

DISTRICT COURT
COUNTY OF JEFFERSON
STATE OF COLORADO
100 Jefferson County Parkway
Golden, Colorado 80401

DATE FILED: February 25, 2019 5:13 PM

Plaintiff:
PEOPLE OF THE STATE OF COLORADO

v.

Defendant:
ERIC JAMES ST. GEORGE

^FOR COURT USE ONLY^

Case No. 16CR2509
Division 1

REPORTER'S TRANSCRIPT

The Jury Trial in the above-entitled matter recommenced on February 9, 2018, before THE HONORABLE LILY OEFFLER, Judge of the District Court.

This is a full and complete transcript of the proceedings had on this date in the aforementioned matter.

A P P E A R A N C E S

For the People:

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KATHARINE DECKER, DEPUTY DISTRICT ATTORNEY
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For the Defendant:

ERIC ST. GEORGE, PRO SE

For the Defendant (Advisory Counsel):

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1 PROCEEDINGS, FRIDAY, FEBRUARY 9, 2018, 8:05 A.M.

2 THE COURT: Let's go on the record. All right.
3 So we have concluded closings. We're at the point where I
4 generally read the last instruction and I will read the
5 jury verdict sheets to the jury. So at the end of
6 yesterday we had the issue of unanimity with reference to
7 illegal discharge of a firearm, and so I'll hear any
8 discussion about that.

9 MR. ST. GEORGE: Your Honor, this charge needs
10 to be dismissed in its entirety. The DA was never clear
11 in this trial as to which shot they were referring to.
12 They told the jury they could just pick one of two
13 different shots, neither of which was the shot they bound
14 over on in the preliminary hearing, you know, therefore, I
15 was denied due process.

16 I prepared the trial based on a different shot
17 entirely and, you know, they can't make a change in the
18 middle of trial. Neither of the theories the DA is now
19 relying on is the one they elected at the preliminary
20 hearing. It's too late for us to fix this because there's
21 no way to unring a bell. I'm moving for the dismissal of
22 that charge in its entirety.

23 THE COURT: Response?

24 MR. FREEMAN: Judge, I cited a case yesterday
25 that we're relying on, also the notes that are in the

1 unanimity instruction in COLJI. Those support the denial
2 of the defense motion. He has cited no statutory or case
3 law authority in support of his position, and I'm not
4 aware of any that says that we have to specify at a
5 preliminary hearing what we're doing. That simply is a
6 probable cause finding so his request is not supported by
7 anything other than just a desire to have one count
8 dismissed, so we would oppose it.

9 MR. ST. GEORGE: Your Honor, I cite *People v*
10 *Greer*, this would be 262 P.3d 920 and an accused has the
11 right to a jury trial and a unanimous jury verdict, U.S.
12 Constitution. The trial court is responsible for ensuring
13 that the jury is properly instructed on the law and that a
14 conviction on any count is the result of a unanimous
15 verdict.

16 When evidence of many acts is presented, any one
17 of which could constitute the offense charged, the trial
18 court must take one of two actions to ensure jury
19 unanimity, require the prosecution to elect the
20 transaction on which it relies on the conviction or if
21 there is not evidence to differentiate between the acts
22 and there is a reasonable likelihood that jurors may
23 disagree on the act the defendant committed, instruct the
24 jury that to convict it must agree unanimously that the
25 defendant committed the same act or that the defendant

1 committed all of the acts excluded within the period
2 charged.

3 THE COURT: Okay. So from the People, tell me
4 the acts the People feel support the illegal discharge of
5 the firearm.

6 MR. FREEMAN: Judge, I'd have to pull up my
7 argument, but I think what I argued was that --

8 THE COURT: And you can go ahead and pull it up
9 if you'd like.

10 MR. FREEMAN: I'm just waiting for my computer
11 to start up.

12 THE COURT: Okay.

13 MR. FREEMAN: I believe what I argued to the
14 jury was that the acts of shooting up into the breezeway,
15 firing the shotgun that -- the pellets that hit the
16 Building Number 6 to the east or the pellets that entered
17 Ms. Bal's window, I believe I said any of those would
18 support the unlawful discharge of a firearm.

19 THE COURT: Okay. And so there's an agreement
20 that that was what was presented to jury in closing,
21 correct?

22 MR. ST. GEORGE: Yes, Your Honor, that's what he
23 presented in closing.

24 THE COURT: Okay. So initially I had the
25 argument that in the preliminary hearing, the People

1 presented a specific shooting to substantiate their claim
2 in the case and that was claim that was where probable
3 cause was found.

4 Again, I don't have in preliminary hearing in
5 front of me. I was not the judge who undertook the
6 preliminary hearing. I didn't make the findings of
7 probable cause, and so I don't know why the judge found
8 probable cause for that.

9 What I did was go ahead and look at the case as
10 presented here over this week and a half and found that
11 there was more than sufficient evidence under the standard
12 that I need to apply to support that charge and did not
13 dismiss it.

14 So the argument is is that there needs to be a
15 unanimity instruction to ensure the jurors are all looking
16 at the same specific instance. Sometimes there's a
17 requirement of unanimity instruction, sometimes not.
18 Sometimes in a continuing course of conduct, there is or
19 there is not. We oftentimes see unanimity instructions
20 and I think the case cited by the People, that case has to
21 do with sexual assault and different instances with
22 undefined periods of time, and so then the Court may
23 require a unanimity instruction.

24 There was no -- this issue was brought before
25 the Court at the stage where the People rested and there

1 was no request for a unanimity instruction then nor was
2 there while the Court looked at jury instructions.

3 This came -- we were almost a minute or two away
4 from the conclusion of the People's primary closing where
5 there was an objection as to time, and the Court excused
6 the jury and then Mr. St George said, and by the way, I
7 need a unanimity instruction and the Court couldn't hear
8 it then. I wasn't certain what we were talking about.

9 Okay. So, yes, I think this is very late. I
10 think this could have and was presented earlier in the
11 case and could have been resolved. In abundance of
12 caution in this case, I'll simply do this: I'll provide a
13 unanimity instruction now to confirm that the jurors are
14 all together on this and that they look at the instances.
15 So I need some specificity about the shooting into the
16 breezeway, the pellets in the building to the east and the
17 pellets that entered the window of the one witness.

18 So the general unanimity instruction starts out,
19 In order to convict the defendant -- I'm assuming you
20 didn't prepare a unanimity instruction, Mr. St George?

21 MR. ST. GEORGE: I have not, Your Honor.

22 THE COURT: So the standard starts out with, In
23 order to convict the defendant, and here it would be,
24 illegal discharge of a firearm, you must either
25 unanimously agree that the defendant committed the same

1 act or acts of discharging a firearm or that he committed
2 all of the acts alleged.

3 And so let's list them. So shooting into the
4 breezeway, and that was the early morning hours of
5 August 1st or July 31st or both those times because we're
6 uncertain which date?

7 MR. FREEMAN: Judge, I think it should say on or
8 between July 31st and August 1st.

9 MR. ST. GEORGE: Your Honor, the district
10 attorney has moved to amend that charge, did they ever
11 amend that charge?

