

TABLE OF CONTENTS (Cont'd.)

| <u>STATE'S EVIDENCE, Continued</u> | <u>PAGE</u> |
|---------------------------------------|-------------|
| Trooper Anthony Dees | |
| Direct examination by Mr. Warburton | 280 |
| Cross-examination by Mr. Roose | 337 |
| Redirect examination by Mr. Warburton | 359 |
| Linda P. Steck | |
| Direct examination by Mr. Warburton | 370 |
| Cross-examination by Mr. Roose | 377 |
| Redirect examination by Mr. Warburton | 379 |
| Dustin F. Brown | |
| Direct examination by Mr. Warburton | 381 |
| Cross-examination by Mr. Roose | 387 |
| Redirect examination by Mr. Warburton | 390 |
| Sabrina Elliott | |
| Direct examination by Mr. Warburton | 392 |
| Cross-examination by Mr. Roose | 408 |
| Redirect examination by Mr. Warburton | 411 |
| Roger V. Marsh | |
| Direct examination by Mr. Warburton | 412 |
| Cross-examination by Mr. Roose | 432 |
| Redirect examination by Mr. Warburton | 440 |
| David Barr | |
| Direct examination by Mr. Warburton | 442 |
| Cross-examination by Mr. Roose | 447 |
| Marion Griffin, M.D. | |
| Direct examination by Mr. Warburton | 449 |
| Cross-examination by Mr. Roose | 467 |
| Redirect examination by Mr. Warburton | 469 |
| Michelle Perkins | |
| Direct examination by Mr. Warburton | 471 |
| Cross-examination by Mr. Roose | 479 |
| Redirect examination by Mr. Warburton | 480 |

TABLE OF CONTENTS (Cont'd.)*Proceedings of Wednesday, July 29, 2009, Vol. III:*

| | <u>PAGE</u> |
|--|-------------|
| <u>STATE'S EVIDENCE, Continued</u> | |
| Emily Watkins | |
| Direct examination by Mr. Warburton | 491 |
| Cross-examination by Mr. Roose | 494 |
| Redirect examination by Mr. Warburton | 498 |
| Trooper Joshua Smith | |
| Direct examination by Mr. Warburton | 499 |
| Cross-examination by Mr. Roose | 515 |
| Redirect examination by Mr. Warburton | 516 |
| Recross-examination by Mr. Roose | 517 |
| Special Agent Linda E. Farren | |
| Direct examination by Mr. Warburton | 518 |
| Paul L. Glover | |
| Direct examination by Mr. Warburton | 529 |
| Cross-examination by Mr. Roose | 538 |
| Redirect examination by Mr. Warburton | 539 |
| Recross-examination by Mr. Roose | 540 |
| Trooper Brian Palmiter | |
| Direct examination by Mr. Warburton | 542 |
| MODIFICATION OF MOTION | 569 |
| <u>STATE'S EVIDENCE, Continued</u> | |
| Trooper Brian Palmiter | |
| Direct examination, continued | 572 |
| Cross-examination by Mr. Roose | 586 |
| Redirect examination by Mr. Warburton | 596 |
| Burke Thompson, M.D. | |
| Direct examination by Mr. Warburton | 601 |
| Ronald Barnes | |
| Direct examination by Mr. Warburton | 611 |
| VOIR DIRE IN RE: PROPOSED STATE'S EXHIBIT NO. 27 | 613 |
| ISSUE CONCERNING JUROR NUMBER 6 | 624 |

TABLE OF CONTENTS (Cont'd.)

Proceedings of Thursday, July 30, 2009, Vol. IV:

