE LOCATIONS
10 THAT REGIS THOMAS WAS KNOWN TO FREQUENT OR LIVE.

11 ONE OF THEM IS 107 BEACON STREET IN SAN
12 PEDRO. THAT IS A RESIDENCE THAT HAD BEEN REPORTED BY
13 THE DEFENDANT WHERE HE LIVED. IT IS ALSO THE RESIDENCE
14 OF DESHAUNNA CODY WHO IS THE DEFENDANT'S GIRLFRIEND AND
15 NOW WIFE. AT THE TIME SHE HAD FOUR CHILDREN BY HIM.
16 SHE NOW HAS SIX CHILDREN BY HIM.

17 THE SEARCH WARRANT WAS SERVED THERE IN THE
18 EARLY MORNING HOURS OF APRIL 6TH OF 1993. THIS IS
19 APPROXIMATELY NOW SIX WEEKS AFTER THE OFFICERS HAD BEEN
20 KILLED.

21 AT 107 BEACON STREET WAS DESHAUNNA CODY AND
22 A NUMBER OF OTHER PEOPLE BUT THE DEFENDANT WAS NOT
23 THERE.

24 ONCE ENTRY WAS MADE BY THE SPECIAL
25 ENFORCEMENT BUREAU OF THE SHERIFF'S DEPARTMENT, MS. CODY
26 WAS WALKING DOWN THE STAIRS. IT'S A TWO-STORY
27 APARTMENT.

28 MS. CODY WAS WALKING DOWN THE STAIRS. SHE

1 HAD A PURSE WITH HER. THE PURSE WAS TAKEN FROM HER. IN
2 THE PURSE WAS A GUN. IT WAS A FIRE STAR NINE
3 MILLIMETER.

4 LATER THAT DAY WHEN QUESTIONED ABOUT THE
5 GUN, SHE STATED THAT REGIS THOMAS GAVE HER THAT GUN FOR
6 PROTECTION.

7 THAT GUN WAS ALSO STOLEN IN THAT VERY SAME
8 BURGLARY OF THE LAS VEGAS GUN STORE.

9 NOW, THAT'S THE BACKGROUND.

10 IT IS IN MY VIEW A HIGHLY PROBATIVE
11 CIRCUMSTANTIAL CONNECTION BETWEEN THE DEFENDANT AND THE
12 GUN THAT WAS USED TO KILL THE OFFICERS, BECAUSE WE CAN
13 CONNECT HIM DIRECTLY TO A GUN THAT HIS GIRLFRIEND HAD
14 WHICH WAS STOLEN FROM THE BURGLARY.

15 YOU CAN INFER THEN THAT HE'S ALSO THEN
16 CONNECTED TO THE GUN THAT WAS USED TO KILL THE OFFICERS
17 BECAUSE THAT, TOO, THAT GUN, TOO, WAS STOLEN IN THE SAME
18 BURGLARY.

19 ANOTHER SEARCH WARRANT WAS SERVED. JUST TO
20 FURTHER FILL YOU IN, ANOTHER SEARCH WARRANT WAS FURTHER
21 SERVED APPROXIMATELY THE SAME TIME AT PHILLIP CATHCART'S
22 RESIDENCE, 1830 WEST EL SEGUNDO BOULEVARD IN GARDENA. A
23 GLOCK NINE MILLIMETER WAS FOUND UNDER THE STOVE OF THAT
24 RESIDENCE ALSO STOLEN FROM THE SAME BURGLARY OF THE GUN
25 STORE IN LAS VEGAS.

26 AND I CAN ALSO TELL THE COURT NOW AS I
27 SHOULD HAVE MENTIONED BEFORE. I DON'T KNOW IF MR. JAFFE
28 KNOWS THIS AND MS. DOHERTY KNOWS THIS.

1 THE GUN THAT CALVIN COOKSEY HAD WAS ALSO
2 STOLEN FROM THAT SAME BURGLARY.

3 SO THE FACT THAT FOUR GUNS ARE STOLEN FROM
4 THE SAME BURGLARY, ONE OF WHICH WAS GIVEN TO THE
5 DEFENDANT'S GIRLFRIEND AND ANOTHER OF WHICH CALVIN
6 COOKSEY CAN INDIRECTLY CONNECT THE DEFENDANT TO.

7 I THINK THAT THE FACT THAT DESHAUNNA CODY
8 SAYS, "I GOT MY GUN FROM THE DEFENDANT," THAT IS A
9 TREMENDOUSLY PROBATIVE POWERFUL AND CIRCUMSTANTIAL
10 CONNECTION TO THE DEFENDANT'S POSSESSION AND USE OF THE
11 SIGSAUER WHICH WAS USED TO KILL THE OFFICERS.

12 IN THE EVIDENCE CODE ALL EVIDENCE IS
13 RELEVANT UNLESS IT IS IRRELEVANT BY SOME OTHER AUTHORITY
14 AND I DO NOT -- I CANNOT FOR THE LIFE OF ME SEE HOW A
15 FINDING COULD BE MADE THAT THIS IS NOT HIGHLY RELEVANT
16 EVIDENCE.

17 IT'S AN EXTREMELY POWERFUL CONNECTION OF
18 THE DEFENDANT TO THAT KILLING AGAIN, AND --

19 THE COURT: LET ME JUST ASK YOU ONE QUESTION AS
20 FAR AS THE PROCESS TO MAKE SURE I HAVE THE FACTS
21 CORRECT.

22 YOU SAID THAT THE GUN THAT WAS PURCHASED BY
23 THE UNDERCOVER OFFICER AND WAS MR. COOKSEY ALONG?

24 MR. ARNOLD: YES. HE WENT WITH AN UNDERCOVER
25 COMPTON POLICE OFFICER.

26 THE COURT: THAT IS THE GUN THAT A FIREARM PERSON
27 WILL SAY WAS THE WEAPON THAT FIRED THE CARTRIDGES; IS
28 THAT CORRECT?

1 MR. ARNOLD: YES, ALL OF THEM.

2 THE COURT: AND IS MR. COOKSEY THE PERSON FROM
3 YOUR POSITION GOT THE GUN FROM THE DEFENDANT AND
4 DISPOSED OF THE GUN?

5 MR. ARNOLD: WELL, THE DEFENDANT GAVE IT TO A
6 GIRL. THE GIRL HAD IT ONLY ONE NIGHT, AND, IN FACT,
7 IT'S THE GIRL WHO YOU HAD SOME DIFFICULTY WITH HER NAME
8 YESTERDAY. IT'S KEYON PYE.

9 SHE SAYS, "I RECEIVED THE GUN FROM THE
10 DEFENDANT. I GAVE THAT GUN TO ANOTHER PERSON."

11 THE OTHER PERSON IS CALVIN COOKSEY.
12 COOKSEY TAKES THAT GUN, SELLS IT TO A PERSON,
13 REPURCHASES THE GUN, AND THAT IS, IN FACT, THE GUN THAT
14 WAS USED TO KILL THE OFFICERS AND IT IS, IN FACT, A GUN
15 THAT WAS STOLEN DURING THE BURGLARY OF THE GUN STORE IN
16 LAS VEGAS.

17 THE COURT: ALL RIGHT.

18 THEN WHAT I WILL DO IS, IF YOU WANT TO
19 FILE -- MR. JAFFE, IF YOU WANT TO FILE SOME PAPERS FOR
20 ME, AND YOU CAN FILE A RESPONSE, AND AS TO EACH OF THE
21 ISSUES AND I'LL GO FROM THERE.

22 OR IF YOU DON'T WANT TO FILE THEM, THEN
23 I'LL MAKE CALLS OR DECISIONS BASED ON MY UNDERSTANDING
24 OF THE LAW AND WHAT IS REPRESENTED TO ME.

25 MR. JAFFE: YOUR HONOR, AS TO THE OTHER ISSUES
26 PRESENTED, I DON'T KNOW WHETHER OR NOT MR. ARNOLD AND I
27 CAN AGREE ON THESE ISSUES, SO WE CAN JUST LIMIT THE
28 SCOPE.

1 I MAY CHOOSE NOT TO FILE ANY --

2 THE COURT: ALL RIGHT. THAT IS FINE.

3 IF YOU TWO AGREE, THEN I HAVE NO CONCERNS,
4 I MEAN, BUT AS TO THE GUN AND THE PURSE, I'LL GIVE THAT
5 SOME THOUGHT.

6 MR. ARNOLD: WELL, LET ME TELL YOU WHAT MY
7 FEELINGS ARE ON SOME OF THESE.

8 THE COURT: ALL RIGHT.

9 MR. ARNOLD: NUMBER ONE, THE WITNESSES HAVE SEEN
10 THE DEFENDANT CARRY A GUN BEFORE, AND, IN FACT,
11 DESHAUNNA CODY TOLD THE OFFICERS THE DAY THAT SHE WAS
12 INTERVIEWED THAT THE DEFENDANT USUALLY CARRIES THE GUN,
13 A DARK COLORED GUN, AN AUTOMATIC.

14 I WOULD WANT TO GET ELICITED THAT
15 INFORMATION BECAUSE THAT GUN MATCHES THE DESCRIPTION OF
16 THE GUN THAT WAS USED TO KILL THE OFFICERS WHICH IS A
17 DARK COLORED AUTOMATIC.

18 SO, YES, I WOULD INTEND TO ASK THAT BECAUSE
19 THAT I BELIEVE IS AGAIN A CIRCUMSTANTIAL CONNECTION FOR
20 IT'S RELEVANT TO PROVE THAT THE DEFENDANT POSSESSED THE
21 GUN ON THE DATE OF THE INCIDENT IF SHE IS ABLE TO
22 DESCRIBE A GUN THAT HE GENERALLY CARRIES WHICH IS
23 SIMILAR IN APPEARANCE.

24 THE COURT: CAN SHE GIVE YOU A TIME FRAME AS TO
25 WHEN HE CARRIES THE GUN?

26 MR. ARNOLD: ALWAYS.

27 THE COURT: I MEAN THE TIME FRAME OF THE HOMICIDE
28 OF THE OFFICERS.

1 MR. ARNOLD: SHE WAS ASKED, "HAVE YOU SEEN HIM
2 WITH A GUN BEFORE?"

3 AND SHE SAID, "HE USUALLY CARRIES A GUN."
4 THE DETECTIVE SAID, "WHAT DOES THE GUN LOOK
5 LIKE?"

6 AND SHE SAYS, "A DARK COLORED GUN."

7 AND I BELIEVE THEY SHOW HER THEIR GUNS
8 WHICH IS AN AUTOMATIC, AND THEY SAY, "DOES IT LOOK LIKE
9 THIS OR DOES IT LOOK LIKE THE GUN THAT HAS THE CYLINDER,
10 THE WHEEL?"

11 AND SHE SAYS, "NO, IT LOOKS LIKE YOUR GUNS
12 WHICH IS A DARK AUTOMATIC."

13 THE CONTENTION THAT I SHOULD NOT BE ABLE TO
14 ASK A WITNESS, DOES THE DEFENDANT LOOK SIMILAR TO OR
15 DIFFERENT THAN, I HAVE BEEN TRYING CASES FOR ALMOST TEN
16 YEARS NOW. I HAVE NEVER BEEN DISALLOWED FROM ASKING
17 THAT QUESTION.

18 I REALLY DON'T UNDERSTAND THE BASIS FOR THE
19 OBJECTION. I MEAN IT'S A SIMPLE STRAIGHT FORWARD
20 QUESTION.

21 IF A WITNESS CANNOT POSITIVELY IDENTIFY A
22 WITNESS, I THINK THE MOST LOGICAL QUESTION THEN, WELL,
23 DOES HE LOOK SIMILAR TO OR DOES HE LOOK DIFFERENT THAN?

24 I BELIEVE WITNESSES ARE PERMITTED TO GIVE
25 TESTIMONY AS TO THE QUALITY OF AN IDENTIFICATION. IF
26 IT'S NOT A POSITIVE IDENTIFICATION, AT LEAST THE JURY IS
27 ENTITLED TO KNOW WHAT QUALITY THAT IDENTIFICATION IS
28 ASSUMING THAT IT IS A TENTATIVE IDENTIFICATION.

1 I WOULD THINK THAT THAT WOULD BE A TOTALLY
2 PROPER QUESTION.

3 I WAS NOT INTENDING TO ASK DESHAUNNA CODY
4 ABOUT WHETHER SHE EXPECTED THE ARRIVAL OF THE POLICE
5 OFFICERS. THE REASON FOR THAT IS -- THE REASON SHE
6 GAVE -- I BELIEVE THE REASON SHE GAVE WAS, "I WAS
7 EXPECTING YOU," BECAUSE WE -- OR REGIS HAS A RED TRUCK
8 AND I CAN PROVE THAT REGIS HAS A RED TRUCK, SO I DON'T
9 FEEL THAT THAT IS THAT RELEVANT.

10 ALTHOUGH I WOULD LIKE TO BE ABLE TO ASK
11 THAT CASH WAS PAID FOR THE TRUCK, MR. JAFFE OBJECTED TO
12 THAT QUESTION AT THE PRELIMINARY HEARING. THE OBJECTION
13 WAS SUSTAINED ON MY OFFER OF PROOF, AND I WAS NOT ABLE
14 TO COME UP WITH AN OFFER OF PROOF AS TO WHY CASH WAS
15 RELEVANT.

