

STATE OF MICHIGAN

SEVENTEENTH JUDICIAL CIRCUIT COURT (KENT COUNTY)

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THE PEOPLE OF THE  
STATE OF MICHIGAN

-v-

Case No. 93-63014-FCA

**DANIEL ARTHUR TURNER,**

Defendant.

\_\_\_\_\_ /

**JURY TRIAL  
VOLUME VI of VIII**

BEFORE THE HONORABLE DENNIS C. KOLENDA, CIRCUIT JUDGE

Grand Rapids, Michigan - Thursday, December 9, 1993

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APPEARANCES:

For the People:

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For the Defendant:

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Reported By:

**REBECCA L. RUSSO, RPR, CM, CSR-2759**  
Registered Professional Reporter  
Official Court Reporter  
(616) 774-3662

1 Grand Rapids, Michigan

2 Thursday, December 9, 1993

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5 (At about 10:40 a.m. - The Daniel Turner  
6 jury returned to the courtroom)

7 (At about 10:40 a.m. - The Stephen  
8 Turner jury returned to the courtroom)

9 THE COURT: Due to the fact, ladies and  
10 gentlemen, that it's an hour-and-a-half past when  
11 we said we were going to get started, I'm sure  
12 everyone has figured out that something has  
13 happened, and it has. Just one of those things  
14 that happened this morning that made it impossible  
15 for us to go forward as we planned.

16 We spent the last hour trying to resolve  
17 it so we could in fact go forward, and we haven't  
18 managed to do it yet. We think there's a good  
19 chance, however, that we will resolve it this  
20 afternoon. As a matter of fact, I'm certain that  
21 this afternoon one of the two juries in this case  
22 will receive argument and instructions, and that  
23 the other one will have that tomorrow.

24 I'm going to rearrange my calendar to do  
25 it, even though we wouldn't do it on a Friday. At

1 this point, however, I can't tell you which jury  
2 will go this afternoon and which jury will go  
3 tomorrow.

4 I don't want you to speculate as to what  
5 happened. I just want to tell you it's one of  
6 those things that sometimes happens. It's  
7 absolutely nobody's fault. Things happen once in  
8 a while. I'm sure they happen to everybody all  
9 the time.

10 When they happen in the midst of a trial  
11 like this, they seem to get a luster of much more  
12 significance than reality. It's just one of those  
13 things that happens, as I've said.

14 So we're simply going to ask you to come  
15 back this afternoon. I apologize for taking up  
16 your morning, but please, both of you be back here  
17 at 1:30. One of the two juries will spend the  
18 afternoon working on this case. The other will be  
19 sent home.

20 I'd like to tell you which one of the  
21 two, but until I work out the problem I just don't  
22 know which one it's going to be.

23 Use the jury room if you want. Looks  
24 like it's a lovely day. It's supposed to hit  
25 almost 50 out there. I'm sorry, I sympathize.

1 When I was a defense lawyer, one thing that always  
2 bothered me the most is when we had all these  
3 glitches in the trial, I used to think juries  
4 absolutely have to hate it. Given all we're  
5 asking them to do, it's intolerable to put them  
6 through it.

7 Now that I wear a black robe as opposed  
8 to sitting there, I realize a lot of those things  
9 happen. It's unavoidable, but it doesn't make it  
10 any easier to deal with except to say people are  
11 cognizant of your time. They are not doing  
12 anything to waste your time. In fact, everyone  
13 tries to do everything to make it efficient. It  
14 just doesn't work out sometimes.

15 So let's see everybody back at 1:30, and  
16 I will tell you which one of you can go home until  
17 tomorrow and which one will stay the afternoon to  
18 finish up your part of the case. We're going to  
19 get one of them done this afternoon.

20 Thanks, and I'm sorry.

21 (At about 10:42 a.m. - Recess taken)

1 OFFICIAL REPORTER'S CERTIFICATE

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3 STATE OF MICHIGAN )  
4 COUNTY OF KENT ) SS

5  
6 I, Rebecca L. Russo, Court  
7 Reporter in and for the Circuit Court for the  
8 County of Kent, State of Michigan, do hereby  
9 certify that I reported stenographically the  
10 proceedings held in the above-entitled cause  
11 before the Honorable Robert A. Benson on  
12 December 9, 1993; and do further certify that the  
13 foregoing transcript is a true and correct  
14 transcript of my stenographic notes of said  
15 proceedings so reported and transcribed by me.

16  
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18  
19 Rebecca Russo  
20 Rebecca L. Russo, CSR-2759  
Official Court Reporter

21 Dated: 3.2.94  
22 Grand Rapids, Michigan

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REBECCA L. RUSSO, CSR, RPR, CM - OFFICIAL COURT REPORTER