12 THE COURT: I granted the amendment at the
13 beginning.

14 MR. ST. GEORGE: Okay.

15 THE COURT: And then we had, B. The district
16 attorney said they were going to follow-up with a written
17 amendment so that we would have something permanent on the
18 record rather than the minute order, but the Court granted
19 the amendment and that's how all the charges were read.

20 MR. ST. GEORGE: So they've amended as to that
21 count?

22 THE COURT: It was all the counts, it was my
23 understanding.

24 MR. MENGES: It was -- sorry.

25 MR. ST. GEORGE: It was not all the counts.

1 THE COURT: Okay. A response from the People?

2 MR. FREEMAN: On what issue, Judge?

3 THE COURT: Mr. St George alleges that there was
4 not an amendment of the dates on all the counts, and so I
5 think what he's saying is that this count was not amended
6 to reflect on or between July 31st.

7 MR. FREEMAN: Judge, I believe we asked to amend
8 all the counts. We can file the written one. The Court
9 granted it, I'm not sure why we're relitigating this.

10 THE COURT: Well, because the allegation is that
11 the Court did not grant it, that the Court only granted it
12 for certain counts.

13 MR. FREEMAN: I mean, we'd have to go back and
14 look at the transcript then or the Court's notes. I
15 thought we did.

16 THE COURT: What did the People ask for?

17 MR. FREEMAN: Judge, I believe that we asked
18 that the dates reflect on or between July 31st and
19 August 1st.

20 THE COURT: So I am going to -- the Court did go
21 ahead and grant the amendment to the dates, and I'm going
22 to continue with that. So on or between July 31st and
23 August 1st, defendant shot into the breezeway. The third
24 instance would be regarding the pellets to building to the
25 east and how on or between July 31st and August 1st the

1 defendant shot pellets into the building to the east. If
2 someone has a more artful way of saying that.

3 MR. FREEMAN: Judge, I'm looking at my closing
4 and what I said is that evidence that shotgun pellets
5 struck the building to the east of defendant's unit, and I
6 said, and evidence that shotgun pellets entered the window
7 of Ms. Bal's unit through the window screen.

8 THE COURT: Window of Ms. Bal's through the
9 window screen.

10 MR. FREEMAN: And then I said evidence that
11 defendant fired a round into the ceiling of the common
12 breezeway area of the residence upstairs, and in
13 parenthesis, I had Ms. Malmsberry's name.

14 THE COURT: Okay. So let's look at this. I had
15 shooting into the ceiling of the common breezeway with the
16 resident upstairs, then I have -- give me the language
17 again about shot pellets into Building Number 6.

18 MR. FREEMAN: I just said it struck the building
19 to the east of defendant's unit.

20 THE COURT: Okay. Shot pellets into the
21 building to the east of defendant's unit. And, C, shot
22 pellets through the window screen of Ms. Bal's unit.

23 MR. FREEMAN: Yes, that's fine.

24 THE COURT: So those are the three instances
25 that are alleged. There's a unanimity instruction being

1 requested.

2 MR. ST. GEORGE: Three?

3 Your Honor, we were talking about two just a
4 moment ago and now we're talking about three?

5 THE COURT: Well, there were three -- the
6 district attorney indicated that there were three
7 instances that he referenced in his closing that the jury
8 could consider on this. And that's when you objected and
9 said that you were unaware that the district attorney was
10 going to argue those and so at this point you needed a
11 unanimity instruction because you had not understood or
12 you were concerned that jurors wouldn't all agree on one
13 instance.

14 MR. ST. GEORGE: So, Your Honor, we've scoured
15 through this preliminary hearing transcript and there is
16 absolutely no mention of shotgun pellets entering through
17 anyone's window in the preliminary hearing.

18 At the time of the preliminary hearing, the
19 district attorney was still apparently operating under the
20 idea that the breezeway was a first shot in the air with
21 Ms. Elliott. That was what they alleged in their
22 preliminary hearing, that is the -- that is the case that
23 I prepared my trial based upon. I'm entitled to a
24 preliminary hearing. They can't just simply change
25 the -- because they've been proven bald-faced that that

1 was not the case that that breezeway shot was the first
2 shot in the air against Ms. Elliott, they know that very
3 clearly now.

4 If they wanted to make this about some shotgun
5 pellets in a neighbor's window, they should have presented
6 that case at the preliminary hearing, which they did not.
7 I'm entitled to due process. I'm entitled to a
8 preliminary hearing. And in this case, I certainly have
9 not had those things.

10 THE COURT: Response?

11 MR. FREEMAN: Judge, I appreciate that the
12 defendant thinks that this is unfair and he thinks that
13 whatever we presented and argued at the preliminary
14 hearing has to be argued at the trial. And I realize that
15 he wishes that's the way things were, but that's simply
16 not the way things are.

17 And we don't have to rely upon the same theories
18 that we relied upon at the probable cause hearing because
19 it's a different hearing for different purpose. And I
20 know the he wishes that's the way things were, but that's
21 just not the way things are and there's no case or statute
22 that requires us to have the exact same theories of the
23 case at trial as we had at prelim. And I understand that
24 he feels like that's unfair, but that's just not the law.

25 THE COURT: Okay. So we're going to craft this

1 unanimity instruction. Certainly, I have to say that my
2 understanding of the illegal discharge -- since, again, I
3 was hearing the case for the first time other than what I
4 heard during motions hearing. I heard specifically
5 evidence regarding the breezeway, the ceiling, it was a
6 common area, and the upstairs neighbor testified.

7 My thought was that was why she testified. But,
8 again, I'm hearing the case for the first time. I thought
9 perhaps that this was why Ms. Bal testified that the
10 pellets went through her window. Certainly they all heard
11 a noise, noises and then some were able to identify
12 police. So my notes reflect these instances and
13 considering whether or not probable cause has been
14 supported for this charge, I went ahead and did that.

15 We also were presented with shots or pellets
16 into the building to the east of defendant's unit and I
17 think I differentiated buildings by their numbers in my
18 notes. But I can't say that there was not evidence
19 presented for each instance, and, in fact, I think some of
20 that was brought out by Mr. St George in his presentation
21 to talk about pellets and blood trails and the crime scene
22 to support his particular position.

23 But this is what I'm going to do, I'll give the
24 unanimity instruction because we have three distinct
25 incidents that are alleged, and we're going to say you

1 must either unanimously agree that the defendant committed
2 the same acts or acts of discharging a firearm or that he
3 committed all of the acts alleged. And so we are going to
4 put in the shooting into the ceiling of the common area
5 breezeway; and then, B -- and, again, they're all going to
6 read on or between July 31st and August 1st -- then
7 defendant shot -- defendant allegedly shot into the
8 ceiling of the common area breezeway; B, on or between
9 July 31st and August 12th, defendant allegedly shot
10 shotgun pellets into the building to the east of
11 defendant's unit; and, C, on same date and time, defendant
12 allegedly shot pellets through the window screen of
13 Ms. Bal's unit and that's how we'll differentiate them.

14 We are going to put --

15 MR. ST. GEORGE: Judge -- Judge, those two, B
16 and C, that's the same event. Ms. Malmsberry belonged to
17 a building that was south of Building 7.

