

8/03/2015 Minute Order (print)
JURY TRIAL - DAY 116
AUGUST 3, 2015

Event ID: 000920 E-Filed: N

JUDGE SAMOUR

REPORTER: MARTIN ALL DAY

DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, LISA TEESCH-MAGUIRE, AND DAN EDWARDS.

THE JURY RETURNS AT 8:30 A.M. AND RESUMES DELIBERATIONS IN PHASE 2 OF THE SENTENCING HEARING. THE JURY SUBMITS A NOTE INDICATING THAT IT HAS REACHED A VERDICT ON ALL COUNTS. A FEW MINUTES LATER, THE JURORS REQUEST NEW VERDICT FORMS FOR COUNTS 1 AND 2 BECAUSE THEY MADE AN ERROR ON THE VERDICT FORMS FOR COUNTS 1 AND 2. AFTER CONFERRING WITH THE PARTIES, THE COURT PROVIDES NEW VERDICT FORMS FOR COUNTS 1 AND 2 TO THE JURY. AT APPROXIMATELY 12:30 P.M., THE DELIBERATING AND ALTERNATE JURORS ARE BROUGHT INTO THE COURTROOM AND THE VERDICTS ARE READ. ON ALL COUNTS, THE JURY UNANIMOUSLY FINDS BEYOND A REASONABLE DOUBT THAT THE MITIGATING FACTORS THAT EXIST DO NOT OUTWEIGH THE AGGRAVATING FACTORS PROVEN BY THE PROSECUTION IN PHASE 1. AT THE REQUEST OF THE DEFENSE, THE COURT POLLS THE JURY.

THE JURORS ARE RELEASED FOR THE DAY AT APPROXIMATELY 1:00 P.M. AND WILL RETURN TOMORROW AT 10:00 A.M. THE COURT HOLDS A JURY INSTRUCTIONS CONFERENCE ON THE INTRODUCTORY INSTRUCTIONS FOR PHASE 3 OF THE SENTENCING HEARING. AFTER CONFERRING WITH THE PARTIES, THE INTRODUCTORY INSTRUCTIONS FOR PHASE 3 ARE FINALIZED. THE COURT ADDRESSES THE PEOPLE'S SUPPLEMENTAL AMENDED DISCLOSURE OF VICTIM IMPACT EVIDENCE, PLEADING P-83-D. THE COURT ORALLY AMENDS ORDERS P-83-B AND P-83-C. THE COURT TAKES UNDER ADVISEMENT A COUPLE OF ISSUES RELATED TO THE VICTIM IMPACT EVIDENCE REGARDING JONATHAN BLUNK AND MICAYLA MEDEK. THE DEFENSE ASKS THE COURT TO ORDER THE PEOPLE TO PROVIDE AN OFFER OF PROOF REGARDING WHY THEY ARE CALLING 2 VICTIM IMPACT WITNESSES FOR 3 OR 4 VICTIMS. OVER THEIR OBJECTION, THE COURT ORDERS THE PEOPLE TO PROVIDE SUCH AN OFFER OF PROOF FOR THE WITNESS FOR EACH VICTIM IN QUESTION. THE COURT DEFERS RULING ON THIS ISSUE. IF THE COURT FEELS THAT THE JURY IS BEING OVERWHELMED WITH EMOTION, IT WILL STOP THE PRESENTATION OF VICTIM IMPACT EVIDENCE. CONSEQUENTLY, THE COURT TELLS THE PEOPLE THAT THE WAY TO PROCEED IS TO HOLD OFF ON CALLING THE 2ND WITNESS FOR ANY VICTIM UNTIL ONE WITNESS HAS TESTIFIED ABOUT EACH OF THE VICTIMS. THE DEFENSE RAISES SPECIFIC OBJECTIONS TO SEVERAL PHOTOS THE PEOPLE PLAN TO INTRODUCE IN PHASE 3. THE COURT TAKES THE DEFENDANT'S OBJECTIONS UNDER ADVISEMENT SO THAT IT CAN REVIEW THE PHOTOGRAPHS. THE DEFENSE SUBMITS THUMBNAILS OF THE PHOTOGRAPHS THEY OBJECT TO THE PROSECUTION USING DURING PHASE 3; THE THUMBNAILS ARE LABELED C-TR-115. THE DEFENSE ALSO TENDERS A DISC CONTAINING VICTIM IMPACT VIDEOS, WHICH IS LABELED C-TR-116. THE PURPOSE OF SUBMITTING THIS DISC IS TO ALLOW THE COURT TO DETERMINE WHETHER THE PHOTOGRAPHS THE DEFENSE OPPOSES ARE CUMULATIVE. THE PEOPLE TENDER A DISC CONTAINING THE POWERPOINT PRESENTATION MR. BRAUCHLER USED DURING HIS CLOSING ARGUMENT FOR PHASE 2. THE DISC IS MARKED C-TR-113. THE PEOPLE ALSO TENDER A DISC CONTAINING VIDEO AND AUDIO OF THE DISRUPTION FROM THE GALLERY DURING THE PEOPLE'S CLOSING ARGUMENT IN PHASE 2, WHICH THE PEOPLE HAVE MARKED C-TR-114. THE COURT WILL GIVE EACH SIDE 40 MINUTES FOR CLOSING ARGUMENTS IN PHASE 3. EACH SIDE WILL ALSO HAVE 20 MINUTES FOR REBUTTAL. THE ATTORNEYS WILL RETURN TOMORROW AT 9:00 A.M. SO THAT THE COURT CAN RULE ON THE DEFENSE'S OBJECTIONS TO THE PHOTOGRAPHS THE PEOPLE INTEND TO INTRODUCE IN PHASE 3. THE COURT WILL ALSO RULE AT THAT TIME ON THE ISSUES IT TOOK UNDER ADVISEMENT RELATED TO THE VICTIM IMPACT TESTIMONY THE PEOPLE INTEND TO INTRODUCE. /CMR

