

>> COUNSEL FOR THE APPELLATE MAY NOW PROCEED.

>> MISTER CHIEF JUSTICE, MAY IT PLEASE THE COURT, GARY CALDWELL FOR GARY CALDWELL.

THERE ARE A LOT OF ISSUES IN THE BRIEFS.

I WOULD LIKE TO FOCUS ON THE FIRST ISSUE AS TO PENALTY, ISSUE NUMBER 12, DISPOSITIVE OF ALL THE POLITY ISSUES.

IF I HAVE TIME I WOULD LIKE TO TALK ABOUT AS TO ISSUE NUMBER ONE, JUSTICE SCALIA WRITING FOR THE SUPREME COURT THE CLAUSE THAT GUARANTEES THE RIGHT TO MEET THE WITNESS FACE-TO-FACE, QUOTED VARIOUS ITEMS INCLUDING SHAKESPEARE, FACE TO FACE, MS. THE MEANING OF THE WORD IN CRAWFORD VERSUS WASHINGTON, THE SUPREME COURT LOOKED TO NOAH WEBSTER'S DICTIONARY TO DEFINE THE TERMS OF THE CONFRONTATION CLAUSE.

TO SET FACE TO FACE, BRING INTO THE PRESENCE OF AS AN ACCUSED PERSON, THAT IS THE RIGHT THAT GARY CALDWELL WAS DEPRIVED OF IN THIS CASE, THE JUDGE FOUND THIS PARTICULAR WITNESS, THE DEFENDANT'S MOTHER WAS AN ESSENTIAL WITNESS IN THE CASE, WAS NOT ABLE TO COME TO COURT TO TESTIFY NONETHELESS THE DEFENSE CONTENDED HE HAD A RIGHT UNDER THE CONFRONTATION CLAUSE TO FACE HER IN COURT.

THE JUDGE DENIED THAT, RENEWED THE OBJECTION AT TRIAL.

HER DEPOSITION TO PERPETUATE TESTIMONY WAS TAKEN INTO IN THE BRIEF I TRIED TO SHOW GRAPHICALLY WITH PICTURES FROM THE VIDEO THAT THE MOTHER WAS NOT ABLE TO SEE THE DEFENDANT BECAUSE OF THE WAY THE SETUP WAS MADE AND THE DEFENSE ATTORNEY ASKED HER IF SHE WAS ABLE TO SEE THE DEFENDANT AND SHE SAID NO.

THERE FOR THIS IS VIOLATION OF THE CONFRONTATION CLAUSE, THE TESTIMONY OF THIS ESSENTIAL WITNESS SHOULD NOT HAVE BEEN HEARD BY THE JURY.

SHE PROVIDED A LOT OF IMPORTANT EVIDENCE TO THE STATE AND FOR THAT REASON WE CONTEND A NEW TRIAL IS NECESSARY SO THAT IS OUR FIRST ISSUE.

THE ISSUE NUMBER 12, THE PENALTY ISSUE WHICH WAS DISPOSITIVE ARISES AS FOLLOWS, THE PROSECUTION SAW THE DEATH PENALTY IN THIS CASE UNDER SECTION 9201.14 ONE FLORIDA STATUTES AS AMENDED IN RESPONSE TO HURST.

THAT STATUTE APPLIED RETROACTIVELY TO THIS DEFENDANT, THE CRIME OCCURRED PRIOR TO HURST.

THAT PROVIDES A DEATH SENTENCE MAY BE SOUGHT BY THE PROSECUTION ONLY ON THE BASIS OF ACTIVATING CIRCUMSTANCES TO WHICH THE STATE HAS PROVIDED NOTICE UNDER 782.04 ONE B.

THE STATE HAS TO COMPLY WITH 7.04 PROVISION.

THE STATE SAYS THEY DON'T HAVE TO COMPLY WITH THE PROVISION. IT DOES NOT APPLY RETROACTIVELY, BUT THAT PROVISION IS PART AND PARCEL OF THE 91.04 ONE ANTI-HURST STATUTE.

IF IT DOESN'T APPLY RETROACTIVELY THAN THE OTHER DOESN'T APPLY RETROACTIVELY EITHER SO THERE CAN'T BE A DEATH SENTENCE IN THIS CASE.

