

OR EMBELLISHMENT, BUT IF IT WAS, IT WAS EGREGIOUS PARTICULARLY WHEN SHE CHARACTERIZED WHAT THEY WERE DOING WHEN THEY WERE SLAPPING HANDS OR WHATEVER IT WAS, THAT THAT WAS EGREGIOUS HYPERBOLE AND EMBELLISHMENT. AND THE JUSTICE FOR THE VICTIMS' ARGUMENT, OBVIOUSLY, THAT'S BEEN CONDEMNED BY THIS COURT FOR DECADES AS TOTALLY ANTITHETICAL TO GUARANTEE A FAIR AND JUST TRIAL.

AND PARTICULARLY WHEN YOU'RE TALKING ABOUT A DEATH PENALTY CASE, I BELIEVE IT MAKES IT EVEN PARTICULARLY EGREGIOUS.

AND I WOULD RESERVE THE REST OF MY TIME FOR REBUTTAL AND IF THERE'S ANY OTHER QUESTIONS.

>> COUNSEL?

YOU NEED TO UNMUTE.

>> THANK YOU, YOUR HONOR.

MAY IT PLEASE THE COURT, TIMOTHY FREELAND HERE ON BEHALF OF THE STATE OF FLORIDA.

I'M GOING TO PROCEED, WITH THE COURT'S PERMISSION, I'M GOING TO PROCEED THROUGH THE ISSUES IN THE ORDER--

>> MR. FREELAND, YOU'RE GOING TO NEED TO SPEAK UP A LITTLE BIT.

I, FOR ONE, AM HAVING A LITTLE TROUBLE HEARING YOU.

>> I APOLOGIZE, YOUR HONOR.

I'LL SEE IF I CAN LEAN FORWARD AND, HOPEFULLY, THE MICROPHONE WILL PICK ME UP.

IS THAT ANY BETTER?

>> MARGINALLY.

>> MARGINALLY.

I'VE GOT A THEATER VOICE, I'LL GO AHEAD AND USE THAT.

I'D LIKE TO GO THROUGH THE ISSUES IN ORDER AS PRESENTED IN THE BRIEFS, AND I'LL START WITH ISSUE NUMBER ONE.

THE ISSUE HERE IS WHETHER OR NOT THE LOWER COURT HAD ANY JURISDICTION TO ADDRESS A MOTION

FOR A NEW TRIAL.

AND I THINK THE COURT HAS
CORRECTLY IDENTIFIED THE RULE,
PROCEDURE RULE 9.600 DOESN'T
DIVEST THE LOWER COURT OF ANY
JURISDICTION TOOL OF THIS TYPE
OF MOTION.

SO I THINK THAT-- I UNDERSTAND
MY OPPONENT'S QUANDARY ABOUT
WHETHER TO ASK THE COURT TO
RELINQUISH JURISDICTION SO THE
LOWER COURT COULD REVIEW THIS
NOW, BUT I THINK THAT IF THIS
COURT WERE TO MERELY AFFIRM THE
LOWER COURT'S FINDING THAT IT
DID NOT HAVE JURISDICTION TO
RULE, THEY WOULD NOT BE IN ANY
WORSE POSITION.

THEY COULD THEN ADDRESS THIS
WHEN THE COURT CLEARLY HAS
JURISDICTION UNDER RULE 3.851
MOTION IF THEY CHOSE TO ADVANCE
THIS THING.

>> LET ME ASK YOU THIS QUESTION
AND, AGAIN, MY UNDERSTANDING ON
WAHL IS ONCE ONE FILES A NOTICE
OF APPEAL, JURISDICTION IN THE
HANDS OF THE DISTRICT COURT TO
US, THE SUPREME COURT.

HOWEVER, THERE IS SOME
CONFLICTING RULES, AND RULE
3.590 OF THE CRIMINAL RULES
PROVIDES THAT, ALLOWS THE FILING
OF A MOTION FOR A NEW TRIAL IN
DEATH CASES WITHIN TEN DAYS A
AFTER THE WRITTEN FINAL JUDGMENT
OF CONVICTION AND SENTENCE.

IF THAT IS THE CASE, THEN THEY
HAD UNTIL, LIKE, MARCH 18TH IN
WHICH TO FILE THIS.

THEY HAD PLENTY OF TIME TO FILE
IT.