8/04/2015 Notice Filed Event ID: 000913 E-Filed: N
THE COURT ENTERS NOTICE OF LABELING AS "C-222" COURT'S DRAFT INTRODUCTORY
INSTRUCTIONS FOR PHASE 3 OF THE SENTENCING HEARING. COPIES SENT VIA EMAIL
TO KAREN PEARSON, RICH ORMAN, JACOB EDSON, LISA TEESCH-MAGUIRE, GEORGE
BRAUCHLER, SHERILYN KOSLOSKY, RHONDA CRANDALL, DANIEL KING, TAMARA BRADY,
KRISTEN NELSON, AND CHRISTINA TAYLOR. /CMR

8/04/2015 Minute Order (print) Event ID: 000922 E-Filed: N
JURY TRIAL - DAY 117
AUGUST 4, 2015
JUDGE SAMOUR REPORTER: ELMSHAUESER
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING,
REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE
REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN,
LISA TEESCH-MAGUIRE, AND DAN EDWARDS.
THE COURT ADDRESSES INDIVIDUALLY EACH OBJECTION THE DEFENSE RAISED YESTERDAY
TO VICTIM IMPACT PHOTOGRAPHS. THE COURT ALSO ADDRESSES THE TWO ISSUES IT
TOOK UNDER ADVISEMENT YESTERDAY.
THE COURT READS PHASE 3 INTRODUCTORY INSTRUCTIONS TO THE JURY. COPIES OF
THE INTRODUCTORY INSTRUCTIONS ARE DISTRIBUTED TO THE JURORS AND COLLECTED
AFTER THEY ARE READ BY THE COURT. THE PARTIES MAKE BRIEF OPENING STATEMENTS
FOR PHASE 3. THE PEOPLE CALL WITNESSES AND THE FOLLOWING EXHIBITS ARE
ADMITTED: P-TR-4728, P-TR-4675, P-TR-4676, P-TR-4677, P-TR-4710,
P-TR-4712, P-TR-4713, P-TR-4673, P-TR-1083, P-TR-2650, P-TR-2651, P-TR-4691,
P-TR-4692, P-TR-4693, P-TR-4695, P-TR-4696, P-TR-4685, P-TR-4687, P-TR-4688,
P-TR-4689, AND P-TR-1082. DURING TESTIMONY, A JUROR SUBMITS A NOTE ASKING
TO TAKE A BREAK. THE NOTE IS LABELED C-TR-117. THE DEFENSE TENDERS A DISC
OF THE POWERPOINT PRESENTATION IT USED DURING ITS PHASE 2 CLOSING ARGUMENT,
WHICH IT HAS MARKED AS C-TR-118. /CMR

