

Prosecutor arguing to jury against Lazor:

ADDED COMMENTARY

Aug. 10

1 ST/  
2 OF

THE PROSECUTOR HAD FULL ASSURANCE FROM SCHROEDER THAT HE WOULDN'T OBJECT TO THE LIE THAT THE ATTACKER LIVED IN THE HOUSE WHERE HE WAS SHOT...

, A LOT  
HAT

4 NOW, AS THE WEEKS ENSUED, ONCE MR. ALLRED WAS WITHIN THE  
5 ROBERTS ROAD PROPERTY,

6 [REDACTED] AS, LOVED ONE THING IN PARTICULAR  
7 ABOUT THE TOWN OF LOS GATOS AND, MORE PARTICULARLY, ABOUT  
8 ROBERTS ROAD. ALL THREE [REDACTED] AND MORE PARTICULARLY MR. ALLRED  
9 LOVED THE [REDACTED]

10 THEY LOVED PARTICULARLY THE PRIVACY THAT ROBERTS  
11 ROAD GAVE THEM. THEIR OWN HOUSE, IT'S NESTLED ON ROBERTS ROAD  
12 RIGHT OFF OF LOS GATOS BOULEVARD. IT'S IN KIND OF THE EASTERN  
13 TO CENTRAL PORTION OF THE TOWN OF LOS GATOS.

14 [REDACTED] ROAD. SOON,  
15 THAT PARTICULAR COMFORT, THAT QUIET, THAT PRIVACY WAS TO BE

17 THINGS BEGAN TO HAPPEN BECAUSE THE DEFENDANT IN THIS  
18 CASE HAD A RATHER UNIQUE STYLE OF PROPERTY MANAGEMENT AND HIS  
19 UNIQUE STYLE CAN BE BEST CHARACTERIZED BY HIS METHOD OF  
20 PROPERTY MANAGEMENT. THE METHOD THAT THE DEFENDANT USED WAS,  
21 FIRST OF ALL, BY LIVING IN THE CITY OF FREMONT. HE DID NOT  
22 LIVE AT THE ROBERTS ROAD HOUSE.

24  
25 TO  
26 MA  
27 KI  
28 TH

ADDED COMMENTARY

...AND THE BIGGER LIE THAT LAZOR DID NOT LIVE THERE (IN HIS OWN HOME -- SEE EXHIBIT VV, JUST ABOVE)

IKE  
S

EXHIBIT  
WW  
11 PAGES

Prosecutor to judge in chambers with Schroeder present:

1 ACTION. BASED UPON THAT AND, OF COURSE, BASED UPON THE  
2 ARGUMENTS THAT WE SET FORTH HERE, I DO THINK THAT THERE IS AN  
3 ADEQUATE BASIS FOR THE COURT TO IN EFFECT MAKE A LIMITED  
4 IM

ADDED COMMENTARY

5 QU *THE PROSECUTOR KNEW HE COULD RELY ON*  
6 *SCHROEDER AGREEING TO THE LIE THAT ALLRED'S*  
7 *UNCLE STILL OWNED THE ROBERTS HOUSE. HE*  
8 *OWNED ONLY THE LAND; LAZOR HAD BOUGHT THE*  
9 *HOUSE FROM HIM AND OWNED IT, AND LIVED THERE*

10 CO FORTH IN THE PEOPLE'S POLICE AND AUTHORITIES. WHAT WE ARE  
11 TALKING ABOUT IS EITHER A QUASI-IN-REM JURISDICTION OR AN IN-  
12 REM JURISDICTION SINCE YOU ARE DEALING WITH SUBSTANTIAL RIGHTS

13  
14 I BELIEVE COUNSEL WILL STIPULATE THAT THE PROPERTY IN  
15 QUESTION AT 16935 ROBERTS ROAD, LOS GATOS IS OWNED BY A  
16 PARTNERSHIP KNOWN AS THE ROBERTS ROAD PROJECT, OF WHICH  
17 MR. PAUL GARNIER, G-A-R-N-I-E-R, IS ONE OF THE PARTNERS.