| | <u>PAGE</u> |
|---|-------------|
| ISSUE CONCERNING JUROR NUMBER 6 | 640 |
| IN RE: STATEMENTS PREPARED BY AGENT JONES | 654 |
| ISSUE CONCERNING JUROR NUMBER 11 | 659 |
| <u>STATE'S EVIDENCE, Continued</u> | |
| Ronald Barnes | |
| Direct examination by Mr. Warburton | 673 |
| Cross-examination by Mr. Roose | 684 |
| Redirect examination by Mr. Warburton | 685 |
| Special Agent Kevin Jones | |
| Direct examination by Mr. Warburton | 687 |
| Cross-examination by Mr. Roose | 706 |
| Redirect examination by Mr. Warburton | 709 |
| IN RE: ADAM PREVOST, FORMER JUROR NUMBER 11 | 713 |
| <u>STATE'S EVIDENCE, Continued</u> | |
| Micaela Jaramillo Navarette | |
| Direct examination by Mr. Warburton | 724 |
| Cross-examination by Mr. Roose | 729 |
| Redirect examination by Mr. Warburton | 731 |
| MOTION TO DISMISS | 732 |
| COURT'S INQUIRY OF THE DEFENDANT | 734 |
| <u>DEFENDANT'S EVIDENCE</u> | |
| Morris Clem Patterson | |
| Direct examination by Mr. Roose | 737 |
| Cross-examination by Mr. Warburton | 770 |
| MOTION TO DISMISS AT CLOSE OF ALL EVIDENCE | 789 |
| CHARGE CONFERENCE | 795 |

TABLE OF CONTENTS (Cont'd.)EXHIBITS

| <u>STATE'S</u> | <u>DESCRIPTION</u> | <u>PAGE IDENT.</u> | <u>PAGE REC'D.</u> |
|----------------|------------------------------------|------------------------|------------------------|
| Exhibit 1 | Aerial view of collision scene | 288 | 289 |
| Exhibit 2 | Photograph | 321 | 322 |
| Exhibit 3 | Photograph | 292 | 293 |
| Exhibit 4 | Photograph | 292 | 293 |
| Exhibit 5 | Photograph | 292 | 293 |
| Exhibit 6 | Photograph | 292 | 293 |
| Exhibit 7 | Photograph | 292 | 293 |
| Exhibit 8 | Photograph | 292 | 293 |
| Exhibit 9 | Photograph | 292 | 293 |
| Exhibit 10 | Photograph | 292 | 293 |
| Exhibit 11 | Photograph | 292 | 293 |
| Exhibit 12 | Photograph | 292 | 293 |
| Exhibit 13 | Photograph | 292 | 293 |
| Exhibit 14 | Photograph | 292 | 293 |
| Exhibit 15 | Photograph | 292 | 293 |
| Exhibit 16 | Photograph | 292 | 293 |
| Exhibit 17 | Rights form | 503 | 505 |
| Exhibit 18 | Form HP 52, Seized Property Report | 511 | 512 |
| Exhibit 19 | SBI Laboratory Report | 524 | 525 |

TABLE OF CONTENTS (Cont'd.)EXHIBITS

| <u>STATE'S</u> | <u>DESCRIPTION</u> | <u>PAGE IDENT.</u> | <u>PAGE REC'D.</u> |
|----------------|----------------------------------|------------------------|------------------------|
| Exhibit 20 | Photograph of the accident scene | 550 | 551 |
| Exhibit 21 | Photograph of the accident scene | 550 | 551 |
| Exhibit 22 | Photograph of the accident scene | 550 | 551 |
| Exhibit 23 | Photograph of BMW | 559 | 560 |
| Exhibit 24 | Photograph of Ford Windstar van | 559 | 560 |
| Exhibit 25 | Diagram | 566 | 566 |
| Exhibit 26 | Computer-generated drawing | 572 | 573 |
| Exhibit 27 | Master DMV Record of defendant | 674 | --- |
| Exhibit 28 | SBI Form 33 | 692 | 693 |

DEFENDANT'S

| | | | |
|-----------|---|-----|-----|
| Exhibit 1 | Accident Report with Trooper Dees' name dated June 15, 2007 | 338 | 787 |
| Exhibit 2 | Accident Report with Trooper Smith's name dated June 15, 2007 | 338 | 787 |
| Exhibit 3 | Accident Report dated June 18, 2007 | 339 | 787 |
| Exhibit 4 | Accident Report dated September 6, 2007 | 343 | 787 |

TABLE OF CONTENTS (Cont'd.)EXHIBITS

| <u>DEFENDANT'S</u> | <u>DESCRIPTION</u> | <u>PAGE IDENT.</u> | <u>PAGE REC'D.</u> |
|--------------------|--|------------------------|------------------------|
| Exhibit 5 | Photograph of Fox Grove Road | 758 | 762 |
| Exhibit 6 | Photograph of North 49 | 759 | 762 |
| Exhibit 7 | Photograph of highway where the accident took place | 760 | 762 |
| Exhibit 8 | Photograph of road going into Goldston's Trailer Park | 761 | 762 |
| Exhibit 9 | Map of NC Highway 49 | 766 | 768 |