16 MY INTENTION WAS NOT TO ASK THE SELLER OF
17 THE TRUCK WHETHER OR NOT CASH WAS PAID.

18 WITH RESPECT TO NO REFERENCE TO THE DEATH
19 OF COOKSEY'S MOTHER, I WAS NOT PLANNING ON DOING THAT.

20 HOWEVER, IT MAY COME UP BECAUSE COOKSEY
21 BELIEVES THAT THE KILLING OF HIS MOTHER IS RELATED TO
22 HIS BEING A WITNESS IN THIS CASE.

23 THE LOS ANGELES POLICE DEPARTMENT
24 INVESTIGATED IT AND DETERMINED THAT THE KILLING OF HIS
25 MOTHER WAS, I SHOULDN'T SAY FORTUITOUS, BUT IT'S JUST
26 ONE OF THOSE THINGS. SHE WAS IN THE WRONG PLACE AT THE
27 WRONG TIME AND IT HAPPENED TO BE A GANG RELATED SHOOTING
28 GANG ON GANG AND UNFORTUNATELY SHE CAUGHT A BULLET.

1 NEVERTHELESS, HE BELIEVES THAT IT'S RELATED
2 BECAUSE APPROXIMATELY EIGHT OR NINE DAYS EARLIER, HE
3 RECEIVED A THREAT DELIVERED TO HIM.

4 I PROVIDED A COLOR XEROX TO MR. JAFFE
5 ESSENTIALLY SAYING, "YOU BETTER NOT TESTIFY OR ELSE YOU
6 AND YOUR MOTHER AND YOUR SISTER AND YOUR FAMILY MEMBERS
7 ARE GOING TO GET KILLED."

8 AND THE REASON I BRING THIS OUT IS THERE
9 ARE TWO RECENT CASES THAT TALK ABOUT THREATS FROM THIRD
10 PARTIES, THE ADMISSIBILITY OF THREATS FROM THIRD
11 PARTIES. ONE IS OLGUIN WHICH IS A CAL.APP. 4TH CASE AND
12 THEN THERE IS ANOTHER CASE, A HISPANIC NAME BUT ALSO A
13 CAL.APP. 4TH CASE.

14 BOTH OF THESE CASES SAY THREATS FROM THIRD
15 PARTIES ARE RELEVANT IF THE WITNESS'S RELUCTANCE OR FEAR
16 TO TESTIFY COMES OUT. IF A WITNESS COMES OUT AND JUST
17 TESTIFIES, NO, THEN IT IS NOT RELEVANT.

18 SO I AM MENTIONING THIS TO YOU. I DON'T
19 KNOW WHAT CALVIN COOKSEY IS GOING TO DO ON THE STAND.

20 THE COURT: WHAT ARE THE CITATIONS?

21 DO YOU HAVE THEM?

22 MR. ARNOLD: THEY'RE VERY RECENT. THEY'RE VERY
23 LATE CAL.APP. 4TH CASES.

24 WHEN WE GO BACK TO THE OFFICE, I CAN CALL
25 THEM IN. ONE OF THEM IS SO RECENT THAT I DON'T HAVE THE
26 CITE. I BELIEVE IT WAS THE DECISION CAME OUT IN JANUARY
27 OF '95, BUT I DO HAVE THE CITE ON THE OTHER ONE.

28 I AGREE WITH MR. JAFFE THAT THE BASIS FOR

1 ANY OFFICER TESTIFYING AS TO HOW HE KNOWS THE DEFENDANT
2 SHOULD NOT BE AS A RESULT OF PRIOR CRIMINAL CONDUCT.

3 ACTUALLY, MR. JAFFE SAID HE DIDN'T WANT
4 DETECTIVE STAAL TO TESTIFY. I WASN'T GOING TO CALL
5 STAAL. I WAS GOING TO BE CALLING IN DETECTIVE COLE TO
6 TESTIFY THAT HE KNOWS THE DEFENDANT AND THE DEFENDANT AT
7 THE TIME WAS LIVING AT 11320 SUCCESS.

8 IT WAS NOT MY INTENTION TO ASK DETECTIVE
9 COLE HOW HE KNOWS THE DEFENDANT. JUST THAT HE OR I WAS
10 NOT GOING TO DELVE INTO ANY TYPE OF CRIMINAL CONDUCT OR
11 CRIMINAL RELATIONSHIP BETWEEN THE DEFENDANT AND COLE TO
12 ELICIT THAT TESTIMONY.

13 ESSENTIALLY I GUESS THAT IS ALL. THAT IS
14 ALL SEVEN.

15 THE COURT: WHAT WAS THE SITUATION?

16 WAS IT ANDRE CHAPPEL?

17 MR. JAFFE: THAT WAS THE OTHER ONE.

18 THE COURT: DECEASED IN MARCH.

19 MR. ARNOLD: WELL, I DIDN'T EVEN HEAR YOU SAY
20 THAT.

21 IT'S HIGHLY RELEVANT.

22 THE COURT: I'M JUST RAISING IT. YOU SAID THAT'S
23 IT.

24 MR. ARNOLD: LET ME GIVE YOU SOME BACKGROUND
25 ABOUT THAT.

26 THE COURT: HOLD ON ONE SECOND.

27 OKAY, MR. ARNOLD. SORRY.

28 MR. ARNOLD: ALL RIGHT.

1 HERE IS THE OFFER OF PROOF OF THAT.

2 ON JANUARY THE 31ST, 1992, ANDRE CHAPPEL
3 AND CARLOS ADKINS AND BERTRAND DIXON ARE IN ANDRE
4 CHAPPEL'S RESIDENCE ON ZAMORA IN NICKERSON GARDENS.

5 THEY'RE SOCIALIZING, PLAYS CHESS. BERTRAND
6 DIXON GOES OUT TO GET A CIGARETTE, SEES SOMEONE THAT HE
7 KNOWS, HE THINKS IS ROMEO.

8 HE YELLS OUT, "HEY, ROMEO."

9 AS IT HAPPENS, DEFENDANT IS DRIVING BY IN A
10 CAR. DEFENDANT ARMS HIMSELF, POINTS A GUN AT BERTRAND
11 DIXON AND SAYS, "I'M NOT ROMEO. WHO DO YOU THINK YOU'RE
12 TALKING TO? I'M NOT ROMEO."

13 WORDS ARE EXCHANGED AND MR. DIXON REENTERS
14 THE CHAPPEL APARTMENT AND THE DEFENDANT COMES IN, COMES
15 INTO THE APARTMENT. MORE WORDS ARE EXCHANGED.

16 THE DEFENDANT DIRECTS SOME PROFANITIES AND
17 DIRECTS THEM TOWARDS BERTRAND DIXON.

18 CARLOS ADKINS WHO IS SEATED IN THERE, HE
19 JUST WANTS TO GET OUT OF THE WAY BECAUSE THE DEFENDANT
20 HAS A NINE MILLIMETER.

21 WHEN HE STANDS UP TO GET OUT OF THE WAY,
22 THE DEFENDANT THEN TURNS HIS ATTENTIONS ON CARLOS
23 ADKINS. THE DEFENDANT DIRECTS SOME WORDS AGAINST CARLOS
24 ADKINS. CARLOS ADKINS DIRECTS SOME WORDS TOWARD THE
25 DEFENDANT, AND THE DEFENDANT WINDS UP SHOOTING TWO
26 ROUNDS, ONE OF WHICH GOES INTO CARLOS ADKINS' CHEST AND
27 KILLS HIM. THAT IS JANUARY 31ST OF 1992.

28 SHORTLY THEREAFTER, PHOTO IDENTIFICATIONS

1 ARE CONDUCTED. ANDRE CHAPPEL -- ALSO, LATER THAT NIGHT,
2 BEFORE THE ARRIVAL OF THE POLICE AND PARAMEDICS,
3 BERTRAND DIXON SEEKS TO GET ASSISTANCE FOR CARLOS
4 ADKINS.

5 HE HAS A GIRL CALL 911. BERTRAND DIXON IS
6 THEN GOING TO A LOCATION AT THE OUTSKIRTS OF NICKERSON
7 GARDENS TO MEET THE AMBULANCE TO DIRECT THEM TO WHERE
8 CARLOS ADKINS IS.

9 AT THAT POINT, THE DEFENDANT AND SOME OTHER
10 PERSON WHO WE DON'T KNOW, THEY SURROUND BERTRAND DIXON,
11 AND THEY TRY TO FORCE HIM INTO THE TRUNK OF A CAR.
12 BERTRAND DIXON IS ABLE TO SUCCESSFULLY GET AWAY.

13 AT SOME TIME AFTER THAT, BERTRAND DIXON, HE
14 IDENTIFIES THE DEFENDANT'S PHOTOGRAPH AS DOES ANDRE
15 CHAPPEL, AS DOES JANICE CHAPPEL.

16 A WARRANT IS ISSUED FOR THE ARREST OF THE
17 DEFENDANT. HE IS NOT PICKED UP ON THE WARRANT UNTIL THE
18 LENNOX STOP, UNTIL HE'S FOUND WITH THE GUN. THAT IS IN
19 MAY.

20 IN MARCH WHILE THE DEFENDANT IS OUT OF
21 CUSTODY, ANDRE CHAPPEL IS WALKING DOWN THE STREET IN
22 NICKERSON GARDENS AND HE IS MURDERED. DEAD. A FEW DAYS
23 AFTER THAT, BERTRAND DIXON IS ARRESTED FOR THE BURGLARY
24 OF A GARAGE, SO HE'S NOW IN CUSTODY.

25 HE IS NOW BEEN IN CUSTODY. HE'S ON PAROLE.
26 HE'S SENT OFF TO PRISON.

27 MAY 31ST, 1992, THE DEFENDANT IS ARRESTED
28 FOR HAVING THE GUN IN THE TRUCK. THE DEPUTIES DETERMINE

1 THAT HE HAS GOT A MURDER WARRANT, SO HE'S NOW GOING TO
2 BE PROSECUTED FOR THE MURDER.

3 A LIVE LINEUP IS CONDUCTED. BERTRAND DIXON
4 POSITIVELY IDENTIFIES THE DEFENDANT. HE'S BROUGHT DOWN
5 FROM PRISON BY THE DETECTIVES.

6 NOW, THE PROSECUTION IS ONGOING AND IT'S
7 ONGOING IN COMPTON COURT. BERTRAND DIXON IS BEING KEPT
8 DOWN HERE TO TESTIFY AS A PROSECUTION WITNESS.

9 SEPTEMBER THE 21ST OF 1992 IS A COURT
10 APPEARANCE DATE. I BELIEVE IT'S ZERO OF 10. BERTRAND
11 DIXON IS BROUGHT OUT FROM JAIL JUST FOR A COURT
12 APPEARANCE AS A WITNESS. THE DEFENDANT IS BROUGHT OUT.
13 THEY'RE PLACED IN THE SAME LOCKUP.

14 THE DEFENDANT EXCHANGES WORDS WITH BERTRAND
15 DIXON, OFFERS HIM MONEY NOT TO TESTIFY AND ALSO SAYS,
16 "YOU KNOW WHAT HAPPENED TO ANDRE. HOMEBOYS THAT GIVE
17 INFORMATION, BAD THINGS HAPPEN TO THEM. YOU KNOW WHAT
18 HAPPENED TO ANDRE."

19 THE DEFENDANT NEVER SAID, "I KILLED ANDRE
20 OR I HAD ANDRE KILLED." IT'S JUST THAT THE THREAT IS,
21 "YOU KNOW WHAT HAPPENED TO ANDRE."

22 AS A RESULT OF THAT, BERTRAND DIXON TOLD
23 THE D.A, "ALL OF MY PRIOR -- I WAS MISTAKEN ABOUT ALL OF
24 MY PRIOR IDENTIFICATIONS."

25 THE CASE WAS THEN DISMISSED.

26 BERTRAND DIXON THEN WENT BACK TO PRISON.
27 HE WROTE LETTERS TO THE DETECTIVES SAYING, "I WAS
28 SCARED. I WAS FEARFUL. MY LIFE WAS IN JEOPARDY.

1 THAT'S WHY I SAID WHAT I SAID TO THE D.A."

2 AND I CAN REPRESENT TO YOU I HAVE SINCE
3 TALKED WITH BERTRAND DIXON, AND THAT IS WHAT HE SAID.

4 "THE REASON I RECANTED MY PRIOR
5 IDENTIFICATION AND MY TESTIMONY THAT THE DEFENDANT DID
6 THIS IS BECAUSE I WAS CONCERNED, I WAS SCARED BECAUSE HE
7 WAS TELLING ME, YOU KNOW WHAT HAPPENS TO HOMEBOYS WHO
8 GIVE INFORMATION. YOU KNOW WHAT HAPPENED TO ANDRE."

9 SO I THINK THAT THE DEATH OF ANDRE CHAPPEL
10 IS HIGHLY RELEVANT TO EXPLAIN WHY THIS WITNESS HAS BEEN
11 UNCOOPERATIVE IN THE PAST.

12 IN ADDITION, MR. DIXON WAS NOT IN CUSTODY
13 AT THE TIME OF THE PRELIMINARY HEARING IN THIS MATTER
14 WHEN THE CASE WAS FILED AGAIN.

15 HE TOLD ME, ALTHOUGH SERVED WITH A
16 SUBPOENA, HE REFUSED TO TESTIFY UNLESS HE RECEIVED MONEY
17 TO RELOCATE BECAUSE HE'S STILL AFRAID. STILL LIVING IN
18 THE AREA. STILL LIVING LOCALLY.

19 I TOLD HIM THAT NO MONEY WAS GOING TO BE
20 FORTHCOMING AT THIS POINT. WE'RE NOT GOING TO GIVE HIM
21 ANY MONEY TO RELOCATE.

