

1 in the commission or attempt to commit a felony. This
2 matter is scheduled for trial today. Are both sides
3 ready?

4 MR. TRZCINSKI: Yes, your Honor. Thomas
5 Trzcinski on behalf of the People. May it please the
6 Court.

7 MR. HART: Good afternoon, your Honor. Marc
8 Hart appearing on behalf of Mr. Brown, and we're ready to
9 go.

10 THE COURT: Thank you, Counsel.

11 Good afternoon, ladies and gentlemen.

12 JURORS: Good afternoon.

13 THE COURT: How many of you have not been to
14 another courtroom today?

15 JURORS: (No response.)

16 THE COURT: Okay. Thank you. Indicating none;
17 is that correct, Counsel?

18 MR. HART: Actually, there's a couple hands in
19 the back. Oh. Has not. Okay. Sorry.

20 THE COURT: Are you satisfied their response is
21 everyone has been to another courtroom, Counsel?

22 MR. HART: Yes, your Honor.

23 MR. TRZCINSKI: Yes, your Honor.

24 THE COURT: Were you shown a video this morning
25 indicating to you what you could expect to see in one of

1 your courts as a general proposition?

2 JURORS: Yes.

3 THE COURT: Please stand, raise your right
4 hands and be sworn.

5 (Prospective jurors sworn in by the clerk at
6 12:17 p.m.)

7 THE COURT: I'm going to read to you from a
8 paper called a criminal information. That paper in
9 pertinent part reads: The People of the State of
10 Michigan versus Steven Brown, et al. In the name of the
11 People of the State of Michigan, the Prosecuting Attorney
12 for this County appears before the Court and informs the
13 Court that on September 1st, 1999, at 4900 East McNichols
14 Street in the City of Detroit the Defendant, count one:
15 Did, while in the perpetration or attempted perpetration
16 of a larceny, murder one, Glen Pierce, contrary to the
17 statute in such case made and provided.

18 Count two: Did carry or have in his possession
19 a firearm, to-wit a handgun, at the time he committed or
20 attempted to commit a felony, to-wit, murder in the first
21 degree, felony murder, contrary to the statute in such
22 case made and provided and against the peace and dignity
23 of the State of Michigan.

24 Again, the paper from which I've just read to
25 you is called a criminal information. Its purpose is

1 what the name suggests. It informs the parties to the
2 lawsuit and the world of the nature of the charge or
3 charges lodged against the accused. A criminal
4 information or indictment is filed in every criminal
5 case. A criminal information or indictment is not, is
6 not evidence.

7 Allow me to introduce Assistant Prosecutor
8 Thomas Trzcinski.

9 MR. TRZCINSKI: Good morning, or good
10 afternoon, excuse me. Good afternoon.

11 JURORS: Good afternoon.

12 THE COURT: In the course of this trial seated
13 next to Mr. Trzcinski on occasion will be the named
14 police investigators or detectives, Mr. Trzcinski.

15 MR. TRZCINSKI: The individual that would be
16 helping out at times is Investigator James Fisher from
17 the Detroit Police Department Homicide Section.

18 THE COURT: Thank you. Defense Counsel,
19 Attorney Marc E. Clark -- I'm sorry. Marc E. Hart.
20 Excuse me.

21 MR. HART: That's okay, Judge.

22 Good afternoon, everybody. My name is Marc
23 Hart, and I represent Mr. Brown.

24 JURORS: Good afternoon.

25 THE COURT: Mr. Brown, would you stand so you

1 can be seen, please?

2 THE DEFENDANT: (Complies.)

3 THE COURT: Thank you. We're going to begin a
4 process called voir dire in which the Court and counsel
5 will be asking questions of you. Each of you have
6 indicated you've seen this part so far; is that right?

7 JURORS: Yes, sir.

8 THE COURT: We ask whether you remain in the
9 gallery or seated in the jury box that you listen to the
10 questions asked and the answers given, so that we can
11 avoid an unnecessary repetition of the questions and
12 answers, which would result in a waste of your time. Is
13 there any of you who is anxious to have his or her time
14 wasted? No volunteers? Will you listen and pay
15 attention?

16 JURORS: Yes, sir.

17 THE COURT: Okay. Thank you.

18 THE CLERK: Neal Piziali. Take seat number
19 one, please.

20 MR. HART: Is that with a P?

21 THE CLERK: Yes, P-I-Z-I-A-L-I.

22 Margaret Brophy. Seat number two.

23 Lawrence Coallier. Seat number three.

24 Dorothy Brock. Seat number four.

25 Ann Lyall, spelled L-Y-A-L-L. Seat number

1 five.

2 Inez Jenkins. Seat number six.

3 Charles Bodnar. Seat number seven.

4 Grace Roberts. Seat number eight.

5 Darren MacNeal. Seat number nine.

6 James Parten. Seat number ten.

7 Ann Franas, F-R-A-N-A-S. Seat number eleven.

8 Carletta Andrews. Seat number twelve.

9 Marvin Franklin. Seat number thirteen.

10 Linda Hunt. Seat number fourteen.

11 THE COURT: How many of you have previously
12 served as a juror in any court, anywhere, any time, which
13 jury reached a verdict of which you were a part? Let me
14 see your hands, please.

15 JURORS: (Hands raised.)

16 THE COURT: Thank you. Where was that, Mr.
17 Coallier?

18 JUROR THREE: That was here.

19 THE COURT: How long ago?

20 JUROR THREE: Last year.

21 THE COURT: In this building?

22 JUROR THREE: Yes.

23 THE COURT: Pronounce your name for me.

24 JUROR THREE: Coallier.

25 THE COURT: Coallier?

1 JUROR THREE: Yes.

2 THE COURT: Mr. Coallier, was there anything
3 about your previous jury experience that makes you think
4 or feel that you cannot or should not serve as a juror in
5 this case?

6 JUROR THREE: Nothing.

7 THE COURT: Did I overlook anyone?

8 (No response.)

9 THE COURT: This is a criminal case. In all
10 criminal cases you should hold three things in mind,
11 basic rules of law. Every person accused of a crime is
12 presumed to be innocent. The Prosecution in a criminal
13 case has the burden of proof. The standard to which the
14 Prosecution is held is proof beyond a reasonable doubt.

15 Every person accused of a crime is presumed to
16 be innocent. The Prosecution in a criminal case has the
17 burden of proof. The standard to which the Prosecution
18 is held is proof beyond a reasonable doubt.

19 Good afternoon, Mr. Neal Piziali. You say it.

20 JUROR ONE: Piziali.

21 THE COURT: Piziali. Mr. Piziali, I want a
22 verdict from you right now as to Mr. Steven Brown. Is he
23 guilty or not guilty?

24 JUROR ONE: Not guilty.

25 THE COURT: Why do you say that?

1 JUROR ONE: Innocent until proven guilty.

2 THE COURT: You've been listening?

3 JUROR ONE: I try.

4 THE COURT: Is that right? What would your
5 verdict have to be right now, Mr. James Parten?

6 JUROR TEN: Innocent.

7 THE COURT: We don't have a verdict like that.
8 Guilty or not guilty?

9 JUROR ONE: Sorry. Not guilty.

10 THE COURT: What would your reason be for
11 rendering a not guilty verdict right now?

12 JUROR TEN: Because he's presumed innocent.

13 THE COURT: Mr. Parten, have you heard any
14 evidence indicating anything to the contrary?

15 JUROR TEN: No.

16 THE COURT: That's common sense, isn't it?

17 JUROR TEN: That's correct.

18 THE COURT: So, for common sense reasons and
19 because of the law, if you had to render a verdict right
20 now, it would have to be not guilty?

21 JUROR TEN: That's correct.

22 THE COURT: Does everybody understand and agree
23 with that?

24 JURORS: Yes.

25 THE COURT: In a criminal case there's only one

1 side that has an obligation to prove something. Only one
2 side has a burden of proof. And that is the Prosecution.

3 Good afternoon, Mr. Marvin Franklin.

4 JUROR THIRTEEN: Good afternoon, your Honor.

5 THE COURT: Mr. Franklin, where is the
6 Prosecutor?

7 JUROR THIRTEEN: Right here.

8 THE COURT: Okay. Is there another table in
9 that area also, other than the one he's seated at?

10 JUROR THIRTEEN: No.

11 THE COURT: You don't see another table in the
12 arena?

13 JUROR THIRTEEN: On the other side of the room.

14 THE COURT: The other table?

15 JUROR THIRTEEN: Yes.

16 THE COURT: Who is seated at that table?

17 JUROR THIRTEEN: The Defendant and his lawyer.

18 THE COURT: Okay. Who do you look to prove
19 something? Who do you look to to prove something in this
20 lawsuit?

21 JUROR THIRTEEN: Prove something?

22 THE COURT: Anything.

23 JUROR THIRTEEN: The Prosecutor has to prove --

24 THE COURT: The Prosecutor what?

25 JUROR THIRTEEN: The Prosecutor proves that

1 he's guilty or --

2 THE COURT: If he can?

3 JUROR THIRTEEN: If he can.

4 THE COURT: Okay. Ms. Hunt, what does the
5 Defense have to prove in a criminal case?

6 JUROR FOURTEEN: Nothing.

7 THE COURT: Did you learn that today or have
8 you known that for some time?

9 JUROR FOURTEEN: No, I knew that. But I heard
10 that today.

11 THE COURT: So you haven't been irrevocably
12 poisoned by television programs about lawyers?

13 JUROR FOURTEEN: I watch those though.

14 THE COURT: Which ones do you watch?

15 JUROR FOURTEEN: People's Court.

16 THE COURT: Okay. Any others?

17 JUROR FOURTEEN: Judge Judy.

18 THE COURT: Do you watch any that have
19 something to do with criminal cases, and are, for
20 example, portraying a criminal trial?

21 JUROR FOURTEEN: Court TV.

22 THE COURT: That's real.

23 JUROR FOURTEEN: Right.

24 THE COURT: That's actual?

25 JUROR FOURTEEN: Right.

1 THE COURT: No. I'm talking about the lying TV
2 program.

3 JUROR FOURTEEN: No. Actual court TV.

4 THE COURT: You don't watch the lying TV
5 programs?

6 JUROR FOURTEEN: No.

7 THE COURT: Okay. Why are you looking like
8 that, Mr. Coallier? Are you old enough to have seen
9 Perry Mason on television?

10 JUROR THREE: Once or twice.

11 THE COURT: You did see it?

12 JUROR THREE: Yes.

13 THE COURT: You saw Mr. Mason so effectively
14 examine or cross-examine a witness that the witness
15 confessed to a crime?

16 JUROR THREE: I don't believe I saw that
17 episode.

18 THE COURT: You never saw that?

19 JUROR THREE: No.

20 THE COURT: Would it surprise you if he did on
21 the television program?

22 JUROR THREE: Nothing would surprise me on
23 television.

24 THE COURT: You wouldn't be surprised if Mr.
25 Mason caused someone to stand up in the gallery and say,

1 I did it. Mr. Mason's client didn't do it?

2 JUROR THREE: I wouldn't be surprised.

3 THE COURT: Do you remember what the person who
4 portrays Perry Mason looks like, generally speaking?

5 JUROR THREE: No.

6 THE COURT: You don't. Okay. Ms. Roberts, are
7 you old enough to have seen Perry Mason on television?

8 JUROR EIGHT: Yes.

9 THE COURT: Did you?

10 JUROR EIGHT: Yes. Reruns too. It's Raymond
11 Burr.

12 THE COURT: Do you remember what the person
13 portraying Perry Mason looked like?

14 JUROR EIGHT: He was a husky man, probably six
15 foot, in that area.

16 THE COURT: Do you remember what he sounded
17 like?

18 JUROR EIGHT: Um-hmm. Very nice voice.

19 THE COURT: Does that mean yes? Okay. The
20 person portraying Perry Mason, Raymond Burr, is
21 portraying a criminal defense trial lawyer. And have you
22 ever seen Mr. Mason lose a case?

23 JUROR EIGHT: No.

24 THE COURT: He always won as far as you know?

25 JUROR EIGHT: Of course.

1 THE COURT: Okay. And he did that by doing
2 what?

3 JUROR EIGHT: Following the script.

4 THE COURT: Well, would you say he did that by
5 proving something, specifically proving that his client
6 was innocent?

