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1 APPEARANCES
2 PATRICK RYAN, United States Attorney for the
Western
3 District of Oklahoma, 210 West Park Avenue, Suite 400,
Oklahoma
4 City, Oklahoma, 73102, appearing for the plaintiff.
5 LARRY MACKEY, BETH WILKINSON, GEOFFREY MEARNES,
JAMIE
6 ORENSTEIN, and AITAN GOELMAN, Special Attorneys to the
U.S.
7 Attorney General, 1961 Stout Street, Suite 1200,
Denver,
8 Colorado, 80294, appearing for the plaintiff.
9 MICHAEL TIGAR, RONALD WOODS, and JANE TIGAR,
Attorneys
10 at Law, 1120 Lincoln Street, Suite 1308, Denver,
Colorado,
11 80203, appearing for Defendant Nichols.
12 * * * * *

13

PROCEEDINGS

14

(In open court a 5:00 p.m.)

15

THE COURT: Be seated, please.

16

if they

It being 5:00, we'll return the jury and see

17

instructions.

want to recess for the day; give them cautionary

18

(Jury in at 5:00 p.m.)

19

Members of the jury, good afternoon.

20

JURORS: Good afternoon.

21

of

THE COURT: As I told you in the instructions,

22

matter

course, the timing of your deliberations is entirely a

23

may want

for the jury to determine. I also suggested that you

24

we did

to work the routine days starting a little earlier than

25

I'm

in the courtroom, at 8:30 and then recess at 5. And

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1

would

assuming that that's agreeable to you and therefore you

2

interrupt

now like to recess for the day. And so we will now

3

your deliberations.

4

And the reason for bringing you back into the

5 courtroom, of course, as I'm sure you recognize, is the
6 opportunity again to remind you of the things that I
probably
7 don't have to repeat but which are extremely important;
and
8 that is again to remind you that each one of you is one
of 12;
9 that you serve on the jury, a jury of 12, and that
therefore
10 your work on the case, as it were, is limited to the
time when
11 you are together serving as the jury with your
foreperson in
12 charge of the deliberations.

13 And accordingly, during the time now -- and
would you
14 like to resume again at 8:30 in the morning? Is that
the . . .

15 So between now and then, of course, you will
separate
16 and do as you choose individually. And again, I remind
you
17 that, of course, it would be inappropriate and a
violation of
18 your oath if two or more of you were to talk during
this time
19 about the case, remembering that it's the 12 of you who
use
20 your recollection of the evidence in the case and who
discuss
21 the case as a group.

22 And, of course, I must remind you again now,

as I did

oath of 23 all throughout the trial, of the necessity under your
radio, 24 staying away from anything that might be out there in
so that 25 television, newspapers, magazines; not let anybody --

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influence or 1 you'd stay away from anything that could possibly
you not 2 affect your decisions in the case and of course that
The thing 3 discuss it with your families or friends or anyone.
your own 4 to do is to rest, relax, let this matter sit even in
tomorrow. 5 minds until you're back together working on the case

members 6 So with those cautions and those instructions,
ask you to 7 of the jury, we'll now recess your deliberations and
in the 8 be back in the courthouse and resume your deliberations
9 morning.

did 10 Now, we'll do as we did again -- I mean as we
your 11 yesterday: ask you to have everything that pertains to

12 deliberations in that one room, that deliberation room,
which
13 we'll seal off. And no one will be in there other than
the 12
14 of you. And you can be certain that no one will
therefore have
15 access to anything that you may have in there.

16 So with that, members of the jury, you're now
recessed
17 until 8:30 tomorrow morning. And we hope you each have
a
18 pleasant evening. You're in recess.

19 (Jury out at 5:05 p.m.)

20 MR. TIGAR: May we approach, your Honor?

21 THE COURT: Yes.

22 (At the bench:)

23 (Bench Conference 133B1 is not herein transcribed
by court
24 order. It is transcribed as a separate sealed
transcript.)

25

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1 (In open court:)

2 THE COURT: All right. Court is in recess
subject to
3 call.

4 (Recess at 5:07 p.m.)

5

* * * * *

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REPORTER'S CERTIFICATE

transcript from

7 I certify that the foregoing is a correct

Dated

8 the record of proceedings in the above-entitled matter.

9 at Denver, Colorado, this 17th day of December, 1997.

10

11

Paul Zuckerman

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