

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.

1 THE COURT: That exhibit--I'll show
2 it admitted just for purposes of the
3 record. It will not go back to the jury.

4 (Court Exhibit No. 1
5 was received in
6 evidence.)

7 THE COURT: Is there anything else
8 before we break?

9 MS. TIMMINS: No.

10 MS. SCHAEFER: No.

11 THE COURT: Okay. We'll get those
12 to you.

13 (A recess was taken at 10:06 a.m.)

14 (In open court, outside the
15 presence of the jury, in the presence of
16 the Court, the Defendant, and counsel at
17 10:50 a.m.)

18 THE COURT: We're outside the
19 presence of the jury and alternates in
20 this case. All counsel are present and
21 the Defendant.

22 The Court has provided jury
23 instructions--proposed jury instructions
24 to both the State and the defense in this
25 case.

1 Ms. Timmins, do you have any
2 corrections or objections to those
3 proposed jury instructions?

4 MS. TIMMINS: I do not.

5 THE COURT: Ms. Schaefer?

6 MS. SCHAEFER: I have reviewed them
7 as has my client, and we have no
8 additions, deletions, or corrections.

9 THE COURT: Again, the Court will
10 read the instructions before arguments.
11 Is that acceptable to both the State and
12 defense so that you can refer to the
13 instructions?

14 MS. TIMMINS: Yes, Your Honor.

15 THE COURT: Ms. Schaefer?

16 MS. SCHAEFER: Yes, Your Honor.

17 THE COURT: Finally, a couple other
18 little things. As we discussed, the
19 instructions the jury will have in here
20 will have the names of the victims in this
21 case. That set will have a higher
22 security level. The instructions that
23 will go public will have the initials in
24 it as set forth in the Trial Information
25 just so everybody is aware of that. So

1 the victims in the case will have initials
2 in the public set.

3 Is that acceptable, Ms. Timmins?

4 MS. TIMMINS: Yes, Your Honor.

5 THE COURT: Ms. Schaefer?

6 MS. SCHAEFER: Yes, Your Honor.

7 THE COURT: Is there any other
8 record that you'd like to make before we
9 begin arguments?

10 MS. TIMMINS: No, Your Honor.

11 MS. SCHAEFER: No.

12 THE COURT: Okay. What I'm going
13 to do also is I'm going to put a set for
14 every other juror so that they can read
15 along. That will just be a few minutes
16 and we'll get those.

17 (A recess was taken at 10:53 a.m.)

18 (In open court, outside the
19 presence of the jury, in the presence of
20 the Court, the Defendant, and counsel at
21 11:03 a.m.)

22 THE COURT: The record should
23 reflect that we're outside the presence of
24 any jurors. All counsel are present and
25 the Defendant. We're going to bring the

1 jury in and do the jury instructions.

2 And again, except for members of
3 the press who have been approved by Court
4 order, no internet access, no tweeting, no
5 nothing in here.

6 All right. Bring in the jury.

7 (In open court, in the presence of
8 the jury, the Court, the Defendant, and
9 counsel at 11:05 a.m.)

10 THE COURT: Please be seated
11 everyone.

12 First of all, a couple of
13 housekeeping matter, ladies and gentlemen.
14 I'm going to read you the instructions,
15 which is the law you are to follow in
16 reaching a verdict in this case.

17 Ms. Willson is going to hand out
18 what I'm reading to you. It's marked
19 "copy." It's not the original, but it's
20 marked "copy," so that's just for your
21 benefit.

22 Again, it's a lengthy document I'm
23 going to read to you. If you follow
24 along, it might help you. You don't have
25 to if you don't want to, but it might help

1 you. Also you'll have several copies with
2 you in the jury room to go by after I get
3 done. So it's whatever you want to do in
4 that regard, but she'll hand those out.
5 We have seven so you can share every other
6 one.

7 The second thing is the arguments;
8 and, again, I can't tell how long they're
9 going to take. They will probably go into
10 the noon hour, maybe well past the noon
11 hour.

12 Is it acceptable to go right
13 through, and then have your lunch for you
14 when we're done? Is that acceptable to
15 you?

16 (All the jurors nodded their heads
17 in the affirmative.)

18 THE COURT: All right. Does
19 anybody have any dietary restrictions or
20 anything like that that would affect you,
21 or that you would need to eat right then?

22 (No response.)

23 THE COURT: Okay. We'll do that
24 then. We will take a break in between
25 arguments to give you a little bit of a

1 break, okay?

2 (The judge read a portion of the
3 jury instructions to the jury.)

4 THE COURT: Again, there are other
5 instructions I'll read to you after the
6 argument.

7 Ladies and gentlemen, it's now the
8 time and place for the lawyers for each
9 side to present their closing arguments or
10 summations of the evidence. Counsel for
11 the State will have the opening summation.
12 Counsel for the defense will then have an
13 opportunity for reply, and since she will
14 only address you once, she will also
15 present her summation.

16 Counsel for the State of Iowa will
17 then have her closing summation to the
18 argument of the defense.

19 The lawyers for each side will be
20 summarizing the testimony that you have
21 heard and the evidence which has been
22 presented during the trial. They will
23 merely be recalling the evidence, as you
24 will later. They will not intentionally
25 try to mislead you, and if their

1 recollection of the testimony is not the
2 same as yours, you must follow and rely on
3 your own recollection.

4 The summations of the lawyers are
5 merely that, summations. They are not
6 evidence, nor should they be construed by
7 you as evidence or instructions on the
8 law. The summations are intended to help
9 you in understanding the contentions of
10 each side.

11 With that, ladies and gentlemen,
12 Ms. Timmins will proceed first followed by
13 Ms. Schaefer, and Ms. Timmins will get a
14 reply to the argument of the defense.

15 Ms. Timmins.

16 MS. TIMMINS: May it please the
17 Court.

18 THE COURT: Ms. Timmins.

19 MS. TIMMINS: Counsel.

20 Ladies and gentlemen, I stated at
21 the beginning of this case that the
22 Defendant used his power, his control, the
23 trust that he had been given to abuse, to
24 exploit, and to endanger.

25 You have now seen and heard the