

1           THE COURT:   If we could just take  
2 our mid-afternoon break right now.

3           MS. SCHAEFER:   Do you mean mid-  
4 morning?

5           THE COURT:   Mid-morning, yes.  
6 We've been at it about an hour and a half,  
7 and it's our standard time so we'll take a  
8 break.   And it will be about ten minutes.  
9 We'll limit it a little bit.   Please  
10 remember the admonitions, okay?

11                   (A recess was taken at 10:30 a.m.)

12                   (In chambers, outside the presence  
13 of the jury, in the presence of the Court,  
14 the Defendant, and counsel at 10:50 a.m.)

15           THE COURT:   We're back on the  
16 record and outside the presence of any  
17 jurors.   We are in chambers at this time.

18           The Court was informed this morning  
19 that there were postings of this trial on  
20 a Facebook site.   I believe a site by Mr.  
21 McGhghy, Tyler McGhghy.   I have not seen  
22 those.   I was just informed by a third  
23 party that those are on there.

24           Now, I was told Mr. McGhghy was  
25 here for some of the trial.   I don't know

1 who he is.

2 THE DEFENDANT: He has been here  
3 every day except today.

4 THE COURT: Well, that is an  
5 intolerable situation. And I'm  
6 considering calling law enforcement and  
7 have him specifically come in to address  
8 the situation because, like I said, that  
9 is intolerable.

10 So I just wanted to let people  
11 know, and this is going to be addressed  
12 one way or the other.

13 MS. TIMMINS: I'm not aware of  
14 this. What was being said on Facebook?  
15 You said he was posting about the trial?

16 THE COURT: Pictures.

17 MS. TIMMINS: Of the trial?

18 THE COURT: Yes.

19 THE DEFENDANT: Seriously?

20 THE COURT: So that's the problem.  
21 And I'm just going to tell the people in  
22 the back, except for the press, no  
23 photographing, no recording, anything.

24 MS. TIMMINS: Was it of the jurors?

25 THE COURT: I don't know who it

1 was. I haven't seen it. I've just been  
2 told this third hand.

3 MS. SCHAEFER: I don't even know  
4 who this individual is.

5 THE DEFENDANT: He's the really  
6 heavysset guy that was sitting right behind  
7 the prosecution, right by the media.

8 THE COURT: If he comes, we need to  
9 address that with him immediately. I told  
10 the court attendant to let me know.

11 (In open court, outside the  
12 presence of the jury, in the presence of  
13 the Court, the Defendant, and counsel at  
14 10:54 a.m.)

15 THE COURT: Please be seated.

16 Before we begin, for the people in  
17 the back, I just want to reiterate, there  
18 is to be no recordings, audio or visual,  
19 photos, anything of this trial. It's a  
20 direct violation of the orders of the  
21 court and Local Rule. If there are any,  
22 that is going to be treated as a contempt  
23 of court. Everybody has been put on  
24 notice.

25 All right. You may bring in the