18  
19 MORE OF THOSE PARTIES BE NOTICED A MOTION REGARDING ANY OF THE  
20 RIGHTS THAT MAY BE INVOLVED WITH THE OWNERSHIP AND POSSESSION  
21 OF THAT PROPERTY. THAT HAS NOT BEEN DONE IN THIS CASE AND I,  
22 THEREFORE, FEEL THAT SINCE THAT HAS NOT BEEN DONE IN THIS  
23 CASE, THAT TO GIVE COUNSEL LEAVE OF COURT TO DO IT AT THIS  
24 LATE DATE WOULD BE WRONG FOR THE FOLLOWING REASONS: THE  
25 PARTNERS WOULD BE REQUIRED TO HAVE AT LEAST 15 DAYS NOTICE IF  
26 IT WERE PERSONAL SERVICE AND 20 DAYS NOTICE IF IT WERE IN FACT  
27 BY MAIL UNDER THE APPROPRIATE SECTIONS OF THE CODE OF CIVIL  
28 PROCEDURE.

WW-2

Judge, prosecutor, Schroeder, in chambers:

1  
2 MR. SCHROEDER: YOUR HONOR, I WOULD STIPULATE TO  
3 THAT WITH ONE EXCEPTION, AND THAT IS THAT MR. HAMES REFERRED  
4 TO THE DEFENDANT'S RESIDENCE ON FIESTA IN FREMONT. MY  
5 POSITION IS THAT WE MAY REFER TO IT AS THE ADDRESS ON FIESTA  
6 RATHER THAN DELINEATING IT SPECIFICALLY AS HIS PARTICULAR  
7 RESIDENCE.

8 MR. HAMES: I WAS REFERRING TO THE FIESTA ROAD  
9 ADDRESS IN FREMONT AS SOLICITED ON THE SEARCH WARRANT, YOUR  
10 HONOR.

11 THE COURT: THERE WILL BE NO REFERENCE, THEN, TO  
12 RESIDENCE.

13 MR. SCHROEDER: THANK YOU. YES.

14  
15 CLEAR. I APOLOGIZE.

16 THE COURT: YES.

17  
18 HAVE

*ADDED COMMENTARY*

19 THE (   
20 SPEC   
21 PART:

*SCHROEDER KNEW LAZOR LIVED AT ROBERTS ROAD, AND HERE PRETENDS THAT HE IS GOING TO ARGUE ALONG THOSE LINES. BUT HE INSTEAD JOINED WITH THE PROSECUTOR THROUGHOUT THE TRIAL*

22  
23 PURP(

24 ELICITING FROM THE DEFENDANT SHOULD HE DECIDE TO TESTIFY --  
25 AND MR. SCHROEDER HAS REPRESENTED HE WILL TESTIFY -- PERHAPS  
26 AN EXTENSIVE AMOUNT OF BACKGROUND ON THE DEFENDANT. I BELIEVE  
27 THAT IN THAT PARTICULAR CASE, IF THAT IS GOING TO BE DONE, --  
28 AND IF THAT'S NOT GOING TO BE DONE, I CERTAINLY APOLOGIZE TO

JLD

NT.

ALS

IIS

HE

BE

State Witness Wallis examined by prosecutor:

ADDED COMMENTARY

601

KITCHEN,

1 Q

2 DID

3 A

4 Q

A STATE WITNESS ACCIDENTALLY TELLS THE TRUTH INDICATING THE LOCATION OF LAZOR'S RESIDENCE. SO THE PROSECUTOR QUICKLY CHANGED THE SUBJECT, AND SCHROEDER JOINED IN THE CONCEALMENT OF THIS VITAL FACT

5

6 Q

7

8

9 Q

10

11 Q

12

13 Q

14 A

15 Q

16 A

17 Q

18 A

19 Q

20

21 Q

22 A

23 Q

24 A

25 Q

26

27

28

DURING THE TIME THAT YOU WERE WITHIN THE ROBERTS ROAD HOUSE,

A NO, I HAVEN'T.

DID YOU HEAR ANY ANSWERING MACHINES WITH PRE-RECORDED

OKAY. AS IT RELATES TO THE MAIL, WAS MAIL REGULARLY DELIVERED TO THAT ADDRESS? A YES, IT WAS.

WAS THERE A MAILBOX FOR THAT PURPOSE?

A YES, THERE WAS.

Q DID YOU RECEIVE MAIL THERE?

A YES.