WHAT HAPPENED HERE, THE STATUTE WAS PASSED, 78.24 ONE BE WITH THE NOTICE PROVISIONS SAYING 45 DAYS TO FILE THIS NOTICE AND THE STATE DIDN'T DO THAT, IT WAITED 6 MONTHS.

>> BY THE TERMS OF THE STATUTE, CORRECT ME IF I AM WRONG, THAT 45 DAYS IF YOU APPLY IT WOULD

HAVE LONG AGO PASSED BEFORE THE STATUTE CAME INTO PLAY.

>> THE QUESTION, THE LEGISLATURE NEEDED TO APPLY TO THOSE CASES AND CLEARLY THEY APPLIED IT BECAUSE IT WAS PART OF ONE STATUTE WITH 92.141 TO APPLY RETROACTIVELY TO SAVE THE CASES PENDING AT THE TIME OF THE FIRST DECISIONS SO THE OBVIOUS SOLUTION, THEY HAVE TO DO IT WITHIN 45 DAYS OF THE PATH OF THE STATUTE.

OR ALTERNATIVELY THEY COULD SAY IT WASN'T REQUIRED SO LET US DO IT NOW, THEY DIDN'T DO THAT, THEY WAITED SIX MONTHS AND FILED ITS, AFTER THE JURY IS SELECTED THEY COME IN AND FILE MORE CIRCUMSTANCES WITHOUT SEEKING LEAVE.

I SUBMIT TO YOU ISSUE NUMBER 12 DISPOSES OF THIS CASE.

IF YOU NEED TO DO THAT EVEN THEN THE STATE SHOULDN'T BE ABLE TO SEEK A DEATH PENALTY IN THIS CASE.

THE THIRD ISSUE IN THE CASE WHICH I WILL SPEAK ABOUT CONFERENCE TELEPHONE CALLS, ONE TELEPHONE CALL IN WHICH THE DEFENDANT PARTICIPATED ACTING AS AN INTERMEDIARY WITH ON ANOTHER INMATE, AND WELL INTO THE CALL WHEN TALKING ABOUT SOME EMOTIONAL ISSUE, THIS EMOTIONAL ISSUE, STONE COLD KILLER, TOOK PLACE 7 YEARS AFTER THE INDICTMENT OF THE ALLEGED CRIME. OBVIOUSLY HE WAS TALKING ABOUT THIS PARTICULAR MURDER.

I SUBMIT TO YOU IF THIS AFTERNOON, IF I SAY I AM NOT GOOD AT IT MOTHER ORAL ARGUMENTS I AM TALKING ABOUT 7 YEARS FROM NOW, NO WAY, NOT REASONABLE TO BE SURE HAS ANY RELATIONSHIP TO WHAT WE ARE DOING TODAY.

THERE IS NO NEXUS BETWEEN THE STATEMENT AND THE ALLEGED CRIME.

THE STATE ALSO ARGUES IT IS HARMLESS BUT I WOULD SUBMIT TO YOU THE COURT SHOULD VIEW WITH THE GREATEST SKEPTICISM, IN FRONT OF THE JURY INTO REPEATEDLY POINT THIS OUT TO THE JURY THAT HE SAYS, TELLS YOU ALL YOU NEED TO KNOW AND IN TERMS OF THE THEATER, THE TRIAL, THE TRIAL IS STOPPED BY THE JUDGE, THEY SEE THE WORDS AND ARE HEARING THE WORDS.

ANY TEACHER WILL TELL YOU MULTIMEDIA PRESENTATION WILL DRIVE SOMETHING FURTHER INTO THE MIND OF THE PUPIL AND A TRIAL TO SOME EXTENT IS A MATTER OF TEACHING THE JURY TO SEE FROM YOUR POINT OF VIEW.

>> IF I COULD COME IN FOR A SECOND, MOVING AHEAD A LITTLE BIT, HERE AS YOU KNOW WE HAVE TWO VICTIMS.

MISTER ADAMS AND MISTER POWELL. MISTER POWELL ACCORDING -- SHOT TWICE IN THE BACK OF THE HEAD. IT IS LIKELY HE DIDN'T SEE IT COMING.