7 JUROR EIGHT: Right. Same as Matlock.

8 THE COURT: Right. In this case, Mr. Marc Hart
9 is a criminal defense trial lawyer. Do you see him?

10 JUROR EIGHT: Yes.

11 THE COURT: Does he look like Perry Mason to
12 you?

13 JUROR EIGHT: Probably the same color hair, but
14 he has a mustache and Perry Mason didn't.

15 THE COURT: Okay. When he spoke to you, did he
16 sound like Perry Mason?

17 JUROR EIGHT: A little bit.

18 THE COURT: A little. You might have him
19 confused with Perry Mason then. Do you?

20 JUROR EIGHT: I don't think so.

21 THE COURT: You don't think so. They are two
22 distinctly different persons, right?

23 JUROR EIGHT: Yes.

24 THE COURT: One is an actor portraying a
25 character; is that right?

1 JUROR EIGHT: Right.

2 THE COURT: And Mr. Hart is a real live
3 attorney, trial lawyer in a real court. So he's not a
4 lying television character. He doesn't have to prove
5 anything. Do you know that?

6 JUROR EIGHT: Yes.

7 THE COURT: His client doesn't have to prove
8 anything. Mr. Brown. Neither one of them have to say
9 anything if they don't want to. Neither one of them have
10 any obligation to ask any questions of any witnesses or
11 present any witness. They are only two things they have
12 to do, Mr. Brown and his attorney. Be here and behave.

13 Ms. Inez Jenkins?

14 JUROR SIX: Yes.

15 THE COURT: How are you?

16 JUROR SIX: Pardon?

17 THE COURT: How are you?

18 JUROR SEVEN: 76.

19 THE COURT: No, I didn't ask you that. No, I
20 said how are you?

21 JUROR SIX: Oh. I'm not too good today.

22 THE COURT: You're not feeling too well?

23 JUROR SIX: No.

24 THE COURT: We'll hold that in mind. Ms.

25 Lyall, what time did you get here today?

1 JUROR FIVE: Quarter after 8:00.
2 THE COURT: Did you have breakfast?
3 JUROR FIVE: No.
4 THE COURT: Do you usually have lunch?
5 JUROR FIVE: Yes.
6 THE COURT: Do you think you deserve lunch?
7 JUROR FIVE: Yes.
8 THE COURT: Do you think everybody else does?
9 JUROR FIVE: Yeah.
10 THE COURT: Or an opportunity to get it if they
11 want it?
12 JUROR FIVE: Yes.
13 THE COURT: Okay. Where is Ruby Ducksworth?
14 Hi.
15 JUROR: Hi.
16 THE COURT: How are you?
17 JUROR: Good.
18 THE COURT: Are you hungry?
19 JUROR: Yes.
20 THE COURT: Why don't you come back, get
21 something to eat and come back by 2:00 by that clock.
22 Take everybody else with you.
23 THE COURT: No. No. No, Mr. Coallier.
24 (Prospective jurors exit courtroom from
25 gallery at 12:35 p.m.)

1 THE COURT: Ms. Lyall, since you insisted on
2 being given a luncheon break, we're going to give you
3 one. Okay.

4 JUROR FIVE: Thank you.

5 THE COURT: When you come back, we want you to
6 go to jail. Jail.

7 JUROR FIVE: I have to go to jail?

8 THE COURT: Yes. Right here. You and
9 everybody else up here. When you come back. Okay? And
10 once you go in there, you can't come out until we let you
11 out. Right, Mr. Coallier? You've been in jail before,
12 right?

13 JUROR THREE: Yeah.

14 THE COURT: Go to lunch, back in this room by
15 or before 2:00 by that clock.

16 JUROR FIVE: 2:00?

17 THE COURT: Yes, ma'am.

18 JUROR EIGHT: I have extenuating circumstances.
19 I just lost my brother and we're planning his memorial
20 service, and I don't know how long this case is going to
21 last, but under the circumstances, I don't think I'm
22 mentally capable of giving the man a fair trial.

23 THE COURT: Okay. We understand that. But can
24 you stay with us for the balance of the day? Or --

25 JUROR EIGHT: Yes, I will.

1 THE COURT: Today is not a problem?

2 JUROR EIGHT: No, today is not a problem. I
3 made arrangements.

4 THE COURT: Okay. Just go around and out.

5 (Prospective jurors exit courtroom from jury
6 box at 12:38 p.m.)

7 THE COURT: Ms. Lyall, it also says jury room,
8 but it's still a jail.

9 JUROR FIVE: Okay. I know where to go.

10 THE COURT: Okay.

11 (Recess taken at 12:38 p.m.)

12 (Proceedings reconvened at 2:07 p.m.)

13 THE COURT: Good afternoon, Counsel.

14 MR. TRZCINSKI: Good afternoon, your Honor.

15 MR. HART: Good afternoon, Judge.

16 THE COURT: We're missing juror number eight.

17 I propose to give that juror another seven minutes
18 delaying everyone, and if she hasn't arrived by that time
19 I propose to issue a bench warrant for her arrest and
20 replace her. Any objection?

21 MR. TRZCINSKI: Only to indicate that she's the
22 one that has the dead brother and has the memorial
23 service planned.

24 THE COURT: She told us today would not be a
25 problem.

1 MR. TRZCINSKI: She did say that, Judge. I'm
2 just trying to remind the Court. That's all.

3 THE COURT: Counsel, did you execute a final
4 conference form here or elsewhere?

5 MR. HART: I would guess it was probably
6 elsewhere, Judge.

7 (Discussion between Counsel off record).

8 MR. TRZCINSKI: Your Honor --

9 THE COURT: Sir.

10 MR. TRZCINSKI: This is it.

11 THE COURT: Was it here?

12 MR. TRZCINSKI: Yes. For the previous date.
13 The one for today's date, I don't know.

14 THE COURT: Do you want to hold on to this?

15 THE COURT: No. It's not mine.

16 MR. TRZCINSKI: Okay.

17 THE COURT: Here it is, staring me in the face.

18 (Prospective jurors enter courtroom from jury
19 room at 2:15 p.m.; prospective jurors present in
20 gallery).

21 THE COURT: Counsel, are all of your jurors
22 seated and presently properly seated?

23 MR. TRZCINSKI: The ones who are here, yes,
24 your Honor.

25 THE COURT: Someone is not here?

1 MR. HART: Correct, Judge.

2 THE COURT: Who is that?

3 MR. HART: Ms. Roberts in seat number eight.

4 THE COURT: Is Grace Roberts in the courtroom?
5 Grace Roberts? Grace Roberts? Let a bench warrant issue
6 for the arrest of Grace Roberts.

7 JUROR: I'm sorry. I was in the wrong room.

8 THE COURT: Recall the warrant.

9 THE COURT: There are a number of people
10 involved in any trial, criminal or civil. Most if not
11 all of them are essential. And missing any one of them
12 causes a number of people to be delayed and wastes their
13 time. And I don't think those persons whose time is
14 wasted appreciate it. That is to say they don't like it.

15 Where is Ms. Stephanie Bennett? Ms. Bennett,
16 how long have you been sitting there?

17 JUROR: About two minutes before 2:00.

18 THE COURT: Do you feel like your time has been
19 wasted?

20 JUROR: Yes.

21 THE COURT: I do too. This Court has a bad
22 habit. It does things on time. And those who delay us,
23 we encourage not to delay us. We can do it in any of
24 several ways. We can feed them, house them, clothe them,
25 and transport them to and from court to make sure that

1 they're here on time. You heard and understood that,
2 didn't you, Mr. Piziali?

3 JUROR ONE: Yes.

4 THE COURT: You won't forget that, will you?

5 JUROR ONE: No.

6 THE COURT: Good afternoon.

7 JURORS: Good afternoon.

8 THE COURT: I think, Ms. Lyall, you were the
9 last juror spoken to by the Court, right?

10 JUROR FIVE: Yes, sir.

11 THE COURT: And we were talking about jail; is
12 that right?

13 JUROR FIVE: Yes.

14 THE COURT: And that's where you just came
15 from, right?

16 JUROR FIVE: Yes.

17 THE COURT: Mr. Coallier, how was the jail?

18 JUROR THREE: Very nice.

19 THE COURT: As jails go?

20 JUROR THREE: Correct.

21 THE COURT: Do you assume, Mr. Coallier, that
22 at some point Mr. Steven Brown was arrested?

23 JUROR THREE: I have not heard that as
24 evidence.

25 THE COURT: I didn't ask you if you heard any

1 evidence. I asked you if you assumed that at some point
2 he was arrested.

3 JUROR THREE: I assume that, yes.

4 THE COURT: Do you know that you are under
5 arrest?

6 JUROR THREE: No.

7 THE COURT: You didn't know that?

8 JUROR THREE: Unh-unh.

9 THE COURT: You came here because you got a
10 written invitation asking you to come visit with us?

11 JUROR THREE: Um-hmm.

12 THE COURT: Is that right?

13 JUROR THREE: Yes.

14 THE COURT: Did it indicate to you that we
15 would be unhappy if you did not come and visit with us?

16 JUROR THREE: Yes, it did state that.

17 THE COURT: Do you feel free to get up from
18 where you are, walk out that door, and go about your
19 business?

20 JUROR THREE: Not until I'm released.

21 THE COURT: Somebody making you feel that way?

22 JUROR THREE: No.

23 THE COURT: Is something making you feel that
24 way?

25 JUROR THREE: No.

1 THE COURT: But you feel that way?

2 JUROR THREE: Because that's the order of the
3 Court that we are here until dismissed.

4 THE COURT: All right. Has your freedom been
5 circumscribed? Freedom of movement? You can't go around
6 the corner and get a bottle of pop, can you?

7 JUROR THREE: Not right now.

8 THE COURT: You don't have freedom of movement,
9 do you? It's limited?

10 JUROR THREE: In this courtroom, that's
11 correct.

12 THE COURT: You are under arrest. Any time a
13 government official, usually police officer, judge, some
14 government official circumscribes your freedom of
15 movement, you're under arrest. Understood?

16 JUROR THREE: Understood.

17 THE COURT: Did you know you were under arrest,
18 Darren MacNeal?

19 JUROR NINE: No.

20 THE COURT: You do now though?

21 JUROR NINE: Yes.

22 THE COURT: We were talking about who had to
23 prove something in a criminal lawsuit, and I think we got
24 to the point where you understand that only the
25 Prosecution has to prove something; is that right?

1 JURORS: Yes.

2 THE COURT: Isn't that what we said?

3 JURORS: Yes.

4 THE COURT: Okay. Now, the Prosecution is held
5 to a certain standard of proof in a criminal case. That
6 standard of prove is the highest standard known to our
7 law, and that standard is proof beyond a reasonable
8 doubt.

9 Mr. Bodnar?

10 JUROR SEVEN: Yes, sir.

11 THE COURT: Did I pronounce your name
12 correctly?

13 JUROR SEVEN: Yes, sir.

14 THE COURT: You have been watching television
15 too, haven't you?

16 JUROR SEVEN: Yes.

17 THE COURT: Read newspapers, books?

18 JUROR SEVEN: Magazines more than books, sir.

19 THE COURT: Have you ever seen or heard the
20 term proof beyond all doubt?

21 JUROR SEVEN: I can't recall hearing that, sir.

22 THE COURT: Have you ever heard or seen the
23 term proof beyond a shadow of a doubt?

24 JUROR SEVEN: No, sir.

25 THE COURT: Those terms are new to you?

1 JUROR SEVEN: Yes, sir.

2 THE COURT: Good. Have you heard those terms
3 before, Ms. Jenkins, proof beyond all doubt, proof beyond
4 a shadow of a doubt?

5 JUROR SIX: Yes.

6 THE COURT: You probably heard it on a lying
7 television or radio program, or in a lying newspaper,
8 book, or magazine?

9 JUROR SIX: And court too.

10 THE COURT: I'm sorry?

11 JUROR SIX: In court too.

12 THE COURT: I still didn't understand you.

13 JUROR SIX: In court too. I was here once
14 before.

15 THE COURT: I don't think any judge told you
16 that.

17 JUROR SIX: Years and years ago.

18 THE COURT: I say that, Mr. Parten, for these
19 reasons: If you take the definition of the term proof to
20 mean that which tends to convince, that which tends to
21 convince, that's the definition of the word proof, what
22 can I prove to you beyond all doubt, beyond a shadow of a
23 doubt?

24 JUROR TEN: That there would always be some
25 question. But if you say reasonable --

1 THE COURT: No. I didn't say that. I said
2 what could I prove to you beyond all doubt, beyond a
3 shadow of a doubt?

4 JUROR TEN: Nothing.

5 THE COURT: What do you think you can prove to
6 me beyond all doubt, beyond a shadow of a doubt?

7 JUROR TEN: Nothing.

8 THE COURT: Most human beings are capable of
9 saying, I doubt that, aren't they? Aren't they? I
10 didn't hear you.

11 JUROR TEN: All doubt is different from
12 reasonable doubt. All, that would mean 100 percent.

13 THE COURT: My question was, all persons, all
14 human beings are capable of saying I doubt that, aren't
15 they?

16 JUROR TEN: Yes.

17 THE COURT: They don't have to have a reason
18 for it, do they?

19 JUROR TEN: No.

20 THE COURT: Sometimes those persons are
21 characterized as stubborn or bullheaded, or some other
22 pejorative term, right?