NOW, ARE YOU SAYING THAT THE
MERE FILING OF THE NOTICE OF
APPEAL SUPERSEDES ALL THIS ONCE,
ONCE THEY DO THAT AND IT'S OVER
AS FAR AS THE TRIAL COURT IS
CONCERNED?

>> THAT'S MY UNDERSTANDING OF
HOW THE RULE WORKS, YOUR HONOR.

THE RULE, 9.600 SEVERELY
RESTRICTS THE KINDS OF RULINGS
THE LOWER COURT CAN MAKE.
AND LIKE I SAID, IF THE COURT
AFFIRMS THAT THE LOWER COURT DID
NOT HAVE JURISDICTION TO RULE,
THE COURT-- ONCE THIS CASE IS
OVER AND ABANDONED-- THE LOWER
COURT COULD PROCEED TO ADDRESS
THIS ISSUE IF IT CHOSE.
AND THE DEFENSE IS IN NO
WORSE--

>> COUNSEL, IS IT THE CASE THAT
IF SOMEONE'S FILED A MOTION FOR
REHEARING THAT IS PENDING AND
THEN THE, THEN THE DEFENDANT IN
THE CASE FILES A MOTION FOR--
I'M SORRY, FILES A NOTICE OF
APPEAL, THAT THAT WOULD BE
DEEMED AN ABANDONMENT OF THE
MOTION FOR REHEARING?

>> WELL, THAT WOULD BE MY
UNDERSTANDING.

I DON'T THINK ONCE THE NOTICE OF
APPEAL IS FILED--

>> I MEAN, SO WHAT-- THE THINGS
THAT GO ON UNDER THE RULES OF
CRIMINAL PROCEDURE, THAT'S, YOU
KNOW, THAT'S THERE.

BUT ONCE YOU GO, ONCE YOU GO TO
THE APPELLATE COURT, YOU'VE LEFT
THAT COURT.

I MEAN, ASIDE FROM SOME KIND OF
HOUSEKEEPING THINGS WITH RESPECT
TO THE RECORD--

>> AND ALSO I THINK SOMETHING--
THE LOWER COURT COULD ALSO DO
SOMETHING WITH POST-TRIAL ARE
RELEASE.

NOT IN A DEATH CASE, BUT THE
COURT HAS THAT KIND OF
JURISDICTION.

>> WELL, THE 3800 IS, YOU KNOW,
YOU'VE GOT-- WELL--

>> RIGHT.

>> THERE'S NOTHING-- IT'S NOT
APPLICABLE HERE.

>> CORRECT.

>> I GUESS, I GUESS THE POINT
WOULD BE SINCE THEY HAVE, THE

DEFENDANT HAS 30 DAYS IN WHICH TO APPLY FOR NOTICE OF APPEAL AFTER THE SENTENCE, AM I CORRECT?

>> YES.

>> SO THEY HAD PLENTY OF TIME IN WHICH TO FILE A NOTICE OF APPEAL AND HAVE THIS OTHER MOTION FOR RETRIAL HEARD BEFORE IT WAS FILED.

SO THEY RUSHED TO JUDGMENT AS FAR AS FILING NOTICE OF APPEAL. THAT'S THE POINT?

>> RIGHT.

YES, YOUR HONOR, I WOULD AGREE. I THINK IF THEY HAD WANTED TO, THEY COULD HAVE FILED THE MOTION FOR NEW TRIAL AND HAD IT HEARD BEFORE FINAL NOTICE OF APPEAL, AND IT'S JUST-- IT'S UNFORTUNATE THAT IT TURNED OUT THE WAY IT DID.

BUT THERE'S NO HARM TO THE DEFENDANT, YOU KNOW?

THE SAME ISSUE COULD BE EXPLORED AFTER THIS APPEAL'S RESULT.

ALL RIGHT.

I WOULD LIKE TO MOVE ON TO THE CLOSING ARGUMENT ISSUES.

IT'S IMPORTANT TO REMEMBER, OF COURSE, THAT THERE WAS NO OBJECTION TO ANY OF THE ARGUMENTS THAT THEY ARE COMPLAINED ABOUT.

