

1 would still be an appropriate instruction.

2 MR. RUSHING: Although, we have no evidence
3 that it was a reckless act on his part based on
4 all of our witnesses. The only way it became
5 reckless was the, under that suicide theory. 000

6 THE COURT: That's something I guess we need \$
7 to take a look at. \$

8 MR. BOTTOMS: You will still give us time to
9 file a motion or a brief? 10

10 THE COURT: Yeah. We'll take the witness
11 this afternoon. If you rest after that, then I
12 won't have the jury to come -- it will take us a
13 little while to go through all of this.

14 MR. BOTTOMS: Yes, sir.

15 THE COURT: Making some arguments and
16 whatnot. I probably won't have them come in
17 until about 9:30 Monday morning just if we start
18 with opening.

19 MR. BOTTOMS: Submit our briefs and prepare
20 those over the weekend and submit those to you?

21 THE COURT: That would be great.

22 MR. BOTTOMS: Yeah, because I would have
23 some, I may have some objections on the
24 manslaughter due to the theory that he was just
25 offered here and objection not given to criminal