

OCTOBER 23, 1998 P.M. SESSION

(Jury brought in at 1:56 P.M.)

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3 THE COURT: The heat still doesn't work in here.
4 Mr. Foreman, I have your note. Let me address your last
5 comment first in that you're inquiring as to whether a
6 transcript, or police reports are available for your
7 review. They are not. These are not matters of
8 evidence. They were used solely for impeachment
9 purposes and explaining testimony during the course of
10 trial. They are not evidence and cannot be submitted to
11 you.

12 As to your inquiry regarding "reasonable doubt,"
13 I'm happy to re-explain that to you, if I can. And, I
14 would remind you that I started my explanation to you
15 regarding reasonable doubt by telling you it is not easy
16 to define or explain. And, I think I began by telling
17 you what a reasonable doubt does not mean, or what it
18 does not encompass. I think I told you that the State's
19 obligation to prove something beyond a reasonable doubt
20 does not mean the State has to prove guilt beyond all
21 possible doubt, or beyond a shadow of a doubt. To be
22 that certain we all would have had to have been
23 eyewitnesses. No, the State's burden is not that great.
24 On the other hand, reasonable doubt is not a whimsical,
25 or fanciful, or passing doubt. And it is not a doubt