18 THE COURT: Okay. So tell me -- I had the C
19 being Ms. Bal's unit is what the district attorney just
20 told me.

21 MR. ST. GEORGE: Yeah, the window, the screen,
22 that's Ms. Bal's unit.

23 THE COURT: Okay. So the window -- so we have
24 the window -- this says the window of Ms. Bal's unit.

25 MR. ST. GEORGE: Right.

1 THE COURT: Okay. So what are the three
2 instances that the defendant is representing that he
3 presented to the jury -- I mean, the prosecution is
4 representing?

5 MR. FREEMAN: Judge, I already stated them and
6 we had --

7 THE COURT: You, did now the argument is B and C
8 is the same. Could you please explain?

9 MR. FREEMAN: Judge, this is the problem --

10 THE COURT: We do need a unanimity instruction.
11 I understand that this is late but I've ruled so now we
12 have to craft it.

13 MR. FREEMAN: Okay. And I'm saying this is
14 highlighting the reason why when it comes after the trial,
15 you really can't go back and do this because of all the
16 reasons that the defendant is standing up and saying this.

17 So do you want me to restate the three reasons?

18 THE COURT: I have the three reasons. I want
19 you to respond to the defendant's argument, please.

20 MR. FREEMAN: Judge, there was photographs
21 showing pellet strikes all over the side of that building
22 to the east. Ms. Bal identified her unit as the unit in
23 the corner of that, but there were bullet strikes to the
24 units to the south of that. So I don't know what else to
25 say.

1 We can't be arguing this now. I understand the
2 Court's giving a unanimity instruction. I'm asking that
3 it says what it says, the three different indents which
4 were supported by the evidence.

5 MR. ST. GEORGE: Your Honor, nowhere, anywhere
6 in this trial has anyone mentioned bullet strikes or
7 pellet strikes or anything in a building to the south.

8 THE COURT: This was to the east.

9 MR. FREEMAN: No, I said to the south of
10 Ms. Bal's unit. She described when she pointed out her
11 unit was in if northwest corner of Building 6. But you
12 can see from the photographs that we admitted that there's
13 bullet strikes or pellet strikes in the building to the
14 south of her unit.

15 THE COURT: Okay. So I have differentiated this
16 as B, building to the east of defendant's unit, and then
17 shot pellets through Ms. Bal's window screen. Were there
18 pellet strikes in the building to the east of defendant's
19 unit?

20 MR. FREEMAN: So the building to the east --

21 THE COURT: Is Ms. Bal's building?

22 MR. FREEMAN: Right. But her unit doesn't take
23 up the whole building.

24 THE COURT: Understood.

25 MR. FREEMAN: Her unit is just in the northwest

1 corner, and the photographs that we showed, shows pellet
2 strikes to other parts of that building besides her unit.

3 THE COURT: Okay. So those are the three
4 discreet incidents I'm going to do. They may not accept
5 that pellets went through Ms. Bal's unit, but they may
6 accept that pellets struck through the entirety of the
7 building, again, all of those things, and so that's the
8 way we'll do it and differentiate it.

9 MR. ST. GEORGE: All right. So, Your Honor,
10 we're going to ask for an interrogatory regarding which of
11 these alleged shots that the jury has chosen, if they --

12 THE COURT: We're going to write out the
13 unanimity instruction so that we know they all agree on
14 one of these instances to support.

15 You're free to provide me with a unanimity
16 instruction that you would like.

17 Okay. This is my plan. We're going to finish
18 writing this up. I'll give everyone a copy of it. I'm
19 going to say that this wasn't read yesterday in response
20 to the charge. I'll read the instruction, and then I'll
21 read the last instruction to them and then I'm going to
22 review the jury verdict sheets with them, which is just
23 reading them to them. And then they'll go back to
24 deliberate.

25 (Pause in the proceedings.)

1 THE COURT: Okay. We're handing you copies of
2 the instruction I'm going to read, and this will be 25A.

3 Our jurors are here. So I will read them the
4 illegal discharge of a firearm elemental along with the
5 unanimity instruction that goes with it. I'm going to
6 tell them that they need to consider this along with all
7 of the other instructions, none of which -- they must be
8 read together as a whole. And then I'll read them the
9 concluding one and we'll go ahead and read the last
10 instruction.

11 We're ready for the jury. Is everybody ready?

12 MR. FREEMAN: Yeah, we're ready, Judge.

13 MR. ST. GEORGE: Yes, Your Honor.

14 THE COURT: Okay. We're ready for the jury.

15 (Pause in the proceedings.)

16 THE COURT: And there are jury verdict sheets
17 Counts 1 through 10?

18 MR. FREEMAN: Yes.

19 (The jury entered the courtroom.)

20 THE COURT: Good morning, everyone. Please be
21 seated. Welcome back.

22 So, ladies and gentlemen, as you recall I read
23 you jury instructions yesterday. We neglected to add one
24 of the instructions. I want to tell you that I don't want
25 to highlight any instructions, that the instructions must

1 be read together as a whole. No one instruction is more
2 important than any other instruction, and, again, they
3 should be read together as a whole.

4 But with reference to this instruction to put it
5 in context, I'm going to reread to you the elements of the
6 crime of illegal discharge of a firearm as charged in
7 Count 9 are: One, that the defendant; two, in the state
8 of Colorado at or about the date and place charged; three,
9 knowingly or recklessly; four, discharged a firearm in any
10 dwelling or any other building or occupied structure or
11 into any motor vehicle occupied by any person; five, and
12 the defendant's conduct was not legally authorized by the
13 affirmative defense in the previous instruction.

14 After considering all the evidence, if you
15 decide the prosecution has proven each of the elements
16 beyond a reasonable doubt, you should find the defendant
17 guilty of illegal discharge of a firearm.

18 After considering all the evidence, if you
19 decide the prosecution is failed to prove any one or more
20 of the elements beyond a reasonable doubt, you should find
21 the defendant not guilty of illegal discharge of a
22 firearm.

23 In order to convict the defendant of illegal
24 discharge of a firearm, you must either unanimously agree
25 that the defendant committed the same act or acts of

1 discharging a firearm or that he committed all of the acts
2 alleged. A, on or between July 31, 2016 and August 1,
3 2016, defendant allegedly shot into the ceiling of the
4 common area breezeway with a resident upstairs; B, on or
5 between July 31, 2016 and August 1, 2016, defendant
6 allegedly shot shotgun pellet into the building to the
7 east; and, C, on or between July 31, 2016 and August 1,
8 2016, defendant allegedly shot pellets through the window
9 screen of Ms. Bal's unit. You must unanimously agree that
10 the defendant committed A, B, or C, or all of the acts
11 alleged.

12 All right. So, ladies and gentlemen, the
13 bailiff is now going to escort you to the jury room where
14 you will select one of your members to be your foreperson.
15 Your foreperson will preside over your deliberation and
16 shall sign any verdict forms that you may agree on
17 according to the rules I am about to explain.

18 The verdict for each charge must represent the
19 considered judgment of each juror and it must be
20 unanimous. In other words, all of you must agree to all
21 parts of it. This requirement also applies to any
22 determinations that you make in response to verdict
23 questions which you should include and should be answered.

24 Only one verdict shall be returned signed for
25 each count. The verdict forms, verdict question forms and

1 these instructions shall remain in the possession of your
2 foreperson until I ask for them in open court.

3 Upon reaching a verdict and answering any
4 verdict questions, you will inform the bailiff who will,
5 in turn, notify me and you'll remain in the jury room
6 until I call you into the courtroom.