8/05/2015 Request Filed Event ID: 000914 E-Filed: N
REQUEST FOR TRANSCRIPTS RECEIVED FROM CHRIS TAYLOR,
CTAYLOR@DA18.STATE.CO.US, 720-874-8500, FOR 6-8-15 (MARTIN), 6-9-15
(MARTIN), 6-10-15 (AMATO), AND 6-11-15 (FIKANY). REQUEST FORWARDED TO COURT
REPORTERS LISTED ABOVE. /JEM

8/05/2015 Request Filed Event ID: 000915 E-Filed: N
REQUEST FOR TRANSCRIPTS RECEIVED FROM CHRIS TAYLOR,
CTAYLOR@DA18.STATE.CO.US, 720-874-8500, FOR 6-15-15 (MARTIN), 6-16-15
(TROYANEK), 6-17-15 (MARTIN), 6-18-15 (CHAN), AND 6-19-15 (MARTIN). REQUEST
FORWARDED TO REPORTERS LISTED ABOVE. /JEM

8/05/2015 Request Filed Event ID: 000916 E-Filed: N
REQUEST FOR TRANSCRIPTS RECEIVED FROM CHRIS TAYLOR,
CTAYLOR@DA18.STATE.CO.US,
720-874-8500, FOR 6-22-15 (BOOTH), 6-23-15 (NO TRIAL HELD ON THIS DATE),
6-24-15 (FIKANY), 6-25-15 (MARTIN), AND 6-26-15 (TROYANEK). REQUEST
FORWARDED TO REPORTERS LISTED ABOVE.
/JEM

8/05/2015 Request Filed Event ID: 000917 E-Filed: N
REQUEST FOR TRANSCRIPTS RECEIVED FROM CHRIS TAYLOR,
CTAYLOR@DA18.STATE.CO.US, 720-874-8500, FOR 6-29-15 (AMATO), 6-30-15
(AMATO), 7-1-15 (MARTIN), AND 7-2-15 (TROYANEK). REQUEST FORWARDED TO
REPORTERS LISTED ABOVE. /JEM

8/05/2015 Request Filed Event ID: 000918 E-Filed: N
REQUEST FOR TRANSCRIPTS RECEIVED FROM CHRIS TAYLOR,
CTAYLOR@DA18.STATE.CO.US, 720-874-8500, FOR 7-6-15 (MARTIN), 7-7-15 (CARLIN),
7-8-15 (TROYANEK), 7-9-15 (CARLIN), AND 7-10-15 (TROYANEK). REQUEST
FORWARDED TO REPORTERS LISTED ABOVE. /JEM

8/05/2015 Request Filed Event ID: 000919 E-Filed: N
REQUEST FOR TRANSCRIPTS RECEIVED FROM CHRIS TAYLOR,
CTAYLOR@DA18.STATE.CO.US, 720-874-8500, FOR 7-13-15 (MARTIN), 7-14-15
(TROYANEK A.M. / MARTIN P.M.), 7-15-15 (MARTIN), AND 7-16-15 (TROYANEK).
REQUEST FORWARDED TO REPORTERS LISTED ABOVE. /JEM

