

1 conferred privately with the Court.)

2 THE COURT: I really regret, ladies and gentlemen, that  
3 we have run out of witnesses this afternoon. I will have to  
4 attend to that in some other fashion. But I'm going to have  
5 to continue the case. And I'm going to continue it till  
6 Monday afternoon at 1:30. That will allow this judge to  
7 attend to my normal functions on Monday, try to get them all  
8 done Monday morning. I believe that I will be able to do  
9 that. There is a slight possibility that I might be pushing  
10 for another half hour or so, and if so, you will have to  
11 wait. But I expect to be ready to start at 1:30.

12 If you get here at 1:30 and you have to wait shortly, I  
13 ask you to be patient.

14 Now, you are coming into a weekend when there has been  
15 substantial media coverage. And I suspect that there will  
16 be media coverage -- well, there is coverage -- there is  
17 newspaper coverage in this again tonight, and the local  
18 press, and I suspect in the Niles Press and South Bend Trib,  
19 that it's in all of that, because we have had the reporters  
20 in here. So again, ask those with whom you live to separate  
21 that all out. I know this means that you are not reading  
22 the news and you have to stay away from the news programs,  
23 but I don't think they are carrying it on national news so  
24 you are pretty safe in watching the national news TV  
25 program. But I would suggest to you that you don't watch

1 the local TV programs, the local stations have been covering  
2 this and they tell me it's on -- I don't know for sure, but  
3 they tell me it's on 22 and 28 and 16 and -- I guess it's  
4 on -- and the Niles TV station. I don't even know the  
5 number of that one. But anyway, it's on that one, too.

6 The reporters do the best they can when they are  
7 reporting something, but they are not reporting the exact  
8 words that you are hearing here. And what they have written  
9 is not subject to cross-examination. And these lawyers are  
10 working very hard and they don't have the ability to go out  
11 and monitor all of these programs.

12 I have seen in some of the newspaper reports some  
13 things that are inaccurate, and that could be very  
14 misleading and be prejudicial to either side, when -- when  
15 the evidence is not subject to being sworn testimony and to  
16 being heard by the other side and subject to  
17 cross-examination so that the opposite -- that both sides  
18 have an opportunity to correct any misconceptions. Then you  
19 are -- then -- if you consider that you are considering  
20 something that is improper because it's not fair to both  
21 sides because they haven't had an opportunity to see to it  
22 that it meets the high standards that the evidence that you  
23 consider must meet. Therefore, again, I'm going to  
24 emphasize to you the high burden that we placed upon you to  
25 keep yourself apart and separate and free from any outside

1 influence.

2 Also, I need to tell you again that you shouldn't talk  
3 about this with anyone or let anyone talk to you about it.  
4 And I suspect that the members of your family and those with  
5 whom you are acquainted know that you are serving on this  
6 jury. And they are probably coming up to you and want to  
7 talk to you about it. And that's -- that's probably a  
8 hardship for you because you are saying, "Hey, don't do  
9 that. I can't talk about it." Well, keep on doing that.  
10 Keep yourself apart and separate. Don't let anyone talk to  
11 you. And if someone should -- other than family members,  
12 come up and try and insist, then do get in touch with  
13 Forestieri and -- or with me, and report it to us.

14 Now, the case is going on. So you have to keep your  
15 minds open. Your minds will have to be open until you get  
16 into that jury room. You cannot start thinking about the  
17 case or deliberating the case. That's wrong. The only  
18 place that you can deliberate this case, that is, think  
19 about it and decide what you are going to do and what all  
20 these facts mean or what all this evidence means to you and  
21 determine which are facts and which are not, the only place  
22 you can do that is in that jury room with all of you there.  
23 Therefore, you should not deliberate the case -- you  
24 promised to keep your minds open. That means, really,  
25 literally means that during this weekend you don't think

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about it. That's hard.

Now, the last thing I say is you need to be rested. So have a pleasant weekend. It looks like it's going to be a nice warm weekend and we will get outside and do all of our outside activities and duties, et cetera. And I hope it's enjoyable for you.

Please be careful driving home. And we will see you back here 1:30 Monday afternoon.

Court's recessed.

THE BAILIFF: Court's adjourned.

(WHEREUPON Court adjourned for the night at 4:18 o'clock p.m.)

CERTIFICATE OF STENOGRAPHER