MR. ALCEGAIRE'S COMPLAINING ABOUT IN HIS INITIAL BRIEF. OF COURSE, IF WE'RE LOOKING AT WHETHER THERE'S FUNDAMENTAL ERROR, WE HAVE TO EXAMINE THE ARGUMENTS, THE ALLEGEDLY IMPROPER ARGUMENTS ON THE VERDICT.

AND I DON'T, I DON'T SEE THAT THERE IS THAT KIND OF CUMULATIVE IMPACT SUCH THAT THE VERDICT WOULD NOT HAVE BEEN OBTAINED BUT FOR THE ARGUMENTS.

IF WE START OUT WITH THE STATEMENT ABOUT THE PROSECUTOR SAYING TO THE JURY THAT HE HEARD

DAVID, THE VICTIM WHO WAS
KILLED, SAYING I GAVE THE MONEY
TO ZEKE OR I GAVE THE MONEY TO
ZOE.

I CAN'T DISPUTE THERE WASN'T
TESTIMONY TO SUPPORT THAT.
BUT WE DO KNOW THAT JAMAL SMITH
WAS BEATING DAVID WITH A BAR
STOOL, AND HE HAD MONEY IN HIS
HANDS THAT HE WAS COUNTING WHICH
IS A REASONABLE INFERENCE HE'D
JUST GOTTEN THAT FROM DAVID, AND
THEN HE CONTINUED BEATING HIM.
AND AFTER BEATING HIM FOR A
PERIOD OF TIME, HE THEN SHOT
HIM.

SO IT'S NOT THAT MUCH OF A
STRETCH THAT THERE WAS A REASON
WHY HE CONTINUED BEATING HIM.
I CAN'T, I CAN'T DISPUTE THAT
TESTIMONY DIDN'T ACTUALLY COME
IN, BUT I DON'T THINK IT'S
EGREGIOUS.

I DON'T THINK IT'S FUNDAMENTAL
ERROR, THAT STATEMENT TO HAVE
COME IN.

THE REST OF IT, THAT SEEMS A
REASONABLE, THAT'S PROBABLY THE
CONVERSATION THEY WERE HAVING.
I WISH THAT THE TESTIMONY HAD
COME IN.

THAT WOULD MAKE MY ARGUMENT SO
MUCH EASIER.

IF WE MOVE TO SOME OF THE OTHER
ARGUMENTS, SPECIFICALLY THE ONES
THAT MY OPPONENT OUTLINED,
THE-- I AGREE WITH THE COURT
THAT THE, WITH REGARD TO THE
MOVEMENT IN THE ELEVATOR, THE
JURY SAW WHAT WAS IN, WHAT WAS
GOING ON IN THE ELEVATOR.
THEY SAW ALL OF THOSE VIDEOS.
THERE'S SEVERAL VIDEOS INSIDE
THE ELEVATOR.

AND I DON'T SEE HOW THE
PROSECUTOR'S CHARACTERIZING IT
IN A CERTAIN WAY IS AN IMPROPER
COMMENT ON THE OTHER.

WE SEE WHAT WAS THERE.
SHE MAY HAVE EXAGGERATED IT

SLIGHTLY, BUT IT'S FAIR COMMENT ON WHAT WAS GOING ON IN THE ELEVATOR.

THE COURT CAN SEE THE VIDEO, I'VE SEEN THE VIDEO, I DON'T SEE HOW THAT IS FUNDAMENTAL ERROR. WITH REGARD TO THE JUSTICE FOR THE VICTIMS ARGUMENT, I THINK THAT OPPOSING COUNSEL-- I MEAN, MR. CARMICHAEL WHO WAS THE TRIAL ATTORNEY EFFECTIVELY DEALT WITH THAT DURING HIS CLOSING ARGUMENT.

I MEAN, HIS ARGUMENT WAS IT WAS, THAT IT WAS HORRIFIC, IT WAS A HORRIFIC MURDER AND THAT IT WAS-- YOU HAVE THREE PEOPLE KILLED EXECUTION STYLE.

WE HAVE A FOURTH ONE THAT THEY ATTEMPTED TO KILL BY SHOOTING HIM IN THE HEAD.

IT'S NOT THE BEST ARGUMENT THAT THE PROSECUTOR SHOULD MAKE.

SHE SHOULD NOT HAVE-- I MEAN, WE KNOW THAT'S NOT THE KIND OF ARGUMENT YOU SHOULD HAVE MADE.

