

to view the automobile either today, or any time before the jury goes into deliberation, your honor.

BY THE COURT:

Would counsel have any objection to that?

BY MR. BROUILLETTE:

We have no objection to viewing the automobile, but I think that now would be the proper time, as part of the Plaintiff's case... as part of the State's case, if it's going to be done.

BY THE COURT:

First of all, where is the car?

A. On the lot, your honor. (District Attorney)

BY THE COURT:

Allright. I would agree to letting the jury see the car, but I would prefer the exit through this back side, if it's onthe lot next to the Sheriff's Office.

BY MR. KNOLL:

Yes, sir.

BY THE COURT:

And, have one of the deputies lead the way, and somebody follow behind them, so as to keep'em together. And, whenwe get to the car, I want counsel to be there, and the defendant to be there. So, I don'twant any questions or testimony, at the car. I'll just let them look at it. Because we can't record anything down there. I don't want anyone to say, this is the way it was, or anything likethat. But, if we can stipulate that, I'll go ahead along...

BY MR. KNOLL:

Your honor, let me ask you this. As far as the stipulation is

concerned, or as far as the particular parts of the car that I would like for them to particularly examine, can I inform the court as to what particular parts of the car that I would like for them to see?

BY THE COURT:

Over here, yes, sir, you can do that here. Yes, sir.

BY MR. KNOLL:

In particular, your honor, I would like for the men, preferably to get under the car, and take a look at the gas tank, which will be on the left side of where — there should be some soap.

BY THE COURT:

Well, I can't ask the men to get under the car.

BY MR. KNOLL:

Okay, if they don't want to, it's alright. But, if there's any of 'em that would like to get under there to look your honor, that's one of the areas that I would like for them to look at.

BY THE COURT:

Allright, if we let the men to see it, then maybe, we have to say the women have to see it, too. You know, we have men and women here. And, getting under a car, I know how cars are made. They are very low, and very difficult to get under.

BY MR. KNOLL:

I understand, your honor, but what I'm saying is that any of 'em that would like to see that one....

BY THE COURT:

Someone else -- you could put it on a jack; you could

one to hoist it, and get someone to examine it, and let them testify, rather than make the jurors do that.

BY MR. KNOLL:

Allright, your honor, in addition to that, I would like for inside of the trunk to be examined, both top and bottom.

BY MR. KNOLL:

And, also, I would like for the left -- for the right rear rim to be looked at, as well.

BY THE COURT:

Allright.

BY MR. KNOLL:

And, also, on the right back -- I would like for the tail light to be looked at, and also a piece of tape on the inside of the left -- right - right side of the car.

BY THE COURT:

Allright, you'll lead the way, Mr. Fabius?

(AFTER JURY STEPPED OUT FOR VIEWING VEHICLE)

BY THE COURT:

Allright, at this point the jury has filed out of the courtroom, and the court made the offer of the defendant and his attorneys to follow the jury outside on the courthouse lot to view the automobile. And, counsel for the defendant informed the court, that the defendat did not wish to go outside; he would waive his going outside to view the court.

BY MR. BROUILLETTE:

He will be represented by counsel.

BY THE COURT:

And, counsel will go in his place. Allright, bt he has elected to stay in the courtroom at this time. Allright. The court will ^P162

permit that. Is your record on?

(RESUMING AFTER VIEWING OF VEHICLE)

BY THE COURT:

Allright, the record will show that pursuant to the request of the District Attorney and the acquiescence approval of the defense attorneys, the Jury and the alternates, in company with the District Attorney and the Defense Attorneys, went to see the automobile on the courthouse lot. The defendant having waived his right to be present on the lot, remained here in the courtroom. At this time, the Jurors have filed back in the courtroom; the defendant is again present -- I don't know where his attorneys are -- By -- Mr. Brouillette, I had just announced that the jurors and the alternates had filed back in the courtroom, following this viewing of the automobile in question, on the courthouse lot. And, I had just pointed out, the defendant was present, and his attorneys were present.. I didn't, for the moment, exited from the courtroom. So, I'm repeating what I have said. So, you are now present; and the District Attorney and his Assistant are present. Would you waive polling the jury?

BY MR. KNOLL:

State waive polling, your honor.

BY THE COURT:

Allright, both sides waive polling the jury. Ladies and Gentlemen, so you'll know what this Polling of the Jury is, it's calling each of you by name, to make sure we have the same jurors that we originally selected and that we have no substitutes that came in. You understand? That's the reason for this word

"polling the jury", but all of us here, recognize you; and we've been with you for a couple of says, so, we know, and the attorneys have a right to poll the jury. That is the reason for this request. At the time the Jury went down, I think the District Attorney announced that the State had rested its case in chief.

BY MR. KNOLL:

State rests, your honor.

BY THE COURT:

Allright. This means, ladies and gentlemen, that the State has concluded its case in chief. It has called its witnesses. And, at this time, it is the right of the defendant to call witnesses if he wishes.

BY MR. BROUILLETTE:

Your honor, we were a little taken by surprise. I didn't realize we were that close to the State completing its case; and I hate to burdenthe court, but if you could give us a little bit of time — a few minutes, right now, before we start presenting evidence...whatever time the court might grant. I don't like to delay it, but I really didn't anticipate this happening this fast.

BY THE COURT:

Allright, I'll give you five or ten minutes; and I'll give the Jurors a recess. They can get some coffee; use the rest rooms, if they wish, while he consults with his lawyers.

(RESUMING AFTER SHORT RECESS)

BY THE COURT:

Allright, let's come to order. Following this short recess, the jurors have filed back inthe courtroom. The two alternates