22 AS A RESULT, THEN HE REFUSED TO COME IN
23 BECAUSE, AGAIN, HE WAS AFRAID AND HE WANTED THE MONEY TO
24 RELOCATE. HE HAD NO MONEY.

25 SO IT'S HIGHLY RELEVANT TO HIS STATE OF
26 MIND AS TO WHY HE RECANTED HIS IDENTIFICATION IN COMPTON
27 COURT. IT'S HIGHLY RELEVANT TO THE DEFENDANT'S
28 CONSCIOUSNESS OF GUILT IN THAT HE WOULD BRING OUT THE

1 FACT THAT, "YOU KNOW WHAT HAPPENED TO ANDRE."

2 IT'S CERTAINLY RELEVANT TO HIS
3 CONSCIOUSNESS OF GUILT IN THAT MATTER. IT'S ALSO HIGHLY
4 RELEVANT TO EXPLAIN WHY IT WAS THAT BERTRAND DIXON
5 REFUSED TO TESTIFY AT THE PRELIMINARY HEARING.

6 I WOULD NOT HAVE A PROBLEM WITH AN
7 INSTRUCTION TO THE JURY THAT THERE IS NO CONTENTION THAT
8 THIS OR THERE IS NO PROOF THAT THIS DEFENDANT KILLED
9 ANDRE CHAPPEL OR HAD HIM KILLED.

10 BUT IT IS HIGHLY RELEVANT TO EXPLAIN THE
11 TESTIMONY AND TO EXPLAIN THE MENTAL STATE OF BERTRAND
12 DIXON ON THESE PRIOR OCCASIONS WHEN HE RECANTED IN
13 COMPTON COURT AND WHILE HE REFUSED TO TESTIFY AT THE
14 PRELIMINARY HEARING IN THIS MATTER.

15 THE COURT: ONE OTHER MATTER, AND I CAN RULE ON
16 IT WHEN I RULE ON THESE OTHER MATTERS.

17 EACH OF YOU HAD THROWN OUT KIND OF A TRIAL
18 BALLOON ON THE CHARGES OF CARRYING A WEAPON IN A CAR,
19 HAVING PREVIOUSLY BEEN CONVICTED OF THAT AND FELON IN
20 POSSESSION OF A GUN AS TO WHETHER IF HE PLED, YOUR
21 CLIENT, MR. JAFFE, PLED GUILTY, WHETHER OR NOT IT WOULD
22 BE ADMISSIBLE AND THE PROSECUTION'S CASE UNDER THE
23 THEORY OF 1101B.

24 I DON'T KNOW WHETHER THAT TRIAL BALLOON AS
25 NOTED AND HAS BEEN RESCINDED OR WHETHER OR NOT IT IS AN
26 ISSUE THAT WHETHER YOUR CLIENT IS, ON YOUR ADVICE
27 TACTICALLY IS INCLINED TO PLEAD GUILTY TO THESE CHARGES
28 AND THEN FIND OUT WHAT MY RULING IS OR WHAT HAVE YOU.

1 BUT IF THAT IS ANOTHER MATTER, I WANT YOU
2 TO FILE ON THAT, ALSO.

3 JUST ONE SECOND.

4 JUST AN ASIDE, THE CLERK SAYS THAT THERE IS
5 A JUROR ON THE PHONE, WENDY BOOTH, WHO CANNOT GET HERE
6 TODAY. HER FATHER WAS SUPPOSED TO GIVE HER A RIDE. HE
7 IS NOT THERE.

8 IT IS MY SUGGESTION THAT I ORDER HER TO
9 COME DOWN, HAVE MY CLERK TELL HER TO COME IN TOMORROW,
10 TURN IN HER QUESTIONNAIRE TOMORROW, AND I'LL ORDER HER
11 BACK FOR A PARTICULAR TIME WITHOUT THE DEFENDANT BEING
12 PRESENT.

13 MR. JAFFE: THAT IS OKAY.

14 THE COURT: IS THAT SATISFACTORY?

15 MR. ARNOLD: SURE.

16 THE COURT: ALL RIGHT.

17 SO I'M JUST SAYING IF THAT IS AN ISSUE YOU
18 STILL WANT RESOLVED ON MY PART, I'LL MAKE THAT
19 RESOLUTION.

20 MR. JAFFE: YES.

21 THE COURT: MY SUGGESTION THEN IS -- LET ME JUST
22 CHECK WITH THE CLERK AS FAR AS MARCH 20TH.

23 MR. ARNOLD: JUDGE, REGARDING THE LAST ISSUE,
24 WERE THE DEFENDANT TO PLEAD GUILTY TO COUNTS 4 AND 5,
25 HE'S STILL CHARGED WITH COUNT 6 WHICH IS EX-FELON IN
26 POSSESSION OF A FIREARM.

27 THE COURT: CORRECT.

28 MR. ARNOLD: IT WAS NOT MY INTENTION TO INTRODUCE

1 HIS PRIOR CONVICTION FOR CARRYING A CONCEALED WEAPON IN
2 A VEHICLE, BECAUSE IF HE PLEADS GUILTY, THE PRIOR
3 CONVICTION THEN IS NO LONGER RELEVANT. IT'S THE
4 CONDUCT.

5 THE COURT: RIGHT.

6 YOUR POSITION IS THAT 1101B FOR PURPOSES OF
7 MOTIVE OR WHAT HAVE YOU, THAT THE CONDUCT WOULD BE
8 ADMISSIBLE, AND THAT IS THAT HE HAD, FROM WHAT I HAVE
9 HEARD SO FAR, IT'S ALLEGED THAT HE HAS A GUN IN THE
10 CONSOLE OF THE CAR, AND THAT HE WAS SOMEWHAT FUMBLING
11 WITH IT WHEN THE DEPUTIES EITHER TOOK HIM OUT OF THE CAR
12 OR ORDERED HIM OUT OF THE CAR AND WHATEVER.

13 AND IT WAS RECOVERED, AND IT WAS A NINE
14 MILLIMETER, AND YOUR POSITION IS, THAT FOR MOTIVE AND/OR
15 INTENT.

16 MR. ARNOLD: OPPORTUNITY.

17 THE COURT: OPPORTUNITY. THAT IT'S ADMISSIBLE
18 UNDER 1101B.

19 MR. JAFFE'S POSITION IS THAT THAT DOESN'T
20 FIT WITHIN THE CRITERIA THAT IS INTENDED UNDER 1101B.

21 MR. ARNOLD: I DIDN'T WANT YOU TO THINK THAT I
22 WAS GOING TO TRY TO GET BEFORE THE JURY A PRIOR
23 CONVICTION FOR THAT OFFENSE.

24 THE COURT: NO, I UNDERSTAND WHAT YOU'RE SAYING.

25 MR. ARNOLD: IT'S JUST THE CONDUCT.

26 THE COURT: ALL RIGHT.

27 MR. JAFFE: AND I KNOW THE COURT DOESN'T WANT TO
28 HAVE A MINI TRIAL EVERY TIME WE HAVE A 402.

1 THE COURT: RIGHT. I WOULD LIKE TO DISPOSE OF
2 MOST OF THE MATERIALS BEFORE WE GET THE JURY GOING.

3 ON THE OTHER HAND, WHEN WE ESTIMATE THE
4 LENGTH OF THE TRIAL, THAT I THINK THAT JURORS WOULD
5 EXPECT A LITTLE DOWN TIME, AND OBVIOUSLY I'M MUCH
6 HAPPIER TO HAVE A 402 THAN TO HAVE ONE LAWYER STAND UP
7 TO ASK A QUESTION AND THE OTHER LAWYER GETTING PERTURBED
8 THAT IT WASN'T DONE IN A 402 OUT OF THE PRESENCE OF THE
9 JURORS.

10 I DON'T THINK THAT IS GOING TO NECESSARILY
11 HAPPEN HERE, BUT I THINK I CAN RESOLVE MANY OF THE
12 ISSUES IF YOU GIVE ME SOME CITATIONS.

13 I UNDERSTAND, MR. ARNOLD, MUCH OF YOUR
14 POSITION IS BASED ON THE FACT THAT RELEVANT EVIDENCE IS
15 ADMISSIBLE UNLESS IT SHOULD BE EXCLUDED FOR A PARTICULAR
16 REASON.

17 MR. ARNOLD: YES.

18 THE COURT: EITHER 352 OR THERE IS SOME
19 PROHIBITION IN THE EVIDENCE CODE, AND REALLY WHAT I'M
20 SAYING, MR. JAFFE, IF THERE IS SUCH PROHIBITION, THEN
21 PROVIDE IT TO ME SO I CAN READ IT AND MAKE AN
22 EVALUATION.

23 MR. ARNOLD: I WAS NOT PLANNING ON GIVING YOU
24 ANYTHING IN WRITING THAT STANDS FOR THE PROPOSITION THAT
25 THE PROSECUTION CAN PROPERLY INTRODUCE EVIDENCE OF
26 DESHAUNNA CODY SAYING THAT "I GOT MY GUN FROM REGIS."

27 THE COURT: I UNDERSTAND.

28 MR. ARNOLD: I WOULDN'T EVEN KNOW WHERE TO LOOK.

1 THE COURT: RIGHT.

2 THE ONLY THING THAT I'M SAYING IS THAT
3 MR. JAFFE FILED SOMETHING. YOU READ THE CASE, AND AS A
4 RESULT OF READING THE CASE, IT'S FOUND THAT SOMETHING IN
5 ANOTHER CASE DISTINGUISHES IT OR WHATEVER, FEEL FREE TO
6 GIVE IT TO ME.

7 BUT I UNDERSTAND YOUR POSITION.

8 MR. JAFFE: MANY OF THE ISSUES THAT I HAVE
9 RAISED, I DON'T THINK THERE ARE GOING TO BE CASES ON
10 POINT.

11 IT'S AN ISSUE THAT I THOUGHT IS IMPORTANT
12 TO RAISE, AND WHETHER I CAN PROVIDE ANY AUTHORITY THAT
13 IS CONVENIENT.

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1 THE COURT: WELL, I'LL GIVE YOU THAT OPPORTUNITY.
2 IF YOU CAN'T, THEN OBVIOUSLY IT'S A DECISION THAT I'LL
3 MAKE BASED ON MY EVALUATION OF THE EVIDENCE CODE AND THE
4 PRESENTATION OF THE EVIDENCE.

5 JUST SO EACH OF YOU KNOW -- I MEAN EACH OF
6 YOU HAVE TRIED CASES, AND I UNDERSTAND THAT IT'S HELPFUL
7 TO LAWYERS FOR A JUDGE TO MAKE A RULING SO THAT YOU KNOW
8 HOW TO TRY YOUR CASE, WHAT APPROACHES TO TAKE.

9 OBVIOUSLY THERE'S SITUATIONS IN A TRIAL WHERE
10 DEPENDING ON WHAT IS ACTUALLY ELICITED, SOMETHING THEN MAY
11 BECOME -- BE RELEVANT OR IRRELEVANT BASED ON WHAT IS
12 ACTUALLY SAID.

13 OBVIOUSLY OFFERS OF PROOF ARE ONLY OFFERS OF
14 PROOF. THERE'S NO CONTROL -- I SHOULD SHOULDN'T SAY
15 THERE'S NO CONTROL, BUT YOU NEVER KNOW WHAT A WITNESS IS
16 GOING TO SAY AS FAR AS WHEN A WITNESS GETS ON THE STAND.

17 BUT I'M GOING TO DO IT BASED ON THE OFFER OF
18 PROOF. AND I HAVE IN THE PAST, IF IT WAS SOMETHING THAT I
19 FELT THAT I SHOULD RESERVE A RULING ON, IS TO PRECLUDE
20 EITHER COUNSEL FROM MAKING OR GIVING IT IN THEIR OPENING
21 STATEMENT.

22 I KNOW IT'S NOT SOMETHING THAT LAWYERS WANT.
23 I TRY NOT TO DO THAT, BUT SOMETIMES THERE ARE SITUATIONS
24 THAT THAT OCCURS.

25 MR. JAFFE: A LOT OF TIMES -- JUST IN RESPONSE TO
26 MR. ARNOLD'S STATEMENT THAT IN TEN YEARS HE HAS NEVER
27 HEARD A LAWYER OBJECT TO A QUESTION ABOUT DIFFERENT THAN
28 OR SIMILAR TO, MAYBE OTHERS HAVEN'T GIVEN THAT AS MUCH

1 THOUGHT AS I HAVE.

2 AND THE REASON -- THE COURT MAY VERY WELL SAY
3 THAT IT IS RELEVANT, BUT WHAT MY POINT WAS SIMPLY IS IF A
4 WITNESS CANNOT MAKE AN IDENTIFICATION, AND I DON'T -- I'M
5 NOT GOING TO FIND ANY CASE LAW ON THIS.

6 THE COURT: I UNDERSTAND.

7 MR. JAFFE: BUT IF A WITNESS CANNOT MAKE AN
8 IDENTIFICATION, THEN THAT IS THE STATE OF THE RECORD. IF
9 YOU THEN PURSUE THE WITNESS, IT MAY BE IN A SENSE AN
10 ARGUMENTATIVE QUESTION.

11 AND THEN IF A WITNESS DOES SAY, YES, HE LOOKS
12 SIMILAR, WHAT DOES THAT REALLY -- HOW IS THAT RELEVANT?
13 HOW DOES THAT PROVE OR TEND TO PROVE THAT THIS IS THE
14 DEFENDANT? IT ONLY TENDS TO PROVE -- OR THAT THE
15 DEFENDANT COMMITTED THE CRIME.

