

Official Trial Transcript

Volume V of VIII

August 8, 2003

Chambers, Preliminary Matters

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The Court: Yes. Whose fingerprints were on the gun—first question. The second question, whose blood was on the white car. And of course the third question.

Mr. Baiamonte: Your Honor, I owe Mr. Lopez and Ms. Garcia an apology. And here's what happened in that regard. Mr. Lopez contacted me early on in the case and asked me if I was going to make an issue—and I know we had a number of conversations on this case and a number of other cases—he asked me if I was going to make an issue of, I believe, the blood on the car and some other blood drops perhaps somewhere else and whether I was going to make a fuss over the DNA.

I know I spoke to Mr. Lopez, in conjunction with this case, about DNA, and I'm not sure in what context. I said no, I wasn't going to make a big issue out of that, and I didn't think DNA was a relevant portion of the case. I forgot we had that conversation, and I erroneously asked somebody about blood droppings or blood typing or something of that nature. It came out, and it shouldn't have, because I did stipulate with Mr. Lopez that that was not going to be an issue.

So I don't know how to best handle it now. I can say something to the jury in my closing if that's what the Court would like to see happen. I can fall on my sword. I'm open to a suggestion on how to cure that, but that is my fault. As far as the fingerprints on the gun, I think the standard instruction. You know, you, the jury, have received all the evidence that you will receive, and you figure it out from there.

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