

1 private area or hair on his head?

2 A. He conducted -- he collected whatever evidence
3 was requested. I am not sure of the medical way of doing
4 that. He did observe the defendant -- you know --
5 throughout his body.

6 Q. Okay. So the defendant had to get undressed?

7 A. Yes, sir.

8 BY MR. SERMOS: One moment, please, Your Honor.

9 (Mr. Sermos and Mr. Clark confer.)

10 BY MR. SERMOS: Your Honor, we have no more
11 questions of this witness.

12 BY THE COURT: Is there any redirect by the
13 State?

14 BY MR. HARPER: No, Your Honor. No further
15 questions.

16 BY THE COURT: You may step down.

17 (Witness steps down.)

18 BY THE COURT: Would this witness be excused?

19 BY MR. HARPER: No, Your Honor. We would ask
20 that this witness be excused and released from his
21 subpoena.

22 BY THE COURT: Does the defense desire to have
23 this witness remain --

24 BY MR. SERMOS: Your Honor, we would, of
25 course, not abuse the privilege. We would ask that
26 our subpoena remain standing and be on standby.

27 BY THE COURT: Officer, you can go, but if you
28 will be available tomorrow if notified to be up here
29 to testify. Okay. Ladies and gentlemen of the jury,

1 first of all, I know you're -- some of you are
2 looking at this Exhibit Number 23, a written
3 statement. You will be allowed an ample opportunity
4 tomorrow to do that. So don't worry if you don't get
5 to see that. That will be passed around so that you
6 can see it tomorrow. Now, it is about time to
7 recess, and we have made substantial progress today.
8 We've covered fourteen witnesses. I am advised that
9 the State essentially has two remaining witnesses for
10 their case in chief which will be available first
11 thing in the morning. So we have made substantial
12 progress on the case. What that means is that there
13 is a chance that we can conclude this case tomorrow.
14 That depends on a lot of other circumstances, but I
15 just wanted to let you know. If we are able to
16 conclude it tomorrow, it will at least be about this
17 time, I would think, tomorrow if we're able to
18 conclude it. There's a possibility that we may not be
19 able to conclude tomorrow, but I just wanted to let
20 you know that maybe we can get through with it
21 tomorrow. If not tomorrow, then certainly by the day
22 after which will be Thursday. So I just wanted to
23 advise you about what's going on. The case has moved
24 along quite satisfactorily. Keep in mind what I said
25 about not talking to anyone about this case. Also
26 you have not heard all the evidence in this case. So
27 when you're among yourselves, when you're eating
28 tonight or other times when you're together, you can
29 talk about anything you want to but not about the

1 evidence in the case because it's not time for you to
2 do that yet. So please keep that in mind. So at
3 this time, the Court is going to recess for the
4 evening. We will start promptly at nine o'clock in
5 the morning. I want the jurors to be allowed to
6 leave before anyone else does. Again, the statement,
7 Exhibit Number 23, you'll be given an ample
8 opportunity tomorrow to look at that and see that and
9 read it in its entirety. So make sure you get all
10 your belongings. At this time, I want to the jurors
11 to be allowed to leave to go back to the Eola to eat
12 their evening meal and to retire for the evening.

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