23 JUROR TEN: That's correct.

24 THE COURT: Okay. The law realizes that and
25 has never, ever, required anyone to prove anything beyond

1 all doubt, beyond a shadow of a doubt. You were
2 discussing something earlier. And you used the term
3 reason. What were you saying?

4 JUROR TEN: Just from what the judge was saying
5 this morning, that it has to be reasonable doubt. He
6 didn't mention any other word but reasonable.

7 THE COURT: Okay. For these purposes the Court
8 will give you instructions as to what that term means
9 when it instructs you, but for these purposes the term
10 reasonable doubt can be taken to mean a doubt for which
11 you can give a reason expressed in words to your fellow
12 jurors based upon what you see and hear in a criminal
13 trial, or maybe what do you not hear or do not see.
14 Understood, Ms. Brophy?

15 JUROR TWO: Yes.

16 THE COURT: You understand that? You know we
17 are not requiring any human being to prove anything
18 beyond all doubt, beyond a shadow of a doubt?

19 JUROR TWO: I understand that.

20 THE COURT: Okay. Ms. Franas?

21 JUROR ELEVEN: Yes.

22 THE COURT: Do you understand that?

23 JUROR ELEVEN: Yes.

24 THE COURT: Do you understand further that the
25 Defense has no obligation to prove anything at all?

1 JUROR ELEVEN: Yes.

2 THE COURT: Now, what the Prosecutor has to
3 prove in a criminal case are the elements of the crime or
4 crimes charged. All crimes are made up of things called
5 elements. There may be three elements to a crime. There
6 may be five. There may be seven. Whatever the number of
7 elements that make up the crime is what the Prosecution
8 has to prove beyond a reasonable doubt. Each and every
9 element.

10 So, for example, Ms. Hunt, a crime has six
11 elements. How many must the Prosecutor prove beyond a
12 reasonable doubt?

13 JUROR FOURTEEN: All of them.

14 THE COURT: What does that mean? How many must
15 the Prosecution prove beyond a reasonable doubt?

16 JUROR FOURTEEN: Six.

17 THE COURT: Ms. Hunt, is five and three-fourths
18 six?

19 JUROR FOURTEEN: No.

20 THE COURT: Six is six; is that right?

21 JUROR FOURTEEN: Yes.

22 THE COURT: Okay. Ms. Brook, a crime has three
23 elements. How many must the Prosecution prove beyond a
24 reasonable doubt?

25 JUROR FOUR: Three.

1 THE COURT: Ms. Brook, is 2.99 three?
2 JUROR FOUR: Pardon? Excuse me?
3 THE COURT: Is 2.99 three?
4 JUROR FOUR: No.
5 THE COURT: Three is three?
6 JUROR FOUR: Right.
7 THE COURT: It's very close though, isn't it?
8 JUROR FOUR: Yes.
9 THE COURT: But it's not three, is it?
10 JUROR FOUR: No.
11 THE COURT: Mr. Coallier, for some reason I
12 like to pick on you. Is there a Mrs. Coallier?
13 JUROR THREE: Yes, there is.
14 THE COURT: Okay. How are you in the kitchen,
15 Mr. Coallier?
16 JUROR THREE: On some things, good.
17 THE COURT: Okay. Let's see if you and I can
18 bake a lemon meringue pie with the ingredients we have,
19 all right? We have sugar, flour, shortening, lemons,
20 everything else we need to bake a lemon meringue pie. We
21 do not, however, have egg whites. We do not have egg
22 whites. Can we bake a lemon meringue pie?
23 JUROR THREE: No.
24 THE COURT: Why?
25 JUROR THREE: Because that's a major ingredient

1 of the meringue and the meringue won't turn out.

2 THE COURT: What is the meringue?

3 JUROR THREE: That's the part of the lemon
4 meringue pie, the white part.

5 THE COURT: I beg your pardon?

6 JUROR THREE: The white, fluffy part.

7 THE COURT: The white fluffy part where?

8 JUROR THREE: On the top of the pie.

9 THE COURT: The topping?

10 JUROR THREE: Um-hmm.

11 THE COURT: Okay. Ms. Franas, does Mr.
12 Coallier know what he's talking about?

13 JUROR ELEVEN: I believe so.

14 THE COURT: Is he correct?

15 JUROR ELEVEN: Yes.

16 THE COURT: Mr. Franklin?

17 JUROR THIRTEEN: Yes.

18 THE COURT: I have a motor vehicle. This motor
19 vehicle has an internal combustion engine. It has gas,
20 oil, and water. It has an AM FM CD cassette player with
21 15 speakers.

22 The definition of an automobile is a
23 self-moving vehicle. The definition of an automobile is
24 a self-moving vehicle. The engine in this motor vehicle
25 does not have pistons. Does not have pistons of any

1 kind, reciprocating or rotating. Is it an automobile?

2 JUROR THIRTEEN: No.

3 THE COURT: Why?

4 JUROR THIRTEEN: Because it doesn't have
5 pistons.

6 THE COURT: And therefore?

7 JUROR THIRTEEN: It's not an automobile.

8 THE COURT: All right. Essentially correct,
9 Mr. Bodnar?

10 JUROR SEVEN: Yes, sir.

11 THE COURT: Okay. Do you know enough to be
12 more specific than that as to why it is not an
13 automobile?

14 JUROR SEVEN: Because it would not be able to
15 self-propel itself, to have pistons to make power to turn
16 the back wheels, sir.

17 THE COURT: Or the front wheels?

18 JUROR SEVEN: Or the front wheels.

19 THE COURT: Is that right, Mr. Coallier?

20 JUROR THREE: Yes.

21 THE COURT: Okay. The Prosecution has to prove
22 each and every element of the offense or offenses charged
23 beyond a reasonable doubt, or it is not a lemon meringue
24 pie without the egg whites. It is not an automobile
25 without the pistons. It is not the crime charged.

1 That is all that the Prosecution has to prove.
2 Each and every element of the offense or offenses charged
3 beyond a reasonable doubt.

4 Ms. Andrews, good afternoon?

5 JUROR TWELVE: Good afternoon, sir.

6 THE COURT: On the witness stand, Ms. Andrews,
7 is an 85 year-old lady. She tells you that in Detroit,
8 Michigan on January 6th of 1938 it was a snowy, cold,
9 unpleasant day. The outside temperature was five
10 degrees. She stands down. The next witness is a 90
11 year-old man. He tells that you on January 6th, 1938 in
12 Detroit, Michigan it was a beautiful, sunshiny, pleasant
13 day. The outside temperature was 78 degrees. He stands
14 down.

15 There is a conflict in the testimony of
16 witnesses concerning the weather conditions in Detroit,
17 Michigan in January of 1938. Is that right?

18 JUROR TWELVE: Yes, sir.

19 THE COURT: Were you around then?

20 JUROR TWELVE: No.

21 THE COURT: So you don't know of your own
22 knowledge what the weather conditions were; is that
23 right?

24 JUROR TWELVE: That's correct.

25 THE COURT: Now, the Prosecutor does not have

1 to prove what the weather conditions were, because
2 they're not the element of a crime. It may be something
3 important for you to resolve though. And if it is
4 important for you to resolve, which of the two
5 descriptions of the weather given to you in the testimony
6 of those witnesses, you are expected to resolve them,
7 using what you came here with: Your common sense and
8 your everyday life's experiences. Are you still with me?

9 JUROR TWELVE: Yes, sir.

10 THE COURT: You have lived in the Detroit,
11 Michigan area for a period of time, otherwise you
12 wouldn't be here as a juror; is that right?

13 JUROR TWELVE: That's correct.

14 THE COURT: Using those two qualities with
15 which you came here, which of the two descriptions of the
16 weather in Detroit, Michigan in January of 1938 or
17 January of any year would you think is more likely to be
18 the accurate one?

19 JUROR TWELVE: I'll say the testimony of the
20 gentleman, the old man.

21 THE COURT: The testimony of the gentleman?

22 JUROR TWELVE: Yes.

23 THE COURT: How long have you lived in the
24 Detroit, Michigan area?

25 JUROR TWELVE: Approximately four years.

1 THE COURT: Four years?

2 JUROR TWELVE: Yes.

3 THE COURT: Have you in any of those four years
4 seen a 78 degree day in January in Detroit, Michigan?

5 JUROR TWELVE: No.

6 THE COURT: If another juror such as Mr.
7 Piziali -- Mr. Piziali, did I pronounce your name
8 correctly?

9 JUROR ONE: Yes.

10 THE COURT: Which of the two descriptions would
11 you say is likely to be the more accurate?

12 JUROR ONE: Whichever was recorded.

13 THE COURT: Whichever what?

14 JUROR ONE: Was recorded.

15 THE COURT: We don't have what's recorded, Mr.
16 Piziali. You have what human beings sit there and tell
17 you. I told you what they said. One said one thing and
18 one said another. I'm asking you which of the two do you
19 think is likely to be the more accurate?

20 JUROR ONE: The one who was there at the
21 present time.

22 THE COURT: You've been through something like
23 this before, I believe, Mr. Coallier?

24 JUROR THREE: Yes, I have.

25 THE COURT: Which of the two do you think is

1 likely to be more accurate?

2 JUROR THREE: Five degrees. The lady.

3 THE COURT: Is that because of your experience
4 in this area, it's likely to be cold in January?

5 JUROR THREE: Correct.

6 THE COURT: And not likely to be 78 degrees?

7 JUROR THREE: Not in any Januarys that I can
8 remember.

9 THE COURT: And if you were on a jury where
10 that was a question, you would try to explain how you
11 arrived at that conclusion to your fellow jurors, using
12 your common sense and everyday life's experiences?

13 JUROR THREE: Yes.

14 THE COURT: Wouldn't you?

15 JUROR THREE: Yes.

16 THE COURT: And if they thought you were in
17 error, they would probably discuss that with you and
18 explain to you why they thought you were in error and you
19 would listen to them, wouldn't you?

20 JUROR THREE: Yes, I would.

21 THE COURT: And you would change your mind if
22 you thought you were wrong?

23 JUROR THREE: Correct.

24 THE COURT: Are you likely to change your mind
25 about that?

1 JUROR THREE: I would have to hear what they
2 have to say.

3 THE COURT: Okay. That's reasonable.

4 JUROR THREE: Yes.

5 THE COURT: These offenses charged involve an
6 assault of necessity, threatening someone, that is what
7 an assault is, threatening to harm someone in plain
8 English, and injuring, fatal in nature, which will be
9 described to you by one or more of the witnesses, I would
10 assume. And it also involves the allegations that a
11 handgun was used. Is there anything about any of those
12 things, just in and of themselves, that makes any of you
13 feel that you cannot serve as a juror in this case?
14 Someone being assaulted, killed, and the use of guns or a
15 gun.

16 JURORS: (No response.)

17 THE COURT: I see no indications of
18 disturbance. Those are crimes, aren't they, Ms. Lyall?

19 JUROR FIVE: Yes.

20 THE COURT: Have you ever been the victim of a
21 crime?

22 JUROR FIVE: No, sir.

23 THE COURT: How many of you have been the
24 victim of a crime? Let me see your hands, please. Have
25 had your car stolen, your car broken into, any crime.

1 JURORS: (Hands raised.)
2 THE COURT: Mr. Parten, what happened?
3 JUROR TEN: Someone stole my bicycle.
4 THE COURT: How long ago was that?
5 JUROR TEN: A couple weeks.
6 THE COURT: That's recent?
7 JUROR TEN: That's correct.
8 THE COURT: Was that reported to the police?
9 JUROR TEN: Yes.
10 THE COURT: Has the bicycle been recovered?
11 JUROR TEN: No.
12 THE COURT: Do you know who did it?
13 JUROR TEN: No.
14 THE COURT: So Ms. Lyall might have done it?
15 JUROR TEN: She could have.
16 THE COURT: Ms. Lyle might have done it. What
17 was your answer?
18 JUROR FIVE: Yes.
19 THE COURT: Mr. Parten, what was your answer?
20 JUROR TEN: She could have.
21 THE COURT: Mr. Bodnar, you had your hand up?
22 JUROR SEVEN: Yes, sir.
23 THE COURT: What happened?
24 JUROR SEVEN: Somebody broke into my vehicle
25 and stole the CDs and my cell phone and stuff like that,

1 and I was upset about it.

2 THE COURT: That was going to be my next
3 question. Did that make unhappy?

4 JUROR SEVEN: Very unhappy, especially in my
5 driveway right next to my house, somebody had the nerve
6 to sneak into my house and go into it.