AS TO MISTER ADAMS, THE POLICE FOUND SERIAL SPREAD ALL OVER THE PLACE IN A MALL AND STAY SUMMARIZED FROM THAT THAT MISTER ADAMS MUST HAVE BEEN EATING IT IN A SMALL ROOM NEXT TO THE LIVING ROOM WHEN HE HEARD MISTER POWELL GET UP FROM THE TABLE TO HELP OUT AND WAS HIMSELF ATTACKED, THE ONLY EVIDENCE OF THAT IS FOUND SERIAL SPREAD AROUND THE WALL AND LOOKED LIKE IT WAS DROPPED AND THE CEREAL CAME OUT OF IT.

THAT WAS THE ONLY NEXUS BETWEEN THAT AND THE THEORY.

CAN YOU TALK TO ME A LITTLE BIT ABOUT HAC HERE, WHETHER IT WAS APPROPRIATE TO FIND ALL OF THIS UNDER THE CIRCUMSTANCES?

MISTER ADAMS WAS SHOT EIGHT TIMES OR NINE TIMES, BOTH

VICTIMS SUFFERED FROM A TO THE HEAD, MISTER POWELL, WAS FRACTURED.

THE MEDICAL EXAMINER COULD NOT SAY WHICH CAME FIRST, ALSO TESTIFIED GUNSHOTS.

EACH SHOT WAS LETHAL.

>> WE HAD THESE STRUGGLES ABOUT THE HEINOUS IN THIS CIRCUMSTANCE.

THIS COURT FINALLY RESOLVED AND AT SOME POINT LOVE YOU WAS THE MURDER IS ESPECIALLY ATROCIOUS AND CRUEL.

BASICALLY CCP, WAS COLD AND CALCULATED.

SUBSEQUENTLY IT WAS DECIDED THE FOCUS WAS ON THE SUFFERING OF THE VICTIM AND INSTANTANEOUS DEATH OR NEAR INSTANTANEOUS DEATH AND THEN THE CIRCUMSTANCE DOESN'T APPLY.

EVERY MURDER CASE IS HORRIBLE. THE TESTIMONY OF THE MEDICAL EXAMINER IS ALWAYS EMOTIONALLY UPSETTING, BUT THE ISSUE IS THE SUFFERING OF THE VICTIM, THEN IF THERE IS NO TIME, TO BE FULLY FORMED CONSCIOUS AWARENESS ONE IS ABOUT TO DIE, YOU HAVE 2 QUESTION IN THIS CASE BECAUSE THE STATE HAS POWERFUL EMOTIONAL ARGUMENTS, WAS JUST A MATTER -- IT WAS ESPECIALLY ATROCIOUS AND CRUEL AND LOOKING AT SOME EVIDENCE CAN BE FORMULATED TO ESTABLISH THE CIRCUMSTANCE. THAT IS NOT THE RIGHT WAY FOR THE CIRCUMSTANCE.

IN A NUTSHELL, THAT WAS THE CIRCUMSTANCE.

I THINK I COVERED EVERYTHING I WISHED TO COVER.

THERE ARE A LOT OF OTHER ISSUES BUT WE DON'T HAVE TIME TO TALK ABOUT THEM TODAY.

I TURN THE CAMERA TO MY FRIEND ON THE OTHER SIDE.

I ASKED THE COURT REVERSED THE CONVICTION.

>> COUNSEL FOR THE STATE, YOU CAN PROCEED.

>> LISA-MARIE LERNER REPRESENTING THE STATE. GOING TO THE ISSUES MISTER CALDWELL SPOKE ON, AWAITED TESTIMONY, IT WAS NOT A VIOLATION OF THE CONFRONTATION CLAUSE.

IT WAS CLEARLY WITHIN THE EXCEPTIONS CARVED OUT UNDER MARYLAND V CRAIG AND HAROLD DECISIONS GIVEN IT WAS DISPUTED THAT SHE WAS UNDERGOING CANCER TREATMENT FOR A BRAIN TUMOR AND COULD NOT TRAVEL, HER TESTIMONY WAS THAT IT WASN'T REALLY DESPERATION THE TESTIMONY, SHE WAS GIVEN -- BOTH SIDES QUESTIONED HER AND WAS SUBJECT TO CROSS-EXAMINATION, THE JUDGE AND THE JURY COULD OBSERVE HER DEMEANOR AND MOST IMPORTANTLY THIS PARTICULAR ISSUE YOU COULD SEE HER, HIS RIGHT TO CONFRONT THE WITNESS, NOT HER RIGHT TO SEE THE DEFENDANT.

