

1 (The following proceedings were had in open court outside
2 the presence of the jury:)

3 THE COURT: It's another Dear Judge Moody. We
4 received this just a bit ago. "We will not be able to finish
5 deliberating today by 4:30 p.m. without feeling like we are
6 rushing a verdict. Respectfully."

7 MR. WEISMAN: Mark Hoffman.

8 THE COURT: Very good. My thought would be to ask
9 them, giving them an option and say, look, would you like to
10 stay and have dinner? Or do you want to go home? Because from
11 this I don't know whether they want to go home or not.

12 MS. PETERS: That's fine.

13 THE COURT: No problem with me just instructing the
14 CSO to say, would you like to stay and order pizza and continue
15 deliberating? Or would you like to go home? That would be the
16 extent of it.

17 Is that okay?

18 MS. PETERS: That's fine.

19 MR. DURKIN: Maybe we should bring them out to do
20 that.

21 THE COURT: And let me do it?

22 MR. DURKIN: Do it here.

23 THE COURT: I don't care.

24 MS. PETERS: Not in the courtroom.

25 MR. DURKIN: Yes.

1 THE COURT: Why not?

2 MS. PETERS: Okay.

3 THE COURT: What's the harm in that?

4 MS. PETERS: Okay.

5 THE COURT: Could you get them out here? If they say
6 they want to go home, I will just send them home.

7 MS. PETERS: They can go back and talk about it?

8 MR. DURKIN: They are welcome to stay if they like.

9 MS. PETERS: Are you going to tell them to go back and
10 talk about it and then let the CSO know? That way they don't
11 have to decide out here.

12 THE COURT: Yes. That will be good.

13 (Jury entered the courtroom.)

14 THE COURT: Ladies and gentlemen, I just received a
15 note from you saying that you are not going to be able to
16 finish deliberating today by 4:30, signed by Mark Hoffman,
17 correct?

18 Couple options. You know, if you want to go home,
19 certainly we will recess until Monday morning. Another option
20 would be that you could stay, continue deliberating for as long
21 as you want to this evening. We will bring pizza in, pop and
22 that kind of stuff. But the choice is up to you people.

23 So what I would like to do is maybe send you back and
24 then you can send another note telling me what you want to do.
25 Would that be okay?

1 JUROR HOFFMAN: Do we have to have a -- send a note?

2 THE COURT: You can just tell the CSO.

3 JUROR HOFFMAN: I think I can speak for us.

4 THE COURT: Okay.

5 JUROR HOFFMAN: I think we want to be sure that we are
6 as fair to the legal process as possible.

7 THE COURT: Absolutely. We understand that from your
8 note.

9 JUROR HOFFMAN: All of us want to be sure that we
10 don't rush any type of decision to be --

11 THE COURT: Believe me, none of us want you to rush.
12 That's not what this is about.

13 JUROR HOFFMAN: We feel if we stayed later, we'd rush.
14 It wouldn't --

15 THE COURT: So you want to go home?

16 JUROR HOFFMAN: We'd rather go home, come back Monday.

17 THE COURT: Then that's exactly what's going to
18 happen. Everybody agree to that, I take it?

19 Okay. All right. So with that in mind and given the
20 hour, it's, what, 25 after 4:00, we are going to take a recess
21 for the evening. Again, this is going to be a weekend recess.
22 So it's a little bit longer. So this admonishment I keep
23 giving you becomes even more important.

24 So again, just remember that instruction I have been
25 giving you during these overnight recesses throughout the

1 trial. During this weekend recess you must not discuss the
2 case with anyone, including your fellow jurors, members of your
3 family, people involved in the trial or anyone else. And
4 again, if anyone tries to talk to you about this case, you let
5 me know about that as soon as you can.

6 Also, do not read, watch or listen to any news reports
7 of this trial that might appear in any of the news media.
8 Finally, when you arrive back here on Monday morning, you must
9 not discuss the case with your fellow jurors until all 12 of
10 you are present and have reassembled in the jury room.

11 So we are going to recess. You are to return here
12 Monday morning at 9:00 o'clock to continue with your
13 deliberations. Have a nice weekend. Get a lot of rest. And
14 don't watch any of the news media. Don't talk about this case
15 with anyone. I know you are going to do that. So see you
16 Monday.

17 (Trial adjourned until April 26, 2004, at the hour of 9:00
18 o'clock a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true, correct
and complete transcript of the proceedings had at the hearing
of the aforementioned cause on the day and date hereof.

Alexandra Rose

4.26.04

Official Court Reporter
U.S. District Court
Northern District of Illinois
Eastern Division

Date

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