7 THE COURT: Your truck was damaged?

8 JUROR SEVEN: No. It wasn't locked, sir.

9 THE COURT: Okay. Do you know who did that?

10 JUROR SEVEN: I assume it was the neighborhood
11 kids.

12 THE COURT: Do you know who did that?

13 JUROR SEVEN: Oh, no, sir.

14 THE COURT: Has any of those items been
15 recovered?

16 JUROR SEVEN: No, sir.

17 THE COURT: Since you don't know who did that,
18 it might have been Ms. Jenkins right next to you; is that
19 right?

20 JUROR SEVEN: It could be. I wouldn't say it
21 would have been.

22 THE COURT: I'm not asking you to accuse
23 anyone. I'm just saying it might have been; is that
24 right?

25 JUROR SEVEN: I have my suspicions because I

1 have a lot of young kids that party by my house.

2 THE COURT: I'm not asking you for --

3 JUROR SEVEN: No, sir.

4 THE COURT: It could not have been her; is that
5 what you are telling me?

6 JUROR SEVEN: Yes, sir.

7 THE COURT: That's interesting.

8 THE COURT: Ms. Brophy, did you have hand up as
9 being victim of a crime?

10 JUROR TWO: I had my purse stolen more than
11 once.

12 THE COURT: Did you see who did it?

13 JUROR TWO: No.

14 THE COURT: Did you report it to the police?

15 JUROR TWO: Um-hmm.

16 THE COURT: Was your purse or any of its
17 contents recovered?

18 JUROR TWO: Once everything but the money.

19 THE COURT: The other time it was not
20 recovered. You don't know who did that, right?

21 JUROR TWO: No.

22 THE COURT: So I might have done that?

23 JUROR TWO: You might have. Were you in
24 Florida then?

25 THE COURT: I have been in Florida. While

1 we're at it, Ms. Brophy, would you take a look at Mr.
2 Coallier right next to you? The other way. Take a good
3 look at him.

4 JUROR TWO: Okay.

5 THE COURT: Get a good look at him?

6 JUROR TWO: Uh-huh.

7 THE COURT: Does he look guilty to you?

8 JUROR TWO: Does he look what?

9 THE COURT: Guilty to you?

10 JUROR TWO: No, sir.

11 THE COURT: Take a look around the courtroom
12 for us, if you will, Ms. Brophy, everywhere in the
13 courtroom and tell me if you see anyone anywhere in the
14 courtroom who looks guilty to you.

15 JUROR TWO: No, your Honor.

16 THE COURT: You do not?

17 JUROR TWO: No.

18 THE COURT: Can you look at a person and simply
19 by looking at that person tell whether he or she is
20 guilty or not?

21 JUROR TWO: No, your Honor.

22 THE COURT: Do you know anyone who can?

23 JUROR TWO: No, your Honor.

24 THE COURT: Mr. Coallier, were you looking at
25 Ms. Brophy when she was looking at you?

1 JUROR THREE: Um-hmm.

2 THE COURT: Does she look guilty to you?

3 JUROR THREE: No, she does not.

4 THE COURT: Do you see any guilty-looking
5 persons in the courtroom?

6 JUROR THREE: No one.

7 THE COURT: Can you look at a person and simply
8 by looking at that person tell whether he or she is
9 guilty or not?

10 JUROR THREE: No.

11 THE COURT: Do you know anyone who can?

12 JUROR THREE: No.

13 THE COURT: Darren MacNeal, are you trying to
14 hide back there so I can't see you?

15 JUROR NINE: No.

16 THE COURT: Okay. Do you drive?

17 JUROR NINE: I do but I have no license.

18 THE COURT: I'm sorry?

19 JUROR NINE: I have no license.

20 THE COURT: Have you ever driven?

21 JUROR NINE: Yes.

22 THE COURT: Or ridden in a car?

23 JUROR NINE: Yes.

24 THE COURT: And seen a police car stopped off
25 to the side of the road?

1 JUROR NINE: Yes.

2 THE COURT: And an officer talking to someone
3 in a car ahead of his?

4 JUROR NINE: Yes.

5 THE COURT: Have you ever seen that situation?

6 JUROR NINE: Yes.

7 THE COURT: What is the first thing you thought
8 when you saw that?

9 JUROR NINE: To move over.

10 THE COURT: After that, what was the next thing
11 you thought?

12 JUROR NINE: Move back over to the other lane.

13 THE COURT: What did you think about that
14 situation?

15 JUROR NINE: I thought they were getting a
16 ticket or going to jail or whatever.

17 THE COURT: Is it equally possible that that
18 nice police officer was there to help a motorist who was
19 having a problem?

20 JUROR NINE: Yes.

21 THE COURT: But that wasn't your first thought?

22 JUROR NINE: No.

23 THE COURT: In your experience do most persons
24 who see that situation think essentially what you do?

25 JUROR NINE: Yes.

1 THE COURT: Ms. Hunt, see that good-looking man
2 over here in the corner in the uniform and the gun?

3 JUROR FOURTEEN: Yes.

4 THE COURT: What do you think Mr. Calhoun would
5 do if I as judge ordered him to arrest you for real?

6 JUROR FOURTEEN: He would probably arrest me.

7 THE COURT: And eventually you would be at a
8 table like that; is that right?

9 JUROR FOURTEEN: I'm sorry. I didn't hear
10 that.

11 THE COURT: Eventually you would be at table
12 like that; is that right?

13 JUROR FOURTEEN: Right.

14 THE COURT: Does that mean that you did
15 something wrong?

16 JUROR FOURTEEN: Maybe. I don't know.

17 THE COURT: I think you know.

18 JUROR FOURTEEN: Probably not.

19 THE COURT: I think you can be more definite
20 than that.

21 JUROR FOURTEEN: Probably not. I don't know.

22 THE COURT: That's the best you can do?

23 JUROR FOURTEEN: For me I would probably say
24 no.

25 THE COURT: That sounds a little bit better.

1 So let's try that again. If I as judge ordered Mr.
2 Calhoun to arrest you, you say he would do that; is that
3 right?

4 JUROR FOURTEEN: Right.

5 THE COURT: Then you say you would eventually
6 be at a table like that; is that right?

7 JUROR FOURTEEN: Right.

8 THE COURT: Does that mean you did something
9 wrong?

10 JUROR FOURTEEN: No.

11 THE COURT: Thank you. Now, Ms. Hunt, Governor
12 Engler walks in that door, looks at Mr. Calhoun and
13 orders Mr. Calhoun to arrest me. What does Mr. Calhoun
14 do?

15 JUROR FOURTEEN: Arrest you.

16 THE COURT: And eventually I would be at a
17 table like that; is that right?

18 JUROR FOURTEEN: Right.

19 THE COURT: Does that mean I did something
20 wrong?

21 JUROR FOURTEEN: No.

22 THE COURT: Do you know of anyone who cannot be
23 arrested?

24 JUROR FOURTEEN: No.

25 THE COURT: So, a person can be arrested

1 because some judge abused his authority and ordered that
2 person arrested; is that right?

3 JUROR FOURTEEN: No.

4 THE COURT: Didn't you just say that you would
5 be arrested?

6 JUROR FOURTEEN: Yes.

7 THE COURT: And you don't believe that?

8 JUROR FOURTEEN: Say it again to me.

9 THE COURT: A person can be arrested because
10 some judge abused his authority and ordered that person
11 arrested?

12 JUROR FOURTEEN: Right.

13 THE COURT: A person can be arrested because a
14 governor abused his authority and ordered that person
15 arrested?

16 JUROR FOURTEEN: Yes.

17 THE COURT: Can a person be arrested by
18 mistake?

19 JUROR FOURTEEN: Yes.

20 THE COURT: Can a person be arrested because
21 they did something wrong and should be arrested?

22 JUROR FOURTEEN: Yes.

23 THE COURT: Can a person be under arrest who
24 has been called for jury service?

25 JUROR FOURTEEN: Yes.

1 THE COURT: So there are any of a number of
2 reasons why a person may be arrested; is that right?

3 JUROR FOURTEEN: Yes.

4 THE COURT: Whether they did something wrong or
5 not remains to be proved, doesn't it?

6 JUROR FOURTEEN: Yes.

7 THE COURT: And in the instances such as we're
8 talking about in this court, they would have to be proved
9 to twelve of the arrested persons' neighbors?

10 JUROR FOURTEEN: Yes.

11 THE COURT: Beyond a reasonable doubt; is that
12 right?

13 JUROR FOURTEEN: Yes.

14 THE COURT: So, the mere fact of a person's
15 arrest -- Let me put it this way. Does the mere fact of
16 a person's arrest mean to you that the person arrested
17 must have done something wrong, otherwise he or she would
18 not have been arrested, Ms. Franas?

19 JUROR ELEVEN: No, I don't believe they must
20 have done something wrong.

21 THE COURT: I'm sorry?

22 JUROR ELEVEN: I don't believe they must have
23 done something wrong to be arrested.

24 THE COURT: Does it remain to be proved if that
25 person did something wrong or not?

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JUROR ELEVEN: Yes.

THE COURT: Now, does the person who finds himself or hers arrested, is that person under some obligation to prove that they didn't do anything wrong in your mind?

JUROR ELEVEN: No.

THE COURT: Does it sound right to you that whoever accuses someone of something criminal in nature has to prove it beyond a reasonable doubt?

JUROR ELEVEN: Yes.

THE COURT: Mr. Bodnar?

JUROR SEVEN: Yes, sir.

THE COURT: Remember when princess Di was killed?

JUROR SEVEN: Yes, sir.

THE COURT: Do you remember how she got killed?

JUROR SEVEN: In a traffic accident, sir.

THE COURT: Did you hear any talk -- and where was that?

JUROR SEVEN: In a tunnel in France, sir.

THE COURT: But it was not in the United States?

JUROR SEVEN: No, sir.

THE COURT: It was in France?

JUROR SEVEN: Yes, sir, if I'm not mistaken.

1 THE COURT: Did you hear any talk about the
2 possible prosecution of someone for her death?

3 JUROR SEVEN: Yes, sir.

4 THE COURT: Do you know how, generally
5 speaking, the court system in France works?

6 JUROR SEVEN: No, sir.

7 THE COURT: A person called a magistrate would
8 investigate the circumstances of Princess Di's death in
9 order to determine whether or not the magistrate thought
10 a committed was committed. If the magistrate makes that
11 determination that a crime was committed, that person is
12 charged and put on trial. And that person is not
13 presumed innocent. That person is under an obligation to
14 prove his or her innocence against the nation of France.

15 Put another way, Mr. Coallier, Mr. Coallier
16 struck Ms. Brook in the nose with his fist today in the
17 elevator when he came up here from the first floor jury
18 assembly room. I say that because I claim that I have a
19 paper in front of me reading the People of the State of
20 Michigan versus Lawrence Coallier, and it charges him
21 with assaulting Dorothy Jean Brock. Do you understand
22 what I'm saying to you?

23 JUROR SEVEN: Yes, sir.

24 THE COURT: Okay. Now, the paper that says the
25 People of the State of Michigan versus Mr. Coallier means

1 what it says. It means that the resources of the People
2 of the State of Michigan are available to and can be
3 utilized by the Prosecution in prosecuting Mr. Coallier.
4 There are more than nine and a half million people in
5 this State. Are you following that?

6 JUROR SEVEN: Yes, sir.

7 THE COURT: Now, Mr. Collier knows that in that
8 elevator at the same time he's alleged to have struck Ms.
9 Brock were you and Ms. Andrews and Ms. Brophy. He knows
10 that you were there. And he knows that you would be
11 useful in shedding light on whether that, in fact,
12 happened. And if it did, whether he was the responsible
13 person. Still with me?

14 JUROR SEVEN: Yes, sir.

15 THE COURT: Now come, time of trial, which in
16 Mr. Coallier's case under these circumstances would
17 probably be sometime in August or September. Ms. Brophy
18 is in Ireland. You have gone to Australia because you
19 want to see the outback, and Ms. Andrews is on a cruise
20 in the Mediterranean. Mr. Coallier wants all of you back
21 for his trial so you could tell twelve of his neighbors
22 whether that happened or not. You can understand that,
23 can't you?

24 JUROR SEVEN: Yes, sir.

25 THE COURT: Now, he may or may not be able to

1 bring each of you back from where you are, feed,
2 transport you to and from court, and pay the witness fees
3 the law requires him to pay a witness. He may not be
4 able to. I don't know. If that were you, would you be
5 able to bring those persons back from where they are with
6 your resources?

7 JUROR SEVEN: If it was going to prove I'm not
8 guilty, I'd find a way.

9 THE COURT: A lawful way?

10 JUROR SEVEN: Yes, a lawful way, right, sir.

11 THE COURT: But immediately do you think you
12 could do that?

13 JUROR SEVEN: No. You can't make somebody do
14 something they don't want.

15 THE COURT: It's not a matter of want to. It's
16 whether you have the resources, the money to bring them
17 back here to testify.