ALL THE ELEMENTS NECESSARY WERE SUCCESSFUL CONFRONTATION WITH CROSS-EXAMINATION JURY LATER WHEN THEY VIEWED THE VIDEOTAPE DURING HER TESTIMONY COULD OBSERVE HER DEMEANOR IN ORDER TO ASSESS HER CREDIBILITY.

>> WE HAVE A DIFFERENT TASTE IF HE COULD NOT HAVE SEEN HER ON THE VIDEO?

>> YOU WOULD HAVE A DIFFERENT WRINKLE IN IT.

HOWEVER I THINK EVEN IN THAT CASE GIVEN THE FACT THAT THE JURY COULD SEE HER AND ASSESS HER CREDIBILITY AND HIS ATTORNEY WAS FULLY ABLE TO CROSS-EXAMINE HER THAT THE CONFRONTATION MOMENT WOULD'VE BEEN ELEMENTS IN THAT CASE.

>> I WANT TO UNDERSTAND THE STATE'S POSITION, A VIDEO LINK WERE EITHER THE ACCUSED, JERRY

AND THE JUDGE CAN SEE BOTH PARTIES THAT SATISFIES A CONFRONTATION CLAUSE.

>> HIS ATTORNEY COULD SEE, THAT IS A BIT MORE PROBLEMATIC, HOWEVER I DO BELIEVE IN CERTAIN LIMITED CIRCUMSTANCES, CHILD SEX VICTIMS, THAT WOULD MEET THE PARAMETERS BUT THAT IS NOT THE CASE.

ISSUE NUMBER 12, THE ARRAIGNMENT IN THIS CASE HAPPENED IN 2011, THE STATUTE AFTER HURST CAME OUT THIS PARTICULAR LAW WAS NOT RETROACTIVE.

THE ARRANGEMENT HAD ALREADY HAPPENED.

THEY COULDN'T UNDO OR REDO AN ARRAIGNMENT IN THIS CASE.

IN TERMS OF THE REST OF THE STATUTE APPLYING, THE EVENT THAT HADN'T HAPPENED YET-- YOU KNOW, JURY SELECTION, THE JURY WEIGHING THE AGGRAVATORS AND MAKING FINDINGS, SINCE THOSE EVENTS OF THE TRIAL HADN'T HAPPENED, THIS NEW STATUTE, OF COURSE, APPLIED TO THOSE.

AND THE STATE DID AMEND ITS NOTICE.

IT GAVE NOTICE AFTER THE NEW STATUTE WAS ENACTED.

AND, AS MR. CALDWELL SAID, IT WAS SEVERAL MONTHS AFTER THE ENACTMENT THAT THEY DID GIVE NOTICE, AND THEN THEY AMENDED THE NOTICE TO INCLUDE THE AGGRAVATORS WHICH ALL THE PARTIES KNEW THE FACT THAT HE WAS ON FELONY PROBATION.

AND AS THE COURT POINTED OUT WHEN THEY LITIGATED THE DEFENSE MOTION TO PREVENT THESE AGGRAVATORS BEING ADDED, THE DEFENSE KNEW OF THESE AGGRAVATORS WAY BACK WHEN.

IN FACT, THEY HAD FILED MOTIONS IN LIMINE AND HAD ARGUED THESE VERY AGGRAVATORS.

SO THEY KNEW ALL THE AGGRAVATORS

OR YEARS IN THE PAST AND HAD ACTUALLY LITIGATED ON IT, AND THERE WAS NO AMBUSH.

IT WAS JUST THE STATE MEETING THE TECHNICALITY OF PUTTING IT ON PAPER THAT THEY ARE, YES, GOING TO ASK FOR THESE AGGRAVATORS.

AND SO I DON'T BELIEVE THAT THIS PARTICULAR ISSUE HAS ANY BEARING ON THE CASE ITSELF.

IN TERMS OF THE JAIL CONVERSATIONS, GRANTED, THOUGH THE DEFENDANT'S STATEMENTS WERE OPEN TO TWO OR THREE OR HOWEVER MANY POSSIBLE INTERPRETATIONS OF WHAT HE MEANT AND WHAT HE WAS REFERRING TO, BUT THAT'S A CLASSIC JURY QUESTION, AND THE COURT DID NOT ABUSE ITS DISCRETION IN ALLOWING THOSE STATEMENTS IN AND LEAVE IT UP TO THE JURY TO DECIDE WHETHER OR NOT THEY WERE RELEVANT AND WHETHER OR NOT THEY HAD ANY APPLICATION TO THE CASE, THE CLASSIC JURY QUESTION.