7 You will be provided with ten verdict forms in
8 this case. You will also be provided with verdict
9 question forms with directions that explain under what
10 circumstances you should complete these forms. When you
11 have unanimously agreed upon your verdicts, you will
12 select the option on each form which reflects your verdict
13 and the foreperson will sign the verdict forms as I have
14 stated.

15 Similarly, if you conclude that verdict
16 questions should be answered, you will select the option
17 on each verdict question form which reflects your
18 unanimous decision and the foreperson will sign the
19 verdict question form as I have stated.

20 I will now read to you the verdicts along with
21 questions. You must not draw any inferences based on the
22 order in which I read them. These forms read as follows:
23 Jury Verdict Count 1, again, ladies and gentlemen, you
24 will have the jury verdict forms in the jury room to look
25 at.

1 Jury Verdict Count 1, charge of criminal attempt
2 murder in the first-degree, Agent Trimmer. People of the
3 State of Colorado versus Eric James St. George. One, We,
4 the Jury, find the defendant, Eric James St. George, not
5 guilty of criminal attempt murder in the first-degree.
6 Two, we the, the jury, find the defendant, Eric James St.
7 George, guilty of criminal attempt murder in the
8 first-degree or criminal attempt murder in the
9 second-degree.

10 The questions, We, the Jury, unanimously find
11 the defendant used or possessed and threatened the use of
12 a deadly weapon; namely, a firearm during the commission
13 or attempted commission of the offense. Or, We, the Jury,
14 do not unanimously find the defendant used or possessed
15 and threatened the use of a deadly weapon during the
16 commission or attempted commission of the offense.

17 With reference to one and two, the foreperson
18 should sign only one of the I. above, (I. Or II.). If the
19 verdict is not guilty, then I. above should be signed. If
20 the verdict is guilty, then II. above should be signed.
21 The foreperson should sign only one if the verdict is
22 guilty and you must also complete this section by placing
23 an X, that is either criminal attempt murder in the
24 first-degree or criminal attempt murder in the
25 second-degree. You place an X in the appropriate box

1 indicating the level of crime.

2 Then, if you find the defendant guilty, you must
3 also complete the section as to whether or not you
4 unanimously find the defendant used or possessed and
5 threatened the use of a deadly weapon. You must complete
6 this section by placing an X in the appropriate box
7 indicating your decision. Only one square may be filled
8 with the other to remain unmarked.

9 Jury Verdict Count 2. One, We, the Jury, find
10 the defendant, Eric James St. George, not guilty of
11 criminal attempt murder in the first-degree. This is with
12 reference to Sergeant Maines. Two, We, the Jury, find the
13 defendant, Eric James St. George, guilty of criminal
14 attempt murder in the first-degree or criminal attempt
15 murder in the second degree.

16 Regarding (I. Or II.), the foreperson should
17 sign only one of the above, (I. Or II.). if the verdict
18 is not guilty, then one be above should be signed. If the
19 verdict is guilty, then II. above should be signed. If
20 the verdict is guilty, you must also complete the section
21 as to whether or not you are selecting criminal attempt
22 murder in the first-degree or criminal attempt murder in
23 the second-degree. You must complete this section by
24 placing an X in the appropriate box indicating the level
25 of crime.

1 Then, if you find the defendant guilty, you must
2 also complete the next section by placing an X in the
3 appropriate box indicating your decision. Those choices
4 are: We, the Jury, unanimously find the defendant used or
5 possessed and threatened the use of a deadly weapon,
6 namely, a firearm, during the commission or attempted
7 commission of the offense. Or We, the Jury, do not
8 unanimously find the defendant used or possessed and
9 threatened the use of a deadly weapon during the
10 commission or attempted commission of the offense. All
11 these decisions must be made unanimously beyond a
12 reasonable doubt.

13 Jury Verdict Count 3, attempt murder in the
14 second-degree Emily Elliott. One, We, the Jury, find the
15 defendant, Eric James St. George, not guilty of criminal
16 attempt murder in the second-degree. Two, We, the Jury,
17 find the defendant, Eric James St. George, guilty of
18 criminal attempt murder in the second-degree.

19 The foreperson should sign only one of above,
20 (I. Or II.). if the verdict is not guilty, then I. above
21 should be signed. If the verdict is guilty, then II.
22 above shown signed. If you find the defendant guilty, you
23 must also consider the two following choices: We, the
24 Jury, unanimously find the defendant used or possessed and
25 threatened the use of a deadly weapon, namely, a firearm

1 during the commission or attempted commission of the
2 offense. Or, We, the Jury, do not unanimously find the
3 defendant used or possessed and threatened the use of a
4 deadly weapon during the commission or attempted
5 commission of the offense.

6 You will complete this section by placing an X
7 in the appropriate box indicating your decision. Only one
8 square may be filled in with the other to remain unmarked.

9 Jury Verdict Count 4, charge of assault in the
10 first-degree Agent Trimmer. One, We, the Jury, find the
11 defendant, James St. George, not guilty of assault -- Eric
12 James St. George not guilty of assault in the
13 first-degree. Two, We, the Jury, find the defendant, Eric
14 James St. George, guilty of assault in the first degree.

15 The foreperson should sign only one of the
16 above, (I. Or II.). if the verdict is not guilty, then I.
17 above should be signed. If the verdict is guilty, then
18 II. above should be signed.

19 If you find the defendant guilty, you must
20 complete the following section: The choices, We, the
21 Jury, unanimously find the defendant used or possessed or
22 threatened the use of a deadly weapon, namely, a firearm
23 during the commission or attempted commission of this
24 offense. Or, We, the Jury, do not unanimously find the
25 defendant used or possessed and threatened the use of a

1 deadly weapon during the commission or attempted
2 commission of the offense.

3 You must complete the section by placing an X in
4 the appropriate box indicating your decision. Only one
5 square may be filled in with the other to remain unmarked.

6 Jury Verdict Count 5, assault in the
7 first-degree, Sergeant Maines. We, the Jury, find -- this
8 is one, We, the Jury, find the defendant, Eric James
9 St. George, not guilty of assault in the first-degree.

10 Two, We, the Jury, find the defendant, Eric James
11 St. George guilty of assault until the first-degree.

12 The foreperson should sign only one of the
13 above, (I. Or II.). if the verdict is not guilty, then I.
14 above should be signed. If the verdict is guilty, then
15 II. above should be signed. If you find the defendant
16 guilty, you must complete the following section, the
17 choices: We, the Jury, unanimously find the defendant
18 used or possessed and threatened the use of a deadly
19 weapon, namely, a firearm, during the commission or
20 attempted commission of the offense. Or We, the Jury, do
21 not unanimously find the defendant used or possessed and
22 threatened the use of a deadly weapon during the
23 commission or attempted commission of the offense. You
24 must complete the this section by placing an X in the
25 appropriate box indicating your decision. Only one square

1 may be filled in with the other to remain unmarked.

2 Jury Verdict Count 6, charge of menacing, Agent
3 Trimmer. One, We, the Jury, find the defendant, Eric
4 James St. George, not guilty of menacing. Two, We, the
5 Jury, find the defendant, Eric James St. George, guilty of
6 menacing. The foreperson should sign only one of the
7 above, (I. Or II.), if the verdict is not guilty, then I.
8 above should be signed. If the verdict is guilty, then
9 II. above should be signed.