18 JUROR SEVEN: Probably not.

19 THE COURT: And tell twelve of Mr. Coallier's
20 neighbors what did or didn't happen?

21 JUROR SEVEN: Probably not, sir.

22 THE COURT: So you would be uncomfortable if
23 you were Mr. Coallier?

24 JUROR SEVEN: Yes, sir.

25 THE COURT: Do you think the Prosecutor has the

1 resources to bring those three witnesses back, you, Ms.
2 Brophy, and Ms. Andrews from wherever they are on this
3 earth?

4 JUROR SEVEN: Yes, sir.

5 THE COURT: Considerably easier than you can?

6 JUROR SEVEN: Yes, sir.

7 THE COURT: Where would you, if you were in the
8 circumstances, Mr. Coallier, prefer if you had to be
9 charged with a crime? In France or here?

10 JUROR THREE: Here.

11 THE COURT: In France you have to prove you are
12 innocent. Here the government has to prove your guilt,
13 if they can.

14 JUROR SEVEN: Are you talking to me still?
15 Yeah, I would rather be here.

16 THE COURT: I already talked to him about that.

17 JUROR SEVEN: I would rather be in the United
18 States, sir, where you are guilty -- innocent --
19 innocent until proven guilty.

20 THE COURT: Are you sure you got that right?

21 JUROR SEVEN: Yes, sir. I'm thinking of the
22 I.R.S.

23 THE COURT: Okay. We're talking about --

24 JUROR SEVEN: A criminal matter, sir.

25 THE COURT: Right. And one of the most serious

1 known to our laws.

2 JUROR SEVEN: Yes, sir.

3 THE COURT: Okay. Ms. Franas?

4 JUROR ELEVEN: Yes.

5 THE COURT: I can probably think of about 300
6 or 400 more things to ask each of you, but I don't think
7 it would serve a useful purpose to do so. The law of
8 diminishing returns sets in, right?

9 JUROR ELEVEN: Yes.

10 THE COURT: So you want me to leave you alone,
11 don't you?

12 JUROR ELEVEN: Doesn't matter.

13 THE COURT: Well, I'll do it anyway. But, Mr.
14 Parten, while I leave you alone I'm going to sic the
15 lawyers on you. You understand that, don't you?

16 JUROR TEN: Yes.

17 THE COURT: Mr. Trzcinski, the jury is yours.

18 MR. TRZCINSKI: Your Honor, will the Court --
19 Can we approach?

20 THE COURT: Is there something you can't say?
21 No.

22 MR. TRZCINSKI: Will the Court inquire for
23 challenges for cause under 2511 D 2, please.

24 THE COURT: What are you aiming that at? Who
25 are you aiming that at?

1 MR. TRZCINSKI: I'm asking the Court whether or
2 not you will inquire on that subject, your Honor, please.

3 THE COURT: Oh. I'm not interested in that.
4 All I was trying to do was to bring the jurors to a level
5 of understanding what's involved in a criminal trial in
6 this country in a real court, and not on television or
7 lying books, newspapers, books, or magazines. You can
8 feel free to do any inquiry along those lines you choose.

9 MR. TRZCINSKI: Thank you, your Honor. May I
10 proceed, your Honor?

11 THE COURT: Certainly.

12 MR. TRZCINSKI: Good afternoon.

13 JURORS: Good afternoon.

14 MR. TRZCINSKI: Those of you that are back
15 here, I'm going to be talking to those fourteen that are
16 up there, and I apologize, my parents' trained me better
17 to look at people when I talk to them. I can't do that
18 when I'm looking at them. I apologize for my side, for
19 my backside. I didn't design this courtroom. However, I
20 need you to stay in the courtroom with your minds and
21 your ears. The Court has already made reference to a
22 situation where we don't want to waste individuals'
23 times. Each of your time is valuable. And if you stay
24 engaged times two, you will see that at some point we
25 will pick up speed on this selection process. So, would

1 all of you promise me, those of you in the gallery,
2 because there is potential for one or more of you to be
3 up there at some point. That potential may happen down
4 the road and if you stay listening to the questions, you
5 have a better opportunity to not have your time or your
6 fellow prospective jurors' times wasted. Can you do that
7 for me?

8 JURORS: Yes from the gallery.

9 MR. TRZCINSKI: All right. Hi. You have seen
10 myself, the court reporter, Mr. Hart, Mr. Sowell, and the
11 Judge refer to these sheets. If I were sitting where you
12 were, I would want to know what's on 'em. There is an
13 arbitrary number probably assigned by the computer that
14 the jury commission has. That links up on this sheet to
15 that invitation that you received to be here today. The
16 Court called that document a summons.

17 That's what's in the first row. In the next
18 row alphabetized, last name first, first name, and then
19 any middle initial or middle name, how many ever spaces
20 the computer has permits.

21 After that there is a listing, those of you who
22 have good eyesight in the back row and those who you have
23 don't will have to ask the people in the front row, of
24 marital status, by general nature, either single,
25 married, unfortunately widowed, or perhaps or divorced.

1 After that there is an occupation. By nature
2 of occupation, if you're a bank teller, it says you're a
3 bank teller. It doesn't say you work at Bank One at East
4 Jefferson and Rivard. It does not give a location of
5 employment. It gives a nature of employment only.

6 This is all that anyone that is associated with
7 this case in this building knows about any of the
8 fourteen of you, or any of the individuals back there
9 that I have already addressed.

10 Mr. Franklin, how are you this afternoon?

11 JUROR THIRTEEN: I'm fine.

12 MR. TRZCINSKI: I'm going to need everybody to
13 speak up. As the Court has indicated, no disrespect
14 intended, Mr. Franklin, as the Court has indicated, this
15 lady -- we are a court of record, and this lady over here
16 is taking down what is being said. So, at some point if
17 there is difficulty in my hearing you from the distance
18 that we are at, you'll see me Dumbo my ears. And that
19 means I need you to be more verbal with your response.

20 Mr. Franklin, imagine that instead of being
21 involved in this case, yourself and myself and Mr.
22 MacNeal have gone to lunch together. The three of us are
23 walking after lunch, and I don't know what it's doing
24 outside, but let's imagine that outside today was like
25 outside yesterday. With me, Mr. Franklin?

1 JUROR THIRTEEN: Yes.

2 THE COURT: Mr. MacNeal?

3 JUROR NINE: (Nodding head.)

4 MR. TRZCINSKI: I see your head nodding. I
5 need you --

6 JUROR NINE: Yes.

7 MR. TRZCINSKI: Thank you, Mr. MacNeal. We're
8 walking after lunch, walking down in Hart Plaza on the
9 boardwalk that's borders the Detroit River. Are you
10 familiar with that part of Detroit, Mr. Franklin?

11 JUROR THIRTEEN: Yes.

12 MR. TRZCINSKI: Mr. MacNeal?

13 JUROR NINE: Yes.

14 MR. TRZCINSKI: Unfortunately for the three of
15 us, as we're walking along, two men walk up to us,
16 produce weapons, and order us to give up our valuables.
17 Okay, Mr. MacNeal?

18 JUROR NINE: Okay.

19 THE COURT: You, valuing your life more than
20 your property, comply, start giving up your watch,
21 whatever else you have of value that the gunmen want.
22 Okay, Mr. MacNeal?

23 JUROR NINE: Okay.

24 MR. TRZCINSKI: You do as well, Mr. Franklin,
25 okay? And I also give up whatever they want. Okay? As

1 they; those two men that have just robbed the three of us
2 are running away from the place that they stopped us, and
3 they're running back along the river, each of those men
4 does a hook shot with the weapon that they each had to
5 rob the three of us. Are you with me Mr. Franklin?

6 JUROR THIRTEEN: Yes.

7 MR. TRZCINSKI: Mr. MacNeal?

8 JUROR NINE: Yes.

9 MR. TRZCINSKI: Okay. The three of us go over
10 to the mini-station and report the crime immediately. We
11 get the police out to the area where we were robbed. We
12 show them where the two robbers were when they did the
13 hook shot with the gun, okay, Mr. MacNeal?

14 JUROR NINE: Okay.

15 MR. TRZCINSKI: Mr. Franklin, are you with me?

16 JUROR THIRTEEN: Yes.

17 MR. TRZCINSKI: And the police get divers out
18 and they dive in the area where we showed 'em where the
19 men were, the robbers were when they hook shot the guns.
20 They go, just in case we're not quite accurate, they go
21 50 feet up river and just in case the current has taken
22 the gun, they go 250 feet downriver from the place that
23 the three of us identify. The divers dive, find no gun.
24 They get the dredging machine out and they dredge the
25 bottom of the muck of the Detroit River in the same

1 stretch. It's 300 feet. That's a football field. A
2 hundred yards is a football field, 300 feet. No gun
3 found, Mr. Franklin, okay? Two, two and a half, three
4 years later we come to trial, Mr. Franklin. What, if
5 any, evidence is there going to be of a weapon in the
6 robbery of the three of us at lunch on the sidewalk
7 behind Hart Plaza along the river? Is there going to be
8 any evidence, Mr. Franklin?

9 JUROR THIRTEEN: No.

10 MR. TRZCINSKI: Mr. MacNeal, any evidence?

11 JUROR NINE: No.

12 MR. TRZCINSKI: Mr. Parten, do you agree?

13 JUROR TEN: Yes.

14 MR. TRZCINSKI: Do you agree with the two no
15 answers? Does anybody disagree with these two gentlemen?
16 Ma'am? Ms. Brophy?

17 JUROR TWO: The three individuals who witnessed
18 it, would that not be evidence?

19 MR. TRZCINSKI: So, what has Ms. Brophy told
20 us, Mr. Franklin?

21 JUROR THIRTEEN: My testimony.

22 MR. TRZCINSKI: Your testimony, testimony is a
23 form of evidence.

24 JUROR THIRTEEN: Right.

25 MR. TRZCINSKI: Do you agree, Mr. MacNeal?

1 JUROR NINE: Yes.

2 MR. TRZCINSKI: If you come into court two and
3 a half, three years down the road and say on May 6th,
4 2002, I was with the Prosecutor and a fellow, Mr.
5 Franklin, and we weren't just being charitable out there.
6 We gave up our stuff because the guys had guns on us.
7 That is sworn testimony and that is evidence. Okay, Mr.
8 MacNeal?

9 JUROR NINE: Sure.

10 MR. TRZCINSKI: Okay. So that's one type of
11 evidence. And the question is a little bit different
12 because a lot of people think of evidence as something
13 you can pick up and toss around like I am with this ring
14 in my hand, right?

15 JUROR NINE: Right.

16 MR. TRZCINSKI: Do you understand Ms. Hunt,
17 that the Courts made reference to the United States and
18 how we do business here in terms of judicial system and
19 the justice system. Do you understand that 99% of the
20 jury trials in the world happen here?

21 JUROR FOURTEEN: Yes.

22 MR. TRZCINSKI: Do you understand that 99% of
23 the evidence that juries consider in those trials is
24 testimonial in nature?

25 JUROR FOURTEEN: Yes.

1 MR. TRZCINSKI: In any given trial, however
2 long, how many hours it takes in testimony, those words
3 spoken by Mr. Franklin to your right, Mr. MacNeal to your
4 front, are going to be much greater in volume than any
5 physical evidence, right?

6 JUROR FOURTEEN: Right.

7 MR. TRZCINSKI: So do you understand,
8 therefore, Mr. Piziali -- am I saying your name right?

9 JUROR ONE: Yes.

10 MR. TRZCINSKI: Do you understand how important
11 it is for jurors in Mr. Franklin and Mr. MacNeal's
12 robbery case to pay attention?

13 JUROR ONE: Yes.

14 THE COURT: And if you don't pay attention to
15 how Mr. Franklin testified or how Mr. MacNeal testifies,
16 how is that going to impact?

17 JUROR ONE: You're not going to get the right
18 facts.

19 MR. HART: I'm sorry. I couldn't hear.

20 MR. TRZCINSKI: Not going to get the right
21 facts is what he said.

22 Who do you think that is going to hurt the
23 most?

24 JUROR ONE: It could hurt everyone, I guess.

25 MR. TRZCINSKI: Who has the burden? The

1 Prosecutor in that case of Franklin, MacNeal, and
2 Trzcinski robbery, right?

3 JUROR ONE: Yes.

4 MR. TRZCINSKI: So if you don't pay attention
5 or a juror in our three robberies case do not pay
6 attention, whose chances for justice are impacted? Mr.
7 Franklin's, right?

8 JUROR ONE: Yes.

9 MR. TRZCINSKI: If you go back and deliberate
10 and none of the twelve people are that are deliberating
11 can remember what Mr. Franklin said happened, how can the
12 elements be proven. Fair?

