

1 that has been presented. Inferences from
2 circumstantial evidence may be drawn on the basis of
3 reason, experience and common sense. Inferences may
4 not, however, be drawn from guesswork or speculation or
5 conjecture. The law does not require a party to
6 introduce direct evidence. A party may prove a fact
7 entirely by circumstantial evidence or by a combination
8 of direct and circumstantial evidence.

9 Circumstantial evidence is no less valuable than
10 direct evidence. So as I've said, you're to consider
11 all the evidence in this case, both direct and
12 circumstantial, and determine what the facts of the
13 case are in arriving at your verdict.

14 Now, as I have said many times, it's for you to
15 decide what the facts of this case are, and you should
16 not interpret anything I have said or done during the
17 course of this trial as to indicate any opinion on my
18 part as to what the facts of the case may be. I have
19 not intended to express any such opinion to you and you
20 should not be concerned about what my opinion is about
21 the facts of this case. That is entirely up to you to
22 decide the facts.

23 Also, during the course of the trial, you've
24 heard some occasions when the attorneys have objected
25 to a question that has been asked of a witness. You

1 should not penalize an attorney or, more importantly,
2 his client for objecting. It's the attorney's right
3 and duty to protect the client's interest by objecting
4 to a question that they believe is not in conformance
5 with or satisfies the Rules of Evidence. So if I
6 sustained the objection, then it's important that you
7 not speculate as to what the answer to the objected to
8 question may have been. By sustaining the objection,
9 I've held that the evidence should not be considered.

10 Now, no bias in favor of any person or cause or
11 corporation, nor prejudice against any person or cause
12 or corporation, nor sympathy of any kind whatsoever
13 should be permitted to influence you during the course
14 of your deliberations. All that any party here is
15 entitled to, or for that matter expects from you, is a
16 verdict that is based on your scrupulous and
17 conscientious examination of the evidence that is
18 before you and the application of the law as I have
19 just explained it to you.

20 Now, in order to return a verdict in this case ,
21 all ten of you must agree -- eight I should say, eight
22 of you must agree. If there were ten, we'd have a
23 problem -- must agree as to what the verdict will be.
24 So there are two things that I want you to keep in mind
25 during the course of your deliberations.