8/05/2015 Minute Order (print) Event ID: 000923 E-Filed: N
JURY TRIAL - DAY 118
AUGUST 5, 2015
JUDGE SAMOUR REPORTER: ELMSHAUESER ALL DAY
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING,
REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE
REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN,
LISA TEESCH-MAGUIRE, AND DAN EDWARDS.
THE COURT SPEAKS WITH JUROR 118 OUTSIDE THE PRESENCE OF THE OTHER JURORS
ABOUT A NOTE SHE SUBMITTED INQUIRING ABOUT SCHEDULING THIS WEEK. THE NOTE
IS MARKED C-TR-119. FOR THE REASONS ARTICULATED DURING THE BENCH CONFERENCE
WITH THE PARTIES, THE COURT IS DISINCLINED TO TAKE THURSDAY AND FRIDAY OFF
SO THAT JUROR 118 CAN ATTEND HER SON'S GRADUATION IN FORT BRAGG, NORTH
CAROLINA. HOWEVER, THE COURT INFORMS JUROR 118 THAT IT WILL GIVE THE ISSUE
FURTHER CONSIDERATION.
THE PEOPLE CALL WITNESSES AND THE FOLLOWING EXHIBITS ARE ADMITTED:
P-TR-4714, P-TR-4715, P-TR-1098, P-TR-4705, P-TR-4706, P-TR-4707, P-TR-4701,
P-TR-4709, P-TR-4700, P-TR-2654, P-TR-2656, P-TR-2657, P-TR-4679, P-TR-4680,
P-TR-4681, P-TR-4719, P-TR-4723, P-TR-4725, P-TR-4727, P-TR-4724, P-TR-4720,
P-TR-4721, P-TR-4722, P-TR-4730, P-TR-4732, AND P-TR-1099.
DURING THE MORNING BREAK, JUROR 118 SUBMITS A SECOND NOTE INDICATING THAT
SHE DOES NOT WANT THE COURT TO ALTER ITS SCHEDULE FOR HER. THE SECOND NOTE
IS MARKED C-TR-120. AN EMAIL SUBMITTED BY JUROR 118 ON 2/18/15 AND THE
COURT'S RESPONSE TO THE EMAIL ARE MARKED C-TR-121. BASED ON JUROR 118'S
SECOND NOTE, THE COURT WILL KEEP THE SCHEDULE IT PREVIOUSLY DISCUSSED WITH
THE PARTIES AND WILL PROCEED TO CLOSING ARGUMENTS TOMORROW. THE COURT WILL
BRING IN JUROR 118 LATER TO THANK HER FOR HER WILLINGNESS TO MISS HER TRIP
IN ORDER TO PREVENT ALTERING THE SCHEDULE IN THESE PROCEEDINGS. THE DEFENSE
OBJECTS TO THE PEOPLE'S INTENT TO CALL TWO VICTIM IMPACT WITNESSES FOR
VERONICA MOSER-SULLIVAN. THE COURT HEARS ARGUMENT AND TAKES THE MATTER
UNDER ADVISEMENT. AFTER THE LUNCH BREAK, FOR THE REASONS STATED ON THE
RECORD, THE COURT RULES THAT THE PEOPLE MAY CALL TWO VICTIM IMPACT WITNESSES
FOR VERONICA-MOSER SULLIVAN. THE COURT MAKES A RECORD THAT IT HAS BECOME
AWARE OF ANOTHER THEATER ATTACK, WHICH APPARENTLY OCCURRED EARLIER TODAY IN
TENNESSEE. THE COURT ASKS THE PARTIES IF THEY ARE REQUESTING ANY ACTION OR
IF THEY WOULD LIKE THE COURT TO MAKE ANY MODIFICATIONS TO ITS ADMONISHMENTS
TO THE JURY. THE DEFENSE ASKS THE COURT TO EMPHASIZE THAT THE JURORS SHOULD
NOT RESEARCH OR READ NEWS COVERAGE OF ANY CASE LIKE THIS CASE WHEN IT
ADMONISHES THE JURORS. FURTHER, THE DEFENSE SUGGESTS TELLING THE JURORS
THAT, IF AT ALL POSSIBLE, THEY SHOULD AVOID ALL NEWS REPORTS FOR THE
REMAINDER OF THE PROCEEDINGS. THE DEFENSE ALSO ASKS THE COURT TO REMIND THE
JURORS THAT IF THEY DO INADVERTENTLY SEE ANY MEDIA COVERAGE OF THIS CASE OR
A CASE LIKE IT, THEY SHOULD INFORM THE BAILIFFS THAT THEY NEED TO TALK TO