Q DID YOU AT TIMES PICK UP THE MAIL FROM THE MAILBOX?

A YES.

Q DID YOU EVER SEE ANYTHING ADDRESSED TO THE DEFENDANT

MR. LAZOR?

A YES, I DID.

Q ON HOW MANY OCCASIONS?

A ON A REGULAR BASIS. MAYBE ONCE OR TWICE A WEEK.

Q AT THE ROBERTS ROAD ADDRESS?

A YES.

Q NOW, I WOULD LIKE TO GO TO A TIME IN OCTOBER, ABOUT THE MIDDLE PART OF OCTOBER, AND ASK YOU IF YOU HAD AN OCCASION AT

ITSELF, IN THE AREA OF THE LIVING ROOM?

WW-4

Lazor testifying under examination of prosecutor (all tainted):

1 Q  
2 MR.  
3 PURP  
4 YOU  
5 CONT.  
6 A  
7 THEM

ADDED COMMENTARY

A CLASSIC EXAMPLE OF THE PROSECUTOR'S DECEPTION AND SCHROEDER'S COERCION: THE PROSECUTOR USED LAZOR'S TESTIMONY- UNDER-COERCION, TO CONVINCe THE JURY OF THE LIE THAT LAZOR TOLD POLICE HE LIVED 20 MILES FROM THE SHOOTING SITE (AT FIESTA RD.), BY POINTING TO LAZOR'S BUSINESS ADDRESS, ATOP POLICE REPORTS, CLAIMING THAT WAS THE RESIDENCE ADDRESS

1386  
ROAD,  
THE  
DID  
S OF  
T OF

9 Q AND AS A MATTER OF FACT, THE FIESTA ROAD ADDRESS WAS AN  
10 ADDRESS THAT YOU IN FACT GAVE THE LOS GATOS POLICE DEPARTMENT  
11 AS OF NOVEMBER 22ND OF 1982; ISN'T THAT CORRECT?

12 A THAT WELL COULD BE. I FAIL TO RECALL FOR SURE.

13 Q LET ME SHOW YOU A DOCUMENT AND SEE IF THAT WILL REFRESH  
14 YOUR MEMORY.

15 I AM GOING TO SHOW YOU THE FRONT PAGE OF OFFICER KEVIN  
16 WOOD'S POLICE REPORT REGARDING THE BRANDISHING INCIDENT, AND I  
17 WOULD LIKE YOU TO LOOK AT THE VERY TOP PORTION OF THAT WHERE  
18 YOUR NAME IS INDICATED. DO YOU SEE THAT?

19 A YES, I DO.

20 Q DOESN'T THAT IN FACT LIST THE FIESTA ROAD ADDRESS IN  
21 FREMONT UNDERNEATH YOUR NAME?

22 A THE ADDRESS, IT DOES.

23 Q DID YOU GIVE THAT ADDRESS TO OFFICER WOOD?

24 A I DID.

ADDED COMMENTARY

26 THA  
27 A  
28 Q

WHAT THE PROSECUTOR HID FROM THE JURY WAS LAZOR'S PLAIN STATEMENT THAT HIS RESIDENCE WAS ROBERTS RD., WHICH WAS CORRECTLY RECORDED IN THE POLICE REPORT (SEE NEXT PAGE: THE TRUTHFUL BUT HIDDEN FACT).

WW-5

# LOS GATOS POLICE DEPARTMENT

4307

FILE COPY

TYPE OF REPORT		71 CODE SECTION	72 CLASSIFICATION	ZONE	69 CASE NO
<input checked="" type="checkbox"/> CRIME	<input type="checkbox"/> INCIDENT	417 PC	Daytime/Residential	21	92-1000
<input type="checkbox"/> ARREST	<input type="checkbox"/> INFORMATION				73 PAGE NO
					1
<input type="checkbox"/> FOLLOW UP		74 LOCATION OF OCCURRENCE		75 DATE/TIME OF OCCURRENCE	
		16935 Roberts Road		11/22/82 0910 hours	
NAME: LAST, FIRST, MIDDLE		CODE	77 ADDRESS	78 RES.	79 BUS. PHONE
ALFRED, JOHN HOWARD		DOB: 2/16/50	16935 Roberts Road, Los Gatos, CA 95030		

I. ADDITIONAL PERSONS: S - LAZOR, P.F.  
 5479 Fiesta, Fremont  
 356-0330

II. DETAILS: On 11/22/82 at 0912 hours, I was advised that a hand-dish with a handgun had just occurred on Roberts Road. I arrived at 0917 and contacted Officer Oates. A description of the vehicle in which the suspect had left the area was given as a blue Audi with primer spots.

