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THE COURT: Members of the jury, it now becomes my responsibility to instruct you on the law you must apply to the facts as you find them in reaching a verdict.

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Before I do so we are going to take our mid-morning recess. Please do not discuss this case or the closing arguments with your fellow jurors. Okay?

(The jurors left the courtroom.)

(The following occurred in chambers:)

THE COURT: Let me just ask on the record, are there any corrections to the verdict slip?

ATTORNEY ANDERSON: No.

ATTORNEY PODRAZA: No, Your Honor.

THE COURT: What about -- I have provided counsel, both counsel, with the proposed instructions for attempted murder; aggravated assault, attempts serious bodily injury and serious bodily injury caused;

1 recklessly endangering another person; discharge of  
2 firearm into occupied structure.

3           This will be -- I'm going to provide the  
4 written elements of the charges verbatim. They are  
5 taken from what I will be reading to the jury. I've  
6 given counsel a chance to look at all of those, as well  
7 as justification, use of deadly force and self-defense.

8           Are there any concerns, changes or objections  
9 from the Commonwealth?

10           ATTORNEY ANDERSON: No, although I have not yet  
11 reviewed the attempted voluntary manslaughter  
12 instruction which Mr. Podraza is perusing right now.

13           THE COURT: Right. No, I understand that.

14           Mr. Podraza, if you can just hold on a moment,  
15 please?

16           ATTORNEY PODRAZA: Yes, I apologize.

17           THE COURT: Any objections or corrections to  
18 the other instructions I will be providing to the jury  
19 that you have already reviewed, with the exception of  
20 attempted voluntary manslaughter?

21           ATTORNEY PODRAZA: No. And I was gonna say,  
22 I -- I think Your Honor addressed the malice aspect  
23 that I was looking for in this particular attempted  
24 voluntary instruction. So I think that's sufficient. I  
25 just wanted the Court to know that. So I don't have any

1 objections in that respect.

2 THE COURT: All right.

3 ATTORNEY PODRAZA: Here you are, Travis.

4 ATTORNEY ANDERSON: Thank you.

5 THE COURT: Mr. Podraza, do you have any  
6 objection to the instruction I will be providing on  
7 attempted voluntary manslaughter?

8 ATTORNEY PODRAZA: No, I do not, Your Honor.

9 THE COURT: Okay.

10 ATTORNEY PODRAZA: When Travis is done I had  
11 just one question at the Court's convenience.

12 ATTORNEY ANDERSON: The one correction I would  
13 have, in the last full paragraph of the attempted  
14 voluntary manslaughter as written it says, if you find  
15 that the defendant did not have malice and therefore --  
16 well, wait.

17 Nope, I have no correction because the word I  
18 thought was missing is, in fact, there.

19 This looks good to me.

20 THE COURT: All right. Is there anything else  
21 with regard to the Court's charge to the jury at this  
22 time?

23 ATTORNEY PODRAZA: Just regarding the proposed  
24 points for charge, the first one, the first bullet point  
25 regarding recklessness in self-defense, I'm not sure if

1 I had seen that in the Court's charge.

2 THE COURT: That's covered. It's not verbatim  
3 from the case that you cite, but it is covered in the  
4 standard instruction.

5 ATTORNEY PODRAZA: In the standard -- in the  
6 standard instruction, Your Honor?

7 THE COURT: In the instruction I will be  
8 giving, yes.

9 ATTORNEY PODRAZA: Understood.

10 THE COURT: Is there anything further?

11 ATTORNEY PODRAZA: No.

12 THE COURT: Anything further?

13 ATTORNEY ANDERSON: No.

14 THE COURT: Okay. Thank you.

15 Are you both ready to go in?

16 ATTORNEY PODRAZA: Yes, Your Honor.

17 ATTORNEY ANDERSON: Yes.

18 THE COURT: Okay.

19 (The sidebar concluded.)

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