THE COURT. ALL THREE REQUESTS ARE GRANTED WITHOUT OBJECTION. THE COURT SPEAKS WITH JUROR 118 OUTSIDE THE PRESENCE OF THE OTHER JURORS AND THANKS HER FOR HER WILLINGNESS TO ACCOMMODATE THE COURTS SCHEDULE. OUTSIDE THE PRESENCE OF THE JURY, THE DEFENSE MAKES A RECORD REGARDING JURORS WHO WERE CRYING DURING THE TESTIMONY OF ASHLEY MOSER. THE COURT'S OBSERVATIONS ARE NOT CONSISTENT WITH THE RECORD MADE BY THE DEFENSE. THE COURT CONTINUES TO FIND THAT THE JURY HAS NOT BEEN OVERWHELMED BY THE VICTIM IMPACT TESTIMONY. THE COURT IS NOT CONCERNED, AND THE COURT IS CONFIDENT THAT THE JURY WILL FOLLOW ITS CAUTIONARY INSTRUCTION, WHICH THE COURT HAS REPEATED THROUGHOUT THE PRESENTATION OF THE VICTIM IMPACT EVIDENCE. THE COURT GIVES THE DEFENDANT A CURTIS ADVISEMENT. THE DEFENDANT CHOOSES NOT TO TESTIFY. THE COURT FINDS THE DEFENDANT'S DECISION IS KNOWING, VOLUNTARY, AND INTELLIGENT. THE COURT ADVISES THE DEFENDANT OF HIS RIGHT TO MAKE A STATEMENT IN ALLOCUTION IN PHASE 3. THE DEFENDANT CHOOSES NOT TO MAKE AN ALLOCUTION STATEMENT. THE COURT FINDS THE DEFENDANT'S DECISION IS KNOWING, VOLUNTARY, AND INTELLIGENT. THE COURT INQUIRES WHETHER THE PARTIES INTEND TO USE POWERPOINT PRESENTATIONS DURING CLOSING ARGUMENTS FOR PHASE 3 AND, IF SO, IF THEY HAVE EXCHANGED THEIR PRESENTATIONS. THE DEFENSE DOES NOT HAVE A POWERPOINT. THE PEOPLE WILL USE SOME PHOTOGRAPHS THAT HAVE BEEN ADMITTED INTO EVIDENCE AND USED DURING THEIR PREVIOUS CLOSING ARGUMENTS. THE DEFENSE WILL DECIDE WHETHER IT HAS ANY OBJECTIONS ONCE IT SEES THE PHOTOGRAPHS. AFTER THE AFTERNOON BREAK, THE JURY IS BROUGHT INTO THE COURTROOM AND THE PEOPLE AND THE DEFENSE REST. THE JURY IS DISMISSED FOR THE EVENING AND WILL RETURN TOMORROW AT 1:00 P.M. THE COURT HOLDS A JURY INSTRUCTIONS CONFERENCE ON THE FINAL JURY INSTRUCTIONS FOR PHASE 3 OF THE SENTENCING HEARING. THE ATTORNEYS WILL RETURN TOMORROW AT 9:00 A.M. TO FINALIZE INSTRUCTIONS. /CMR