1 Thank you.

2 THE COURT: Thank you.

3 MR. WARBURTON: Your Honor, if we can
4 release Agent Farren from the subpoena?

5 MR. ROOSE: Sure.

6 THE COURT: Agent Farren's released from
7 her subpoena, the record will reflect, without
8 objection.

9 *(The witness left the witness stand.)*

10 MR. WARBURTON: Next the State calls
11 Mr. Paul Glover, Your Honor.

12

13 THEREUPON,

14 PAUL L. GLOVER,

15 having been called as a witness and having been duly
16 sworn, was examined and testified as follows:

17

18

19 DIRECT EXAMINATION

20 BY MR. WARBURTON:

21 Q. Sir, state your name for the record, please.

22 A. My name is Paul L. Glover.

23 Q. And what is your current occupation, sir?

24 A. I'm the branch head and research scientist for
25 the Forensic Tests for Alcohol which is a branch of the

1 Department of Health and Human Services.

2 Q. And could you just briefly tell the jury what
3 your function is there?

4 A. As a branch head, I am responsible for the
5 overall operation of our branch. Our responsibilities
6 are to train law enforcement officers on the evidentiary
7 breath test instruments that we use in this state. We
8 also maintain all of the instruments that are used in
9 the state. We have other training programs that deal
10 with drug recognition experts, standardized field
11 sobriety testing, and alcohol screening device training.

12 I also evaluate applicants who would like to
13 get a permit to analyze blood for the presence of drugs
14 and alcohol. That would be at this point SBI agents and
15 Charlotte/Mecklenburg crime lab individuals. I review
16 their applications, review their procedures, and
17 determine whether or not they'll be issued a permit.

18 I also -- as a research scientist for the
19 branch, I do in-service training for my staff. I've got
20 28 people in the branch. And I'll go over issues
21 related to breath testing for alcohol, blood testing for
22 alcohol, blood testing for drugs, urine testing for
23 drugs. Evaluate the instrumentations used for those
24 different purposes.

25 Q. And what is your education history?

1 A. I have a BS in biology that I got at Florida
2 State University in 1974, a masters in biology that I
3 got at Florida State University in 1978.

4 Q. And what kind of experience -- work experience
5 have you had, sir, over the years?

6 A. Experience in court?

7 Q. No, work experience over the years.

8 A. Oh, work experience? I'm sorry, I can't hear
9 you.

10 Q. Yeah, I'm sorry. What kind of work experience
11 do you have?

12 A. I was a research scientist at Oak Ridge
13 National Laboratory for seven years in Oak Ridge,
14 Tennessee; a research scientist at the National
15 Institutes of Environmental Health Sciences in Research
16 Triangle Park for five years; and a research scientist
17 at Burroughs-Wellcome Pharmaceutical in Research Triangle
18 Park for seven years.

19 Q. And how long have you been at your current
20 position, sir?

21 A. I've been a branch head for over two years.
22 I've been with the branch for just under 12 years.

23 Q. And what membership or professional societies
24 do you belong to, sir?

25 A. I'm a member of the International Council on

1 Alcohol, Drugs, and Traffic Safety. I'm a member of the
2 International Association for Chemical Testing where I
3 was on the Board of Directors for four years up until
4 about a year ago.

5 Q. And have you testified before in this area of
6 -- of your function?

7 A. Yes, I have.

8 Q. Okay. Do you recall how many times?

9 A. I've been tendered and qualified between 230
10 and 240 times in the past 11 years.

11 Q. And have you written any publications, sir,
12 related to this area?

13 A. Yes. I did a study on the effects of
14 interfering substances on breath tests conducted on the
15 Intoxilyzer 5000. It was submitted for presentation for
16 a conference in Stockholm, Sweden, in 2000. I did the
17 presentation there and then the -- the paper was
18 published as part of their proceedings.

19 I also did a study on the effects of heat on
20 blood samples containing alcohol which was submitted for
21 presentation in Montreal in 2002, and it was published
22 as part of their proceedings.

23 Q. Thank you, sir.

24 MR. WARBURTON: Your Honor, at this time
25 the State would tender -- ask Mr. Glover be tendered as

1 an expert in blood alcohol testing and blood alcohol
2 physiology, pharmacology, and related research.

