

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.
SUCR2000-10975
SUCR2000-10977

Superior Court
Department of the
Trial Court

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COMMONWEALTH OF MASSACHUSETTS

v.

JASON ROBINSON and
TANZERIOUS ANDERSON

* * * * *

JURY TRIAL - DAY 9

APPEARANCES:

Robert Tochka, Assistant Attorney General, on behalf of the Commonwealth.

Michael Doolin, Esq., on behalf of the Defendant Jason Robinson.

Timothy Flaherty, Esq., on behalf of the Defendant Tanzerious Anderson.

McCormack POCH
Courtroom 11
Boston, Massachusetts
April 1, 2002
Before: Rouse, J.

Paula Pietrella, CVR
Official Court Reporter

I N D E X

Jury deliberations

Witness Direct Cross Redirect Recross

None

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
R for I.D.	Jury Question	6
S for I.D.	Jury Question	6

1 P R O C E E D I N G S

2 (In court at 10:15 a.m. without the
3 jury present.)

4 BENCH CONFERENCE:

5 THE COURT: Good morning. We have
6 another casualty. Juror number two has been
7 hospitalized over the weekend and is still
8 hospitalized as of this morning, so we need to
9 substitute one of the alternates. So I guess
10 that's where we are.

11 THE CLERK: Your Honor, the jurors
12 on Thursday had requested a blackboard.

13 THE COURT: Right. The jurors have
14 requested a blackboard, and we do have one
15 available in the other room, and I was going to
16 make that available to them. All right? Thank
17 you.

18 END OF BENCH CONFERENCE.

19 (Jury enters.)

20 THE COURT: Ladies and gentlemen,
21 I'd like to welcome you back. I hope you all
22 had a good holiday recess.

23 Before we move to the task of
24 replacing or adding a member to the deliberating

1 jury, which I'll explain in a moment, I first
2 must inquire again whether there's any juror who
3 has not complied with any instruction I've given
4 in this case, including not discussing it, not
5 revisiting any of the sites you saw on the view,
6 and not consulting any outside sources at any
7 time. If you have not so complied, would you
8 raise a hand, please.

9 Thank you very much. The record
10 shall reflect no juror has.

11 Unfortunately, we have lost one of
12 the deliberating jurors due to illness, so we
13 must replace that person with an alternate. And
14 we're going to do that at this time. The method
15 by which we select the juror is to have the two
16 cards of the alternates placed in a barrel, one
17 is withdrawn, and the jurors whose name appears
18 on that card is then designated as a member of
19 the deliberating juror.

20 So if you would, please, Mr. Parsons.

21 THE CLERK: Your Honor, I'm now
22 placing the names of the two alternate jurors
23 into the barrel and withdrawing the name of the
24 juror who shall join the deliberating panel.

1 Juror in seat number eleven, juror
2 11-12, Deborah Berman, please join the
3 deliberating panel.

4 THE COURT: Take seat number two,
5 please.

6 Ladies and gentlemen, your jury has
7 now been reconstituted, as we say, and that is
8 going to require you to begin your deliberations
9 anew. And that means that you have to start
10 again as if you had never had discussions on
11 Thursday. I know that you did not have much
12 time on Thursday to begin your work, but you
13 must start today as if you had not had those
14 discussions.

15 Because your number is different, the
16 number in the sense that the constitution of the
17 jury is different and because you have gotten a
18 new member and lost an old member, you must
19 begin with the discussions with this group and
20 disregard your discussions as you had them on
21 Thursday. Otherwise, you are to deliberate as
22 pursuant to the instructions I gave you on
23 Thursday. We will bring into the jury room the
24 exhibits. We will also give each of a copy of

1 the jury instructions for your use in the jury
2 room, and you have requested through the court
3 officer a blackboard, which we will have brought
4 in for you.

5 So at this time we're going to return
6 you to the jury room to begin your work. Thank
7 you very much.

8 (Jury commences deliberations.)

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10 * * * * *

11
12 (Jury enters courtroom at 4:05 p.m.)

13
14 (Jury Question

15 was received and marked

16 Exhibit R for I.D.)

17
18 (Jury Question

19 was received and marked

20 Exhibit S for I.D.)

21
22 THE COURT: Ladies and gentlemen,
23 you have communicated twice within the last
24 fifteen minutes. The first had to do with your

1 interest in adjourning today at 4 o'clock, which
2 we are doing, and the second had to do with a
3 request that each of you receive a copy of the
4 transcript made from tape concerning Tanzerius
5 Anderson's statement, and those will be provided
6 tomorrow when you come.

7 I'm going to let you go tomorrow
8 until 9 o'clock. In return I ask that you
9 return to the jury room so that we may have you
10 out to the courtroom and then have you continue
11 your work. It's very important that not only
12 the deliberating jurors return but also the
13 alternate, because, as you've seen today, your
14 presence is very necessary and important in that
15 a deliberating juror may not be able to continue
16 his or her work. So please also return tomorrow
17 at 9.

18 I want to thank you very much for
19 your work in the deliberations today. Please
20 continue to observe the instructions I've given
21 you about the case, not discussing it, not going
22 to see or revisiting any of the sites you saw on
23 the view, and not consulting any outside source
24 of whatever kind. It's very, very important

1 that you continue to work through your
2 discussions and reach a verdict, that we can
3 count on each of you to do so, and that we have
4 twelve deliberating jurors who are all free from
5 any kind of -- receiving any kind of extraneous
6 information and who are basing their judgment on
7 the case solely on the evidence after having
8 been carefully considered with other members of
9 the jury.

10 So we thank you again. See you
11 tomorrow at 9 o'clock. Have a good evening.

12 (Hearing adjourned.)

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C E R T I F I C A T E

I, Paula Pietrella, Certified Verbatim Reporter, do hereby certify that the foregoing transcript, Pages 1 through 9, inclusive, is a true and accurate transcription of my voice recording in the aforementioned matter to the best of my skill, ability and knowledge.



Paula Pietrella, CVR
Official Court Reporter