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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CR 92-10369-Z

ZOBEL, D. J.

UNITED STATES OF AMERICA

v.

ALFRED TRENKLER

Nineteenth Day of Trial

Jury Deliberations

APPEARANCES:

For the Government:

Paul V. Kelly, Esq., and Frank A. Libby, Jr., Esq.,
Assistant United States Attorneys, Federal Courthouse,
Boston MA 02109.

For the Defendant:

Terry Philip Segal, Esq., Scott Lopez, Esq.,
and Brenda R. Sharton, Esq., SEGAL & FEINBERG,
210 Commercial Street, Boston, MA. 02109.

Courtroom 3
Federal Courthouse
Boston, Massachusetts

November 24, 1993

Computer-Aided Transcription

P R O C E E D I N G S

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THE COURT: Good morning.

Let me state for the record that I will not do anything about this at this late date. Your letter will be filed.

I believe to the extent that the reference to beyond a reasonable doubt has to do with signature, the jury in fact has defined beyond a reasonable doubt that Mr. Trenkler did it based on this evidence.

You will note that as I went down the 404(b) evidence I was very careful in the three-step analysis not to say beyond a reasonable doubt in the first two steps but only in the third step. I believe it is a correct charge. In any event, it's too late to change it.

The jury is coming.

[Whereupon, the jury entered the courtroom.]

THE COURT: Please be seated.

Well, you do look refreshed. Good morning.

I hope that your renewed energy will enable you to reach a verdict. But in any event, you are now charged to continue your deliberations. Let me know if you have a question or need anything.

Is 1 o'clock all right for lunch or do you wish to leave somewhat earlier, having in mind that we are going to suspend at 2:30 in any event?

1 THE FOREPERSON: Earlier, 12.

2 THE COURT: Okay, lunch at 12. And you shall now
3 continue your deliberations.

4 Thank you.

5 [Whereupon, the jury was excused at 9:18 a.m., to
6 continue their deliberations.])

7 THE COURT: Court is in recess.

8 [Whereupon, the jury entered the courtroom at
9 2:24 p.m.]

10 THE COURT: Please be seated.

11 Members of the jury, I did not wish to be responsible
12 for anybody missing a plane, so I wanted to make sure that you
13 are out of here at 2:30. You are now excused until Monday
14 morning at 9.

15 Given the rather long hiatus, I ask you urgently,
16 please, not to talk about the case, not to think about the
17 case, certainly not to make up your minds about any aspect of
18 the case, but just to forget about it until you return on
19 Monday morning, and at which point you will again commence
20 with your deliberations. I mean, the jury room that you are
21 in now is your jury room. We will probably impanel another
22 jury, but don't worry, they will not evict you.

23 So have a good weekend, have a pleasant holiday, and
24 I will see you at 9 clock on Monday morning.

25 Thank you very much.

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[Whereupon, the jury was excused.]

THE COURT: Court is in recess.

I wish you all a Happy Thanksgiving.

[Whereupon, the jury trial adjourned at 2:30 p.m., to be resumed on Monday, November 29, 1993, commencing at 9 o'clock a.m.]

CERTIFICATE

We certify that the foregoing is a correct transcription of our computer-aided stenographic notes of the proceedings in the above-entitled matter.

James E. McLaughlin

Laura K. S. Walker