3 THE COURT: Okay, wait one second.

4 MR. WARBURTON: Yes, sir.

5 THE COURT: Blood?

6 MR. WARBURTON: Blood alcohol testing.

7 THE COURT: Testing. Okay.

8 MR. WARBURTON: Blood alcohol physiology.

9 THE COURT: Okay.

10 MR. WARBURTON: And pharmacology, which is
11 p-h-a-r-m-a-c-o-l-o-g-y, and related research to those
12 fields.

13 THE COURT: I went to Randleman High
14 School. I know how to spell pharmacology.

15 MR. WARBURTON: Well, I had it --
16 *(inaudible)*. *(Laughing.)*

17 THE COURT: Mr. Roose? As to the tender?

18 MR. ROOSE: Oh, oh, oh. I thought you
19 were asking how to spell that. I didn't know exactly.
20 Thank you. I don't have any objection to the tender.
21 I'm sorry.

22 THE COURT: Thank you. All right. Let
23 the record reflect that the witness has been tendered as
24 an expert in the field of blood alcohol testing, blood
25 alcohol physiology, and blood alcohol pharmacology. And

1 without objection, he will be received as an expert in
2 those fields.

3 Members of the jury, I will call your
4 attention to the instructions you've received now twice
5 -- I will not go over them again -- about the testimony
6 of expert witnesses. Go ahead, please.

7 MR. WARBURTON: Yes, sir.

8 Q. BY MR. WARBURTON: Sir, did you receive a
9 request to review a case -- this case out of Randolph
10 County?

11 A. Yes, I did.

12 Q. And what was the request?

13 A. The request was that I look at this case with
14 respect to the blood alcohol concentration and what that
15 concentration might have been at the time of the crash.

16 Q. Now, why would that possibly be different?

17 A. Because there was a significant time lapse
18 between the time of the crash and the time of the blood
19 collection.

20 Q. And did you receive some information -- strike
21 that. What did you look at to -- to make this
22 determination?

23 A. I looked at the time of the crash. In -- in
24 order to do a retrograde, I do need a window of time.
25 That window of time would have been starting at the time

1 of the crash, which I was given as being 2138, and then
2 the time of the blood collection which was 0044.

3 Q. Now, what do you mean "retrograde"? What does
4 -- what does that word mean?

5 A. Well, retrograde extrapolation is a term that
6 describes the process of taking a result -- a breath or
7 blood result that's measured or collected at one point
8 in time, going back to an earlier point in time and
9 calculating what the concentration would have been at
10 that time.

11 Q. So between the collision to the time that the
12 blood was taken, how much time had transpired?

13 A. Three hours and six minutes, based on the
14 information I was provided.

15 Q. And what else do you look at, too, then?

16 A. I look at that time and then I use an average
17 value for the rate of elimination of alcohol from
18 humans. Elimination of alcohol from humans has been
19 studied for over 70 years. We see an average value that
20 is used that is reliable with respect to the rate that
21 an individual loses alcohol, and it's a value that we've
22 used for about 25 years here in North Carolina.

23 Q. Is that what you mean by "elimination"? What
24 do you mean by "elimination"?

25 A. Elimination rate. That is how much does an

1 alcohol concentration go down for each hour that passes.
2 So we -- that rate is a value that we use. We multiply
3 that rate times the elapsed time. That tells us how
4 much alcohol was metabolized during that
5 three-hour-and-six-minute window of time.

6 When I do that, I get a value of what was
7 lost. That's then added to the measured alcohol
8 concentration of the blood sample that was collected at
9 12:44.

10 Q. And when you say "metabolized," what do you
11 mean by that?

12 A. Well, alcohol in humans is eliminated
13 primarily by the liver. About 95 percent of the alcohol
14 that you consume is broken down in the liver by an
15 enzyme called alcohol dehydrogenase. You lose about
16 five percent of alcohol through breath, sweat, and
17 urine, but the rest of it, as I say, is broken down in
18 the liver.

19 As blood is circulating throughout the body,
20 it's transporting alcohol throughout the body. When
21 blood goes through the liver, it encounters this enzyme.
22 That enzyme will break it down. But that's the way that
23 we metabolize alcohol in humans.