IN TERMS OF THE HAC, THE STATE'S THEORY WAS SLIGHTLY DIFFERENT THAN WHAT JUSTICE LABARGA ARTICULATED.

THE STATE'S THEORY WAS THAT MR. ADAMS WAS IN THE OTHER ROOM--

[INAUDIBLE]

BUT MORE THAN THAT, THE CEREAL WAS ACTUALLY FOUND ON ADAMS' SHIRT INDICATING THAT HE HAD BEEN IN THE PROCESS OF EATING IT AND HAD JUMPED UP AND SPILLED IT BECAUSE IT WAS ON HIS SHIRT, DRIBBLED DOWN AS IF IT HAD FALLEN WHEN THE POLICE AND THE MEDICAL EXAMINER FOUND THE BODY, INDICATING THAT SOMETHING ABRUPT HAD HAPPENED.

AND IT WAS CLOSE IN TIME BECAUSE THE CEREAL WAS STILL THERE. ADDITIONALLY, IN TERMS OF THE HAC-- AND THE COURT POINTED

THIS OUT IN ITS SENTENCING ORDER-- BOTH VICTIMS WERE BEATEN SEVERELY ABOUT THE HEAD. THERE WERE MULTIPLE ABRASIONS. I BELIEVE ALSO HAD-- I'M SORRY, POWELL HAD TWO AND MR. ADAMS HAD MULTIPLE ABRASIONS AND CRACKS IN THEIR SKULLS FROM BEING HIT ABOUT THE HEAD WITH A BLUNT FORCE OBJECT.

PRESUMABLY, THE BUTT OF A GUN, BUT THE MEDICAL EXAMINER COULDN'T SAY FOR CERTAIN WHAT DID IT.

IT'S THE STATE'S THEORY THAT MR. AVSENEW BEAT THE VICTIMS ABOUT THE HEAD TO PARTIALLY INCAPACITATE THEM BEFORE HE ACTUALLY SHOT THEM.

AND SO IT WAS THE FACT THAT THEY WERE UNDERGOING A BEATING, MR. POWELL WAS UNDERGOING A BEATING.

HE WAS IN A WEAKENED MEDICAL CONDITION BECAUSE OF HIS TRANSPLANT SURGERY.

AND HE SUFFERED THE BLOWS AND THE INCAPACITATION THAT MIGHT HAVE COME WITH THAT BEFORE HE WAS EVER SHOT.

AND THERE'S NO INDICATION EXACTLY WHEN THE SHOTS OCCURRED. BUT THE COURT POINTED OUT ALL THE SHOTS WERE TO THE HEAD AND AT CLOSE RANGE.

IT'S ENTIRELY POSSIBLE THAT MR. AVSENEW INCAPACITATED THE TWO VICTIMS AND THEN, WHEN THEY WERE ON THE GROUND, SHOT THEM CLOSE RANGE IN AN EXECUTION MANNER.

>> COUNSEL, I UNDERSTAND THAT, I MEAN, THE COMPETENT SUBSTANTIAL EVIDENCE STANDARD IS OBVIOUSLY A GENEROUS ONE, BUT ISN'T THIS KIND OF GETTING CLOSE TO THE LINE OF SPECULATION?

>> LESS SO WITH ADAMS BUT DEFINITELY WITH POWELL, I AGREE WITH YOU, JUSTICE.

AND, ULTIMATELY, EVEN IF THIS COURT GETS RID OF THE HAC FOR ONE OR BOTH OF THE MURDERS, IT'S HARMLESS GIVEN THE WEIGHTY AGGRAVATORS THAT ARE IN THIS CASE; MULTIPLE MURDERS, CCP AND THE FACT THAT HE WAS ON FELONY PROBATION AT THE TIME OF THE MURDERS.

THOSE ARE ALL VERY WEIGHTY AGGRAVATORS, AND THE DEATH SENTENCE WOULD SURVIVE EVEN IF THIS COURT STRIKES THE HAC ON MR. POWELL, FOR EXAMPLE.

