

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 06-0026
)	Electronically Filed
CYRIL H. WECHT)	

Hearing on: Trial Minute Entry (Day 33 of Trial) - Jury Deliberations
Dates hearing held: 4/3/08
Before Judge Arthur J. Schwab

Stephen S. Stallings, Esquire
James R. Wilson, Esquire
COUNSEL FOR GOVERNMENT

Mark A. Rush, Esquire
Jerry S. McDevitt, Esquire
Amy Barrette, Esquire
Matthew Sepp, Esquire
COUNSEL FOR DEFENDANT

Hearing time: Court Session: 10:15 am - 10:50 am
1:45 pm - 2:14 pm
2:35 pm - 2:37 pm
Jury deliberations: 8:30 am - 2:35 pm

Law Clerks: Michael Lydon/ Nicole Moschetta
Stenographer: Karen Earley / Julie Kienzle
Deputy Clerk: Elizabeth Abbott

NOTED:

Court reads question from jury in open court (court staff provided said question minutes before Court was in session to the parties) marked as C-8. Court recommends parties to meet and discuss suggested answer; Court recesses for approximately 10 minutes. Counsel requests deputy clerk to determine the day on which G318.150 was offered and admitted into evidence; Deputy clerk searches court database of exhibits and reads date on which the said exhibit was admitted - Feb. 21, 2008 - near end of volume of that date. Court accepts formal proffers from both parties on the suggested answer and marks said answers as C-9 (Government's suggested answer) and C-10 (Defendant's suggested answer). Court rules that it will give the answer written by the Government and overrule defendant's objection. Court gives its reasons for its ruling including the following: that it is clear from the text that they are unable to find an exhibits or exhibits bearing the date April 20, 2004, that because there are approximately 10,000 pages of exhibits with the jury, it is certainly understandable that jury may not be able to find a certain

exhibits. Court finds defendant's proposed response to jury is incomplete and does not provide jury the guidance they want. Court (senior clerk) will rewrite answer and will mark it as C-11.

At 1:45 p.m., Court reconvenes at time previously scheduled for giving standard cautions to the jury for the end of the week. The Court, without the jury present, reads in open court C-12 (statement from the jury that they are deadlocked), Court calls a brief recess for parties to discuss statement. After hearing divergent views from both parties, Court determines that it will read C-12 in open court to each juror, and will send them back to deliberate after giving them a standard delock charge. Court seats jury, reads the question from the jury C-12, and reads questions to each individual juror to determine whether each juror is deadlocked (marked as C-13) to which each juror answers in the affirmative. Court gives standard deadlock charge to jury as a whole and jury returns to jury room to deliberate.

Court clears and closes courtroom.

At 2:28 p.m., Court reconvenes in presence of jury and reads jury cautions for the weekend. Upon request by jury, Court will grant jury request to continue deliberations on Monday, April 7, 2008 at 8:00 a.m.

Court adjourned.