10 If you find the defendant guilty, you must also
11 complete the following section: Did the menacing involve
12 the use or suggested use of a deadly weapon. The answers
13 are yes or no. If you find that, yes or no should be
14 marked, you should go ahead and mark the appropriate box
15 indicating your decision. This decision must be
16 unanimous. Only one square may be filled in with the
17 others to remain unmarked.

18 Jury Verdict Count 7, Sergeant Maines. One, We,
19 the Jury, find the defendant, Eric James St. George, not
20 guilty of menacing. Two, We, the Jury, find defendant,
21 Eric James St. George, guilty of menacing. The foreperson
22 must sign only one of the above, (I. Or II.). if the
23 verdict is not guilty, then I. above should be signed. If
24 the verdict is guilty, then II. above should be signed.

25 If you find the defendant guilty, then you must

1 also consider the following section: Question, did the
2 menacing involve the use or suggested use of a deadly
3 weapon, mark yes or no. You must complete this section by
4 placing an X in the appropriate box indicating your
5 decision. Only one square may be filed in with the others
6 to remain unmarked. Your decision must be unanimous.

7 Jury Verdict Count 8, Emily Elliott. One, We,
8 the Jury, find the defendant, Eric James St. George, not
9 guilty of menacing. Two, We, the Jury, find the
10 defendant, Eric James St. George, guilty of menacing. The
11 foreperson may sign only one of the above, (I. Or II.).
12 if the verdict is not guilty, then I. above should be
13 signed. If the verdict is guilty, then II. above should
14 be signed.

15 If you find the defendant guilty, you must also
16 respond to the following question: Did the menacing
17 involve the use or suggested use of a deadly weapon. Mark
18 yes or no by placing an X in the appropriate box
19 indicating your decision. Your decision must be
20 unanimous. Only one square must be filled in with the
21 others to remain unmarked.

22 County Nine, charge of an illegal discharge of a
23 firearm. One, We, the Jury, find the defendant, Eric
24 James St. George, not guilty of illegal discharge of a
25 firearm. Two, We, the Jury, find the defendant, Eric

1 James St. George, guilty of illegal discharge of a
2 firearm. The foreperson may sign only one of the above,
3 (I. Or II.). if the verdict is not guilty, then I. above
4 should be signed. If the verdict is guilty, then II.
5 above should be signed.

6 Jury Verdict Count 10, charge of unlawful sexual
7 contact. One, We, the Jury, find the defendant, Eric
8 James St. George, not guilty of unlawful sexual contact.
9 Two, We, the Jury, find the defendant, Eric James
10 St. George, guilty of unlawful sexual contact. The
11 foreperson may sign only one of the above, (I. Or II.).
12 if the verdict is not guilty, then I. above should be
13 signed. If the verdict is guilty, then II. above should
14 be signed.

15 Ladies and gentlemen, those are the jury forms.
16 We are going to have you go back to the jury room now. We
17 are going to send in the evidence and the jury verdict
18 sheets that I've given you with copies of the
19 instructions. Now you may discuss the case. I'm going
20 swear the bailiff.

21 (The bailiff was duly sworn.)

22 (The jury left the courtroom.)

23 THE COURT: Okay. Nobody has requested, but I
24 do and will place restrictions on recordings in this case
25 to include the recordings by the defendant. And the way I

1 do that, is I'm going to ask the People if we can get a
2 clean computer -- do you have it?

3 MR. FREEMAN: Yes.

4 THE COURT: Great -- from victim/witness. The
5 bailiff will play the recording for them. They're not
6 allowed to deliberate while the recording is ongoing.
7 They can stop it, certainly the bailiff will step out with
8 the recording. They can deliberate, they can come back
9 and continue playing it. They can hear as much or as
10 little as they like to hear. We don't allow them to
11 rewind and go back over it. That will occur with all the
12 recordings. I need everybody's contact information.

13 (Pause in the proceedings.)

14 THE COURT: Let's confirm that we have all of
15 the items of evidence that are going to go back to the
16 jury. If we have ammunition, I will hold that back and
17 give them ammunition without the weapons.

18 MR. FREEMAN: And there is some live ammo, do
19 you want us to separate that?

20 THE COURT: Yeah. Let's click it in as
21 available, and I just let the jury know that the
22 ammunition comes in separate.

23 (A recess was taken.)

24 THE COURT: Okay. Here's the question: We would like to
25 confirm that Instruction 13 is not offered as a defense to

1 Counts 1 and 2. It is not listed on our Instructions 18
2 and 19, only 14 is listed.

3 So I'm taking a look here. Instruction 13 is
4 self-induced intoxication, and I think the confusion in
5 this case is that self-induced intoxication is not an
6 affirmative defense.

7 MR. MENGES: Right. But it's a -- the Court
8 knows it negates the mens rea.

9 THE COURT: Right.

10 MR. MENGES: So I think sending it back saying
11 that it is not.

12 THE COURT: So what I think would be -- the way
13 to tell them would be that -- well, I can hear an offer.
14 I think we can't have it be an affirmative defense because
15 it's not an affirmative defense, and so it's erroneous to
16 tell them it was.

17 We do tell them here self-induced intoxication
18 negates the existence of the elements of after
19 deliberation and with intent and so...

20 MR. FREEMAN: Yeah, it may.

21 THE COURT: Right, it may.

22 MR. FREEMAN: Yeah, so I think the answer to
23 that that I think we would like to see the Court fashion
24 something along the lines of, self-induced intoxication
25 may -- may be considered or may negate the existence of

1 after deliberation or with intent, but it is not an
2 affirmative defense and, therefore, was not listed on
3 Instructions 18 and 19.

4 THE COURT: Mr. St. George, what did you want me
5 to say?

6 (Pause in the proceedings.)

7 THE COURT: So it would never be used for
8 19 -- well, here, 19 is murder in the second-degree. So
9 it would never be used for 19. So they've asked for 18
10 and 19.

11 MR. FREEMAN: That's correct, Judge, I didn't
12 realize that 19 is the second.

13 THE COURT: Yeah, 19 is the second-degree.

14 MR. FREEMAN: So I think the answer should
15 specify that voluntary intoxication doesn't apply to 19.

16 THE COURT: So, yeah, I don't want to -- I
17 wouldn't want to tell the jurors that it's an affirmative
18 defense because it's not and that's legally erroneous, but
19 I think we can tell them that voluntary intoxication --
20 they're asking if it can be considered in 18 and 19. It
21 can't be considered in 19. We need to just answer their
22 questions, and I think we could just tell them it could be
23 considered in 18 and not 19.

24 Does anyone object to that?

25 MR. FREEMAN: That's -- so you just want to tell

1 them it can be considered for 18 and not 19 and leave it
2 at that?

3 THE COURT: Yeah, is everybody in agreement
4 rather than just repeating the same words about negating
5 the existence of the elements of after deliberation and
6 with intent.

7 My thought is we might get more questions about
8 this, but at this point, they're saying, we would like to
9 confirm that Instruction 13 is not offered as a defense to
10 Counts 1 and 2.