16 IT ONLY TENDS TO PROVE THAT THE DEFENDANT
17 COMMITTED THE CRIME BECAUSE IT PUTS HIM IN A CATEGORY OF
18 PEOPLE WHO COULD POSSIBLY HAVE BEEN THE ONE TO COMMIT THE
19 CRIME. THEN YOU CAN GO THROUGH A STATISTICAL ANALYSIS OF
20 WHAT THAT REALLY MEANS.

21 THAT IS THE SUM AND SUBSTANCE OF THE NATURE
22 OF THE OBJECTION.

23 THE COURT: I UNDERSTAND. I MEAN WE ARE
24 OBVIOUSLY -- THERE'S A CASE FROM YEARS AGO ABOUT
25 STATISTICAL ANALYSIS WHERE SOMEBODY HAD A STATISTICIAN OR
26 WHATEVER SAY THAT SOMEBODY DRIVING A CONVERTIBLE WEARING A
27 POLKA DOT SHIRT WITH A CERTAIN DESCRIPTION, WHAT ARE THE
28 ODDS OF THAT PERSON --

1 MR. JAFFE: RIGHT.

2 THE COURT: WE ARE NOT GOING TO GET INTO THAT HERE.

3 MR. JAFFE: THAT'S A LAW -- I THINK IT'S IN A
4 FOOTNOTE IN THE EVIDENCE CASE BOOK FROM LAW SCHOOL.

5 MS. DOHERTY: IT IS.

6 THE COURT: ABOUT WHETHER IT IS SIMILAR OR NOT, I
7 MEAN REALLY I THINK THAT WHAT HAPPENS -- I MEAN I WOULD
8 PERMIT -- TYPICALLY I PERMIT THAT QUESTION, AND THEN
9 OBVIOUSLY THROUGH CROSS-EXAMINATION THERE'S A DEFINITION
10 OF WHAT DO YOU MEAN BY SIMILAR.

11 I MEAN I THINK THAT REALLY WHAT YOUR CONCERN
12 IS ALSO IS WHAT DOES QUANTIFYING SIMILAR OR DIFFERENT --

13 MR. JAFFE: CORRECT.

14 THE COURT: AND IT'S DONE DIFFERENT WAYS. I MEAN
15 OBVIOUSLY SOME LAWYERS SAY ON A SCALE OF ONE TO TEN. SOME
16 SAY A PERCENTAGE.

17 OR THERE'S A WAY TO -- BUT I'LL MAKE A RULING
18 ON THAT ALSO AT THE APPROPRIATE TIME.

19 MR. ARNOLD: I BELIEVE I DID ASK THAT QUESTION AS I
20 DO IN THE PAST. AND I BELIEVE THAT I DID GO INTO WITH THE
21 WITNESSES, YOU KNOW, WHAT IS SIMILAR AND WHAT IS
22 DIFFERENT.

23 I DIDN'T JUST LEAVE IT IS IT SIMILAR OR
24 DIFFERENT.

25 THE COURT: RIGHT. AND I DON'T THINK THAT
26 MR. JAFFE WOULD JUST LEAVE IT EITHER. I WOULDN'T
27 ANTICIPATE HIM TO LEAVE IT AT THAT.

28 MR. ARNOLD: I THINK HE PROBABLY WOULD.

1 THE COURT: DO YOU WANT TO CHECK -- DO YOU WANT TO
2 CHECK FOR MARCH 20?

3 MR. JAFFE: I THINK MR. ARNOLD KNOWS HIS CASE VERY,
4 VERY WELL. OFTENTIMES I'M RELUCTANT TO BRING UP THESE
5 ISSUES BECAUSE THEN IT EDUCATES THE PROSECUTION TO THE
6 CASE. BUT I DON'T THINK MR. ARNOLD IS CAUGHT BY SURPRISE
7 IN ANY OF THESE ISSUES.

8

9 (COUNSEL CONFER SOTTO VOCE.)

10

11 THE COURT: ALL RIGHT. BACK ON THE RECORD IN
12 PEOPLE VERSUS REGIS THOMAS. THE DEFENDANT IS PRESENT.
13 RESPECTIVE COUNSEL.

14 COUNSEL, IT'S MY INTENTION THEN TO CALENDAR
15 THESE MOTIONS AND MAKE THE RULINGS ON MARCH 17TH.

16 AND IF YOU ARE GOING TO PROVIDE ANY
17 AUTHORITY, THEN PROVIDE IT BY WEDNESDAY THE 15TH, MR.
18 JAFFE.

19 MR. JAFFE: OKAY.

20 THE COURT: WE'LL HAVE THE JURORS RETURN MARCH 20TH
21 AT 10:00 A.M. THERE'S NOTHING ON CALENDAR.

22 THE 20TH AS FAR AS YOUR CALENDAR IS CLEAR?

23 MR. JAFFE: IT DOES NOT MATTER WHAT I HAVE. I'LL
24 BE HERE.

25 THE COURT: ALL RIGHT. THEN WHAT I -- WHAT WE WILL
26 DO THEN IS IT IS NOW A COUPLE MINUTES AFTER 11:00.

27 I WILL HAVE THE -- WHAT I TOLD THE CLERK, MR.
28 JAFFE, AND THE BAILIFF WAS TO BRING THE JURORS IN WITH

1 YOUR CLIENT HERE AND THEN COLLECT THE QUESTIONNAIRES WITH
2 YOU AND THE CLIENT PRESENT, THEN I WILL COME OUT, AND I
3 WILL ORDER EVERYBODY TO RETURN. I'LL ADMONISH THEM NOT TO
4 TALK ABOUT THE CASE.

5 LET ME THROW THIS OUT, AND IT IS SOMETHING
6 THAT I REALLY DON'T LIKE TO GET INTO BECAUSE I WILL --
7 THERE'S OBVIOUSLY SOME MEDIA INTEREST IN THE CASE.

8 ANOTHER JUDGE TOLD ME THIS MORNING THERE WAS
9 A SMALL ARTICLE IN A SOUTH BAY NEWSPAPER WHERE EACH OF YOU
10 HAVE GIVEN COMMENTS ABOUT THE CASE.

11 I WILL INSTRUCT THE JURORS THAT IF THERE IS
12 AN ARTICLE THAT THEY SEE IN THE PAPER OR SOMETHING COMES
13 ON THE NEWS, THEN TO AVOID IT. I AM NOT GOING TO
14 ELIMINATE ANYBODY BECAUSE THEY HAPPENED TO SEE IT OR
15 NOTICE IT IN THE PAPER.

16 IF THEY IN FACT BRING IT UP TO ME, THEN WE
17 CAN TALK TO THEM ABOUT THAT ON VOIR DIRE, BUT THAT'S MY
18 INTENTION AT THIS POINT.

19 MR. JAFFE: AND I HAVE BEEN CONTACTED BY VARIOUS
20 SOURCES, NOT TOO MANY, AND I DO NOT DISCUSS THE FACTS OF
21 THE CASE WITH THE PRESS, ESPECIALLY THE JURY IS NOT BEING
22 SEQUESTERED IN THIS CASE.

23 I DO NOT FEEL IT IS APPROPRIATE TO GO OUT,
24 YELL, RANT, AND RAVE THAT MY CLIENT IS INNOCENT BECAUSE I
25 DON'T WANT THE PROSECUTION TO GO OUT AND YELL AND RANT AND
26 RAVE THAT THE DEFENDANT IS GUILTY.

27 SO I THINK THERE IS THE QUID PRO QUO. I
28 WOULD WANT THE PROSECUTION TO DO WHAT I WOULD DO AS WELL.

1 I THINK THE FACTS SHOULD BE PRESENTED IN COURT.

2 SO I WOULD INDICATE TO THE COURT AND ALSO TO
3 MR. ARNOLD WHEN THE PRESS ASKS ME QUESTIONS ABOUT THE
4 CASE, I TRY TO GIVE AS BLAND ANSWERS AS POSSIBLE, TELL
5 THEM IF THEY WANT TO KNOW ABOUT THE FACTS OF THE CASE,
6 THEY CAN COME TO WATCH THE OPENING STATEMENTS, BUT I DON'T
7 DISCUSS THE FACTS OF THE CASE WITH THE PRESS.

8 THE COURT: ALL RIGHT. MY FEELING ON THE -- AS A
9 LAWYER I NEVER LIKED TO TRY A CASE IN THE MEDIA.
10 TYPICALLY THE QUOTE IS "NO COMMENT," AND SOMEHOW THEY
11 COULD NOT GET THAT RIGHT MANY TIMES.

12 BUT ANYWAY, I'LL GET OFF THE BENCH WHILE THE
13 CLERK CALLS IN THE JURORS. ALL RIGHT.

14

15 (RECESS.)

16

17 (THE FOLLOWING PROCEEDINGS WERE HELD
18 IN OPEN COURT IN THE PRESENCE OF
19 THE FIRST PANEL OF PROSPECTIVE
20 JURORS:)

21

22 THE COURT: ALL RIGHT. RECALL THE CASE OF PEOPLE
23 VERSUS REGIS THOMAS. MR. THOMAS IS PRESENT, RESPECTIVE
24 COUNSEL, AND SOME OF THE PROSPECTIVE JURORS.

25 ALL RIGHT. LADIES AND GENTLEMEN, YOU HAVE
26 TURNED IN THE QUESTIONNAIRES TO THE CLERK.

27 IS THERE ANYBODY OF THE GROUP THAT IS IN HERE
28 NOW THAT WAS GOING TO CHECK ON HARDSHIP OR SCHEDULED DATES

1 OR WHAT HAVE YOU?

2 ALL RIGHT. AND YOUR NAME, MA'AM?

3 PROSPECTIVE JUROR BECK: DEBORAH BECK.

4 THE COURT: HOW DO YOU SPELL THE LAST NAME?

5 PROSPECTIVE JUROR BECK: B-E-C-K.

6 THE COURT: ALL RIGHT. EVERYBODY BUT MS. BECK, YOU
7 ARE ORDERED BACK IN THIS COURT ON MARCH 20TH AT 10:00 A.M.

8 ALL RIGHT.

9 MR. ARNOLD: JUDGE, I WONDER IF MAYBE YOU SHOULD
10 CLARIFY IT BECAUSE YESTERDAY YOU HAD SAID MARCH 17TH.

11 THE COURT: I WILL. YESTERDAY I TOLD YOU MARCH
12 17TH, BUT I'M GOING TO TRY TO GET MOST OF THE MATTERS
13 HANDLED BEFORE YOU COME BACK AS JURORS. I TRY TO
14 ELIMINATE AS MANY BREAKS AS I CAN IN THE EVIDENCE PORTION
15 OF THE CASE.

16 SO IT IS MARCH 20TH, WHICH IS A MONDAY, 10:00
17 A.M. HERE. THIS IS DEPARTMENT 106, AND IT IS ON THE NINTH
18 FLOOR OF THE CRIMINAL COURTS BUILDING.

19 AND THE PHONE NUMBER HERE IS A 213 AREA CODE,
20 974-5781. THAT'S 213 AREA CODE, 974-5781.

21 THERE'S A VOICE MAIL. IF THE PHONE -- IF
22 SOMEBODY IS ON THE PHONE, THERE'S A VOICE MAIL.

23 IF MARCH 20TH ARRIVES AND YOU WENT OUT TO
24 START YOUR CAR AND IT DOESN'T START OR SOMEBODY HAS BEEN
25 HOSPITALIZED THAT IS HAVING SURGERY THAT DAY OR SOMETHING,
26 CALL US AND LET US KNOW SO WE CAN EXPLAIN HOW LONG THE
27 DELAY WILL BE.

28 NOW, I AM GOING TO TELL YOU AGAIN DO NOT TALK

1 ABOUT THE CASE OR FORM OR EXPRESS ANY OPINION ABOUT THE
2 CASE.

3 ALSO, THERE MAY BE -- OR THERE HAS BEEN OR
4 THERE MAY BE IN THE FUTURE SOME MEDIA INTEREST IN THE
5 CASE.

6 IF IN FACT YOU ARE READING YOUR DAILY
7 NEWSPAPER OR WHATEVER OR YOU ARE WATCHING THE NEWS AND
8 SOMETHING OCCURS, IN OTHER WORDS, YOU SEE AN ARTICLE,
9 AVOID READING THE ARTICLE.

10 AS THEY SAY, IF YOU BELIEVE EVERYTHING YOU
11 READ IN THE NEWSPAPER, YOU'VE GOT PROBLEMS. SO AVOID
12 READING IT.

13 IF IT IS A SITUATION WHERE YOU ARE READING
14 AND THEN YOU REALIZE WHAT YOU COME UPON, THEN STOP READING
15 IT. WE WANT YOU TO MAKE A DECISION ON THE CASE BASED ON
16 THE FACTS THAT YOU HEAR IN THIS COURTROOM, NOT SOMEBODY
17 ELSE'S SPIN ON IT.

18 IT USED TO BE THAT NEWSPAPER REPORTERS USED
19 TO WRITE ARTICLES, FACTUAL ARTICLES, AND THEN YOU TURN TO
20 THE OTHER SECTION OF THE PAPER AND THEY HAD EDITORIALS AND
21 COMMENTARIES. I THINK MAYBE THE NEW JOURNALISTIC MODE IS
22 YOU JUST PUT IT ALTOGETHER. THAT APPEARS TO BE WHERE WE
23 ARE GOING.