Officer Oates had found a vehicle matching that description at the corner of Fisher and Roberts Road which is almost directly across from the residence. The vehicle which he saw was a 1972 Audi registered to the suspect. Officer Oates had contact with the suspect and had asked him if he had a handgun. The suspect said that he did but added that it was not loaded. He then retrieved the handgun from the front seat of the vehicle and gave it to Officer Oates.

The license plate on the vehicle was 870FHT. I contacted the suspect, LAZOR, who said that he lives at 16935 Roberts Road in one of the rooms. He rents out the rest of the house to V-ALFRED.

S-LAZOR said that  
 in c  
 He s  
 caus  
 advi

He st  
 "yeah  
 he kn

**ADDED COMMENTARY**

**THIS TEXT OF THE REPORT IS WHAT THE PROSECUTOR HID FROM THE JURY. SCHROEDER WOULDN'T LET LAZOR REVEAL THIS TO THE JURY BECAUSE IT PROVED PROSECUTOR DECEPTION AND LYING**

quietly  
 r.  
 e-  
 )I  
 ng

and,  
 fter  
 ED

REPORTING OFFICERS

WOOD

S	DETECT	COURT	CII	PATROL	JUVENILE	OTHER	17 1983
FURTHER ACTION	YES	NO	REASON				

OFFICIAL POLICE REPORT, PAGE (Unnumbered)  
 Backdated 11-22-82 Special Report

**WW-6**

Lazor testifying under examination of prosecutor (all tainted):

1387

1 SCHERSCHEL DATED 8-13-82, AUGUST 13TH, '82. DO YOU RECOGNIZE  
2 THE HANDWRITING ON THAT PARTICULAR PIECE OF PAPER?

3  
4 Q IS THAT YOUR HANDWRITING? A YES, IT IS.

5 Q AND, MR. LAZOR, DOES IT INDICATE WHERE YOU CAN BE REACHED  
6 MOST OF THE TIME AS OF AUGUST OF 1982?

7 A YES, IT DOES.

8 Q AND IT LISTS AN AREA CODE 415-657-6573 PHONE NUMBER; IS  
9 THAT CORRECT? A THAT'S CORRECT.

10 Q AND THAT IS IN FACT THE FIESTA ROAD TELEPHONE NUMBER; IS  
11 THAT CORRECT? A THAT'S CORRECT.

12  
13 ELLIS DO YOU  
14 RECOGN

ADDED COMMENTARY

*THE DECEPTION CONTINUES: PROSECUTOR  
HIDING THE FACT FROM THE JURY THAT  
THE FIESTA ADDRESS WAS LAZOR'S PLACE  
OF BUSINESS, NOT HIS RESIDENCE*

15 A Y

16 Q A

17 A I

18 Q A

19 PARTICULAR  
20 NOTE AS TO WHERE YOU CAN BE REACHED FOR PURPOSES OF A MEETING,  
21 IS THAT CORRECT, WHERE I AM NOW INDICATING?

21 A I

YES, ALL OF WHAT YOU SAID IS CORRECT.

22  
23 Q AND IT LISTS THE TELEPHONE NUMBER AND AREA CODE 415-657-  
24 6573; IS THAT CORRECT? A THAT'S CORRECT.

25 Q AND THAT AGAIN IS THE FIESTA ROAD TELEPHONE NUMBER; IS  
26 THAT CORRECT? A THAT'S CORRECT.

27  
28 WHICH IS ON THE EXHIBIT TO YOUR IMMEDIATE LEFT. WOULD IT BE

WW-7

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

1542

1 WITHDRAWING OF OUR TENDERED INSTRUCTION BEGINNING WITH  
2 THE TRESPASSER SITUATION, AND I THINK THE REASONS ARE OBVIOUS.  
3 PRIMARILY, IT GETS INTO A LEGAL ARGUMENT AS TO WHETHER OR NOT  
4 SOMEBODY IS IN FACT A TRESPASSER OR NOT. I THINK THE  
5 SITUATION HERE IS NOT A LEGAL SITUATION BUT MORE THE STATE OF  
6 MIND SITUATION.

