

1 VAN NUYS, CALIFORNIA; THURSDAY, MARCH 14, 1996

2 11:35 A.M.

3 DEPARTMENT NW "N" HON. STANLEY M. WEISBERG, JUDGE

4 (APPEARANCES AS HERETOFORE NOTED.)

5 (MARILYN A. FADALE, OFFICIAL REPORTER.)

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7

8 (PAGES 52468 THROUGH 52479 WERE

9 HELD IN CAMERA AND SEALED BY

10 ORDER OF THE COURT.)

11

12

13 (THE FOLLOWING PROCEEDINGS WERE

14 HELD IN OPEN COURT, OUT OF THE

15 PRESENCE OF THE JURY:)

16

17 THE COURT: IN THE TRIAL, THE DEFENDANTS ARE

18 IN COURT WITH THEIR LAWYERS. THE PEOPLE ARE

19 PRESENT. THE JURY IS IN THE JURY ROOM.

20 THE COURT HAS EXCUSED TWO JURORS BECAUSE

21 OF SERIOUS MEDICAL CONDITIONS THAT THESE TWO JURORS

22 ENCOUNTERED LAST EVENING. AND THOSE MEDICAL

23 CONDITIONS PREVENT THEM FROM CONTINUING AS JURORS IN

24 THIS CASE.

25 THE JURORS WHO HAVE BEEN EXCUSED ARE

26 JUROR NO. 1, WHO WAS THE FOREPERSON OF THIS JURY,

27 AND JUROR NO. 9. AND THEY HAVE HAVE BEEN REPLACED

28 BY TWO ALTERNATE JURORS.

1 THE COURT ALSO HAS ISSUED AN ORDER TO

2 THE TWO EXCUSED JURORS THAT THEY ARE NOT TO DISCUSS

3 WITH ANYONE, IN ANY FORM, ANYTHING ABOUT THIS TRIAL,

4 INCLUDING WHAT HAS OCCURRED DURING DELIBERATIONS, OR

5 AT ANY OTHER TIME DURING THE TRIAL, OR ANY OPINIONS

6 OR IMPRESSIONS THAT THEY HAVE ABOUT THE CASE, UNTIL

7 THIS JURY IS ACTUALLY DISCHARGED. AND THAT ORDER

8 HAS BEEN COMMUNICATED AND WILL BE THE ORDER IN THIS

9 CASE REGARDING THOSE JURORS WHO ARE EXCUSED.

10 AND WE WILL NOW HAVE THE JURY AND

11 ALTERNATES COME OUT SO THAT WE CAN BEGIN, HAVE THEM

12 BEGIN THEIR DELIBERATIONS AGAIN.

13 MR. LEVIN: ANEW.

14 MS. ABRAMSON: ANEW.

15 (THE JURY ENTERED THE COURTROOM

16 AND THE FOLLOWING PROCEEDINGS

17 WERE HELD:)

18

19 THE COURT: OKAY. THE JURY IS BACK, AND TWO

20 SEATS ARE VACANT. THOSE SEATS ARE VACANT BECAUSE

21 JUROR NO. 1 AND JUROR NO. 9 HAVE SUFFERED SOME

22 MEDICAL PROBLEMS WHICH WILL PREVENT THEM FROM

23 CONTINUING ON WITH THE TRIAL; AND UNFORTUNATELY,

24 THEY HAVE BEEN EXCUSED. THE BAILIFFS WILL GIVE YOU

25 MORE SPECIFIC INFORMATION ABOUT THEIR CONDITION AND

26 INFORM YOU OF THEIR CIRCUMSTANCES.

27 BUT AT THIS POINT, TO CONTINUE ON WITH

28 THE TRIAL, WHAT WE HAVE DONE IS, IN ADDITION TO

1 EXCUSING THOSE TWO JURORS, I HAVE HAD THE CLERK,

2 BEFORE YOU CAME OUT, PULL TWO NAMES AT RANDOM OF TWO

3 NUMBERS OF THE ALTERNATE JURORS TO BE REPLACEMENTS.

4 AND I WILL NOW INFORM YOU OF THOSE SELECTIONS.

5 SEAT NO. 1 WILL NOW BE OCCUPIED BY JUROR

6 NO. 1328. SO IF YOU CAN JUST GO OVER THERE AND TAKE

7 THAT SEAT.

8 AND SEAT NO. 9 WILL BE OCCUPIED BY JUROR

9 NO. 1340. SO IF YOU WOULD TAKE THAT SEAT FOR US.

10 AND I HAVE AN INSTRUCTION TO READ TO THE

11 JURY, AND IT WILL ALSO BE MADE PART OF THE

12 INSTRUCTIONS THAT WE'VE ALREADY PROVIDED TO YOU.

13 (READING): LADIES AND GENTLEMEN

14 OF THE JURY, TWO OF YOUR NUMBER, TWO

15 OF THE JURORS, HAVE BEEN EXCUSED FOR

16 LEGAL CAUSE AND HAVE BEEN REPLACED BY

17 ALTERNATE JURORS. YOU MUST NOT

18 CONSIDER THIS FACT FOR ANY PURPOSE.

19 THE PEOPLE AND THE DEFENDANTS

20 HAVE THE RIGHT TO A VERDICT REACHED

21 ONLY AFTER FULL PARTICIPATION OF THE

22 12 JURORS WHO RETURN THE VERDICT.