IF THERE ARE NO OTHER QUESTIONS, THE STATE ASKS THE COURT TO AFFIRM THE CONVICTION AND SENTENCE IN THIS CASE.

>> THANK YOU, COUNSEL.

REBUTTAL.

>> THANK YOU, MR. CHIEF JUSTICE. I WOULD REMIND THE COURT OF THE EXACT NATURE OF THE CONSTITUTIONAL VIOLATION IN COY V. IOWA.

IN THAT CASE, AND I'M QUOTING FROM THE OPINION, A SCREEN, A LARGE SCREEN WAS PLACED BETWEEN APPELLANT AND THE WITNESS STAND DURING THE GIRL'S TESTIMONY.

AFTER CERTAIN LIGHTING ADJUSTMENTS IN THE COURTROOM, THE SCREEN WOULD ENABLE THE APPELLANT TO PERCEIVE THE WITNESSES, BUT THE WITNESSES TO SEE HIM NOT AT ALL.

IT'S THE SAME CIRCUMSTANCES WE HAVE HERE.

THE WITNESS COULD NOT-- COULD SEE THE DEFENDANT NOT AT ALL.

IT'S THE SAME CONSTITUTIONAL VIOLATION.

AND THIS IS NOT A CASE INVOLVING CHILD VICTIMS AS COY DID OR AS THE STATE, THE CASE THE STATE RELIES UPON, MARYLAND V. CRAIG. MARYLAND V. CRAIG WAS VERY NARROW IN ITS HOLDING IN APPLYING IT TO SMALL CHILDREN TERRIFIED AT THE PRESENCE OF THE

DEFENDANT.

AND IT'S, AS I SAID IN THE REPLY BRIEF, IT'S BASED ON CASE LAW THAT WAS EFFECTIVELY WASHED AWAY SUBSEQUENTLY IN CRAWFORD V. WASHINGTON.

AS TO THE PENALTY ISSUE OF THE DEATH NOTICE FILED BY THE STATE, THE STATE SAYS WHILE THERE WAS NO AMBUSH, WELL, THAT'S NOT THE STANDARD.

THEY HAVE TO COMPLY WITH THE STATUTE.

THEY SAY THAT THE SIGNIFICANT PROCEEDING WAS THE ARRAIGNMENT. IT'S NOT THE ARRAIGNMENT, IT'S THE DEATH PENALTY PROCEEDING. IT'S THE 921.141 PROCEEDING AT WHICH THE STATE IS LIMITED TO UNDER THE STATUTE PASSED IN RESPONSE TO HURST, THEY'RE LIMITED TO AGGRAVATORS TO WHICH THEY GIVE NOTICE.

SO THEY HAD TO COMPLY WITH IT.

THEY DIDN'T COMPLY WITH IT.

THEY COULD HAVE MAYBE GONE IN AND ASKED FOR LEAVE OF COURT.

THEY DIDN'T DO THAT.

SO THEY'RE LEFT WITH NO AGGRAVATING CIRCUMSTANCES.

SO BASED ON MY PRESENTATION TODAY AND THE BRIEFS, I WOULD JUST LIKE TO LEAVE YOU WITH THE THOUGHT WHICH ALL OF YOU KNOW, BUT IT ALWAYS BEARS, BEARS REPEATING, THAT OUR DECLARATION OF RIGHTS IN OUR BILL OF RIGHTS PROTECT EVERY PERSON IN THE STATE AND EVERY PERSON IN THIS COUNTRY.

IT'S A GREAT, INESTIMABLE BENEFIT TO THE PROSECUTION THAT THE PROTECTION OF THESE RIGHTS ARE LEFT TO THE PERSONS WHO OUR SOCIETY MIGHT MOST DESPISE.

BUT NEVERTHELESS, ALL OF US IN THE LAW ARE BOUND TO SEE THAT THESE CONSTITUTIONAL RIGHTS ARE FULFILLED.

SO I WILL ASK THE COURT TO

REVERSE THE CONVICTION AND
SENTENCE IN THIS CASE.
THANK YOU VERY MUCH FOR YOUR
TIME TODAY.

>> THANK YOU, COUNSEL.
WE THANK YOU BOTH FOR YOUR
ARGUMENTS.

THE COURT WILL NOW STAND IN
RECESS FOR ABOUT TEN MINUTES
BEFORE WE TAKE UP THE LAST CASE
ON TODAY'S DOCKET.