24 Q. Okay. Now, you -- you did calculations on
25 this -- this particular case. Is that correct?

1 A. That's correct.

2 Q. And what did come back -- what did you come as
3 a conclusion?

4 A. My conclusion was that at the time of the
5 crash the alcohol concentration would have been a .19.

6 Q. And the original number that you had looked at
7 from the lab was?

8 A. A .14.

9 Q. And that would be the -- if you could just --
10 officially for the record, that would be .19 what?

11 A. .19 grams of alcohol per 100 milliliters of
12 whole blood.

13 Q. And that would have been at the time of the
14 collision then?

15 A. Yes.

16 MR. WARBURTON: Your Honor, before we
17 proceed to that, may Mr. Roose and I approach?

18 THE COURT: Yes, sir.

19 *(Mr. Warburton and Mr. Roose approached*
20 *the bench and conferred with the Court.)*

21 THE COURT: Thank you, gentlemen, for your
22 help. Yes, sir.

23 MR. WARBURTON: That will be all the
24 questions we have at this time, Your Honor.

25 THE COURT: Thank you. Mr. Roose?

1 CROSS-EXAMINATION

2 BY MR. ROOSE:

3 Q. Mr. Glover, when you -- did you receive the
4 request to review this -- this case?5 A. I don't know if I know the exact date. It
6 would have been prior to July 8th of this year. I
7 believe I got a phone call at one point in time, but I
8 don't know right off the top of my head.9 Q. So it was this year. I mean, some -- you say
10 July 8th --

11 A. To the best of my recollection --

12 Q. -- of this year.

13 A. -- yes.

14 Q. So it was -- that a couple weeks ago then,
15 right? It was not back in '07 --

16 A. No, it was not.

17 Q. -- around the time of the event or anything.

18 A. No.

19 Q. Okay. And this retrograde extrapolation, this
20 is really fairly simple. You use three things to make
21 this calculation.

22 A. That's correct.

23 Q. You use the time lapse between the crash and
24 drawing of the blood?

25 A. That's correct.

1 Q. The reported result?

2 A. That's correct.

3 Q. And the average elimination rate.

4 A. Yes.

5 Q. Okay. Now, the average elimination rate is --
6 where does that come from?

7 A. It's come from a tremendous number of studies
8 that have been done over the past 70 years. We
9 determine rates by dosing individuals with alcohol and
10 then measuring their alcohol concentration at different
11 periods of time. From that we calculate their rate of
12 elimination.

13 Q. This average is an average of different
14 elimination rates?

15 A. Yes, there is a range. It is a fairly narrow
16 range, and this particular rate that we use is a
17 conservative rate with respect to -- well, with respect
18 to drinking drivers.

19 Q. Okay. Thank you, Mr. Glover.

20 MR. ROOSE: That's all.

21

22

23 REDIRECT EXAMINATION

24 BY MR. WARBURTON:

25 Q. When you mean "conservative rate," is that

1 more -- more slowly or more quickly eliminates from a
2 person?

3 A. This would be slower than what we typically
4 see in drinking drivers. We've seen -- we have studies
5 where they've looked at drivers who have been charged
6 with DWI and they've measured their rate of elimination.
7 They stand out as a different population from your
8 average population, and we see a rate that's higher or
9 faster elimination rate in that population.

10 Q. Now, the .19, is that a higher rate or a
11 lesser rate than the .14 when it comes to alcohol?

12 A. Well, the .19 is -- is a larger amount of
13 alcohol.

14 Q. Than the .14?

15 A. Yes.

16 Q. Thank you.

17 MR. WARBURTON: That's all.

18

19

20 RE CROSS-EXAMINATION

21 BY MR. ROOSE:

22 Q. It's still an average rate you're using to
23 make this calculation.

24 A. It -- it is an average rate; but, again, it is
25 a -- it's -- it's a slower rate than we would expect to

1 see in a drinking driver.

2 Q. Well, if it's slower, it's not average, I
3 guess.

4 A. It's an average rate for the general
5 population. When we start looking at individuals with
6 respect to their experience with alcohol, this is a very
7 good number. When we've looked at people with greater
8 experience, we see a higher number, and the greater -- I
9 mean, if we get into chronic abusers, we can see rates
10 that are two and three times this -- the rate that we
11 use.

