

1 VAN NUYS, CALIFORNIA; FRIDAY, MARCH 15, 1996

2 10:40 A.M.

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

4 (APPEARANCES AS HERETOFORE NOTED.)

5

6 THE COURT: OKAY. WE HAVE THE DELIBERATING

7 JURORS IN THE COURT.

8 I HAD YOU WAIT OVER IN THE LOUNGE THIS

9 MORNING TO COME OVER JUST NOW SO THAT I CAN SPEAK

10 WITH YOU THIS MORNING BEFORE YOU BEGIN YOUR

11 DELIBERATIONS AGAIN THIS MORNING.

12 THIS HAS TO DO WITH AN INQUIRY OF THE

13 FOREMAN YESTERDAY OF THE BAILIFF. SO LET ME RESPOND

14 TO THAT IN THIS WAY:

15 YOU HAVE INQUIRED WHETHER WRITTEN

16 MATERIAL PREPARED BY THE JURY DURING EARLIER  
17 DELIBERATIONS THAT OCCURRED BEFORE THE EXCUSAL OF  
18 THE TWO JURORS YESTERDAY, AND THEIR REPLACEMENT WITH  
19 THE TWO NEW JURORS, MAY BE USED BY THE JURY IN ITS  
20 DELIBERATIONS. I'M NOW TALKING ABOUT MATERIALS THAT  
21 WERE PREPARED JOINTLY BY ALL THE JURORS DURING YOUR  
22 EARLIER DELIBERATIONS: DIAGRAMS, CHARTS, WHATEVER  
23 IT IS THAT ALL 12 JURORS WORKED ON DURING YOUR  
24 EARLIER DELIBERATIONS.  
25 THE ANSWER IS NO, YOU CANNOT CONSIDER  
26 THOSE MATERIALS. ANY SUCH MATERIAL WAS THE PRODUCT  
27 OF THE DELIBERATIONS OF THE FORMER JURY, NOT THE  
28 JURY THAT IS NOW DELIBERATING; THAT IS, THE 12 OF

1 YOU.

2 AS I STATED TO YOU YESTERDAY, THE PEOPLE

3 AND THE DEFENDANTS HAVE THE RIGHT TO A VERDICT

4 REACHED ONLY AFTER FULL PARTICIPATION OF THE 12

5 JURORS WHO RETURN VERDICTS.

6 YOU MUST SET ASIDE AND DISREGARD THE

7 DELIBERATIONS THAT OCCURRED BEFORE, AS IF THEY HAD

8 NEVER OCCURRED. AND THE REASON FOR THAT IS THAT TWO

9 OF YOU, AS OF YESTERDAY, LATE MORNING YESTERDAY, HAD

10 NOT PARTICIPATED IN THOSE DELIBERATIONS.

11 THEREFORE, IN ADDITION TO SETTING ASIDE

12 AND DISREGARDING THE PREVIOUS DELIBERATIONS, YOU

13 MUST -- I'M TALKING ABOUT DELIBERATIONS THAT OCCURRED

14 BEFORE THE SUBSTITUTION OF THE TWO NEW JURORS -- YOU

15 MUST SET ASIDE AND DISREGARD ANY MATERIAL WRITTEN,

16 OR OTHERWISE PREPARED BY THAT FORMER JURY PREPARED

17 BY THE FORMER JURY AS A GROUP EFFORT DURING THOSE

18 DELIBERATIONS.

19 I'M NOT SAYING THAT WHATEVER WAS

20 PREPARED BY THAT FORMER JURY CANNOT BE THE SUBJECT

21 OF NEW DISCUSSIONS, IF THE 12 OF YOU NOW DECIDE THAT

22 THAT'S SOMETHING THAT YOU WANT TO CONSIDER. BUT

23 THAT'S UP TO YOU TO DECIDE. THE 12 JURORS WHO ARE

24 NOW DELIBERATING MUST MAKE THOSE DECISIONS AND

25 PARTICIPATE IN ALL THE DELIBERATIONS THAT RESULT IN

26 ANY OF YOUR WORK PRODUCT.

27 SO THAT IS WHAT I REFER TO AS MATERIAL

28 THAT WAS CONSIDERED BEFORE THAT YOU HAVE TO

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1 DISREGARD AND SET ASIDE AND START OFF FRESH. IT

2 MIGHT BE THAT YOU'LL CREATE THE SAME MATERIAL AGAIN;

3 IT MIGHT BE YOU WON'T, YOU'LL GO ON TO SOMETHING

4 ELSE. THAT'S UP TO YOU. BUT IT HAS TO BE THE

5 DECISION OF THE 12 JURORS NOW DELIBERATING.

6 THE 12 OF YOU MUST HAVE, WHEN YOU

7 STARTED YOUR DELIBERATIONS WITH THE SUBSTITUTION OF

8 THE TWO NEW JURORS, HAVE BEGUN -- AND YOU MUST

9 CONTINUE TO KEEP THIS IN MIND -- MUST HAVE BEGUN

10 YOUR DELIBERATIONS ANEW. SO THAT THE 12 JURORS, THE

11 12 OF YOU, WILL FULLY PARTICIPATE IN ALL THE

12 DELIBERATIONS THAT RESULT IN ANY VERDICTS IN THIS

13 MATTER.

14 DO YOU ALL UNDERSTAND WHAT IT IS I'M

15 REFERRING TO?

16 (ALL NODDING IN THE AFFIRMATIVE.)

17

18 THE COURT: ANYBODY NOT UNDERSTAND?

19 OKAY. THAT'S IT. YOU MAY NOW GO BACK

20 TO WORK ON YOUR DELIBERATIONS.

21 (JURY DELIBERATIONS WERE RESUMED.)

22

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

24 (PROCEEDINGS WERE ADJOURNED.)