11 So let's look at Counts 1 and 2, too.

12 MR. ST. GEORGE: Your Honor, I have just have
13 one question, why am I still in shackles?

14 THE DEPUTY: Because you're still in custody.

15 THE COURT: Because there's other people in the
16 box with you and you're in custody and the jury's not
17 here.

18 MR. ST. GEORGE: Okay.

19 THE COURT: Okay. So Counts 1 and 2 are the
20 attempt to commit murder in the first-degree, attempt to
21 commit murder in the first-degree. So let's look and see
22 what those instructions are, too.

23 MR. FREEMAN: Is this still answering the
24 question?

25 THE COURT: Yeah, because they said Counts 1 and

1 2.

2 MR. FREEMAN: Okay.

3 THE COURT: Okay. So they're not referencing
4 all the correct jury instructions, but they are still
5 referencing --

6 MR. FREEMAN: So do you want to say that --

7 THE COURT: I'm looking for both of the
8 first-degree attempt murder.

9 MR. FREEMAN: Do we want to say that Instruction
10 13 applies to Instruction 18 as it relates to Count 1 and
11 2?

12 THE COURT: So Count 1 is Agent Trimmer, Count 2
13 is Sergeant Maines, okay, and 18 applies to both of them,
14 yes?

15 MR. FREEMAN: Yes.

16 THE COURT: Okay. So we can just say 18.

17 MR. FREEMAN: And it does list Counts 1 and 2 at
18 the top of 18.

19 THE COURT: Okay.

20 MR. MENGES: On behalf of Mr. St. George, I
21 agree with -- I agree with that 18 -- 13 applies to
22 Instruction 18 as to Counts 1 and 2.

23 THE COURT: So we are going to say 13
24 applies -- 13 may apply to Instruction Number 18; 13 may
25 not apply to Instruction Number 19 instead of trying to

1 use the different language to parse through affirmative
2 defenses, et cetera. We want them to consider this
3 through the appropriate --

4 MR. FREEMAN: Judge, I would ask -- we would ask
5 that -- because part of their question is why isn't
6 Instruction 13 listed in Instruction 18, you know, where
7 the boxes are for the defense. And I would ask the Court
8 to just also specify that it's not listed in Instruction
9 18 because it is not an affirmative defense that,
10 therefore, the People have no burden to disprove it beyond
11 a reasonable doubt.

12 THE COURT: Well, you're correct on that.

13 MR. MENGES: Judge, if they're going to add
14 that, I think you need to add the voluntary intoxication
15 language as well because they have instructions on the
16 both so to highlight one over the other would be
17 prejudice.

18 THE COURT: Well, they're asking for 13, that is
19 voluntary intoxication.

20 MR. FREEMAN: They have 13, they're just
21 wondering what it applies to.

22 THE COURT: I can say it is not an affirmative
23 defense so it's not listed in the area where affirmative
24 defense goes.

25 So this is what they're worried about, they're

1 worried about the language, which is in 18, which is the
2 last factor in both, "that the defendant's conduct was not
3 legally authorized by the affirmative defense in
4 Instruction Number 14."

5 MR. FREEMAN: Right. So I think we should
6 answer that question by telling them that while they may
7 consider it for Instruction 18, that it's not listed there
8 because it's not an affirmative defense and, therefore,
9 the People don't have any burden to disprove it beyond a
10 reasonable doubt.

11 So I would -- what I would suggest is: While
12 you may consider Instruction 13 in deciding Counts 1 and 2
13 and Instruction 18, it is not listed because it is not an
14 affirmative defense and, therefore, the People have no
15 burden to disprove it beyond a reasonable doubt.

16 THE COURT: We are trying to make it easier for
17 them. We can tell them to just reread Instruction 13, but
18 this is something that I want to address specifically.

19 MR. FREEMAN: And their question is why isn't it
20 listed --

21 THE COURT: I understand.

22 MR. FREEMAN: -- in Instruction 18. That's why
23 I think we should explain it.

24 THE COURT: So I'm looking to say something
25 like, While you may consider Instruction 13 when making a

1 decision on Counts 1 and 2 in Instruction 18 --

2 (Pause in the proceedings.)

3 THE COURT: This is what my thought is, that we
4 say, While you may consider Instruction 13 in making a
5 decision on Counts 1 and 2 and in Instruction 18,
6 Instruction 13 is not an affirmative defense. And then
7 repeat the language from 13. It may only be considered as
8 to whether or not evidence of self-induced intoxication
9 negates the existence of the elements of after
10 deliberation and with intent.

11 MR. FREEMAN: That's fine.

12 THE COURT: Refer to 13 and 18.

13 MR. ST. GEORGE: No objection to that, Your
14 Honor.

15 THE COURT: I think we have to answer the
16 question as to 19, that 13 does not apply to 19.

17 MR. FREEMAN: I agree.

18 THE COURT: Okay. So this is what my intention
19 will be: Instruction 19, attempted murder in the
20 second-degree. Okay. While you may consider instruction
21 13 while making a decision on Counts 1 and 2 in
22 Instruction 19, Instruction 13 is not an affirmative
23 defense. It may only be considered as to whether or not
24 evidence of self-induced intoxication negates the
25 existence of the elements of after deliberation and with

1 intent. Refer to Instructions 13 and 18.

2 Instruction 13 does not apply to instruction 19
3 attempted murder in the second-degree. All right.

4 Everybody with me on this?

5 MR. FREEMAN: Yes, Judge, that's fine.

6 MR. ST. GEORGE: As well, Your Honor.

7 THE COURT: Okay. I'll write it out on this and
8 we'll send it back.

9 (A recess was taken.)

10 THE COURT: Okay. Here's the question: We
11 would like to confirm that Instruction 13 is not offered
12 as a defense to Counts 1 and 2. It is not listed on our
13 Instructions 18 and 19, only 14 is listed.

14 So I'm taking a look here. Instruction 13 is
15 self-induced intoxication, and I think the confusion in
16 this case is that self-induced intoxication is not an
17 affirmative defense.

18 MR. MENGES: Right. But it's a -- the Court
19 knows it negates the mens rea.

20 THE COURT: Right.

21 MR. MENGES: So I think sending it back saying
22 that it is not.

23 THE COURT: So what I think would be -- the way
24 to tell them would be that -- well, I can hear an offer.
25 I think we can't have it be an affirmative defense because

1 it's not an affirmative defense, and so it's erroneous to
2 tell them it was.

3 We do tell them here self-induced intoxication
4 negates the existence of the elements of after
5 deliberation and with intent and so...

6 MR. FREEMAN: Yeah, it may.

7 THE COURT: Right, it may.

8 MR. FREEMAN: Yeah, so I think the answer to
9 that that I think we would like to see the Court fashion
10 something along the lines of, self-induced intoxication
11 may -- may be considered or may negate the existence of
12 after deliberation or with intent, but it is not an
13 affirmative defense and, therefore, was not listed on
14 Instructions 18 and 19.

15 THE COURT: Mr. St. George, what did you want me
16 to say?

17 (Pause in the proceedings.)

18 THE COURT: So it would never be used for
19 19 -- well, here, 19 is murder in the second-degree. So
20 it would never be used for 19. So they've asked for 18
21 and 19.

22 MR. FREEMAN: That's correct, Judge, I didn't
23 realize that 19 is the second.

24 THE COURT: Yeah, 19 is the second-degree.

25 MR. FREEMAN: So I think the answer should

1 specify that voluntary intoxication doesn't apply to 19.