13 JUROR ONE: Yes.

14 MR. TRZCINSKI: Or can't remember what Mr.
15 MacNeal testified to, where do the elements come from?
16 The proof of those elements, okay? So do you understand,
17 do each of you understand, Ms. Hunt, that if you don't
18 pay attention, Ms. Brock, if you don't pay attention
19 you're hurting the chances for justice in that case of
20 Mr. Franklin, Mr. MacNeal, and myself. Do you understand
21 that?

22 JUROR FOUR: Yes.

23 MR. TRZCINSKI: I can see you nodding. I need
24 you to be audible.

25 JUROR FOUR: Yes.

1 MR. TRZCINSKI: You wouldn't want to be party
2 to that, right, ma'am?

3 JUROR FOUR: Right.

4 MR. TRZCINSKI: Do you promise you'll pay
5 attention at all times during the trial that testimony is
6 being given?

7 JUROR FOUR: Yes.

8 THE COURT: Even if you have had a rough
9 morning. The newspaper landed in the bush and it's all
10 wet. You had a hard time getting down here because of
11 whatever was happening in the ditches that you take to
12 get here.

13 JUROR FOUR: Yes.

14 MR. TRZCINSKI: Even if there is something
15 going on in your life that you think is bothering you a
16 little bit, you'll still pay attention to what Mr.
17 Franklin says happened to him at lunch and give justice
18 and opportunity a fair shake?

19 JUROR FOUR: Yes.

20 MR. TRZCINSKI: Will all of you do that?

21 JURORS: Yes.

22 MR. TRZCINSKI: Do all of you understand if you
23 don't pay attention and stay engaged with your ears and
24 your mind you're hurting, in that case if you are a
25 juror, you are hurting that victim. Do you understand

1 that? Do all of you understand that?

2 JURORS: Yes.

3 MR. TRZCINSKI: All right. Now, let's change
4 it a little bit and go to a different type of evidence.
5 Imagine, Ms. Franas -- Is that how you say your name?

6 JUROR ELEVEN: Yes.

7 MR. TRZCINSKI: One of the individuals that was
8 robbing us gets and squeezes the trigger, and hits me and
9 it's a through-and-through gunshot wound to my shoulder.
10 All right? Which, fortunately for the three of us, I
11 don't die. And in that trial of the three of our
12 robberies from May 6th, 2002, there is a doctor that
13 comes in and says, yeah, Trzcinski was taken to DRH,
14 Detroit Receiving Hospital. He had a characteristic
15 through-and-through wound to his shoulder, and described
16 to you how he knew I was hit on the front and out the
17 back because of the characteristic of how the bullet
18 passes through the body that that doctor can tell the
19 difference between an entrance versus and exit wound.
20 All right?

21 JUROR ELEVEN: Yes.

22 MR. TRZCINSKI: Do you understand that's what
23 the law would call circumstantial evidence?

24 JUROR ELEVEN: Yes.

25 MR. TRZCINSKI: Supportive of the presence of a

1 gun?

2 JUROR ELEVEN: Correct.

3 MR. TRZCINSKI: Despite the fact the dredging
4 and the divers didn't divulge one. Do you understand
5 that?

6 JUROR TEN: Right.

7 MR. TRZCINSKI: Do you understand you can
8 consider circumstantial evidence like any other evidence,
9 Ms. Lyall?

10 JUROR FIVE: Yes.

11 MR. TRZCINSKI: And that sometimes the TV
12 liars, as the Court has indicated, has given
13 circumstantial evidence a bad rap. Have you ever heard
14 the words strung together, the case is based only on
15 circumstantial evidence?

16 JUROR FIVE: Yes.

17 MR. TRZCINSKI: Have all of you heard those
18 words strung together? Mr. Franklin?

19 JUROR THIRTEEN: Yes.

20 MR. TRZCINSKI: Do you get the impression, Mr.
21 Franklin, because of the way those words are strung,
22 together that circumstantial evidence is somehow less
23 worthy of believe than other kinds of evidence?

24 JUROR THIRTEEN: No.

25 MR. TRZCINSKI: Do you get that impression, Ms.

1 Lyall?

2 JUROR FIVE: Yes.

3 MR. TRZCINSKI: Okay. So Judge Crockett is
4 going to tell you that circumstantial evidence is to be
5 considered like any other evidence. Is that okay, Mr.
6 Bodnar?

7 JUROR SEVEN: Yes, sir.

8 MR. TRZCINSKI: Are you with me on that?

9 JUROR SEVEN: Yes, sir.

10 MR. TRZCINSKI: If a doctor comes in and
11 testifies to gunshot wounds in my shoulder, that would be
12 supportive of Mr. Franklin and Mr. MacNeal's testimony
13 that they weren't being charitable out there, there was a
14 gun in their face causing them to give up their property,
15 right?

16 JUROR SEVEN: Yes.

17 MR. TRZCINSKI: Do you understand how those
18 work together in that example, Ms. Brophy?

19 JUROR TWO: Yes.

20 MR. TRZCINSKI: I don't mean to get too
21 elevated or loud. Ms. Hunt, are you with me on that?

22 JUROR FOURTEEN: Yes.

23 MR. TRZCINSKI: Do you understand human beings
24 can't throw a bullet fast enough for it to go through
25 your shoulder?

1 JUROR FOURTEEN: Yes.

2 MR. TRZCINSKI: So there must have been a
3 weapon in agreement with Mr. Franklin and Mr. MacNeal's
4 testimony, because we have circumstantial evidence of the
5 weapon in the course of my injury?

6 JUROR FOURTEEN: Yes.

7 MR. TRZCINSKI: Do all of you understand then
8 circumstantial evidence? Ms. Jackson, are with you me on
9 that? Ms. Jenkins, I'm sorry.

10 JUROR SIX: Yes.

11 MR. TRZCINSKI: Are you with me on that?

12 JUROR SIX: Yes.

13 MR. TRZCINSKI: Okay. Do you need any further
14 explanation of that?

15 JUROR SIX: No.

16 MR. TRZCINSKI: Okay. Mr. Franklin, we have
17 now established that your testimony and Mr. MacNeal's
18 testimony is evidence, correct?

19 JUROR THIRTEEN: Yes.

20 MR. TRZCINSKI: That there is a second kind of
21 evidence called circumstantial evidence. Okay? And
22 sometimes there is physical evidence, okay? For
23 instance, if one of the individuals knocked you down in
24 the course of the robbery and your pants were all torn
25 around the area that was damaged as a result of you

1 getting knocked down, if we brought in your pants, that
2 would be physical evidence to support your testimony in
3 regards to being knocked down. Do you understand that?

4 JUROR THIRTEEN: Yes.

5 MR. TRZCINSKI: All right.

6 THE COURT: Mr. Trzcinski.

7 MR. TRZCINSKI: Yes.

8 THE COURT: I'm going to interrupt you for a
9 moment.

10 MR. TRZCINSKI: Certainly.

11 THE COURT: Mr. Coallier, how many people have
12 you seen working in this courtroom?

13 JUROR THREE: How many people have I seen
14 working in this courtroom?

15 THE COURT: Working.

16 JUROR THREE: Eight.

17 THE COURT: One. Mrs. Reynolds. She's
18 working. Understood? She needs a break. Do you agree?

19 JUROR THREE: Yes.

20 THE COURT: If you hadn't, she would have been
21 angry with you. You go to jail. You step into the hall,
22 please. Don't leave this floor for any reason.

23 (Recess taken at 3:16 p.m.)

24 (Prospective jurors enter courtroom at 3:34

25 p.m.)

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MR. TRZCINSKI: Do we have everybody, Judge?
May I proceed?

THE COURT: I can't say anything to the former,
but yes to the latter.

THE COURT: Okay. I don't think we have enough
room for any spectators.

MR. TRZCINSKI: Judge, I'm going to ask them as
I read their names off to raise their hands and then
circle out going through that door, please. Okay. The
first individual that is closest to that door is an
individual with the police department, and his name is
Sergeant Herbert Sawyers, will you raise your hand,
please. No, go out through that door, please.

I need all of you to take a look at these
individuals and see if you know them by face or by name.

Officer, your name is?

OFFICER: Officer Rice.

THE COURT: Officer Larry Rice.

OFFICER: Yes.

MR. TRZCINSKI: Go ahead and raise your hand,
please.

THE COURT: May they be excused?

MR. TRZCINSKI: Please. Is it officer -- help
me with your name, please.

OFFICER: Edward Sumler.

1 MR. TRZCINSKI: Raise your hand, please. Go
2 ahead. Go out. Ms. Francis Fabinski, raise your hand,
3 please.

4 Thank you, ma'am.

5 Okay. Mr. Terrance Browder, raise your hand.
6 Go through, please.

7 Is it Monica? Raise your, please, Ms. Monica
8 Rich.

9 Ms. Gail Rich. Ms. Chere Tutt. Ms. Rosa
10 Woods. Ms. Cynthia Pierce. Officer Harry Smith.

11 THE COURT: You demoted him.

12 MR. TRZCINSKI: I did. I'm sorry. What is
13 your rank?

14 OFFICER: Sergeant.

15 MR. TRZCINSKI: Sergeant, excuse me. I
16 apologize.

17 And ladies can you help me with your names,
18 please? One is Glenda Lewis. Can you raise your hand?
19 And step through, please. The other is Andrea Wheeler?

20 WITNESS: Um-hmm.

21 MR. TRZCINSKI: And the final individual with
22 his arms crossed is Officer David Babcock. Officer
23 Babcock, can you remain? I'll get with you after,
24 please.

25 In addition to those people that are physically

1 in the building, there are threes additional witnesses
2 that may be called. A medical examiner representative,
3 the lady who did the medical, the autopsy is Dr. Leigh
4 Hlavaty. In addition to those individuals, we have Mr.
5 Jeffrey Moore, Ms. Shantel Mormon, Ms. Sherita Jones, Ms.
6 April Browder, Mr. Kevin Campbell, Mr. Glenn Gardner,
7 Investigator by the name of Terrell Shaw from the Detroit
8 Police Homicide Unit, an individual William Zbair. A
9 couple of these you have seen by face. Officer Frank
10 Gregory, Officer Ray Perkins, Officer Kevin Kendrick,
11 Officer Brian McCleary, Sergeant Paul Welles, a
12 technician from the Latent Print Unit of the D. P. D.,
13 Detroit Police Department, by the name of Gwendolyn
14 Lofton, Sergeant Rosco Thomas, Investigator James Fisher,
15 Investigator Barbara Simon from the Detroit Police
16 Department Homicide Section, a civilian employee of the
17 Crime Lab by the name of William Steiner, another
18 representative from the Crime Lab, David Pauch, or a
19 representative from the D. P. D. Firearms Identification
20 Unit, Officer Kenard Wise (sic), a Ms. Wanda Moore, EMS
21 technicians Nick Futris or James Basrizo and or the
22 personnel on Medic 16, evidence technician by the name of
23 Louis Francis, and/or a rep from the D. P. D. Evidence
24 Tech Unit, Renee Jackson, and two Michigan state
25 troopers, one of them is a female that goes by initials

1 D.J., her last is hyphenated, Trooper D.J. DeBottis.
2 Oswald is like the person famous spelling, and the
3 DeBottis is D-E-B-O-T-T-I-S. And/or Trooper Mark Tamlyn,
4 T-A-M-L-Y-N.

5 Does anybody know any of the faces that were
6 brought into the courtroom or recognize any of the names
7 that I read off of individuals that weren't physically in
8 the building of the fourteen of you?

9 JURORS: No.

10 MR. TRZCINSKI: Okay. Ms. Roberts?

11 JUROR EIGHT: Yes. The room I was sitting in
12 by mistake, the first lady that was sent out was in there
13 with me.

14 MR. TRZCINSKI: Okay. Did you speak with her?

15 JUROR EIGHT: No.

16 MR. TRZCINSKI: And so you merely were in the
17 same room as her?

18 JUROR EIGHT: Um-hmm.

19 MR. TRZCINSKI: Other than that, do you know
20 her?

21 JUROR EIGHT: No.

22 MR. TRZCINSKI: Okay. So you don't really know
23 her. You saw her?

24 JUROR EIGHT: Yes.

25 MR. TRZCINSKI: I can see your head is nodding.

1 I need you to be verbal, please. I recognize that human
2 beings communicate with their expressions and their nods
3 and it's awkward sometimes, Ms. Roberts, to always be
4 verbal. Thank you.

5 Ms. Hunt, how are you?

6 JUROR FOURTEEN: Fine.

7 THE COURT: Have you ever had an occasion where
8 someone, either a coworker, a friend, a neighbor, has
9 shared something with you that was burdensome to them,
10 something that after it got shared with you, you walked
11 away from that sharing experience and thought to
12 yourself, man, I didn't know I was that close with that
13 person?