24 SO DON'T -- AGAIN, DON'T TALK TO ANYBODY
25 ABOUT THE CASE OR FORM OR EXPRESS ANY OPINION.

26 AND, MISS BECK, IF YOU COULD JUST -- WE ARE
27 GOING TO BRING IN THE OTHER JURORS SO THAT I CAN SEND THEM
28 HOME, AND I WILL TAKE UP YOUR MATTER. SO IF YOU JUST WAIT

1 IN THE HALL AND DON'T LEAVE FOR THE DAY.

2 THANK YOU. SOMEBODY ELSE HAS RAISED THEIR
3 HAND? YES?

4 PROSPECTIVE JUROR CAMPBELL: I NEED TO TALK TO YOU.

5 THE COURT: ALL RIGHT. THAT WAS MY QUESTION.

6 PROSPECTIVE JUROR CAMPBELL: SORRY.

7 THE COURT: WAIT IN THE HALL AND DON'T LEAVE, AND
8 THEN MY CLERK WILL COME OUT AFTER I EXCUSE THE OTHER
9 GROUP, AND THEN I WILL TALK TO YOU.

10 MA'AM, WHAT IS YOUR NAME?

11 PROSPECTIVE JUROR CAMPBELL: CAMPBELL,
12 C-A-M-P-B-E-L-L.

13 THE COURT: THANK YOU.

14 ALL RIGHT. THANK YOU, LADIES AND GENTLEMEN.
15 AND YOU GO TO WORK FOR A WEEK, AND THEN YOU COME BACK
16 HERE. DON'T GO TO THE JURY ASSEMBLY ROOM.

17
18 (RECESS.)

19
20 (THE SECOND PANEL OF PROSPECTIVE
21 JURORS ENTERED THE COURTROOM AND
22 THE FOLLOWING PROCEEDINGS WERE HELD:)

23
24 THE COURT: ALL RIGHT. BACK ON THE RECORD OF
25 PEOPLE VERSUS REGIS THOMAS. THE DEFENDANT IS PRESENT,
26 RESPECTIVE COUNSEL, AND THE OTHER PROSPECTIVE JURORS ARE
27 PRESENT.

28 ALL RIGHT. LADIES AND GENTLEMEN, MY CLERK

1 HAS COLLECTED THE QUESTIONNAIRES FROM YOU, AND IS THERE
2 ANYBODY IN THE GROUP HERE THAT INTENDED OR WAS GOING TO
3 CHECK ON SCHEDULING OF VACATIONS OR WORK OR WHAT HAVE YOU?

4 COULD YOU RAISE YOUR HAND.

5 ALL RIGHT. MA'AM, WHAT IS YOUR NAME?

6 PROSPECTIVE JUROR HUFF: DAILY HUFF.

7 THE COURT: H-U-F-F?

8 PROSPECTIVE JUROR CAMPBELL: YES.

9 THE COURT: ALL RIGHT.

10 PROSPECTIVE JUROR MILLER: WARREN MILLER.

11 THE COURT: YOUR NAME?

12 PROSPECTIVE JUROR KERMODE: PATRICIA KERMODE.

13 THE COURT: HOW DO YOU SPELL THAT, MA'AM?

14 PROSPECTIVE JUROR KERMODE: K-E-R-M-O-D-E.

15 THE COURT: YES, SIR?

16 PROSPECTIVE JUROR KALOIAN: DENNIS KALOIAN.

17 THE COURT: SPELL THE LAST NAME.

18 PROSPECTIVE JUROR KALOIAN: K-A-L-O-I-A-N.

19 THE COURT: ALL RIGHT. YES, SIR? YOUR NAME?

20 PROSPECTIVE JUROR JOHNSON: RANDY JOHNSON.

21 THE COURT: ALL RIGHT.

22 PROSPECTIVE JUROR PEREZ: ORLANDO PEREZ.

23 THE COURT: PEREZ. OKAY.

24 ANYBODY ELSE?

25 ALL RIGHT. JUST A COUPLE OF WORDS TO ALL OF
26 YOU, LADIES AND GENTLEMEN. YOU ARE ORDERED BACK IN THIS
27 COURT MARCH 20TH, WHICH IS A WEEK FROM MONDAY. ORIGINALLY
28 IT WAS GOING TO BE THE 17TH. I MENTIONED THE 17TH

1 YESTERDAY, BUT IT IS MARCH 20TH AT 10:00 A.M.

2 LET ME GIVE YOU THE PHONE NUMBER OF THE COURT
3 IF YOU WANT IT. THIS IS DEPARTMENT 106. IT'S ON THE
4 NINTH FLOOR OF THE CRIMINAL COURTS BUILDING.

5 IT IS A 213 AREA CODE, 974-5781.

6 AGAIN, IT IS 213 AREA CODE, 974-5781.

7 IF ON THE 20TH YOU HAVE AN EMERGENCY, THAT
8 IS, YOUR CAR DOESN'T START OR WHAT HAVE YOU, CALL US, OR
9 IF SOMEBODY IS HOSPITALIZED AND IS HAVING SURGERY AND YOU
10 HAVE TO BE AT THE HOSPITAL, CALL US.

11 THERE'S A VOICE MAIL ON THE PHONE. IF
12 SOMEBODY HAPPENS TO BE ON THE LINE, THE PHONE IS IN USE,
13 THERE'S A VOICE MAIL. PLEASE LEAVE A MESSAGE.

14 IF YOU ARE LEAVING A MESSAGE, PLEASE JUST DO
15 NOT LEAVE YOUR NAME. LEAVE A PHONE NUMBER.

16 NOW, BEFORE I EXCUSE YOU, THERE HAS BEEN AND
17 THERE MAY BE IN THE FUTURE SOME MEDIA INTEREST IN THE
18 CASE. DO NOT READ NEWSPAPER ARTICLES AND/OR WATCH
19 TELEVISION IF THERE IS ANY COVERAGE OF THE CASE.

20 IF IN FACT YOU ARE READING THE NEWSPAPER AND
21 YOU START READING AN ARTICLE AND YOU REALIZE IT APPEARS TO
22 BE SOMETHING TO DO WITH THIS PARTICULAR CASE, THEN STOP
23 READING THE ARTICLE.

24 AS I TOLD THE OTHER GROUP OF JURORS, IT USED
25 TO BE IN THE NEWSPAPERS YOU READ FACTS AND THEN YOU TURNED
26 TO ANOTHER SECTION TO READ THE COMMENTARY OR THE
27 EDITORIALS.

28 THAT DOESN'T SEEM TO BE THE WAY OF THE

1 JOURNALISTIC SKILLS THESE DAYS. IT APPEARS YOU READ THE
2 ARTICLE, AND THEY PUT THEIR OWN SPIN ON IT WHILE YOU ARE
3 READING IT. I WANT YOU TO MAKE A DECISION ON THIS CASE
4 BASED ON THE EVIDENCE THAT YOU HEAR IN THIS COURTROOM AND
5 THE INSTRUCTIONS THAT I GIVE YOU.

6 SO THE ADMONITION IS DON'T TALK ABOUT THE
7 CASE OR FORM OR EXPRESS ANY OPINION ABOUT THE CASE, AND
8 WHEN YOU -- WE ARE GOING TO EXCUSE YOU. YOU GO BACK TO
9 WORK. YOU COME BACK HERE MARCH 20TH AT 10:00 A.M.

10 DO NOT GO TO THE JURY ASSEMBLY ROOM. DON'T
11 GO THERE TODAY. TODAY IS A JURY DAY. IT COUNTS. YOU GO
12 ON YOUR BUSINESS.

13 SO OTHER THAN THE PEOPLE WHO RAISED THEIR
14 HAND AND GAVE ME THEIR NAMES, THE REST OF YOU ARE EXCUSED
15 AND ORDERED TO RETURN MARCH 20TH, MONDAY AT 10:00 A.M.

16 YES, SIR?

17 A PROSPECTIVE JUROR: THE PHONE NUMBER AGAIN,
18 PLEASE.

19 THE COURT: 213 AREA CODE, 974-5781.

20 THANK YOU.

21 FOLKS, APPARENTLY THERE ARE ANOTHER TWENTY
22 JURORS OUT THERE. SO YOU CAN JUST SLIDE OVER HERE RIGHT
23 NOW.

24 (RECESS.)
25
26
27
28

1 (THE THIRD PANEL OF PROSPECTIVE JURORS
2 ENTERED THE COURTROOM AND THE FOLLOWING
3 PROCEEDINGS WERE HELD:)
4

5 THE COURT: ALL RIGHT. BACK ON THE RECORD IN
6 PEOPLE VERSUS THOMAS. MR. THOMAS IS PRESENT. RESPECTIVE
7 COUNSEL. THE OTHER POTENTIAL JURORS OR PROSPECTIVE JURORS
8 ARE PRESENT.

9 ALL RIGHT. LADIES AND GENTLEMEN, IS THERE
10 ANYBODY THAT IS HERE NOW THAT WAS GOING TO CHECK ON
11 SCHEDULING OR VACATIONS OR WORK THAT WERE GOING TO GIVE ME
12 SOME INFORMATION TODAY?

13 IF SO, COULD YOU RAISE YOUR HAND, PLEASE.

14 ALL RIGHT. MA'AM, YOUR NAME.

15 PROSPECTIVE JUROR STAFFORD: PATRICIA STAFFORD,
16 YOUR HONOR.

17 THE COURT: OKAY. SIR?

18 PROSPECTIVE JUROR SHENKER: HERMAN SHENKER.

19 THE COURT: AND?

20 PROSPECTIVE JUROR WAGNER: TAMMY WAGNER.

21 THE COURT: SPELL YOUR LAST NAME, PLEASE.

22 PROSPECTIVE JUROR KALOIAN: W-A-G-N-E-R.

23 THE COURT: THANK YOU. YES, SIR.

24 PROSPECTIVE JUROR TITUS: TITUS.

25 THE COURT: OKAY.

26 ALL RIGHT. THE LADIES AND GENTLEMEN, WE ARE
27 GOING TO -- YOU ARE GOING TO BE EXCUSED IN A MOMENT.
28 YESTERDAY I HAD MENTIONED MARCH 17TH; HOWEVER, OUT OF AN

1 ABUNDANCE OF CAUTION, I AM GOING TO MAKE IT MARCH 20TH,
2 10:00 A.M. YOU ARE ORDERED BACK. THAT'S A WEEK FROM
3 MONDAY. ONE WEEK FROM MONDAY, MARCH 20TH, 10:00 A.M. IN
4 THIS COURTROOM.

5 THIS IS DEPARTMENT 106. IT'S ON THE NINTH
6 FLOOR. AND I WILL GIVE YOU THE PHONE NUMBER. IT'S A 213
7 AREA CODE 974-5781.

8 A PROSPECTIVE JUROR: COULD YOU REPEAT THAT?

9 THE COURT: YES, I WILL. SOMEBODY IS TRYING TO GET
10 A PEN OUT OF THEIR PURSE. I AM JUST WAITING.

11 ALL RIGHT. 213 AREA CODE, 974-5781.

12 AND IF ON THE 20TH YOU HAVE A PROBLEM, THAT
13 IS, YOUR CAR DOESN'T START OR SOMEBODY IN YOUR FAMILY IS
14 HAVING SURGERY AND YOU ARE AT THE HOSPITAL, CALL US AND
15 LET US KNOW.

16 IF THERE IS SOMEBODY HERE AT 8:00 IN THE
17 MORNING -- 974-5781.

18 THERE'S A VOICE MAIL ON THAT NUMBER. IF
19 SOMEBODY IS USING THE TELEPHONE, THEN LEAVE A MESSAGE ON
20 THE VOICE MAIL. YOU GIVE US A PHONE NUMBER THAT WE CAN
21 CALL YOU.

22 AS I HAVE TOLD THE OTHER PEOPLE, THERE HAS
23 BEEN IN THE PAST AND THERE MAY BE IN THE FUTURE SOME MEDIA
24 INTEREST IN THIS PARTICULAR CASE.

25 IF YOU -- DON'T READ ANY NEWSPAPER ARTICLES
26 OR WATCH TV ABOUT IT.

27 IF IN FACT YOU ARE READING YOUR PAPER AND YOU
28 COME ACROSS -- YOU ARE READING AN ARTICLE AND THEN YOU

1 REALIZE IT APPEARS TO BE SOMETHING ABOUT THIS CASE, THEN
2 STOP READING IT.

3 AS I TOLD THE OTHER GROUP, IT USED TO BE THAT
4 YOU READ THE FACTS, THE FACTUAL STORY, AND THEN YOU TURN
5 TO ANOTHER SECTION OF THE PAPER FOR THE EDITORIALS AND THE
6 COMMENTARY.

7 BUT I DON'T THINK THAT HAPPENS ANYMORE. I
8 THINK IT IS ALL WEAVED INTO ONE, AND WE WANT YOU TO MAKE A
9 DECISION ON THIS PARTICULAR CASE FROM THE EVIDENCE IN THIS
10 COURTROOM AND FROM THE LAW AS I GIVE IT TO YOU.

11 SO DON'T TALK ABOUT THE CASE OR FORM OR
12 EXPRESS ANY OPINION ABOUT THE CASE. YOU ARE GOING TO BE
13 EXCUSED. YOU CAN RETURN TO WORK, AND THEN YOU COME
14 BACK -- WELL, TODAY IF YOUR EMPLOYER DOESN'T EXPECT TO SEE
15 YOU, I'M NOT TELLING YOU TO GO TO WORK. IT IS A JURY DAY.
16 BUT IF THEY CALL, WE'LL ANSWER THEIR QUESTIONS.