2 THE COURT: So, yeah, I don't want to -- I
3 wouldn't want to tell the jurors that it's an affirmative
4 defense because it's not and that's legally erroneous, but
5 I think we can tell them that voluntary intoxication --
6 they're asking if it can be considered in 18 and 19. It
7 can't be considered in 19. We need to just answer their
8 questions, and I think we could just tell them it could be
9 considered in 18 and not 19.

10 Does anyone object to that?

11 MR. FREEMAN: That's -- so you just want to tell
12 them it can be considered for 18 and not 19 and leave it
13 at that?

14 THE COURT: Yeah, is everybody in agreement
15 rather than just repeating the same words about negating
16 the existence of the elements of after deliberation and
17 with intent.

18 My thought is we might get more questions about
19 this, but at this point, they're saying, we would like to
20 confirm that Instruction 13 is not offered as a defense to
21 Counts 1 and 2.

22 So let's look at Counts 1 and 2, too.

23 MR. ST. GEORGE: Your Honor, I have just have
24 one question, why am I still in shackles?

25 THE DEPUTY: Because you're still in custody.

1 THE COURT: Because there's other people in the
2 box with you and you're in custody and the jury's not
3 here.

4 MR. ST. GEORGE: Okay.

5 THE COURT: Okay. So Counts 1 and 2 are the
6 attempt to commit murder in the first-degree, attempt to
7 commit murder in the first-degree. So let's look and see
8 what those instructions are, too.

9 MR. FREEMAN: Is this still answering the
10 question?

11 THE COURT: Yeah, because they said Counts 1 and
12 2.

13 MR. FREEMAN: Okay.

14 THE COURT: Okay. So they're not referencing
15 all the correct jury instructions, but they are still
16 referencing --

17 MR. FREEMAN: So do you want to say that --

18 THE COURT: I'm looking for both of the
19 first-degree attempt murder.

20 MR. FREEMAN: Do we want to say that Instruction
21 13 applies to Instruction 18 as it relates to Count 1 and
22 2?

23 THE COURT: So Count 1 is Agent Trimmer, Count 2
24 is Sergeant Maines, okay, and 18 applies to both of them,
25 yes?

1 MR. FREEMAN: Yes.

2 THE COURT: Okay. So we can just say 18.

3 MR. FREEMAN: And it does list Counts 1 and 2 at
4 the top of 18.

5 THE COURT: Okay.

6 MR. MENGES: On behalf of Mr. St. George, I
7 agree with -- I agree with that 18 -- 13 applies to
8 Instruction 18 as to Counts 1 and 2.

9 THE COURT: So we are going to say 13
10 applies -- 13 may apply to Instruction Number 18; 13 may
11 not apply to Instruction Number 19 instead of trying to
12 use the different language to parse through affirmative
13 defenses, et cetera. We want them to consider this
14 through the appropriate --

15 MR. FREEMAN: Judge, I would ask -- we would ask
16 that -- because part of their question is why isn't
17 Instruction 13 listed in Instruction 18, you know, where
18 the boxes are for the defense. And I would ask the Court
19 to just also specify that it's not listed in Instruction
20 18 because it is not an affirmative defense that,
21 therefore, the People have no burden to disprove it beyond
22 a reasonable doubt.

23 THE COURT: Well, you're correct on that.

24 MR. MENGES: Judge, if they're going to add
25 that, I think you need to add the voluntary intoxication

1 language as well because they have instructions on the
2 both so to highlight one over the other would be
3 prejudice.

4 THE COURT: Well, they're asking for 13, that is
5 voluntary intoxication.

6 MR. FREEMAN: They have 13, they're just
7 wondering what it applies to.

8 THE COURT: I can say it is not an affirmative
9 defense so it's not listed in the area where affirmative
10 defense goes.

11 So this is what they're worried about, they're
12 worried about the language, which is in 18, which is the
13 last factor in both, "that the defendant's conduct was not
14 legally authorized by the affirmative defense in
15 Instruction Number 14."

16 MR. FREEMAN: Right. So I think we should
17 answer that question by telling them that while they may
18 consider it for Instruction 18, that it's not listed there
19 because it's not an affirmative defense and, therefore,
20 the People don't have any burden to disprove it beyond a
21 reasonable doubt.

22 So I would -- what I would suggest is: While
23 you may consider Instruction 13 in deciding Counts 1 and 2
24 and Instruction 18, it is not listed because it is not an
25 affirmative defense and, therefore, the People have no

1 burden to disprove it beyond a reasonable doubt.

2 THE COURT: We are trying to make it easier for
3 them. We can tell them to just reread Instruction 13, but
4 this is something that I want to address specifically.

5 MR. FREEMAN: And their question is why isn't it
6 listed --

7 THE COURT: I understand.

8 MR. FREEMAN: -- in Instruction 18. That's why
9 I think we should explain it.

10 THE COURT: So I'm looking to say something
11 like, While you may consider Instruction 13 when making a
12 decision on Counts 1 and 2 in Instruction 18 --

13 (Pause in the proceedings.)

14 THE COURT: This is what my thought is, that we
15 say, While you may consider Instruction 13 in making a
16 decision on Counts 1 and 2 and in Instruction 18,
17 Instruction 13 is not an affirmative defense. And then
18 repeat the language from 13. It may only be considered as
19 to whether or not evidence of self-induced intoxication
20 negates the existence of the elements of after
21 deliberation and with intent.

22 MR. FREEMAN: That's fine.

23 THE COURT: Refer to 13 and 18.

24 MR. ST. GEORGE: No objection to that, Your
25 Honor.

1 THE COURT: I think we have to answer the
2 question as to 19, that 13 does not apply to 19.

3 MR. FREEMAN: I agree.

4 THE COURT: Okay. So this is what my intention
5 will be: Instruction 19, attempted murder in the
6 second-degree. Okay. While you may consider instruction
7 13 while making a decision on Counts 1 and 2 in
8 Instruction 19, Instruction 13 is not an affirmative
9 defense. It may only be considered as to whether or not
10 evidence of self-induced intoxication negates the
11 existence of the elements of after deliberation and with
12 intent. Refer to Instructions 13 and 18.

13 Instruction 13 does not apply to instruction 19
14 attempted murder in the second-degree. All right.

15 Everybody with me on this?

16 MR. FREEMAN: Yes, Judge, that's fine.

17 MR. ST. GEORGE: As well, Your Honor.

18 THE COURT: Okay. I'll write it out on this and
19 we'll send it back.

20 (A recess was taken.)

21 THE COURT: All right. Ladies and gentlemen, we've
22 received notice from the jury that they have reached a
23 verdict. We're going to bring the jury out. Please note
24 that I need everyone to maintain the decorum of the
25 courtroom when we receive the verdict.

1 Let's have the jury.

2 (Pause in the proceedings.)

3 (The jury entered the courtroom.)