14 JUROR FOURTEEN: Yes.

15 MR. TRZCINSKI: Do you understand that human
16 beings are like that sometimes?

17 JUROR FOURTEEN: Yes.

18 MR. TRZCINSKI: Have you heard the saying,
19 misery loves company?

20 JUROR FOURTEEN: Yes.

21 MR. TRZCINSKI: And it's true of human beings,
22 correct?

23 JUROR FOURTEEN: Correct.

24 MR. TRZCINSKI: There are occasions that
25 somebody will unload some personal information to you and

1 it just blows you away?

2 JUROR FOURTEEN: Yes.

3 MR. TRZCINSKI: And sometimes you walk away
4 from that experience thinking, boy, I didn't think that
5 person thought I was that close to be giving me that kind
6 of information about them. Do you understand that?

7 JUROR FOURTEEN: Yes.

8 MR. TRZCINSKI: Has that happened with you, as
9 well, Mr. Parten?

10 JUROR TEN: Yes.

11 MR. TRZCINSKI: Do you understand that's part
12 of the way human beings somehow, if you share a burden,
13 it's somehow less burdensome?

14 JUROR ELEVEN: Yes.

15 MR. TRZCINSKI: Have you ever lost a loved one,
16 Mr. Parten?

17 JUROR TEN: Yes.

18 MR. TRZCINSKI: Are you familiar with the
19 notion that individuals that have gone that route before
20 in their lives are often times more sympathetic to what
21 you have gone through during that time?

22 JUROR TEN: That's correct.

23 MR. TRZCINSKI: And do you find that at all
24 unusual, sir, for individuals to want to sometimes have
25 something so burdensome that they have to tell someone

1 else about it?

2 JUROR TEN: No.

3 MR. TRZCINSKI: That's the nature of the,
4 somehow in the sharing it feels better, fair?

5 JUROR TEN: Yes.

6 MR. TRZCINSKI: Whether it be about a familial
7 loss, someone that you loved, correct?

8 JUROR TEN: Correct.

9 MR. TRZCINSKI: Or something else burdensome in
10 your life?

11 JUROR TEN: Yes.

12 MR. TRZCINSKI: Ms. Roberts, do you understand
13 that sometimes individuals will even tell the police what
14 they did?

15 JUROR EIGHT: Yes.

16 MR. TRZCINSKI: And that the sharing of that
17 burdensome thing is a natural, human thing for
18 individuals to do?

19 JUROR EIGHT: Yes.

20 MR. TRZCINSKI: Regardless sometimes it goes
21 across roles?

22 JUROR EIGHT: Yes.

23 MR. TRZCINSKI: Have you ever had an occasion
24 where someone you didn't consider that you knew
25 particularly well unloaded some baggage on you and you

1 just, whoa, were blown away?

2 JUROR EIGHT: Yes.

3 MR. TRZCINSKI: That's happened in your
4 lifetime?

5 JUROR EIGHT: Yes.

6 MR. TRZCINSKI: And you end up walking away
7 from that thinking, boy, I didn't think that person
8 thought I was that close?

9 JUROR EIGHT: Yes.

10 MR. TRZCINSKI: Okay. I need to go back Ms.
11 Andrews, to the robbery scenario, of Mr. Franklin, Mr.
12 MacNeal and myself. Okay?

13 JUROR TWELVE: Yes, sir.

14 MR. TRZCINSKI: Do you understand that if more
15 than one person were involved in robbing the three of us,
16 each of them can be convicted under what the law calls
17 aiding and abetting, as long as they knew that the crime
18 was going to happen and they did something to help it
19 happen?

20 JUROR TWELVE: Yes, sir.

21 MR. TRZCINSKI: Okay. Mr. Piziali, I'm going
22 to describe a scenario for you. You're a member of the
23 credit union. For reasons only known to you, you are
24 there in line on a payday Friday, and the line is one of
25 those that snakes back and forth. It's a queue as if you

1 were in Paris with lady DI, they would call it a queue.
2 It snakes back and forth. As you are waiting in line,
3 Mr. Piziali, a person that is right behind you takes out
4 his checkbook and starts complaining about the service at
5 the credit union. They are always screwing up my
6 account. The bill is never right. The checkbook
7 never -- and he announces to you and others around him
8 waiting in line, I have no money in this account. This
9 piece of paper is worthless. If I only had a pen I would
10 soak them for whatever I think they would give me without
11 checking the account. Okay?

12 The person that announced that behind you looks
13 at you and you look at him like he's got three heads.
14 Are you with me? The guy that's behind him, says, here.
15 Here's a pen. Sock it to 'em. Okay?

16 JUROR ONE: Yeah.

17 MR. TRZCINSKI: The pen lender walks out of the
18 credit union. The person that is behind you, the
19 complainer, the person that has announced that the piece
20 of paper is not worth anything, goes through the line and
21 rings it up for whatever he thinks the teller won't
22 check. So he gets money from the credit union that he's
23 not entitled to, okay, as a result of that. Are you with
24 that?

25 JUROR ONE: Okay.

1 MR. TRZCINSKI: Mr. Franklin, has Mr. Piziali
2 done anything wrong?

3 JUROR THIRTEEN: Yes.

4 MR. TRZCINSKI: What did he do wrong?

5 JUROR THIRTEEN: He stood there as if he was
6 part of a crime while they were doing it.

7 MR. TRZCINSKI: Mr. MacNeal, do you agree?

8 JUROR NINE: That's the one that gave him the
9 pen, correct?

10 MR. TRZCINSKI: No. Mr. Piziali looked at him
11 like he had three heads. The guy that's behind him gave
12 him the pen. I apologize if I didn't make myself clear.
13 Mr. Franklin, this is Mr. Piziali. Mr. Piziali is
14 waiting in the credit union line. The man with the paper
15 is behind him and the pen lender is behind the
16 complainer, and the pen lender has lent the pen and left.
17 Mr. MacNeal, has Mr. Piziali done anything wrong?

18 JUROR NINE: No.

19 MR. TRZCINSKI: He was there, right?

20 JUROR NINE: Yes.

21 MR. TRZCINSKI: Knew a crime was going to
22 happen, right?

23 JUROR NINE: Yes.

24 MR. TRZCINSKI: And saw it happen?

25 JUROR NINE: He didn't know that the crime was

1 going to happen.

2 MR. TRZCINSKI: Well, the guy said he was going
3 to do it, right? The law calls that someone that's
4 merely present. Okay, Mr. Bodnar?

5 JUROR SEVEN: Yes, sir.

6 MR. TRZCINSKI: Morally, may be he had an
7 obligation to say something to the credit union and say,
8 this guy already told me this piece of paper isn't worth
9 anything. Legally, he has no obligation to do that.
10 Okay, Mr. MacNeal?

11 What about the guy that lent him the pen?

12 JUROR NINE: Aiding and abetting.

13 MR. TRZCINSKI: Why is that aiding and
14 abetting? He wasn't even there when it happened.

15 JUROR NINE: He gave him the pen.

16 MR. TRZCINSKI: Gave him the pen. And he gave
17 the pen to him, Mr. Franklin, at a time he knew the other
18 guy was going to do something with it. If I only had a
19 pen, I'm going to take them for whatever I think they'll
20 give me without checking, right?

21 JUROR NINE: Right.

22 MR. TRZCINSKI: He did something else besides
23 giving him the pen, like giving him one of these, go
24 ahead, give it to 'em. Giving him some verbal support,
25 right, Mr. MacNeal?

1 JUROR NINE: Right.

2 MR. TRZCINSKI: Do all of you agree with Mr.
3 Franklin and Mr. MacNeal's analysis? Ms. Franas?

4 JUROR ELEVEN: Yes.

5 MR. TRZCINSKI: Okay. This man, the guy that's
6 there the whole time, not guilty, right?

7 JUROR ELEVEN: Correct.

8 MR. TRZCINSKI: The guy that lent the pen and
9 gave a little bit of support, even though he's not there,
10 guilty of aiding and abetting, right?

11 JUROR ELEVEN: Correct.

12 MR. TRZCINSKI: The law calls it aiding and
13 abetting. Fancy words for helping or assistance or
14 advice. Okay, Ms. Lyall?

15 JUROR FIVE: Um-hmm.

16 MR. TRZCINSKI: Do you understand, Mr.
17 Franklin, that you have, will be asked and the Court will
18 give you a more sophisticated example of aiding and
19 abetting, but you'll be asked to apply those principles
20 to the facts of this case. Do you understand that?

21 JUROR THIRTEEN: Yes.

22 MR. TRZCINSKI: So you are going to have to
23 determine in regards to Mr. Brown whether he's somebody
24 like Mr. Piziali, who's just there, or whether he's done
25 something to assist. Do you understand that?

1 JUROR THIRTEEN: Yes.

2 MR. TRZCINSKI: That may be an issue that you
3 have to resolve. Do all of the fourteen of you
4 understand the principles of aiding and abetting? Do any
5 of you need further explanation? Yes or no?

6 JURORS: No.

7 MR. TRZCINSKI: Okay. Thank you. I need to
8 ask some individuals who were victims of crime. Mr.
9 Parten, you had a bike stolen. Reported it to the
10 police?

11 JUROR TEN: Yes.

12 MR. TRZCINSKI: Did not hear back from them
13 after that, correct?

14 JUROR TEN: That's correct.

15 MR. TRZCINSKI: Do you have a sour taste in
16 your mouth towards the police because of that situation?

17 JUROR TEN: Towards the police? No.

18 MR. TRZCINSKI: Do you feel that the police did
19 their job?

20 JUROR TEN: They told me it was up to me to
21 provide them with a serial number, and if they found the
22 bicycle, they would let me know.

23 MR. TRZCINSKI: Do you think that was
24 unreasonable?

25 JUROR TEN: No.

1 MR. TRZCINSKI: So I need to have you answer my
2 question. Do you think the police did their job?

3 JUROR TEN: Yes.

4 MR. TRZCINSKI: Ms. Jenkins, do you think they
5 did their job in his situation?

6 JUROR SIX: Yes.

7 MR. TRZCINSKI: Do you think anything less of
8 the police because they didn't recover your bike?

9 JUROR TEN: No.

10 MR. TRZCINSKI: Or less of the police because
11 of any involvement that they had with you during that
12 reporting situation?

13 JUROR TEN: No.

14 MR. TRZCINSKI: Okay. Similar question, Mr.
15 Bodnar, in regards to, I could feel a little bit you
16 were -- your truck is sitting in your own driveway a
17 couple feet from your house, and the audacity of that
18 person or persons to go into your unlocked truck and help
19 themselves to hard-earned property?

20 JUROR SEVEN: Yup. Yes, sir.

21 MR. TRZCINSKI: Report it to the police?

22 JUROR SEVEN: Yes, sir.

23 MR. TRZCINSKI: No one arrested?

24 JUROR SEVEN: It was petty crime. They
25 probably just blew it off.

1 MR. TRZCINSKI: Do you think that -- do you
2 have a bad taste in your mouth towards the police because
3 of that?

4 JUROR SEVEN: Well, no, it wasn't nothing
5 major, so I'm sure they got better things to do, but I
6 was just upset.

7 MR. TRZCINSKI: Do any of the police officers
8 that I have introduced or any of the police officers
9 names that I've read to you start with one foot in the
10 ditch as a result of the CDs and items that got stolen
11 from your truck?

12 JUROR SEVEN: No. All my family is in law
13 enforcement.

14 MR. TRZCINSKI: So you say that to tell us they
15 don't start with one foot in the ditch, correct?

16 JUROR SEVEN: Oh, no.

17 MR. TRZCINSKI: Okay. Mr. Franklin, I'm going
18 to go back to you. I know the good book tells us we're
19 supposed to love everybody and like everybody, right?

20 JUROR THIRTEEN: Right.

21 MR. TRZCINSKI: Sometimes that's hard to do?

22 JUROR THIRTEEN: Yes.

23 MR. TRZCINSKI: Human beings have likes and
24 dislikes?

25 JUROR THIRTEEN: Yes.

1 ,MR. TRZCINSKI: Okay. I want you to imaginem
2 and the rest of you imagine with Mr. Franklin, picture in
3 your mind's eye the person you dislike the most in this
4 world. Got that person in your mind, Mr. Franklin?

5 JUROR THIRTEEN: I don't got that much dislike
6 inside of me right now.

7 MR. TRZCINSKI: Mr. MacNeal, do you have
8 someone in your mind?

9 JUROR NINE: Yes.

10 MR. TRZCINSKI: I'm going to describe what mine
11 looks like. It's a greasy biker type that looks like he
12 hasn't seen a bar of soap in this decade. With me?

13 Now, erase that, Mr. Franklin, Mr. MacNeal --
14 or not MacNeal. Sorry. MacNeal, yeah. Think of the
15 person you admire the most in this world. Okay? Can you
16 think of that, Mr. Franklin?