17 BUT FOR THE NEXT WEEK, GO TO WORK AND THEN
18 COME BACK HERE. DON'T GO TO THE 11TH FLOOR JURY ASSEMBLY
19 ROOM. COME HERE. AND GIVE YOURSELF ENOUGH TIME BECAUSE
20 THERE IS ABOUT A 111 OF YOU COMING BACK. SO IT WILL TIE
21 UP THE SCREEN IF YOU ARE ALL TRYING TO GET THROUGH AT THE
22 SAME TIME.

23 SO OTHER THAN THE FOUR PEOPLE WHO GAVE ME
24 YOUR NAMES, THE REST OF YOU ARE EXCUSED AT THIS TIME, AND
25 WE'LL SEE YOU ON THE 20TH. THANK YOU.

26

27 (PAUSE IN THE PROCEEDINGS.)

28

1 THE COURT: COUNSEL, DO YOU WANT TO COME UP TO THE
2 SIDE BAR, PLEASE.

3
4 (THE FOLLOWING PROCEEDINGS WERE HELD
5 AT THE BENCH:)

6
7 THE COURT: THERE'S A MAN OUT THERE THAT KEPT
8 TALKING. I DON'T KNOW IF YOU COULD HEAR HIM, BUT HE KEPT
9 ASKING THE GUY NEXT TO HIM QUESTIONS. HE WAS NOT PAYING
10 ATTENTION TO WHAT WE WERE SAYING OR WHAT I WAS SAYING.

11 I HAD MY BAILIFF ASK HIM HIS NAME. HIS NAME
12 IS JOSEPH TRIMBOLI, T-R-I-M-B-O-L-I. WHEN I WAS GIVING
13 THE PHONE NUMBER, HE WAS ASKING THE GUY NEXT TO HIM. HE'S
14 AN ELDERLY MAN.

15 MR. JAFFE: OKAY.

16 THE COURT: I DON'T KNOW IF HE HAS A HEARING
17 PROBLEM OR WHATEVER, BUT I AM JUST THROWING IT OUT FOR
18 BOTH OF YOU, YOUR INFORMATION.

19 MR. ARNOLD: TRIMBOLI DOES NOT PAY ATTENTION.

20 MR. JAFFE: LET ME LOOK AT HIS QUESTIONNAIRE, AND I
21 WILL TELL YOU WHETHER YOU CAN KICK HIM. SAID FACETIOUSLY.

22 THE COURT: I'M GOING TO CALL THESE PEOPLE UP. I
23 WANT TO DO IT UP HERE. THERE'S A JUROR WHO DIDN'T GIVE MY
24 CLERK HIS NAME, WANTED TO BE HEARD ABOUT SHE HAS PROBLEMS
25 WITH THE DEATH PENALTY. I TOLD HIM TO ASK IF SHE FILLED
26 OUT THE QUESTIONNAIRE, AND IF SHE DID, THEN TO COME BACK
27 ON THE 20TH AND WE'LL TAKE IT UP AT THAT POINT.

28 MISS BECK?

1 PROSPECTIVE JUROR BECK: SORRY?

2 THE COURT: COME UP, PLEASE.

3 MR. JAFFE: ARE YOU GOING TO BREAK OR GO THROUGH
4 PAST 12:00?

5 THE COURT: IT DEPENDS. I'D LIKE TO GO THROUGH,
6 BUT IF YOU WANT TO BREAK --

7 MR. JAFFE: THAT'S OKAY. I'M GOING TO LOSE A LOT
8 OF WEIGHT IN THIS CASE.

9 THE COURT: ONCE WE ARE IN SESSION, I'M A 12:00
10 PERSON.

11

12 (PROSPECTIVE JUROR BECK APPROACHES
13 SIDE BAR.)

14

15 PROSPECTIVE JUROR BECK: THIS -- THIS IS INCLUDED
16 IN THIS HERE.

17 THE COURT: ALL RIGHT. IT SAYS THAT THERE'S NO
18 REFUND?

19 PROSPECTIVE JUROR BECK: RIGHT. AND THEN HERE.

20 THE COURT: ALL RIGHT. SO YOU ARE GOING TO LOSE
21 MONEY; IS THAT CORRECT?

22 PROSPECTIVE JUROR BECK: UH-HUH.

23 THE COURT: IS THAT A YES OR NO?

24 PROSPECTIVE JUROR BECK: YES.

25 THE COURT: ALL RIGHT. JUST HAVE A SEAT. JUST
26 HAVE A SEAT OUT THERE.

27

28 (PROSPECTIVE JUROR BECK LEAVES SIDEBAR.)

1 THE COURT: DO YOU STIPULATE?

2 MR. JAFFE: YES.

3 MR. ARNOLD: YES.

4 THE COURT: OKAY.

5 THE COURT: MISS CAMPBELL?

6

7 (PROSPECTIVE JUROR CAMPBELL APPROACHES
8 SIDEBAR)

9

10 THE COURT: MISS CAMPBELL, WHAT IS YOUR SITUATION?

11 PROSPECTIVE JUROR CAMPBELL: I HAVE BEEN UP THE
12 WHOLE NIGHT WORRYING ABOUT THIS, AND STEWING ABOUT THIS.
13 I CAN'T DO THIS.

14 THE COURT: NO, I'M JUST ASKING YOU RIGHT NOW ABOUT
15 HARDSHIP.

16 PROSPECTIVE JUROR CAMPBELL: OH, WELL --

17 THE COURT: WERE YOU GOING TO CHECK ON SOMETHING
18 FOR ME?

19 PROSPECTIVE JUROR CAMPBELL: NO.

20 THE COURT: ALL RIGHT. THEN JUST COME BACK MARCH
21 20TH. WE'LL TAKE UP YOUR CONCERNS ON THAT DAY. AT THIS
22 POINT WE ARE JUST TALKING ABOUT HARDSHIP.

23 PROSPECTIVE JUROR CAMPBELL: OKAY.

24 THE COURT: ALL RIGHT.

25 PROSPECTIVE JUROR CAMPBELL: WELL, IT'S A HARDSHIP
26 FOR ME TO -- NOT MONEY-WISE, BUT NERVE-WISE.

27 THE COURT: WE'LL TAKE THAT UP ON THE 20TH.

28 PROSPECTIVE JUROR CAMPBELL: OKAY.

1 THE COURT: OKAY. THANK YOU, MA'AM.

2 THE COURT: DEL HUFF.

3

4 (JUROR HUFF APPROACHES SIDEBAR.)

5

6 THE COURT: MISS HUFF, WHAT IS YOUR SITUATION?

7 PROSPECTIVE JUROR HUFF: I DIDN'T HAVE THESE

8 YESTERDAY, BUT MY BOSS HAS SIGNED ME UP FOR A SEMINAR, AND
9 WE HAVE BEEN TRYING TO GET IT. SO HE WANTS ME TO ATTEND
10 THAT AND HANDLE THE MEDIA ON THE 22ND I BELIEVE IT IS OF
11 MARCH.

12 AND I ALSO COORDINATE FOR THE ENTIRE
13 DEPARTMENT TAKE YOUR DAUGHTERS TO WORK, WHICH WILL COME UP
14 ON THE 27TH OF APRIL.

15 THE COURT: OKAY. TELL ME ABOUT APRIL 27TH. WHAT
16 DID YOU SAY? YOU DO WHAT APRIL 27TH?

17 PROSPECTIVE JUROR HUFF: THE PROGRAM -- WELL, ANY
18 OUTSIDE PROGRAM, SPECIAL PROGRAMS FOR OUR DEPARTMENT, I
19 COORDINATE. AND WE HAVE TAKE YOUR DAUGHTERS TO WORK.
20 IT'S AN ANNUAL DAY WHERE EMPLOYEES BRING CHILDREN INTO THE
21 OFFICE.

22 THE COURT: WELL, LET HER COME DOWN TO THE COURT
23 AND SEE ANOTHER EXPERIENCE. WE'LL LET HER COME TO COURT
24 AND SEE THE --

25 PROSPECTIVE JUROR HUFF: WE HAVE THEM COME
26 THROUGHOUT OUR NINE OFFICERS.

27 THE COURT: I UNDERSTAND. I AM JUST BEING
28 FACETIOUS I BELIEVE IS PROBABLY THE TERM.

1 THIS IS A ONE-DAY SEMINAR?

2 PROSPECTIVE JUROR HUFF: THAT'S A ONE-DAY SEMINAR.

3 THE COURT: IS IT SOMETHING THEY WANT YOU TO
4 ATTEND?

5 PROSPECTIVE JUROR HUFF: IT'S NECESSARY. I DO
6 PUBLIC RELATIONS FOR THE ASSESSOR. I'M A SPECIAL
7 ASSISTANT TO HIM. AND THERE ARE ONLY TWO OF US USUALLY
8 THAT HANDLE THE MEDIA, OR WHATEVER. SO WE HAVE BEEN
9 TRYING TO GET THAT FOR SOME TIME?

10 THE COURT: DO YOU HAVE ANY QUESTIONS.

11 MR. JAFFE: NO.

12 THE COURT: DO YOU HAVE ANY QUESTIONS?

13 MR. ARNOLD: NO, YOUR HONOR.

14 THE COURT: THANK YOU. JUST HAVE A SEAT, MA'AM.

15

16 (PROSPECTIVE JUROR HUFF LEAVES SIDEBAR.)

17

18

19 THE COURT: DO YOU WANT TO STIPULATE OR MAKE A
20 FINDING?

21 MR. JAFFE: I'M NOT GOING TO STIPULATE.

22 MR. ARNOLD: NO, THERE'S NO HARDSHIP THERE.

23 THE COURT: OKAY. THE NEXT ONE I WROTE DOWN IS
24 MILLER. IS THERE A MILLER?

25 MR. JAFFE: YES.

26 MR. ARNOLD: HE'S THE LAWYER.

27 THE COURT: WARREN MILLER.

28

1 (PROSPECTIVE JUROR MILLER APPROACHES SIDEBAR)

2
3 THE COURT: WHAT IS THE SITUATION WITH YOUR MONEY,
4 THE 1,200?

5 PROSPECTIVE JUROR MILLER: I'VE GOT TWO OR THREE
6 PROBLEMS. NUMBER ONE, THE AIRLINE, I CAN POSTPONE IT
7 UNTIL JUNE 1.

8 THE COURT: YES.

9 PROSPECTIVE JUROR MILLER: AND THEN IT IS GOING TO
10 BE ABOUT A \$500 BUMP. MORE IMPORTANTLY, I WAS INFORMED
11 AND SHOWN THIS MORNING THE POLICY OF THE FIRM WAS TEN
12 DAYS.

13 THE COURT: ALL RIGHT.

14 PROSPECTIVE JUROR MILLER: AND --

15 THE COURT: YOU MEAN I CAN'T KEEP YOU TO MAKE THE
16 LAWYERS EXERCISE A PEREMPTORY CHALLENGE ON YOU?

17 PROSPECTIVE JUROR MILLER: I WOULD LOVE IT.

18 THE COURT: ALL RIGHT.

19 PROSPECTIVE JUROR MILLER: I JUST CAN'T POSSIBLY --

20 THE COURT: OKAY. JUST HAVE A SEAT.

21
22 (PROSPECTIVE JUROR MILLER LEAVES SIDEBAR.)

23
24 THE COURT: STIPULATE?

25 MR. JAFFE: YES.

26 THE COURT: STIPULATE, MR. ARNOLD?

27 MR. ARNOLD: TOO BAD. I WOULD LIKE HIM.

28 THE COURT: PATRICIA KERMODE.

1 (PROSPECTIVE JUROR KERMODE APPROACHES
2 SIDEBAR.)

3
4 THE COURT: WHAT WERE YOU GOING TO CHECK ON FOR ME,
5 MA'AM?

6 PROSPECTIVE JUROR KERMODE: WE HAVE -- I CHECKED MY
7 CALENDAR, AND IT WAS 14-WEEK OR 16?

8 THE COURT: FOURTEEN.

9 PROSPECTIVE JUROR KERMODE: OKAY. WE LEAVE JULY
10 1ST.

11 THE COURT: I'M LEAVING JUNE 20TH.

12 PROSPECTIVE JUROR KERMODE: OH, REALLY.

13 ALL RIGHT. I JUST THOUGHT CONSIDERING THE
14 TIME IT WOULD TAKE TO PICK A JURY AND ALL --

15 THE COURT: THAT'S OKAY.

16 PROSPECTIVE JUROR KERMODE: I HAVE PAID FOR THE
17 PLACE.

18 THE COURT: I UNDERSTAND. JULY, MA'AM. I WOULD
19 NOT --

20 PROSPECTIVE JUROR KERMODE: OKAY.

21 THE COURT: THANK YOU. COME BACK ON THE 20TH.

22 PROSPECTIVE JUROR KERMODE: I WILL.

23

24 (PROSPECTIVE JUROR KERMODE LEAVES SIDEBAR.)

25

26 THE COURT: DENNIS KALOIAN?

27 MR. ARNOLD: HE DID NOT HAVE A PROBLEM YESTERDAY.

28 THE COURT: WE'LL FIND OUT.

1 (PROSPECTIVE JUROR KALOIAN APPROACHES
2 SIDE BAR.)

3
4 THE COURT: YES, SIR?

5 PROSPECTIVE JUROR KALOIAN: I CHECKED WITH MY
6 MANAGER AND BOOKKEEPER. THEY ARE ONLY GOING TO PAY ME 24
7 HOURS A WEEK, AND I AM USED TO GETTING 40 TO 44 EVEN AS A
8 PART TIMER.

9 BUT THEY DON'T PAY THE FULL FIVE DAYS. IN
10 OTHER WORDS, IF I AM HERE FIVE DAYS, THEY ARE ONLY GOING
11 TO PAY ME FOR THREE A WEEK.

