

1 evidence you would like to present on
2 behalf of your client?

3 MS. SCHAEFER: No, Your Honor. At
4 this point the State rests--or excuse me--
5 the defense rests.

6 THE COURT: Is there rebuttal by
7 the State?

8 MS. TIMMINS: No.

9 THE COURT: Could counsel approach.

10 (A side-bar conference was held off
11 the record.)

12 THE COURT: Ladies and gentlemen of
13 the jury, the evidence portion of the case
14 is closed at this time. We'll need to
15 take up some legal matters outside your
16 presence. This may take a while or it may
17 not take a while.

18 So what we're going to do is see
19 where we're at in about an hour, forty-
20 five minutes to an hour, see where we're
21 at. Then we may let you go or we may keep
22 you here. I just want to make sure that
23 we don't--you know, we move as quickly as
24 possible and not have you guys sit around.
25 So we'll try and move as quickly as

1 possible. I hope things will go fast, but
2 we may take a little bit longer than I
3 think. So again, the last thing I want to
4 do is make you sit around more than
5 necessary, okay?

6 With that we'll take a break, and
7 please remember the admonitions I
8 previously gave you.

9 (A recess was taken at 10:00 a.m.)

10 (In open court, outside the
11 presence of the jury, in the presence of
12 the Court, the Defendant, and counsel at
13 10:02 a.m.)

14 THE COURT: The record should
15 reflect that we're outside the presence of
16 the jury. All counsel are present and the
17 Defendant.

18 The evidence portion of the case is
19 closed at this time.

20 Ms. Schaefer, is there a record you
21 want to make?

22 MS. SCHAEFER: Yes, Your Honor. At
23 this time, we would renew the Defendant's
24 motion for a judgment of acquittal for all
25 of the reasons as previously stated in its

1 prior motion.

2 The evidence submitted by the
3 defense disputes a good deal of what was
4 already fairly lacking information from
5 the State's case. So we would renew the
6 motion for all the reasons as previously
7 stated.

8 THE COURT: Is there a response by
9 the State in this case?

10 MS. TIMMINS: Your Honor, the State
11 would rely on the previous argument it
12 made.

13 THE COURT: The motion will be
14 overruled as to each of the counts.
15 Again, the Court considered arguments made
16 here before. I'm not going to try and
17 recount on the evidence. The Court does
18 find that a reasonable fact finder could
19 find the Defendant guilty beyond a
20 reasonable doubt on each of these counts
21 or lesser included offenses. And for that
22 reason, the motion will be overruled.
23 Again, this is very appropriately for the
24 jury to decide in this case.

25 The Court has informally gone over

1 the jury instructions and, I think, a
2 couple times formally. And I'm going to
3 submit the ones--the most recent set of
4 that. I think we've rechecked it. I'm
5 going to have Mr. Landon recheck it, and
6 I'll just ask that you recheck. I tried
7 to incorporate some of the ideas each of
8 you had, and we'll see where we're at from
9 there.

10 MS. TIMMINS: Your Honor, while
11 we're still on the record, I kept
12 forgetting to enter Court's Exhibit 1,
13 which is the video deposition of Mxxxxxxx
14 Axxxxxxx.

15 THE COURT: Thank you.

16 MS. TIMMINS: Which will not be
17 going back to the jury room, only for the
18 Court to see.

19 (Court Exhibit No. 1
20 was offered in
21 evidence.)

22 THE COURT: With that recitation,
23 does the defense have any objection to the
24 exhibit?

25 MS. SCHAEFER: No, Your Honor.