17 JUROR THIRTEEN: Yes.

18 MR. TRZCINSKI: Before we go to the person we
19 admire the most, the person you dislike the most swears
20 to tell the truth and tells you testimony of two plus two
21 equals four. Okay? So in that my example that greasy
22 biker type, as soon as he hits the door, you can smell
23 him coming, comes in here and tells you testimony that
24 makes sense.

25 Now, in your mind's eye the person you like the

1 most in this world. Okay. I'm going to tell you it's
2 someone no longer with us but it's Mother Teresa, gave
3 her life to help the less advantaged, the poor in
4 Calcutta. Okay?

5 JUROR THIRTEEN: Okay.

6 MR. TRZCINSKI: Donated her entire life to it.
7 Mother Teresa comes in here, swears to tell the truth,
8 and tells, in essence, testimony that two plus two equals
9 five. And the person you admire the most, Mr. MacNeal,
10 does the same thing. Can you and will you, Ms. Andrews,
11 separate the message from the message?

12 JUROR TWELVE: Yes, sir.

13 THE COURT: Do you understand that it's the
14 message that we're evaluating?

15 JUROR TWELVE: Yes.

16 THE COURT: If it makes sense and the message
17 is accurate, the greasy biker might be the person to
18 believe?

19 JUROR TWELVE: That's correct.

20 MR. TRZCINSKI: Despite what other things you
21 may not like of that person in my example, correct?

22 JUROR TWELVE: Yes.

23 MR. TRZCINSKI: And the person that has led an
24 exemplary life, the Mother Teresas in this world, may be
25 a hundred percent wrong. Okay? Do you understand that,

1 Mr. Franklin?

2 JUROR THIRTEEN: Yes.

3 MR. TRZCINSKI: So truth is truth no matter who
4 the messenger is?

5 JUROR THIRTEEN: Yes.

6 MR. TRZCINSKI: Your job as jurors is to look
7 and discover the truth. Do you understand that?

8 JUROR THIRTEEN: Yes.

9 MR. TRZCINSKI: Do you understand, have you
10 ever been to, Mr. Bodnar, been to a movie?

11 JUROR SEVEN: Yes, sir.

12 MR. TRZCINSKI: Have you ever been to a movie
13 with someone, you, a friend or girlfriend, or whatever?

14 JUROR SEVEN: My kids.

15 MR. TRZCINSKI: Mr. Coallier, have you ever
16 been to the movies with someone close to you?

17 JUROR THREE: Yes.

18 MR. TRZCINSKI: Your wife?

19 JUROR THREE: Um-hmm.

20 MR. TRZCINSKI: Watch the same movie, exposed
21 to the same events?

22 JUROR THREE: Yes.

23 MR. TRZCINSKI: Go out for a bite or maybe a
24 coffee or beverage after the movie?

25 JUROR THREE: Yes.

1 MR. TRZCINSKI: And end up talking about
2 different stuff?

3 JUROR THREE: Yes.

4 MR. TRZCINSKI: Mr. Bodnar, does that seem
5 unusual to you?

6 JUROR SEVEN: What do you mean, different
7 stuff?

8 MR. TRZCINSKI: Different portions of the same
9 movie hit you, right? You saw the same movie, right?

10 JUROR THREE: Right.

11 MR. TRZCINSKI: But you end up walking away
12 from the same event with different impressions?

13 JUROR THREE: Yes.

14 MR. TRZCINSKI: Do you understand that's human
15 nature? Mr. Bodnar, do you understand that?

16 JUROR SEVEN: I'm talking five and six
17 year-olds.

18 MR. TRZCINSKI: That's why I went to two
19 adults. Do you understand that's part of human nature?
20 Do you understand that it's important for different
21 people to come in and relate it differently in their own
22 words?

23 JUROR SEVEN: Of course.

24 MR. TRZCINSKI: In the robbery of myself and
25 the other jurors at lunch, wouldn't you think it would be

1 funny if each of us came in like robots and testified to
2 the same scenario of events, first Mr. MacNeal and then
3 Mr. Franklin? You would think that was kind of funny,
4 right?

5 JUROR FIVE: If you all came in with the same
6 exact story?

7 MR. TRZCINSKI: Yeah.

8 JUROR FIVE: No.

9 MR. TRZCINSKI: Do you understand it would be
10 natural to have differences?

11 JUROR FIVE: Yes.

12 MR. TRZCINSKI: Okay. And does that agree
13 with, Ms. Hunt, your knowledge of what human beings are
14 like?

15 JUROR FOURTEEN: Yes.

16 MR. TRZCINSKI: And sometimes it depends what
17 angle you're looking at it, right, Ms. Hunt?

18 JUROR FOURTEEN: Yes.

19 MR. TRZCINSKI: There may be a reason why Mr.
20 Franklin describes things in a different way than I do
21 because of his perspective?

22 JUROR FOURTEEN: Yes.

23 MR. TRZCINSKI: As opposed to the angle I was
24 at. Do you understand that?

25 JUROR FOURTEEN: Yes.

1 MR. TRZCINSKI: Okay. Ms. Andrews, did you
2 drive to this location today?

3 JUROR TWELVE: Yes, sir.

4 MR. TRZCINSKI: Did you use one of the ditches
5 that we call expressways to do that?

6 JUROR TWELVE: Yes, I did.

7 MR. TRZCINSKI: Imagine, ma'am, that the person
8 that's in front of you, immediately in front of you on
9 the expressway, the driver, and only occupant of the car
10 in front of you, you can see his silhouette, his upper
11 body four or five times go over in a fashion as I am
12 doing now. Bending over to the right and forward. If
13 you see that as you're driving 60 or 65 miles an hour,
14 what, if anything, are you going to do when you see that
15 behavior from the driver in front of you?

16 JUROR TWELVE: Me being directly behind him,
17 I'm going to switch over to another lane.

18 MR. TRZCINSKI: You'll give him some space
19 because you're not sure what's going on in that car?

20 JUROR TWELVE: Correct.

21 MR. TRZCINSKI: Do you understand you have made
22 a decision on that person's intentions based on his
23 actions? You don't know if he had a stroke or he dropped
24 a CD and is trying to find the CD on the floor, correct?

25 JUROR TWELVE: Right.

1 MR. TRZCINSKI: But based on that action, you
2 judge some intent, right?

3 JUROR TWELVE: Yes.

4 MR. TRZCINSKI: Do you understand that's
5 something we want you to do as a juror in this case?

6 JUROR TWELVE: Yes, sir.

7 MR. TRZCINSKI: You're going to hear
8 descriptions of actions taken by Mr. Brown. You're going
9 to have to determine as a result of those actions what
10 his intents were at the time he took them.

11 JUROR TWELVE: Yes.

12 MR. TRZCINSKI: Just like on the expressway and
13 the guy in front of you is leaning over and you want to
14 back off and give him some room, sounds like?

15 JUROR TWELVE: Yes.

16 MR. TRZCINSKI: Do you have a microwave, Ms.
17 Lyle?

18 JUROR FIVE: Yes.

19 MR. TRZCINSKI: Ever use it to warm up coffee
20 or tea?

21 JUROR FIVE: Right.

22 MR. TRZCINSKI: You put what you want in that
23 box and you set it for a period of time and you walk away
24 for a period of time or you wait on it right, and it
25 dings and something is coming out hot, the water, the

1 soup. What is that?

2 JUROR FIVE: Moisture.

3 MR. TRZCINSKI: Moisture. It's circumstantial
4 evidence that the temperature of the object that you
5 warmed up, the box has done its job?

6 JUROR FIVE: Right.

7 MR. TRZCINSKI: Right. Ms. Lyall, do you have
8 children?

9 JUROR FIVE: Yes.

10 MR. TRZCINSKI: Have you raised children
11 through the toddler stage?

12 JUROR FIVE: Yes.

13 MR. TRZCINSKI: Have you watched them -- I'm
14 going to define toddler stage as they are able to get
15 into stuff.

16 JUROR FIVE: Yes.

17 MR. TRZCINSKI: They are mobile but they're not
18 conversing in a language that we understand.

19 JUROR FIVE: Right.

20 MR. TRZCINSKI: They're babbling but not
21 anything that we understand.

22 JUROR FIVE: Correct.

23 MR. TRZCINSKI: Have you watched those little
24 guys and girls with their bodies what they're doing? I
25 can see that you are nodding.

1 JUROR FIVE: Yes.

2 MR. TRZCINSKI: Have you seen them like on a
3 playground and watched and care-took for those children?

4 JUROR FIVE: Yes.

5 MR. TRZCINSKI: They are not communicating with
6 you, right?

7 JUROR FIVE: No.

8 MR. TRZCINSKI: But you're judging their
9 intents the entire time you are watching them, right?

10 JUROR FIVE: Yes.

11 MR. TRZCINSKI: Just from what they are doing
12 with their little bodies?

13 JUROR FIVE: Yes.

14 MR. TRZCINSKI: Whether or not the two year-old
15 is going to try to go up the slide that is probably too
16 high for the two year-old to deal with, right?

17 JUROR FIVE: Yes.

18 MR. TRZCINSKI: And are you judging -- you
19 can't communicate with the two year-old, right?

20 JUROR FIVE: No.

21 MR. TRZCINSKI: Okay. I need you to be verbal.
22 Okay. So do all of you understand that you have
23 experience every day in judging a person's intent from
24 their actions?

25 JUROR FIVE: Yes.

1 MR. TRZCINSKI: All of you understand that?

2 JURORS: Yes.

3 MR. TRZCINSKI: And you understand that is
4 something we're going to be asking you to do, Ms. Franas?

5 JUROR ELEVEN: Yes.

6 THE COURT: Let me interrupt you.

7 MR. TRZCINSKI: Yes, Judge.

8 THE COURT: Gentlemen, step up here, please.

9 (Discussion at bench off record).

10 THE COURT: Ms. Binion, I didn't see you
11 hiding. Do you think you earned your pay for the day?

12 JUROR: Yes.

13 THE COURT: Do you know you are under arrest?

14 JUROR: Yes.

15 THE COURT: If we let you out on bond, you know
16 we expect you back here tomorrow. You understand that,
17 right?

18 JUROR: Yes.

19 THE COURT: Are you ready to leave the
20 building?

21 JUROR: Yes.

22 THE COURT: Is it all right with you if your
23 fellow jurors leave under the same circumstances?

24 JUROR: Absolutely.

25 THE COURT: Okay. You can leave. Be back here

1 tomorrow by that clock by 9:00, 9:00, this courtroom,
2 tomorrow, 9:00 by that clock.

3 (Prospective jurors exit courtroom from gallery
4 at 4:04 p.m.)

5 THE COURT: Ma'am, you are delaying these
6 jurors.

7 Messrs. Trzcinski and Hart, we discussed two
8 jurors, did we not, here at side bar?

9 MR. HART: We did, your Honor.

10 MR. TRZCINSKI: Yes, your Honor.

11 THE COURT: They being Ms. Roberts and Ms.
12 Jenkins; is that correct?

13 MR. TRZCINSKI: Yes, your Honor.

14 MR. HART: Yes, your Honor.

15 THE COURT: Ms. Jenkins you told us you weren't
16 feeling right?

17 JUROR SIX: Right.

18 THE COURT: Okay. You're going to be excused.

19 JUROR SIX: Thank you.

20 THE COURT: For your particular circumstances.

21 JUROR SIX: Thank you.

22 THE COURT: We'll give you some papers for to
23 you take back to the first floor jury assembly room so
24 the police don't come looking for you, okay?

25 JUROR SIX: All right. That's fine with me.

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THE COURT: Okay. You can stand down.

MR. TRZCINSKI: I'm not sure Ms. Roberts understands.

JUROR EIGHT: I know.

THE COURT: Ms. Roberts, you are excused. Come this way, please.

All right, Judges, you are excused. Please return here to the jury room by or before 9:00 tomorrow morning by that clock. I ask you leave to your right because there are too many ups and downs going that way and people have fallen. We don't want anybody hurt. So come this way, please. And when you come back in, come in that way.

Have a good evening, all.

MR. TRZCINSKI: Thank you, your Honor.

(Adjournment at 4:06 p.m.)

TABLE OF CONTENTS

WITNESSES:

None

EXHIBITS:

MARKED

ADMITTED

None

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STATE OF MICHIGAN)

) ss

COUNTY OF WAYNE)

I, Susan L. Reynolds, Certified Court Reporter of the Third Judicial Circuit Court, Criminal Division, Wayne County, State of Michigan, do hereby certify that the foregoing pages comprise a full, true and correct transcript of the proceedings and testimony taken in the matter of the People of the State of Michigan versus Steven Brown, on May 6, 2002.

Susan L Reynolds
Susan L. Reynolds, CSR 2605

Date: 3.2.03