8/06/2015 Notice Filed Event ID: 000921 E-Filed: N
THE COURT ENTERS NOTICE OF LABELING AS "C-223" COURT'S DRAFT FINAL INSTRUCTIONS FOR PHASE 3 OF THE SENTENCING HEARING. COPIES SENT VIA EMAIL TO KAREN PEARSON, RICH ORMAN, JACOB EDSON, LISA TEESCH-MAGUIRE, GEORGE BRAUCHLER, SHERILYN KOSLOSKY, RHONDA CRANDALL, DANIEL KING, TAMARA BRADY, KRISTEN NELSON, AND CHRISTINA TAYLOR. /CMR

8/06/2015 Minute Order (print) Event ID: 000924 E-Filed: N
JURY TRIAL - DAY 119
AUGUST 6, 2015
JUDGE SAMOUR REPORTER: MARTIN ALL DAY
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, LISA TEESCH-MAGUIRE, AND DAN EDWARDS. THE COURT NOTIFIES THE PARTIES THAT YESTERDAY AFTER THE JURORS WERE EXCUSED FOR THE DAY, JUROR 87 INADVERTENTLY LEFT THE COURTHOUSE WITH HER JUROR NOTEBOOK. JUROR 87 REALIZED SHE HAD HER NOTEBOOK WITH HER IMMEDIATELY UPON EXITING THE COURTHOUSE, AT WHICH POINT SHE TURNED AROUND AND HANDED IT TO A COURTHOUSE SECURITY GUARD. THE SECURITY GUARD SUBSEQUENTLY GAVE THE NOTEBOOK TO A SHERIFF'S DEPUTY WHO RETURNED IT TO DIVISION 201 STAFF. NO ONE LOOKED INSIDE THE NOTEBOOK; IN FACT, THE SECURITY GUARD AND THE SHERIFF DEPUTY BOTH TREATED THE NOTEBOOK LIKE A "HOT POTATO" AND RETURNED IT TO STAFF ASAP. THE COURT CONTINUES THE JURY INSTRUCTIONS CONFERENCE FROM YESTERDAY AND FINALIZES THE FINAL JURY INSTRUCTIONS FOR PHASE 3 OF THE SENTENCING HEARING. THE PEOPLE RAISE THE ISSUE AS TO WHETHER ANY EXHIBITS WILL BE WITHHELD FROM THE JURY DURING THE PHASE 3 DELIBERATIONS. THE PARTIES AND THE COURT AGREE THAT EVERYTHING SHOULD GO TO THE JURY DELIBERATION ROOM WITH THE EXCEPTION OF THE LIVE AMMUNITION. THE PEOPLE NOTIFY THE COURT THAT THEY HAVE TENDERED THEIR

CLOSING ARGUMENT POWERPOINT TO THE DEFENSE. THE DEFENSE MAKES AN OBJECTION. THE COURT OVERRULES THE OBJECTION.