12 Q. And you have no information at all about the
13 defendant's experience with alcohol.

14 A. No, I do not.

15 Q. Thank you.

16 MR. ROOSE: That's all.

17 MR. WARBURTON: Thank you, sir. That's
18 all.

19 THE COURT: Thank you, sir. You may step
20 down.

21 *(The witness left the witness stand.)*

22 THE COURT: Mr. Warburton?

23 MR. WARBURTON: Yes, sir.

24 THE COURT: Are you asking Mr. Glover
25 remain?

1 MR. WARBURTON: Mr. Glover, if you'd just
2 remain here. Yes, sir.

3 THE COURT: Thank you.

4 MR. WARBURTON: The next person, Your
5 Honor, the State is calling would be Trooper Brian
6 Palmiter, Your Honor.

7 THE COURT: Thank you.

8

9 THEREUPON,

10 BRIAN PALMITER,
11 having been called as a witness and having been duly
12 sworn, was examined and testified as follows:

13

14

15 DIRECT EXAMINATION

16 BY MR. WARBURTON:

17 Q. State your -- I'm sorry. Are you all set?

18 A. Yes, sir.

19 Q. Would you state your name for the record,
20 please.

21 A. My name is Brian Palmiter.

22 Q. And who are you currently employed with, sir?

23 A. The North Carolina Highway Patrol.

24 Q. And what -- what division or what area are you
25 in with the Patrol?

1 THE COURT: Let me -- first of all, I want
2 to thank Madam Reporter. She brought something to my
3 attention and I -- she was absolutely correct in doing
4 it.

5 Guys, as we began the trial, of course
6 Mr. Roose had a motion for complete recordation which
7 was allowed, and we've held a bench conference. And we
8 need to -- first of all, I need to reconstruct the bench
9 conference, but we need to decide if the complete
10 recordation -- we did not make any exception for bench
11 conferences, but we need to decide if we're gonna do
12 that or not. I don't know how many more we might be
13 called to hold, but -- yes, sir.

14 MR. ROOSE: And -- and I'll address that
15 because I thought we'd done this before. I do not
16 request bench conferences. If what's -- goes on needs
17 to be recorded, I will affirmatively request recordation
18 of that; but otherwise, that would be the way I would
19 like to proceed here.

20 THE COURT: All right. Let the record
21 reflect that the motion for complete recordation has now
22 been modified to allow the Court to exclude recordation
23 of bench conferences unless the defendant through
24 counsel affirmatively -- affirmatively requests that
25 bench conferences be recorded or reconstructed on the

1 record.

2 As this motion and order of the Court is
3 entered following the first bench conference, the Court
4 places in the record and will request that either
5 Mr. Roose or Mr. Warburton correct or object the Court
6 if they disagree with the Court's recollection.

7 The bench conference that was held
8 concerned testimony that the State might possibly seek
9 to elicit from Mr. Paul Glover concerning the
10 possibility that a person would have a blood alcohol
11 content level of 19 at the time of the accident while
12 only consuming five beers as either reported by the
13 defendant or some previous -- previous evidence was
14 placed in the record of the -- of the amount of alcohol
15 consumed by the defendant.

16 The matter was discussed at the bench.
17 Defendant, through counsel, informed the Court that he
18 had no prior notice that this evidence was to be
19 elicited from the expert and informed the Court that he
20 planned to object, or at a minimum conduct a voir dire
21 to determine what the evidence would be and then
22 determine whether or not he would object.

23 The Court then suggested that this -- this
24 matter might be addressed after the morning break, and
25 the district attorney agreed with that suggestion, and

1 the matter has not been offered into evidence. I don't
2 see Mr. Glover in the testimony [sic], Mr. DA, so I
3 assume you're not gonna offer that evidence.

4 MR. WARBURTON: We would hold him as -- in
5 case of rebuttal if they're required.

6 THE COURT: Thank you, sir. All right.
7 Okay. Does anyone object to the reconstruction of the
8 bench conference that was put in the record by the
9 Court?

10 MR. WARBURTON: No. Not from the State,
11 Your Honor.

12 MR. ROOSE: No, sir.

13 THE COURT: Okay, all right. Let the
14 record reflect that thus -- that in future for the
15 trial, according to the motion of the defendant and the
16 order entered by the Court, that bench conferences need
17 not be recorded except on motion of the defendant.

18 All right. Very good. Thank you,
19 gentlemen. Are we ready for the jury?

20 MR. WARBURTON: Yes, sir.

21 THE COURT: Thank you. Yes, sir.

22 THE BAILIFF: Yes, sir.

23 *(The witness returned to the witness*
24 *stand.)*

25 *(The jury returned to the courtroom at*