12 THE COURT: BY WHOM ARE YOU EMPLOYED?

13 PROSPECTIVE JUROR KALOIAN: ALBERTSON.

14 THE COURT: OKAY.

15 PROSPECTIVE JUROR KALOIAN: IT HAS TO DO WITH THE
16 RETAIL CLERKS UNION.

17 THE COURT: ARE YOU A PART-TIME EMPLOYEE?

18 PROSPECTIVE JUROR KALOIAN: PART TIME, YEAH.

19 THE COURT: PART TIMER WITH THEM?

20 PROSPECTIVE JUROR KALOIAN: AND THEY HAVE BEEN
21 GIVING ME 38 TO 44 HOURS A WEEK. IN OTHER WORDS, THEY
22 CAN'T GIVE ME 40, AND THEY ARE ONLY GOING TO PAY ME ON
23 JURY LIKE 24 HOURS A WEEK.

24 THE COURT: WOULD IT BE A FINANCIAL HARDSHIP FOR
25 YOU?

26 PROSPECTIVE JUROR KALOIAN: YES, IT WOULD. AS A
27 MATTER OF FACT, I WAS GOING TO ASK IF YOU KNEW ANY GOOD
28 BANKRUPTCY LAWYERS.

1 THE COURT: ALL RIGHT. WHY DON'T YOU JUST HAVE A
2 SEAT IN THE AUDIENCE.

3 PROSPECTIVE JUROR KALOIAN: OKAY, SIR.

4

5 (PROSPECTIVE JUROR KALOIAN LEAVES SIDEBAR.)

6

7 MR. JAFFE: WHAT IS HIS NAME?

8 THE COURT: HIS NAME IS --

9 MR. ARNOLD: KALOIAN.

10 THE COURT: KALOIAN, K-A-L-O-I-A-N.

11 MR. JAFFE: OKAY.

12 THE COURT: DO YOU WANT DO BE HEARD, OR DO YOU WANT
13 ME TO MAKE A FINDING?

14 MR. ARNOLD: I WOULD LIKE TO HEAR YOUR --

15 THE COURT: I AM GOING TO FIND CAUSE. I MEAN I
16 THINK THAT IT IS A FINANCIAL HARDSHIP. HE IS A PART TIME
17 EMPLOYEE ON THIS LONG A CASE. SO I'LL EXCUSE HIM FOR
18 CAUSE.

19 RANDY JOHNSON?

20

21 (PROSPECTIVE JUROR JOHNSON APPROACHES
22 SIDE BAR.)

23

24 THE COURT: WHAT IS YOUR SITUATION, MR. JOHNSON?

25 PROSPECTIVE JUROR JOHNSON: I WORK WITH -- WITH
26 OTHER PEOPLE THAT -- I WORK WITH OTHER PEOPLE THAT CAN'T
27 TAKE THEIR -- THEIR VACATION UNTIL I COME BACK FROM JURY
28 DUTY.

1 THE COURT: ALL RIGHT. BY WHOM ARE YOU EMPLOYED?

2 PROSPECTIVE JUROR JOHNSON: K-MART.

3 THE COURT: AND DOES K-MART PAY YOU UNLIMITED
4 SERVICE?

5 PROSPECTIVE JUROR JOHNSON: YEAH.

6 THE COURT: SO IT IS NOT A FINANCIAL HARDSHIP FOR
7 YOU?

8 PROSPECTIVE JUROR JOHNSON: FOR ME, BUT MY -- I --
9 I WORK WITH OTHER PEOPLE THAT CAN'T TAKE THEIR --

10 THE COURT: I UNDERSTAND.

11 PROSPECTIVE JUROR JOHNSON: -- UNTIL I COME BACK.

12 THE COURT: BUT FOR YOU IT IS NOT A FINANCIAL
13 HARDSHIP?

14 PROSPECTIVE JUROR JOHNSON: NO.

15 THE COURT: ALL RIGHT. JUST HAVE A SEAT THEN,
16 PLEASE.

17

18 (PROSPECTIVE JUROR JOHNSON LEAVES SIDEBAR.)

19

20 THE COURT: ROLANDO PEREZ?

21

22 (PROSPECTIVE PEREZ APPROACHES SIDEBAR.)

23

24 THE COURT: MR. PEREZ, WHAT IS THE SITUATION WITH
25 YOU?

26 PROSPECTIVE JUROR PEREZ: I'M GOING TO GO DOWN
27 THERE TODAY AND SEE IF I CAN SCHEDULE MY VACATION COMING.

28 THE COURT: WELL, WHAT WAS THE SITUATION THAT YOU

1 WERE DOING TO CHECK ON FOR ME?

2 PROSPECTIVE JUROR PEREZ: ABOUT MY VACATION COMING
3 ON APRIL 7TH, YOUR HONOR.

4 THE COURT: RIGHT.

5 PROSPECTIVE JUROR PEREZ: YEAH, I GOT MY FOLKS
6 COMING FROM MICHIGAN.

7 THE COURT: THAT'S RIGHT. BUT THEY'RE COMING, BUT
8 IS THERE ANYTHING ELSE?

9 PROSPECTIVE JUROR PEREZ: NO.

10 THE COURT: ALL RIGHT. JUST HAVE A SEAT THEN.

11 PROSPECTIVE JUROR PEREZ: THANK YOU.

12
13 (PROSPECTIVE JUROR PEREZ LEAVES SIDEBAR.)
14

15 THE COURT: HE'S GOING TO STAY UNLESS THROUGH
16 QUESTIONING IT BECOMES -- HE GIVES US THE MAGIC ANSWERS
17 THAT HE CAN'T CONCENTRATE ON THE CASE.

18 MISS STAFFORD?

19
20 U (PROSPECTIVE JUROR STAFFORD APPROACHES
21 SIDE BAR.)
22

23 ~~PROSPECTIVE JUROR PEREZ~~ ^{STAFFORD}: GOOD MORNING, YOUR HONOR,
24 MR. JAFFE, MR. DOUGLAS, VICTORIA. I DIDN'T GET YOUR LAST
25 NAME.

26 MR. ARNOLD: MR. DOUGLAS IS DOWN THE HALL. HE IS
27 IN THE O.J. CASE.

28 ~~PROSPECTIVE JUROR PEREZ~~ ^{STAFFORD}: ARNOLD. I'M SORRY.

1 THAT'S CORRECT.

2 MR. ARNOLD: WE DON'T EVEN LOOK ALIKE.

3 ~~PROSPECTIVE JUROR PEREZ:~~ ^{STAFFORD:} I WAS TO CHECK ON A
4 HOCKEY TOURNAMENT SCHEDULE. THERE ARE TWO, THE STATE
5 TOURNAMENT BEING MARCH 15 THROUGH 20 AND THE REGIONALS
6 BEING APRIL 5 THROUGH 10, AND THEN ON MY OWN PERSONAL
7 VACATION IS MARCH 23RD THROUGH THE 29TH.

8 THE COURT: ALL RIGHT. WHY DON'T YOU JUST HAVE A
9 SEAT.

10

11 (PROSPECTIVE JUROR STAFFORD LEAVES SIDEBAR.)

12

13 THE COURT: DO YOU WANT ME TO MAKE A FINDING?

14 MR. JAFFE: YES, YOU CAN MAKE A FINDING.

15 MR. ARNOLD: I'D STIPULATE.

16 THE COURT: I WILL STIPULATE FOR CAUSE.

17 DO YOU WANT TO STIPULATE OR CAUSE?

18 THE COURT: I'LL FIND FOR CAUSE BECAUSE I THINK
19 APPARENTLY SHE'S A SINGLE PARENT AND SHE WANTS TO BE WITH
20 HER CHILD.

21 MR. ARNOLD: WHAT WAS HER NAME?

22 THE COURT: STAFFORD.

23 MR. JAFFE: PATRICIA STAFFORD.

24 PAY ATTENTION, MR. DOUGLAS.

25 THE COURT: MR. SHENKER.

26

27 (PROSPECTIVE JUROR SHENKER APPROACHES
28 SIDEBAR.)

1 PROSPECTIVE JUROR SHENKER: I HAVE TWO PROBLEMS.
2 ONE IS MY VACATION THAT YOU JUST STRAIGHTENED THAT OUT
3 SINCE YOU SAID YOU ARE GOING TO BE GONE BY JUNE 20TH. SO
4 I WAS WORRIED ABOUT THE END OF JUNE --

5 THE COURT: RIGHT.

6 PROSPECTIVE JUROR SHENKER: -- BEGINNING OF JULY.
7 THE OTHER PROBLEM IS THAT I CURRENTLY HAVE A TRANSFER
8 REQUEST, AND I'LL PUT IT THIS WAY: IT WOULD MAKE ME MORE
9 ATTRACTIVE TO THEM TO HAVE, YOU KNOW, THE EXTRA CLASS THAT
10 I WAS SCHEDULED FOR. SO THAT'S JUST ANOTHER FACTOR
11 THAT --

12 THE COURT: BUT THAT'S -- THAT'S JUST IN ADDITION
13 TO WHAT WE TALKED ABOUT.

14 PROSPECTIVE JUROR SHENKER: RIGHT.

15 THE COURT: AND YOU'RE EMPLOYED BY THE POSTAL
16 SERVICE?

17 PROSPECTIVE JUROR SHENKER: YEAH. SO I DO HAVE --
18 THOUGH IT IS NOT A FINANCIAL HARDSHIP, BUT IT WOULD
19 AFFECT, YOU KNOW, MY SITUATION --

20 THE COURT: I UNDERSTAND.

21 PROSPECTIVE JUROR SHENKER: -- THAT I'M TRYING TO
22 DEVELOP RIGHT NOW.

23 THE COURT: OKAY. I'M GOING TO KEEP YOU FOR NOW.
24 JUST HAVE A SEAT.

25

26 (PROSPECTIVE JUROR SHENKER LEAVES SIDEBAR.)

27

28 THE COURT: MISS WAGNER?

1 (PROSPECTIVE JUROR WAGNER APPROACHES
2 SIDE BAR.)
3

4 THE COURT: MISS WAGNER?

5 PROSPECTIVE JUROR WAGNER: THERE WAS ONE DAY THAT I
6 DIDN'T HAVE ON THE FORM YESTERDAY, AND IT'S THE 24TH.

7 THE COURT: OF?

8 PROSPECTIVE JUROR WAGNER: I HAVE A TICKET TO
9 CHICAGO.

10 THE COURT: OF?

11 PROSPECTIVE JUROR WAGNER: MARCH.

12 THE COURT: FOR HOW LONG?

13 PROSPECTIVE JUROR WAGNER: JUST THE WEEKEND. SO I
14 DID NOT REALLY THINK ABOUT IT, BUT I'M FLYING OUT IN THE
15 AFTERNOON. I HAVE A 2:30 FLIGHT.

16 THE COURT: ALL RIGHT. WELL, THEN I'M GOING TO
17 KEEP YOU. WHAT WILL HAPPEN IS IF YOU STAY AS A JUROR,
18 I'LL ACCOMMODATE YOU --

19 PROSPECTIVE JUROR WAGNER: ALL RIGHT.

20 THE COURT: -- AND NOT WORK THE AFTERNOON, AND
21 WE'LL GET YOU OUT OF HERE AT NOON.

22 PROSPECTIVE JUROR WAGNER: OKAY.

23 THE COURT: OKAY.

24 PROSPECTIVE JUROR WAGNER: OKAY.

25 THE COURT: THANK YOU.

26 PROSPECTIVE JUROR WAGNER: STAY HERE?

27 THE COURT: JUST STAY HERE. YES.
28

1 (PROSPECTIVE JUROR WAGNER LEAVES SIDEBAR.)

2

3 THE COURT: MR. TITUS?

4

5 U (PROSPECTIVE JUROR TITUS APPROACHES
6 SIDE BAR.)

7

8 PROSPECTIVE JUROR TITUS: I WAS SUPPOSED TO CHECK
9 ON WHEN I WAS UP HERE YESTERDAY I TOLD YOU ABOUT MY
10 TEACHING AND CONFERENCING COMMITMENT.

11 I DIDN'T MENTION THAT I AM ALSO ON VACATION
12 APRIL 10TH TO 16TH.

13 THE COURT: ARE YOU GOING SOMEWHERE?

14 PROSPECTIVE JUROR TITUS: YES, I'M GOING TO A
15 CONFERENCE BEFORE THAT IN NEW MEXICO.

16 THE COURT: HAS IT BEEN PAID FOR?

17 PROSPECTIVE JUROR TITUS: THE CONFERENCE I HAVE
18 RESERVED A ROOM, YES.

19 THE COURT: ARE YOU OUT MONEY?

20 PROSPECTIVE JUROR TITUS: WELL, I DON'T KNOW
21 WHETHER THEY WILL RETURN IT OR NOT.

22 THE COURT: OKAY.

23 PROSPECTIVE JUROR TITUS: I WOULD PRESUME THE HOTEL
24 WOULD RETURN IT.

25 THE COURT: OKAY. BUT THE CONFERENCE IS -- IT'S A
26 SITUATION WHERE YOU HAVE RESERVED TO GO TO A CONFERENCE?

27 PROSPECTIVE JUROR TITUS: YES.

28 THE COURT: AND THEN IT APPEARS YOU COULD GET A

1 REFUND; IS THAT CORRECT?

2 PROSPECTIVE JUROR TITUS: YES.

3 THE COURT: ALL RIGHT. AT THIS POINT I AM GOING TO
4 KEEP YOU.

5 PROSPECTIVE JUROR TITUS: OKAY.

6 THE COURT: JUST HAVE A SEAT, SIR.

7

8 (PROSPECTIVE JUROR TITUS LEAVES SIDEBAR.)