7 THE COURT: IN ANY EVENT, MR. SCHROEDER, ASSUMING  
8 YOUR ARGUMENT THAT ALLRED WAS NOT DEFENDING HIS HOME OR HIS  
9 HABI HAD  
10 BEEN

ADDED COMMENTARY

*IN SECRET PROCEEDINGS UNKNOWN TO LAZOR  
BEFORE DELIBERATIONS, SCHROEDER TOTALLY  
BETRAYS LAZOR, STATING THE ATTACKER HAD  
A RIGHT TO BE IN LAZOR'S HOUSE*

11 THES THE  
12 DEFE THE  
13 COURT TO FIND TO BE TRUE WHO IS TELLING THE TRUTH AND WHO  
14  
15  
16

17 MR. SCHROEDER: I AM NOT SAYING THAT HE WAS A  
18 TRESPASSER BY BEING IN THE HOUSE. HE HAD EVERY RIGHT TO BE  
19 INSIDE THE HOUSE, I THINK.

20 THE COURT: WHO, ALLRED?

21 MR. SCHROEDER: RIGHT.

22 THE COURT: YES.

23 MR. SCHROEDER: AND I THINK LAZOR DID, TOO.

24 THE COURT: SO WE DON'T HAVE ANY TRESPASSERS, DO WE?  
25

26 TO TRESPASS HERE, BUT THERE IS INTRUSION INTO THE ROOM. I  
27 AGREE THAT IT'S IMPLIED BY THE LANGUAGE.

28 THE COURT: WELL, IT SAYS "RESISTING SUCH TRESPASS".

WW-8

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

ADDED COMMENTARY

1543

1 IT  
2  
3 AG  
4 LA

ANOTHER VITAL SELF-DEFENSE JURY INSTRUCTION NEVER KNOWN OF BY THE JURY, BECAUSE SCHROEDER REFUSED TO ALLOW LAZOR'S HOME AT ROBERTS RD. TO BE KNOWN TO THEM -- DEEMING THE WHOLE ISSUE A MERE, MEANINGLESS "RED HERRING"

I  
THAT  
IE TO

5  
6 MR. HAMES: THEN WE WOULD HAVE TO REWRITE THE --  
7 UNDER YOUR THEORY, WE WOULD HAVE TO REWRITE THE ENTIRE  
8 INSTRUCTION BECAUSE IT STARTS OUT WITH, "THE DEFENDANT'S  
9 HOME".

10  
11 MR. HAMES: WHICH IS ANOTHER WORD BASICALLY FOR HOME  
12 IN THE GENERIC SENSE.

13 MR. SCHROEDER: EXCEPT I THINK THERE IS A REASON TO  
14 HAVE THE DISJUNCTIVE THERE BECAUSE IT DOESN'T NECESSARILY HAVE  
15 TO REFER TO A TOTAL BUILDING. IT CAN REFER TO ONE PART OF IT,

16  
17 MR. HAMES: BESIDES, I DON'T THINK THIS COVERS  
18 REALLY ANYTHING AT ISSUE IN THE CASE AS SUCH.

19 MR. SCHROEDER: I THINK IT DOES BECAUSE OF THE FACT  
20 THAT ALLRED BROKE DOWN THE DOOR.

21 THE COURT: THE FACT THAT ALLRED BROKE DOWN THE DOOR  
22 IS WHAT GIVES RISE TO THE CONCEPT, ITSELF, OF SELF-DEFENSE OR  
23 THE REASONABLE -- THE HONEST BUT UNREASONABLE BELIEF. I AM  
24 GOING TO REFUSE THE INSTRUCTION.

