

Prosecutor arguing to jury against Lazor:

1679

1 THE INSTRUCTION AND HAVE IT READ TO YOU, THE INSTRUCTION, IN  
2 AND OF ITSELF, BY MY ESTIMATION IS SOMEWHAT CONFUSING. WHEN  
3 YOU READ THE INSTRUCTION OR WHEN YOU LATER HEAR THE  
4 INSTRUCTION, IT'S ACTUALLY FRAMED IN THE NEGATIVE, WHICH MAKES  
5 IT SOMEWHAT DIFFICULT TO UNDERSTAND.

6 KEEPING THAT IN MIND, LET'S DISCUSS WHAT REASONABLE DOUBT  
7 MEANS AS FAR AS THE STANDARDS WHICH ARE GOING TO APPLY TO THE  
8 CASE TODAY. REASONABLE DOUBT TALKS ABOUT SUCH THINGS AS

9 DOI THAT  
10 SOI HOSE  
11 WO HAVE  
12 ME. TO  
13 EXI

ADDED COMMENTARY

PROSECUTOR ACKNOWLEDGED: WHOLE CASE WAS  
BASED ON HIS "PUZZLE PIECES"; AND...

14 YOU CAN TELL FROM THE READING AND THE LISTENING OF THE  
15 INSTRUCTION THAT THE STANDARD OF PROOF DOES NOT RESOLVE ITSELF  
16 AROUND DOUBT. WHAT THE INSTRUCTION SAYS IS THAT EVERYTHING IN  
17 HUMAN AFFAIRS IS SUBJECT TO DOUBT, WHETHER IT BE POSSIBLE  
18 DOUBT OR IMAGINARY DOUBT AND THE PURPOSE OF MAKING THAT

19 STATEMENT IN THE INSTRUCTION IS SIMPLY THIS: IN A CASE OF A  
20 CRIMINAL NATURE, ALL DOUBTS WILL NEVER BE RESOLVED. IT'S KIND  
21 OF AKIN, IF YOU WILL, TO ONE OF THESE MULTI-PIECE PUZZLES.

22 PICTURE, IF YOU WILL, ONE OF THESE THOUSAND PIECE PUZZLES  
23 THAT YOU HAVE SPREAD ACROSS THE TABLE AND YOU BEGIN PIECE BY  
24 PIECE TO PUT THE PUZZLE TOGETHER AND EVENTUALLY, YOU FIND  
25 YOURSELF SHORT 100-200 PIECES OF THE PUZZLE OUT OF THE  
26 THOUSAND BUT YOU LOOK AT WHAT YOU HAVE PUT TOGETHER KNOWING  
27 THAT SOME OF THE PIECES HAVE BEEN LOST, AND YOU CAN STILL LOOK  
28 AT THE PUZZLE AND SAY, YES, IT IS A PICTURE OF THE GOLDEN GATE

EXHIBIT

B

2 PAGES

Secret proceedings unknown to Lazor, with prosecutor, Schroeder and judge deciding which instructions jury will get to know of:

1511

1 THE COURT: THIS IS A MENTAL STATE CRIME. SPECIFIC  
2 INTENT CRIME PERTAINS TO DIMINISHED CAPACITY, THINGS OF THAT  
3 KIND. WE ARE NOT TALKING ABOUT THE --

YBE

4  
5 I MI

ADDED COMMENTARY

JUDGE ACKNOWLEDGES CASE WAS MADE UP OF  
"CIRCUMSTANTIAL EVIDENCE" PUZZLE PIECES

IAL

8 EVID

9 THE COURT: IT'S IN THE PACKET. WE WILL GET TO IT.  
10 SUFFICIENCY OF CIRCUMSTANTIAL EVIDENCE TO PROVE SPECIFIC  
11 INTENT, IT'S IN THE PACKET. THIS IS SUFFICIENCY OF  
12 CIRCUMSTANTIAL EVIDENCE. MR. HAMES HAS NOTHING TO DO

13 WHATSOEVER WITH INTENT, AND IT HAS TO BE GIVEN. IN ANY CASE,  
14 IT HAS TO BE GIVEN IN THIS CASE BECAUSE A GOOD DEAL OF THE  
15 PEOPLE'S CASE RESTS SUBSTANTIALLY UPON CIRCUMSTANTIAL  
16 EVIDENCE.

17  
18 OUT AS TO ANY PARTICULAR CASE?

19 THE COURT: IT'S ALREADY BEEN DONE IN MY SET.

20 MR. HAMES: OKAY

21 THE COURT: 2. PRODUCTION OF ALL EVIDENCE NOT  
22 REQUIRED. 2. -- YOU NOTICE I PASSED OVER 2.62. I WILL  
23 RESERVE THAT.

24 NEXT IS 2.20, AND I HAVE STRICKEN "CHARACTER OF THE  
25 WITNESS FOR HONESTY OR TRUTHFULNESS OR THEIR OPPOSITES" SINCE  
26 THERE HAS BEEN NO CHARACTER EVIDENCE AND WILL BE NONE. I HAVE  
27 STRICKEN "CONVICTION OF A FELONY", AND I DON'T KNOW THAT ANY  
28 WITNESS ADMITTED THAT THEY WERE UNTRUTHFUL.