23 THIS RIGHT MAY BE ASSURED ONLY IF YOU

24 BEGIN YOUR DELIBERATIONS AGAIN AND

25 FROM THE BEGINNING.

26 YOU MUST, THEREFORE, SET ASIDE

27 AND DISREGARD ALL PAST DELIBERATIONS

28 AND BEGIN DELIBERATIONS ANEW. THIS

1 MEANS THAT EACH REMAINING ORIGINAL

2 JUROR MUST SET ASIDE AND DISREGARD THE

3 EARLIER DELIBERATIONS AS IF THEY HAD

4 NOT TAKEN PLACE.

5 YOU SHALL NOW RETIRE TO BEGIN

6 ANEW YOUR DELIBERATIONS IN ACCORDANCE

7 WITH ALL OF THE INSTRUCTIONS

8 PREVIOUSLY GIVEN TO YOU.

9 AND SINCE JUROR NO. 1, AS I'VE BEEN

10 INFORMED, WHO HAS BEEN EXCUSED, JUROR NO. 1502 WAS

11 THE FOREPERSON, IN ADDITION TO EVERYTHING ELSE

12 CONTAINED IN THE INSTRUCTIONS ALREADY GIVEN TO YOU,

13 OBVIOUSLY, THERE WILL BE THE TASK OF SELECTING A NEW

14 FOREPERSON WHO WILL PRESIDE OVER YOUR

15 DELIBERATIONS.

16 ALL RIGHT. THAT, THEN, IS THE

17 INSTRUCTION I GIVE YOU.

18 AS FAR AS CONTACT OR COMMUNICATION WITH

19 THE TWO JURORS WHO HAVE BEEN EXCUSED, I KNOW,

20 BECAUSE OF THE CLOSE CONTACT AND TIME YOU'VE BEEN

21 TOGETHER, YOU'VE DEVELOPED FRIENDSHIPS, AND THAT'S

22 QUITE UNDERSTANDABLE. IT'S ALSO UNDERSTANDABLE THAT

23 YOU MIGHT WANT TO TALK WITH THEM AND FIND OUT HOW

24 THEY'RE DOING AND THINGS OF THAT NATURE. THAT'S

25 FINE. YOU CAN DO THAT.

26 BUT IT'S IMPORTANT THAT YOU NOT DISCUSS

27 THE CASE WITH THEM, BECAUSE THEY ARE NO LONGER PART

28 OF THE DELIBERATING JURY. SO YOU CANNOT TALK ABOUT

1 THE CASE WITH THEM, IF YOU DO CHOOSE TO SPEAK WITH

2 THEM, WHILE THE CASE IS ONGOING. YOU SHOULD NOT AND



3 MUST NOT TALK ABOUT THE DELIBERATIONS, PROGRESS OF  
4 THE DELIBERATIONS, OR ANYTHING THAT'S GOING ON IN  
5 THE TRIAL. TREAT THEM AS YOU DO ALL OTHER PEOPLE  
6 WHO ARE NOT AMONG THE 12 DELIBERATING JURORS, SINCE  
7 THEY ARE NO LONGER A PART OF THE 12 DELIBERATING  
8 JURORS.  
9 AND IT'S ALSO VERY IMPORTANT TO CONTINUE  
10 ON, ALL 12 OF YOU, PLUS THE ALTERNATES, IN NOT  
11 PERMITTING YOURSELF TO BE EXPOSED TO ANYTHING ABOUT  
12 THIS CASE IN ANY FORM WHATSOEVER OUTSIDE OF THE  
13 COURTROOM. REMEMBER, YOUR TASK IS TO DECIDE THIS  
14 CASE BASED ONLY ON THE EVIDENCE PRESENTED IN THE  
15 TRIAL AND THE INSTRUCTIONS ON THE LAW GIVEN TO YOU  
16 BY THE COURT.

17 ALL RIGHT. I'LL NOW SEND YOU BACK INTO

18 YOUR DELIBERATIONS.

19 (THE JURY EXITED THE COURTROOM AND

20 THE FOLLOWING PROCEEDINGS WERE HELD:)

21

22 THE COURT: OKAY. WE'LL BE IN RECESS.

23 (JURY BEGAN DELIBERATIONS AT 11:40 A.M.)

24

25 (PROCEEDINGS WERE ADJOURNED.)