9

10 THE COURT: MISS VERNON?

11

12 (PROSPECTIVE JUROR VERNON APPROACHES
13 SIDEBAR.)

14

15 THE COURT: YES, MA'AM. YOU WERE GOING TO CHECK ON
16 SOMETHING.

17 PROSPECTIVE JUROR VERNON: NO, I WASN'T. I JUST
18 DON'T WANT TO BE HERE ON THIS CASE.

19 THE COURT: ALL RIGHT. AT THIS PARTICULAR POINT,
20 WE ARE JUST DEALING WITH HARDSHIP. THE ASPECT OF FAIRNESS
21 OR EMOTIONAL OR WHAT HAVE YOU WILL BEING TAKEN UP IN THE
22 NEXT PHASE. THAT'S WHY WE HAD YOU FILL OUT THE
23 QUESTIONNAIRES.

24 PROSPECTIVE JUROR VERNON: OKAY. BUT MY DAUGHTER
25 IS GETTING -- IS MAKING PLANS TO GET MARRIED ON THE SECOND
26 WEEK -- THE 3R JUNE.

27 THE COURT: ALL RIGHT.

28 PROSPECTIVE JUROR VERNON: OKAY. AND THIS TRIAL

1 WILL PROBABLY RUN INTO THAT.

2 THE COURT: ALL RIGHT. WE'LL TAKE IT UP WITH
3 YOU -- WELL, I'LL TAKE UP THE ISSUE NOT OF JUNE 3RD NEXT
4 TIME, BUT IF YOU REMAIN ON -- WHEN YOU ARE -- IF YOUR NAME
5 COMES UP AND YOU ARE IN THE JURY BOX --

6 PROSPECTIVE JUROR VERNON: UH-HUH.

7 THE COURT: -- REMIND ME THAT WE TALKED. RAISE
8 YOUR HAND AND ASK TO COME UP HERE AND REMIND ME ABOUT THE
9 JUNE 3RD SITUATION OF YOUR DAUGHTER'S WEDDING, AND I WILL
10 DISCUSS THAT WITH YOU AT THAT POINT. BUT RIGHT NOW --

11 PROSPECTIVE JUROR VERNON: SO THERE'S NO WAY I
12 COULD GET OUT OF THIS AT THIS PRECISE MOMENT?

13 THE COURT: AT THIS PARTICULAR MOMENT, NO.

14 ALL RIGHT. THANK YOU, MA'AM.

15 PROSPECTIVE JUROR VERNON: THANK YOU. SO DO I
16 LEAVE?

17 THE COURT: JUST HAVE A SEAT. I'LL TELL YOU WHEN.

19 (PROSPECTIVE VERNON ~~HUFF~~ LEAVES SIDEBAR.)

20 (PROSPECTIVE JUROR NO. 8282)
21 THE COURT: ~~NO. 8282~~?

22
23 NO. 8282
(PROSPECTIVE JUROR ~~NO. 8282~~ APPROACHES
24 SIDEBAR.)

25
26 (PROSPECTIVE JUROR NO. 8282)
THE COURT: ~~NO. 8282~~?

27 PROSPECTIVE JUROR NO. 8282: YEAH, JUDGE, I
28 JUST -- MY WIFE JUST TOLD ME I HAVE A GRADUATION IN JUNE.

1 SO IF IT RUNS OVER IN JUNE --

2 THE COURT: JUNE WHAT?

3 PROSPECTIVE JUROR NO. 8282 WHERE'S JUNE AT?
4 EITHER THE 15TH OR THE 23RD. I'M NOT SURE EXACTLY, BUT I
5 CAN FIND OUT WHEN WE COME BACK.

6 THE COURT: DO THAT FOR ME. AND IF IN FACT YOUR
7 NAME COMES UP IN THE BOX, YOU ARE UP THERE, AND WE ARE
8 ASKING YOU QUESTIONS, RAISE YOUR HAND AND TELL ME THAT YOU
9 WANT TO COME UP TO THE SIDEBAR, AND WE'LL TALK ABOUT IT
10 THEN. JUST REMIND ME.

11 PROSPECTIVE JUROR NO. 8282: OKAY.

12 THE COURT: BUT WE ARE HOPEFUL THAT THE CASE WILL
13 BE FINISHED BY THEN. I MEAN THERE'S NOTHING IN CEMENT,
14 BUT WE ARE HOPEFUL.

15 PROSPECTIVE JUROR NO. 8282: WELL, IT'S MY
16 13-YEAR-OLD. MAN, HE'S REALLY EXCITED ABOUT IT.

17 THE COURT: I UNDERSTAND. AND IF YOU ARE HERE AND
18 IT WAS A ONE-DAY EVENT -- IT'S LOCAL; IS THAT CORRECT?

19 PROSPECTIVE JUROR DARENSBOURG: YES, IT IS.

20 THE COURT: I WOULD TAKE A BREAK SO YOU COULD
21 ATTEND IT.

22 PROSPECTIVE JUROR NO. 8282: THANK YOU.

23 THE COURT: OKAY.

24

25 (PROSPECTIVE JUROR NO. 8282 LEAVES
26 SIDEBAR.)

27

28 MR. JAFFE: WHAT WAS HIS NAME?

MR. ARNOLD: (PROSPECTIVE JUROR NO. 8282) (PROSPECTIVE JUROR NO. 8282)

THE COURT: HE JUST TOLD THE BAILIFF THAT HE WANTED TO STAY IN.

SO MISS BECK, MR. MILLER, MR. KALOIAN, AND MISS STAFFORD ARE LEAVING. THE REST ARE COMING BACK.

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT IN THE PRESENCE OF THE PROSPECTIVE JURORS:)

THE COURT: WHAT IS YOUR NAME, SIR?

PROSPECTIVE JUROR BRETON: MICHAEL BRETON.

THE COURT: COME ON UP, SIR.

(THE FOLLOWING PROCEEDINGS WERE HELD AT THE BENCH:)

THE COURT: YES?

PROSPECTIVE JUROR BRETON: YOU ASKED ME TO CHECK ON SOMETHING, MY ELIGIBILITY, MY AVAILABILITY. I'M AVAILABLE UNLIMITED.

THE COURT: OKAY.

PROSPECTIVE JUROR BRETON: I ALSO HAVE A SECOND ITEM TO TELL YOU.

THE COURT: GO AHEAD.

PROSPECTIVE JUROR BRETON: MY WIFE WAS A VICTIM OF A VIOLENT CRIME.

THE COURT: ALL RIGHT.

1 PROSPECTIVE JUROR BRETON: AND SHE FEELS VERY
2 CONCERNED --

3 THE COURT: LET ME TELL YOU. WE WILL TAKE THAT UP
4 IN THE NEXT PHASE.

5 PROSPECTIVE JUROR BRETON: RIGHT.

6 THE COURT: I'M NOT TRYING TO CUT YOU OFF.

7 PROSPECTIVE JUROR BRETON: I UNDERSTAND.

8 THE COURT: THIS JUST HAS TO DO WITH HARDSHIP,
9 LEGAL HARDSHIP, FINANCIAL, WHATEVER. THAT'S WHY WE GAVE
10 THE QUESTIONNAIRE, AND IT IS VERY DETAILED.

11 PROSPECTIVE JUROR BRETON: YES. IT'S IN THERE.

12 THE COURT: OBVIOUSLY WE ARE GOING TO GIVE THE
13 LAWYERS TIME TO LOOK THROUGH THESE.

14 PROSPECTIVE JUROR BRETON: OKAY.

15 THE COURT: I AM SURE YOU HAVE THAT IN YOUR
16 QUESTIONNAIRE.

17 PROSPECTIVE JUROR BRETON: YES, I DO.

18 THE COURT: OKAY. I APPRECIATE THAT.

19

20 (THE FOLLOWING PROCEEDINGS WERE HELD
21 IN OPEN COURT IN THE PRESENCE OF
22 THE PROSPECTIVE JURORS:)

23

24 THE COURT: ALL RIGHT. MISS BECK, MR. HUFF,
25 MR. MILLER, AND MISS STAFFORD, YOU ARE EXCUSED FROM THIS
26 CASE.

27 YOU HAVE TO RETURN TO THE 11TH FLOOR.

28 PROSPECTIVE JUROR HUFF: MS.

1 THE COURT: I'M SORRY. MISS HUFF.

2 NO, I'M SORRY, MISS HUFF. I AM GLAD YOU
3 MENTIONED IT BECAUSE YOU ARE STAYING RIGHT NOW. LET ME
4 LOOK AT MY NOTES. I PUT AN "X" THERE.

5 NO. IT WAS -- I'M SORRY. IT'S MISS BECK,
6 MR. MILLER, MR. KALOIAN, AND MISS STAFFORD ARE EXCUSED
7 FROM THIS CASE. YOU ARE TO GO TO THE 11TH FLOOR JURY
8 ASSEMBLY ROOM AT 1:30 THIS AFTERNOON. ALL RIGHT. BECAUSE
9 THEY WILL BE CLOSED RIGHT NOW.

10 THE REST OF YOU THEN -- WE'LL TAKE UP OTHER
11 MATTERS -- ARE ORDERED BACK HERE AT 10:00 A.M., MARCH
12 20TH, WITHOUT FURTHER ORDER.

13 AND, MISS HUFF, I KNOW THAT AT THIS POINT YOU
14 DON'T WANT TO BE HERE, BUT AS FAR AS THE LEGAL ASPECT -- I
15 KNOW THAT YOU WANT TO GO TO THAT CONFERENCE. I
16 UNDERSTAND.

17 PROSPECTIVE JUROR HUFF: OKAY.

18 THE COURT: BUT AT THIS POINT WE ARE HAVING YOU
19 RETURN.

20 SO EVERYBODY DON'T TALK ABOUT THE CASE OR
21 FORM OR EXPRESS ANY OPINION, AND WE'LL SEE YOU MARCH 20TH.
22 THANK YOU.

23
24 (THE PROSPECTIVE JURORS EXITED THE
25 COURTROOM AND THE FOLLOWING
26 PROCEEDINGS WERE HELD:)

27
28 THE COURT: ALL RIGHT. THE RECORD SHOULD REFLECT

1 THAT THE PROSPECTIVE JURORS HAVE LEFT.

2 WHAT WE WILL DO, MR. ARNOLD, IS WE WILL GIVE
3 THE QUESTIONNAIRES TO YOU. YOU HAVE THEM REPRODUCED.
4 THEN WHEN THEY ARE REPRODUCED, NOTIFY US, AND THEN
5 MR. JAFFE CAN COME DOWN AND GET HIS COPY. AND AT THIS
6 POINT MY CLERK WILL HAVE A RANDOM LIST, WHICH HE WILL
7 PROVIDE EACH OF YOU.

8 AND IF YOU NEED TO CALENDAR SOMETHING BEFORE
9 MARCH 17TH -- JUST A SECOND, MR. THOMAS. I NEED YOU HERE.

10 IF YOU NEED TO CALENDAR SOMETHING, THEN CALL
11 THE DAY BEFORE SO THAT WE CAN HAVE MR. THOMAS BROUGHT OUT
12 FROM THE JAIL.

13 MR. JAFFE: OKAY.

14 THE COURT: AND IF YOU ARE GOING TO GIVE ME SOME
15 CASE LAW OR CITATIONS, MR. JAFFE, THEN SUBMIT IT BY MARCH
16 15TH. OTHERWISE, I WILL JUST MAKE A DECISION ON THE 17TH
17 BASED ON MY EVALUATION OF THE REPRESENTATIONS AND WHAT I
18 THINK THE APPLICABLE LAW IS.

19 MR. ARNOLD: I WILL CALL YOUR CLERK WITH THE TWO
20 CASES THAT I HAD MENTIONED TO YOU ABOUT THREATS TO THIRD
21 PARTIES. I MENTIONED THESE ALSO PREVIOUSLY TODAY TO MS.
22 DOHERTY.

23 THE COURT: ALL RIGHT.

24 MR. ARNOLD: SO THE REASON I AM BRINGING THAT OUT
25 IS I AM NOT GOING TO TELL THEM AGAIN.

26 THE COURT: I UNDERSTAND.

27 MR. ARNOLD: THEY ALREADY KNOW. I WILL JUST CALL
28 YOUR CLERK.

1 THE COURT: ANYTHING ELSE, MR. JAFFE?

2 MR. JAFFE: NO.

3 THE COURT: MR. ARNOLD?

4 MR. ARNOLD: NO, YOUR HONOR.

5 THE COURT: ALL RIGHT. THEN WE WILL BE IN RECESS.

6 MR. ARNOLD: SO BARRING ANYTHING ELSE --

7 THE COURT: THE 17TH.

8 MR. ARNOLD: NOTHING OFFICIAL UNTIL A WEEK FROM

9 TOMORROW.

10 THE COURT: RIGHT. NO -- YES, A WEEK FROM
11 TOMORROW, THE 17TH, AND I WILL CALENDAR IT FOR, IF IT'S
12 CONVENIENT FOR YOUR CALENDARS, 9:30.

13 MR. ARNOLD: THAT'S FINE.

14 MR. JAFFE: FINE.

15 THE COURT: ALL RIGHT.

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17 (AT 12:10 P.M., AN ADJOURNMENT WAS
18 TAKEN UNTIL FRIDAY, MARCH 17, 1995,
19 AT 9:30 A.M.)

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