THE DEFENSE MAKES AN ORAL MOTION IN LIMINE TO PRECLUDE THE PROSECUTION FROM USING THE PHRASE "OUR SIX-YEAR-OLD" IN REFERENCE TO VERONICA MOSER-SULLIVAN IN THE PEOPLE'S CLOSING ARGUMENT. THE PEOPLE STATE THAT THEY DO NOT INTEND TO USE THE PHRASE IN THEIR CLOSING ARGUMENT. THE MOTION IS DENIED AS MOOT. THE PEOPLE STATE THAT THEY ARE CONCERNED ABOUT ANY FUTURE REQUESTS OF THE COURT BY THE PUBLIC TO ACCESS EXHIBITS IN THIS CASE. THE PEOPLE STATE THAT REQUESTS TO ACCESS EXHIBITS UNDER THE PUBLIC INFORMATION ACT MAY BE MADE FOLLOWING THE CONCLUSION OF THE CASE AND SUGGEST THAT THE COURT MAY WANT TO CONSIDER HOW IT WILL ADDRESS ANY SUCH REQUEST. THE COURT STATES THAT IF THERE IS A REQUEST FROM THE PUBLIC FOR ACCESS TO SUPPRESSED PLEADINGS, EXHIBITS, DOCUMENTS, OR TRANSCRIPTS OF BENCH CONFERENCES, THE COURT WILL ALLOW THE PARTIES TO BE HEARD ON ANY SUCH REQUEST. THE DEFENSE AGREES WITH THIS APPROACH. THE PEOPLE ALSO RAISE THE ISSUE OF THE "GAG ORDER" ENTERED BY THE COURT EARLY IN THE CASE WHICH PREVENTS THE PARTIES FROM DISCUSSING THE CASE PUBLICLY PRIOR TO THE CONCLUSION OF THE TRIAL. THE COURT INTERPRETS THE ORDER TO APPLY UNTIL THE COURT READS THE JURY'S FINAL VERDICT FORMS FOR PHASE 3 OF THE SENTENCING HEARING AND THE JURY IS DISCHARGED. MR. ORMAN STATES THAT HE IS THE RECORD CUSTODIAN FOR THE DISTRICT ATTORNEY'S OFFICE AND HE WOULD TYPICALLY EXERCISE HIS DISCRETION REGARDING THE RELEASE OF DOCUMENTS WHEN HIS OFFICE RECEIVES A PUBLIC RECORDS REQUEST UNDER THE CCJRA. THE PEOPLE ASK THAT THE COURT HOLD A PROCEEDING WHEN/IF THERE IS SUCH A REQUEST SO THE DEFENDANT MAY BE HEARD REGARDING ANY REQUEST THAT PERTAINS TO DOCUMENTS RELATED TO HIS MENTAL HEALTH HISTORY OR ANY OTHER CONFIDENTIAL MATERIAL. THE DEFENSE MAINTAINS ALL ASSERTIONS OF CONFIDENTIALITY AND HAS NO OBJECTION TO THE PEOPLE'S REQUEST TO NOTIFY THE COURT OF ANY SUCH REQUESTS. THE COURT ASKS THE PEOPLE TO FOLLOW THE PROCEDURES OUTLINED IN THE STATUTES AND RULES MR. ORMAN SHOULD EXERCISE HIS DISCRETION; IF THERE IS DISAGREEMENT, THE REQUESTING PARTY MAY INITIATE LEGAL PROCEEDINGS; AND IF LEGAL PROCEEDINGS ARE HELD, THE DEFENDANT IS FREE TO ATTEMPT TO INTERVENE. IN THE ALTERNATIVE, THE DA OR THE PARTIES MAY SEEK AN ORDER IN ANTICIPATION OF CCJRA REQUESTS BEING FILED WITH THE DA'S OFFICE. FOLLOWING THE LUNCH BREAK, THE COURT DISTRIBUTES COPIES OF THE FINAL JURY INSTRUCTIONS AND VERDICT FORMS FOR PHASE 3 TO THE PARTIES. THE COURT MAKES AN ADDITIONAL RECORD REGARDING THE FINAL JURY INSTRUCTIONS. THE PEOPLE MAKE A REQUEST THAT THE COURT GIVE THE GALLERY AN ADMONISHMENT PRIOR TO CLOSING ARGUMENTS. THE COURT HAD ALREADY PLANNED TO DO SO. THE JURY ENTERS THE COURTROOM, AND THE COURT READS THE FINAL JURY INSTRUCTIONS FOR PHASE 3 OF THE SENTENCING HEARING. AFTER THE BREAK, THE COURT READS THE ADMONISHMENT TO THE GALLERY. AFTER THE JURY RETURNS TO THE COURTROOM, THE PARTIES MAKE THEIR PHASE 3 CLOSING ARGUMENTS. AT APPROXIMATELY 3:20 P.M., THE JURY BEINGS ITS PHASE 3 DELIBERATIONS. THE JURY LEAVES FOR THE DAY AT 4:30 AND WILL CONTINUE DELIBERATIONS TOMORROW AT 8:30 AM.

/CMR

End of Case: 2012 CR 201522