

21
22
23
24
Transcription
Street,
629-9285

Proceeding Recorded by Mechanical Stenography,
Produced via Computer by Paul Zuckerman, 1929 Stout
P.O. Box 3563, Denver, Colorado, 80294, (303)

16026

1
Western
Oklahoma
GEOFFREY
Attorneys
1200,
REID
Lincoln
for

APPEARANCES

2 PATRICK RYAN, United States Attorney for the
3 District of Oklahoma, 210 West Park Avenue, Suite 400,
4 City, Oklahoma, 73102, appearing for the plaintiff.
5 LARRY MACKEY, SEAN CONNELLY, BETH WILKINSON,
6 MEARNS, JAMIE ORENSTEIN, and AITAN GOELMAN, Special
7 to the U.S. Attorney General, 1961 Stout Street, Suite
8 Denver, Colorado, 80294, appearing for the plaintiff.
9 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,
10 NEUREITER, and JANE TIGAR, Attorneys at Law, 1120
11 Street, Suite 1308, Denver, Colorado, 80203, appearing

12 Defendant Nichols.

13 * * * * *

14 PROCEEDINGS

15 (In open court at 4:59 p.m.)

16 THE COURT: Be seated, please.

17 May I have counsel at the bench.

18 (At the bench:)

19 (Bench Conference 158B1 is not herein transcribed
by court

20 order. It is transcribed as a separate sealed
transcript.)

21

22

23

24

25

16030

1 (In open court:)

2 (Jury in at 5:01 p.m.)

3 THE COURT: Members of the jury, I am going
to, it

4 being 5:00, recess your deliberations for the day. I
know it's

5 been a long day and you've worked worked hard on the
case

6 today.

7 You communicated with the Court yesterday, and
I
8 responded. You communicated with the Court earlier
today.

9 After consulting with counsel, I responded again.

10 And now you have a communication of a few
minutes
11 ago. I'm not prepared to respond to that now, because
I do
12 want to discuss it, as is appropriate, of course, with
the
13 lawyers in the case. I'm sure you understand that.

14 But we will have a response for you in the
morning.

15 And I am not making public your communications and my
responses
16 at this time. Ultimately, they will be public, of
course; but
17 you are a deliberating jury. Your deliberations are,
as I have
18 told you several times, a matter of secrecy, a matter
among the
19 12 of you. And it is because of our respect for that
and for
20 the process of jury deliberation that I am not making
these
21 communications public.

22 And of course, neither must you. I'm sure I
don't
23 have to say this, but you have been discussing the case
and you

views; 24 know the views of other jurors. You've been exchanging
you 25 and what I want you to do now, just as I have said to

16031

with 1 before when I've recessed deliberations -- but I say it
put this 2 even more emphasis now -- that I'm going to ask you to
3 matter to rest entirely in your minds until you're back
4 tomorrow. And also, of course, do not discuss your
5 deliberations or anything about the case with anyone,
6 including, as I say, other jurors. I mean, it would be
7 inappropriate for you to call up another juror and talk
about 8 it or other jurors or in any way during the time of the
recess 9 attempt to influence the views of any other juror in
any way by 10 any communication or effort.

views and 11 The only time that you are free to exchange
issues, and 12 talk to each other and suggest ways to analyze the
And I'm 13 so forth, is when you're together as the 12 jurors.
14 sure you understand that, but I simply want to
reemphasize it.

15 And I'm going to ask you to return at the usual time in
the
16 morning, and I will respond to this latest
communication at
17 that time.

18 Now, you're entitled to rest. You know,
everybody who
19 is involved in this case knows something about the
stresses and
20 strains that are with you and the difficulty of the
decisions
21 that you are here to make. So I want you to have the
22 reassurance that we understand the difficult task that
has been
23 given to you and that, you know, it is not expected
that there
24 be some kind of quick response.

25 So I hope that each of you will leave this
matter in

16032

1 the courthouse now. Go your respective ways, have
rest, and
2 come back to us tomorrow; and I'll have something
further for
3 you then.

4 So we'll excuse you now and have you back at
the same
5 time in the morning, 8:30 in the morning.

6 You're excused for now.

7 (Jury out at 5:06 p.m.)

8 THE COURT: All right, we'll be in recess.

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

10 * * * * *

11 REPORTER'S CERTIFICATE

12 I certify that the foregoing is a correct
transcript from

Dated 13 the record of proceedings in the above-entitled matter.

14 at Denver, Colorado, this 6th day of January, 1998.

15

16

Paul Zuckerman

17

18

19

20

21

22

23

24

25