

<u>8:38:28 AM</u>		I've cleared or arranged coverage for my calendar Thursday afternoon, so we'll be in trial all day Thursday. If we're in a time crunch, we can start at 8:30 each day and go to 5 or 5:30. If absolutely necessary, we can finish on Saturday.
<u>8:39:13 AM</u>	Cox	With a full day Thursday, we should be good.
<u>8:39:22 AM</u>	Court	Re objection to number of peremptory challenges - i don't know how I overrule a Supreme Court order.
<u>8:39:36 AM</u>	Cox	I intend to not pass the panel for cause, so that I can reserve my right to appeal.
<u>8:40:41 AM</u>	Court	I'm overruling the objection based on the Supreme Court order. Also, this is a process question - peremptories don't have a fundamental constitutional basis.
<u>8:41:11 AM</u>		There was an objection to the live streaming. I'm ordered that be canceled.
<u>8:42:26 AM</u>		When I read the Information, can I drop the "aka"?
<u>8:42:41 AM</u>	Counsel	Submit.
<u>8:43:16 AM</u>	Court	Re jury instructions.
<u>8:44:57 AM</u>		Now the Mo/Quash. Mr. Cox, what evidence do you think might be obtained from either of these women?
<u>8:45:47 AM</u>	Cox	I'd prefer to discuss this in camera, don't wish to discuss it in front of the witnesses.
<u>8:45:58 AM</u>	Court	I'll note that for purposes of that request, we are essentially in camera -
<u>8:46:38 AM</u>	Cox	Response re anticipated evidence (video of phone call).
<u>8:52:03 AM</u>	Hallam	Response
<u>8:52:59 AM</u>	Cox	I can represent to the Court that Det. Joseph said "I received an email from Ms. Birch that had the video file on it."
<u>8:53:26 AM</u>	Hallam	We got the copy of the video from the AG's office.
<u>8:53:47 AM</u>	Cox	Ms. Vega indicated she provided the video to her lawyers.
<u>8:54:32 AM</u>	Court	You also listed transcripts of hearings before the House Ethics Committee - not sure of the relevance of that, but it's possible that the AG's office was involved in that.
<u>8:55:00 AM</u>		I don't know who or why redacted the video.
<u>8:56:01 AM</u>	Cox	There are 22 min of missing video.
<u>8:56:14 AM</u>	Hallam	There's no evidence there would be anything of relevance to this matter.

<u>8:57:29 AM</u>	Cox	I'd like to be able to subpoena Ms. Hays and see what she knows.
<u>8:58:19 AM</u>	Court	Ask Ms. Birch
<u>8:58:23 AM</u>		Ms. Birch sworn.
<u>8:58:41 AM</u>	Court	Questions Ms. Birch re the video.
<u>8:59:45 AM</u>	Cox	Ask for leave to be able to subpoena Ms. Hays.
<u>9:00:07 AM</u>	Court	I'm going to grant the motion to quash, Ms. Birch and Ms. Hightower can be excused.
<u>9:00:21 AM</u>	Cox	May I have leave to subpoena Ms. Hays?
<u>9:00:29 AM</u>	Farley	Ultimately State will submit.
<u>9:01:02 AM</u>	Court	I'll grant leave to subpoena Leslie Hays. I'll scratch Ms. Hightower and Ms. Birch from the witness list.
<u>9:01:55 AM</u>		Same admonition - no discussion of Ms. Hays or this confront tape during jury selection and opening. At some point 403 comes into play and it's a side issue that potentially could confuse the jury.
<u>9:03:32 AM</u>	Farley	How long for jury selection?
<u>9:03:44 AM</u>	Court	An hour.
<u>9:03:48 AM</u>	Farley	Will you be inquiring re social media, news?
<u>9:04:00 AM</u>	Court	Yes. In particular flyers that have been circulating in the North End re Ms. Welsh and the Bundy case.
<u>9:04:46 AM</u>		Once the jury is empaneled, I'll direct them not to access social media or any resource during the pendency of the trial.
<u>9:06:11 AM</u>		Court in recess

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