BUT THE CLOSING, IN CLOSING, DEFENSE COUNSEL SAID THIS-- YES, IT IS HORRIFIC, IT IS EGREGIOUS, BUT MY CLIENT WAS NOT THERE.

MY CLIENT WAS NOT RESPONSIBLE FOR THAT.

SO I THINK THAT WAS AN EFFECTIVE RESPONSE TO THAT ARGUMENT.

SO THOSE ARE MY ARGUMENTS WITH REGARD TO CLOSING.

I WANT TO MOVE TO THE REBUTTAL ARGUMENT.

WHAT'S IMPORTANT TO NOTICE HERE IS THAT NOBODY-- NOT THE STATE OR THE DEFENSE-- IS ARGUING THAT THE MAPS THEMSELVES ARE INACCURATE.

THAT THERE'S ANYTHING WRONG WITH THE WAY THOSE MAPS DEPICT THE STREETS AND LAYOUTS OF--

[INAUDIBLE]

SO THAT IS, IF ANYTHING, THAT IS THE EVIDENCE, THE MAP, EVEN

THOUGH IT WAS NOT ADMITTED INTO EVIDENCE.

IT WAS ADMITTED AS A COURT EXHIBIT.

IN TRYING TO CHARACTERIZE THIS AS A GIGLIO CLAIM, I THINK IT'S IMPORTANT WE STEP BACK AND LOOK AT WHAT GIGLIO TALKS ABOUT.

IT TALKS ABOUT KNOWINGLY PRESENTING FALSE EVIDENCE.

WHAT THE LAWYERS SAY NOT EVIDENCE, SO I DON'T SEE HOW THIS CAN POSSIBLY BE CONSIDERED GIGLIO ARGUMENT.

THE MAP DOES SHOW, AND I THINK THAT THE STATE ARGUED THAT THE VAN THAT WE'RE TALKING ABOUT MOVED THROUGH 92 HEADING WEST, AND THEY ARGUED THAT THEY CONTINUED ON WEST TOWARDS I-4. AND I THINK THOSE MAPS SUPPORT THAT ARGUMENT.

AND AS I INDICATED, IT'S-- IT PLACES, IT PLACES THE VAN A LITTLE BIT CLOSER TO THE WEST MAGNOLIA STREET ADDRESS.

IF THE JURY WAS INCLINED TO BUY THE ARGUMENT THAT THEY DROP OFF MR. ALCEGAIRE'S AT THAT WEST MAGNOLIA STREET ADDRESS, THOSE NAP MAPS, THAT MAP ACTUALLY ASSISTS THEM IN TRYING TO ESTABLISH THAT ARGUMENT.

HERE'S THE THING, WITHOUT--

>> LET ME ASK YOU THIS, COUNSEL. IS THERE ANYTHING IN THE RECORD THAT ACTUALLY, THAT WAS EVIDENCE CONCERNING THE RELATIONSHIP BETWEEN EAST MAGNOLIA AND WEST MAGNOLIA?

ORDINARILY YOU THINK ABOUT EAST MAIN STREET, WEST MAIN STREET YOU'LL THINK, WELL, THAT'S ONE END OF IT IS EAST AND THE OTHER END IS WEST.

THAT'S NOT WHAT IS THE SITUATION HERE AT ALL, RIGHT?

I MEAN, THESE STREETS ARE TOTALLY, THEY'RE JUST IN DIFFERENT PARTS OF TOWN.