25  
26 IT'S THE ONE I MARKED FOR DISCUSSION, 2.62. THIS IS WHAT THEY  
27 CALL GRIFFIN ERROR ON THE PART OF THE COURT. IT'S POSTURED ON  
28 THE THEORY THAT THE DEFENDANT MUST HAVE -- IT ISN'T A QUESTION

WW-9

Defense Attorney Schroeder arguing to jury, supposedly for Lazor:

1640

1 WOU  
2 TEST  
3 HIM.  
4 WOR  
5 IT'S  
6 ALT

ADDED COMMENTARY  
AS WITH ALL ELSE, SCHROEDER MANUFACTURED  
A FAKE ARGUMENT THAT PRETENDED TO DEFEND,  
INSTEAD OF ALLOWING THE CLAIM AND PROOF  
THAT THIS WAS LAZOR'S HOME AND THE  
ATTACKER WAS A CRIMINAL INTRUDER

HAVE  
SAW  
HERE  
AND  
ATHS  
JUND

7  
8 I WOULD SUBMIT TO YOU THAT THIS QUESTION OF FIESTA ROAD  
9 VERSUS ROBERTS ROAD IS BASICALLY A RED HERRING, THAT IT'S  
10 REALLY IN THERE TO TRY TO SHOW TO YOU THAT MR. LAZOR HAD  
11 ABSOLUTELY NO BUSINESS BEING AT ROBERTS ROAD AND THAT HE KNEW  
12 IT, AND OUR POSITION IN THIS CASE IS THAT HE DID HAVE SOME  
13 BASIS FOR BEING AT ROBERTS ROAD, A LEGITIMATE BASIS, AND THERE  
14 WAS NOTHING THAT HAD BEEN DONE LEGALLY SPEAKING TO PREVENT HIM  
15 FROM BEING THERE AND THAT HE DID HAVE A RIGHT TO BE THERE.  
16

17 CLEARLY HE DIDN'T, BUT THE POINT IS THAT MR. LAZOR, I WOULD  
18 SUBMIT TO YOU, WHEN ALL IS SAID AND DONE AND YOU TAKE THE  
19 VARIOUS CHARGES AND COUNTERCHARGES, THAT HE DID HAVE THAT  
20 RIGHT.

21 NOW,  
22 LOOK AT  
23 WROTE.  
24 INTO IT,  
25 LOOKING

ADDED COMMENTARY  
SEE NEXT PAGE FOR IMPORTANCE OF  
THE DIFFERENCE

AT LEAST  
IR. LAZOR  
TLE WAYS  
PECTIVE,  
HAS SAID

26 AND BEING REQUIRED TO ACCOUNT FOR THEM, SO TO SPEAK.  
27 MR. LAZOR KEPT THIS YEARLY ASSESSMENT, WHICH THE DISTRICT  
28 ATTORNEY HAS USED TO TRY TO SHOW THAT HE HAD CERTAIN PLANS AND

CALIFORNIA PENAL CODE

**§ 198.5. Use of deadly force by any person within his or her residence against an intruder; presumption of fear of death or great bodily injury**

Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred.

As used in this section, great bodily injury means a significant or substantial physical injury.

(Added by Stats.1984, c. 1666, § 1.)

**Historical and Statutory Notes**

Section 2 of Stat.1984, c. 1666, provides:

"This act shall be known and may be cited as the Home Protection Bill of Rights."

**ADDED COMMENTARY**

*ABOUT TWO YEARS AFTER MR. LAZOR'S TRIAL, CALIFORNIA PASSED A NEW LAW, IN RESPONSE TO CASES OF SELF-DEFENSE, "DIRECTING" THE JURY THAT THEY MUST ACQUIT OF ALL CHARGES IN A CASE SUCH AS THIS ONE. (THE LAW IS NOT RETROACTIVELY APPLICABLE). THIS LEGISLATION WAS PUSHED FOR YEARS BEFORE LAZOR'S TRIAL, INDICATING THE WILL OF THE CALIFORNIA PEOPLE (WHO COMPRISE JURIES), IN CONTRAST TO SCHROEDER'S CONTENTION THAT WHETHER LAZOR LIVED WHERE HE WAS ATTACKED, OR ELSEWHERE, MADE NO DIFFERENCE*

*UNDER THIS NEW LAW, PENAL CODE §198.5, AND THE WILL OF THE PUBLIC (INCLUDING JURORS) BEHIND IT, IT MADE THE DIFFERENCE BETWEEN EXONERATION-ACQUITTAL, OR A GUILTY VERDICT OF MURDER AND LIFE IN PRISON*