4 THE COURT: And everybody can be seated, please.

5 Ladies and gentlemen, it's my understanding that
6 you have reach at verdict?

7 JUROR 8: We have, Your Honor.

8 THE COURT: Is there a unanimous verdict?

9 JUROR 8: It is.

10 THE COURT: Could you hand the verdict sheets to
11 the bailiff, please.

12 JUROR 8: (Juror 8 complied.)

13 THE COURT: Jury Verdict Count 1, charge of
14 criminal attempt murder in the first-degree, Agent
15 Trimmer. We, the Jury, find the defendant, Eric James
16 St. George, guilty of criminal attempt murder in the
17 second-degree. We, the Jury, unanimously find the
18 defendant used or possessed and threatened the use of a
19 deadly weapon, namely: a firearm, during the commission
20 other attempted commission of the offense.

21 Jury Verdict Count 2, charge of criminal attempt
22 murder in the first-degree, Sergeant Maines. We, the
23 Jury, find the defendant, Eric James St. George, guilty of
24 criminal attempt murder in the second-degree. We, the
25 Jury, unanimously find the defendant used or possessed and

1 threatened the use of a deadly weapon, namely: a firearm
2 during the commission or attempted commission of the
3 offense.

4 Jury Verdict Count 3, attempted murder in the
5 second-degree, Emily Elliott. We, the Jury, find the
6 defendant, Eric James St. George, not guilty of criminal
7 attempt murder in the second-degree.

8 Jury Verdict Count 4, charge of assault in the
9 first-degree, Agent Trimmer. We, the Jury, find the
10 defendant, Eric James St. George, guilty of assault in the
11 first-degree. We, the Jury, unanimously find the
12 defendant used or possessed and threatened the use of a
13 deadly weapon, namely: a firearm, during the commission or
14 attempted commission of the offense.

15 Jury Verdict Count 5, Sergeant Maines. We, the
16 Jury, find the defendant, Eric James St. George, guilty of
17 assault in the first-degree. We, the Jury, unanimously
18 find the defendant used or possessed and threatened the
19 use of a deadly weapon, namely: a firearm, during the
20 commission or attempted commission of the offense.

21 Jury Verdict Count 6, menacing, Agent Trimmer.
22 We, the Jury, find the defendant, Eric James St. George,
23 guilty of menacing. Did the menacing involve the use or
24 suggested use of a deadly weapon? Yes.

25 Jury Verdict Count 7, Sergeant Maines. We, the

1 Jury, find the defendant, Eric James St. George, guilty of
2 menacing. Did the menacing involve the use or suggested
3 use of a deadly weapon? Yes.

4 Jury Verdict Count 8, Emily Elliott. We, the
5 Jury, find the defendant, Eric James St. George, guilty of
6 menacing. Did the menacing involve the use or suggested
7 use of a deadly weapon? Yes.

8 Jury Verdict Count 9, charge of illegal
9 discharge of a firearm. We, the Jury, find the defendant,
10 Eric James St. George, guilty of illegal discharge of a
11 firearm.

12 Jury Verdict Count 10, charge of unlawful sexual
13 contact. We, the Jury, find the defendant, Eric James
14 St. George, guilty of unlawful sexual contact.

15 So, ladies and gentlemen, I'm going to start
16 with our Juror 25 in Seat Number 1, and if everyone could
17 go along and tell me if you agree or disagree with the
18 verdict.

19 JUROR 25: I agree.

20 JUROR 26: I agree.

21 JUROR 24: I agree.

22 JUROR 5: I agree.

23 JUROR 27: I agree.

24 JUROR 32: I agree.

25 JUROR 8: I agree.

1 JUROR 15: I agree.

2 JUROR 10: I agree.

3 JUROR 14: I agree.

4 JUROR 31: I agree.

5 THE COURT: Does anyone request any further
6 pooling from the jury?

7 MR. FREEMAN: Not for the People.

8 MR. ST. GEORGE: No, Your Honor.

9 THE COURT: Ladies and gentlemen, you have spent
10 so much time and we -- and you have paid so much attention
11 to the case. We really couldn't do this without
12 us -- without you, 12 people from the community coming
13 together and making a decision. It is so important to our
14 system and with thank you so much.

15 The verdict -- you've now completed your duties
16 as jurors in this case and are discharged with the thanks
17 of the Court. The question may arise whether you may now
18 discuss this case with the lawyers, defendant or other
19 persons. And for your guidance, the Court instructs you
20 that whether you talk to anyone is entirely your own
21 decision. It's proper for others to discuss the case with
22 you and you may talk with them, but you need not.

23 If you talk to them, you may tell them as much
24 or as little as you like about your deliberations, or the
25 facts that influenced your decision. If anyone would

1 persist in discussing the case over your objection, you'd
2 let me know and I'd take care of it.

3 Again, thank you so much. If you had a couple
4 of minutes, I'd love to chat with you in the jury room.
5 I'll be there in just a moment.

6 (The jury left the courtroom.)

7 THE COURT: Okay. So we have received verdicts
8 in this case. We're going to go ahead and order a
9 presentence report, and I believe we need an OSE, correct?

10 MR. FREEMAN: A PSI, yes, Judge.

11 THE COURT: A PSI, do we need an OSE?

12 MR. FREEMAN: I think we do. I'm sorry, I was
13 thinking of something else.

14 THE COURT: So we will go ahead and order both,
15 and then we'll set this for sentencing.

16 THE BAILIFF: Let's do off docket. How is
17 March 27th at one o'clock.?

18 THE COURT: How is March 27th at one o'clock?

19 MR. MENGES: Could we do any day but a Tuesday?

20 THE BAILIFF: March 28th at one o'clock?

21 MR. MENGES: March 28th at one o'clock -- I'm
22 sorry, hold on a second.

23 THE BAILIFF: Or March 29th at two o'clock.

24 MR. MENGES: That's actually spring break week.

25 Can I do it the weekend before? Could we do it the --

1 THE BAILIFF: April 4th at one o'clock?

2 MR. MENGES: April 4th at one o'clock is fine.

3 THE COURT: April 4th at one o'clock?

4 MR. FREEMAN: We're okay with that, Judge.

5 THE COURT: On behalf of the defense, April 4th
6 at one o'clock?

7 MR. ST. GEORGE: No objection, Your Honor.

8 MR. MENGES: That's fine.

9 THE COURT: Okay. So then we will go ahead and
10 sentence April 4th at one o'clock. Anything further?

11 MR. FREEMAN: Judge, Counts 1 and 2 and 4 and 5
12 are crimes of violence. We'd ask that the Court convert
13 defendant's bond to a no-bond per statute.

14 THE COURT: The Court will go ahead and do that.

15 All right. We'll see everyone back here that
16 would like to attend for sentencing. Thanks very much,
17 everyone.

18 You're going to go ahead and file the exhibits?

19 MR. FREEMAN: We will.

20 THE COURT: We need to get the exhibits, the
21 physical exhibits back to the district attorney. You will
22 preserve the exhibits for purposes of appeal.

23 MR. FREEMAN: Yes.

24 (The proceedings concluded at 5:50 p.m.)
25

1 REPORTER'S CERTIFICATE

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3 The above and foregoing is a true and accurate
4 transcription of my stenotype notes taken in my capacity
5 as the Court Reporter for the First Judicial District
6 Court, County of Jefferson, State of Colorado.

7 Dated at Golden, Colorado this 12th day of
8 February, 2019.

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12 RICHAEAL M. SILVIA
13 Registered Professional Reporter
14 Certified Realtime Reporter
15 Colorado Realtime Certified Reporter
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*This is an electronically signed transcript