>> THEY'RE MILES APART.
>> OBVIOUSLY, THERE ARE ROADS
THAT GO BETWEEN THEM, BUT
THEY'RE SEPARATE STREETS
ENTIRELY, CORRECT?
>> THAT'S CORRECT.
>> IS THERE ANY, IS THERE ANY
EVIDENCE THAT-- I MEAN, I
UNDERSTAND THAT THE
DEMONSTRATIVE AID SHOWS THAT
THAT'S MAPPED.
IS THERE ANY OTHER EVIDENCE IN
THE RECORD THAT SHOWS THE
RELATIONSHIP BETWEEN THOSE
STREETS?
>> NO, THERE ISN'T.
I DIDN'T SEE ANY.
SO AS FAR AS THERE BEING TWO
SEPARATE STREETS, THERE ISN'T.
THAT DEMONSTRATIVE AID DOES HELP
THE STATE IN MAKING THAT
ARGUMENT, YOU KNOW, THAT THEY
ARE FAR APART, THE TWO STREETS
ARE FAR APART--
>> LET ME ASK YOU, WHAT EVIDENCE
WAS THERE AT TRIAL ABOUT THE,
THE WEST MAGNOLIA ADDRESS?
>> THE-- I'M NOT CERTAIN OF
YOUR HONOR'S QUESTION.
>> WELL--
[LAUGHTER]
I'M ASKING WHAT, WHAT EVIDENCE
AT TRIAL WAS THERE CONCERNING
THE WEST MAGNOLIA ADDRESS.
I MEAN, WHAT WAS BEFORE THE JURY
CONCERNING THE WEST MAGNOLIA
ADDRESS?
>> THERE WAS A MAP INTRODUCED
SHOWING THE WEST MAGNOLIA
ADDRESS SIMILAR TO THIS ONE THAT
WE'RE ARGUING ABOUT, EXCEPT IT
FOCUSED IN EXPRESSLY ON THE
MURDER SCENE, AND IT SHOWS AN
OVERHEAD OF HOW 92 IS RELATED TO
I THINK IT'S FAIRWAY AND--
>> THAT'S EAST MAGNOLIA YOU'RE
TALKING.
THE SCENE OF THE MURDER IS WAS
EAST--
>> OH, THAT'S RIGHT.

>> I'M TALKING ABOUT WEST
MAGNOLIA.
>> I'M NOT AWARE THERE WAS ANY
MAP INTRODUCED--
>> I'M NOT ASKING ABOUT A MAP,
I'M ASKING ABOUT ANY EVIDENCE
RELATE TO THE EAST MAGNOLIA
ADDRESS.
>> THE EAST MAGNOLIA ADDRESS
EVIDENCE WAS THE DEFENDANT
LOOKED UP THAT ADDRESS.
IT WAS IN HIS CELL PHONE THAT
THEY EXTRACTED--
>> AND SO THE STATE, THE STATE
PRESENTED THAT FACT--
>> YES.
>> OR DID-- OKAY.
THAT WAS HELPFUL.
>> OKAY.
[LAUGHTER]
THANK YOU, YOUR HONOR.
I'M SORRY FOR THE--
>> THAT'S OKAY.
>> AND SO MY ARGUMENT THEN IS
IS, YOU KNOW, IF WE REMOVE THE
MAP FROM THE EQUATION, WHICH I'M
NOT ENTIRELY SURE THE DEFENSE
WOULD WANT TO DO THAT, WOULD THE
PROSECUTORS STILL BE ABLE TO
MAKE THIS ARGUMENT THAT THESE
TWO ENTIRELY DIFFERENT STREETS
AND THAT THEY'RE FAR APART?
I THINK CLEARLY, YES, THEY WOULD
STILL BE ABLE TO MAKE THAT
ARGUMENT.
SO I DON'T SEE THERE'S ANYTHING
THERE THAT NEEDS RESOLUTION,
PARTICULARLY IN LIGHT OF THE
FACT THAT, YOU KNOW, THE MAP
ITSELF ACTUALLY HELPS THE
DEFENSE, IF ANYTHING.
I'M NOT GOING TO MAKE ANY
FURTHER ARGUMENT.
I'VE WRITTEN ON THE VICTIM
IMPACT EVIDENCE.
MY ARGUMENT STANDS IN THE BRIEF.
I DON'T HAVE ANY ADDITIONAL
ARGUMENT AS TO THAT UNLESS THE
COURT HAD SOME QUESTION ABOUT
IT.

I WOULD JUST NOTE THAT ALL OF
THE IMPACT EVIDENCE WAS REVIEWED
BY TRIAL COUNSEL,
MR. CARMICHAEL.

THEY DID NOT HAVE ANY OBJECTION
TO THE CONTENT AT THE TIME.
THE COURT, OF COURSE, NEEDS TO
ADDRESS SUFFICIENCY AND
PROPORTIONALITY, BUT I'VE ALSO
MADE, I HOPE, A THOROUGH
PRESENTATION OF THAT IN MY
BRIEF.

SO IF THE COURT HAS NO MORE
QUESTIONS, THAT'S, THAT
COMPLETES MY PRESENTATION.

>> WELL, THANK YOU, COUNSEL.
REBUTTAL ARGUMENT NOW.

COUNSEL, YOU NEED TO UNMUTE.
WE WISH TO HEAR YOUR REBUTTAL.

>> THANK YOU, SIR.

CAN YOU HEAR ME NOW?

I'M TRYING TO GET USED TO THIS
SYSTEM.

SO WHAT I WANTED TO EMPHASIZE
ABOUT, YOU KNOW, THE STATE JUST
MISCHARACTERIZED WHAT THE
PROSECUTOR ARGUED IN, ABOUT THE
MAP AND ABOUT THOSE
REPRESENTATIVE ADDRESSES.
SHE DID NOT SAY THAT THEY
TRAVELED WEST PAST WEST
MAGNOLIA.

SHE SPECIFICALLY SAID THAT THEY
WOULDN'T HAVE, THEY WOULDN'T
HAVE TRAVELED WEST TO GO TO
MIAMI.

THAT IS WHAT SHE ARGUED.

I BELIEVE GIGLIO AND ITS PROGENY
SAYS PRESENTING FALSE AND
MISLEADING CHARACTERIZATIONS IN
THE NARRATIVE OF A CASE IS
WRONG.

AND THE SPECIFIC OBJECTION FROM
THE DEFENSE WAS THAT SHE--

>> WHAT IS THERE TO SHOW, WHAT
IS THERE TO SHOW THAT THAT IS
FALSE?

>> WELL, AGAIN, YOUR HONOR,
THAT'S-- AND THAT'S WHY IT'S
KEY TO LOOK AT THE FACTS THAT I

LAI D OUT IN MY BRIEF OF WHEN THE SURVEILLANCE IS TRACKING THE VAN.

AND THEN SO WE KNOW SHE SAYS IT'S ALL THE WAY ACROSS TOWN. WE KNOW THAT IT'S APPROXIMATELY-- I MEAN, I SAY, WE WILL JUST SAY IT'S APPROXIMATELY SIX MINUTES WHEN YOU TRACK THAT VAN.

AND THEY SAID THEY WERE TRAVELING TO I-4.

AND AS I SAID, I THINK IT TOOK THEM LONGER, I MIGHT BE WRONG, TO GET TO THE SCENE THAN IT DID COMING BACK.

SO IT WOULD HAVE TAKEN NO TIME TO, TO SWING BY THAT PLACE. AND THAT'S WHY I ARGUE THAT IT'S FALSE.

AND THIS WHOLE NOTION THAT, WELL, BECAUSE IT HELPED THE DEFENSE THERE'S NO PREJUDICE, WELL, I BELIEVE THAT MAY BE WHY SHE WAITED UNTIL REBUTTAL TO ARGUE THIS AND SAY I FIGURED IT OUT PERSONALLY.

I WENT AND DID AN INVESTIGATION. AND I KNOW I'M SHORT ON TIME. I WANT TO EMPHASIZE WITH THE VICTIM IMPACT EVIDENCE THAT THAT WAS THE ONLY EVIDENCE THAT WAS PUT FORTH.

AND THE STATE, PERHAPS IN JUST A MISTAKE OR A FREUDIAN SLIP AT THE BEGINNING OF THEIR ARGUMENT, SAID THE STATE WAS REQUIRED TO--

[INAUDIBLE]

AND THEY DID THAT REPORT TO VICTIM IMPACT EVIDENCE WHICH, OF COURSE, WE KNOW CAN'T BE AN AGGRAVATOR.

THEY SAID THAT LATER, WHICH I THINK WHY IT MIGHT BE A MISTAKE. BUT I THINK THAT HIGHLIGHTS THE PROBLEM WITH JURORS OF TAKING VICTIM IMPACT EVIDENCE TO SAY, WELL, THAT WARRANTS DEATH. AND I THINK THAT MISTAKE SHOWED

THAT-- I SEE THAT I'M ABOUT UP
FOR TIME, SO I WOULD URGE THIS
COURT TO REVERSE AND REMAND FOR
A NEW TRIAL OR AT THE VERY LEAST
TO REVERSE AND REMAND FOR AN
EVIDENTIARY HEARING ON THE
MOTION FOR NEW TRIAL.

>> WELL, THANK YOU, COUNSEL.
WE THANK BOTH OF YOU FOR YOUR
ARGUMENTS IN THIS CASE.

>> THANK YOU.

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