

1 THE COURT: No, that's an inappropriate question.

2 MR. SUTCLIFFE: Would you inquire as to -- is there
3 anyone on the jury who doesn't understand that words have more
4 than one meaning?

5 THE COURT: No, that's a totally inappropriate
6 question. If the evidence warrants it and the inferences would
7 permit it, you can argue that on your closing argument.

8 MR. SUTCLIFFE: Would you ask if there is anybody who
9 does not believe that the context in which a statement is made
10 is not important?

11 THE COURT: No, I won't do that.

12 MR. SUTCLIFFE: Would you ask them if they've ever
13 heard of the artist known as "Eminem" or the broadcaster known
14 as Rush Limbaugh?

15 THE COURT: No.

16 MR. SUTCLIFFE: Would you ask them if there is
17 anybody who believes that broadcasters on the radio and TV
18 should not have a right to voice their statements or opinions
19 in a public forum?

20 THE COURT: None of these are relevant.

21 MR. SUTCLIFFE: I believe they are, Your Honor.

22 THE COURT: Well, I don't think that they are. The
23 permissible scope of questioning doesn't extend to that. It's
24 not saying that if you can't elicit evidence that would warrant
25 an argument on closing argument, you would be denied that

1 right. In fact, you'll be given the right.

2 But I'm not going to be subjecting this process, this
3 jury, to any kind of abstract vacuum-type questions that are
4 not directly related to specific factual or evidentiary issues
5 in the case. And even then, that standard would not be applied
6 in a sweeping fashion, to begin with.

7 Anything else?

8 I must say, by the way, that these are questions that
9 you are asking be put to the jury panel as a whole. Your
10 opportunity to file proposals for that vanished long ago. I'm
11 giving you the opportunity now, although I don't have the
12 obligation to. So finish making your oral requests and then
13 we'll break for lunch.

14 MR. SUTCLIFFE: Your Honor, no, I have nothing
15 further.

16 THE COURT: Okay. I will ask Mr. Fandino about those
17 ties with the L.A.P.D. officers. I am rejecting the motions
18 for cause that Mr. Sutcliffe has expressed.

19 Yes?

20 MS. DUARTE: I have one scheduling question, Your
21 Honor. I have two witnesses that --

22 THE COURT: We are not going to get to witnesses
23 today.

24 MS. DUARTE: Okay. I'll dismiss them. Thank you.

25 MR. SUTCLIFFE: Your Honor, may I be heard before you

1 vacate?

2 Before you vacated the bench last time for the break,
3 you mentioned that -- regarding the letter you had reviewed
4 regarding Mr. Reed that I submitted to you.

5 THE COURT: Yes, I read it all.

6 MR. SUTCLIFFE: You mentioned that based on my
7 actions and my conduct on October 1st, I believe, and I would
8 like you to please clarify it for me, because I have no
9 recollection of any conduct I did that day that would have
10 constituted grounds for removal of my counsel.

11 And the speech that you said -- that you referred to,
12 the only speech I have a recollection of that went with that
13 conduct was my denying the three allegations that Mr. Reed had
14 raised, which was that I had threatened him, which he admitted
15 was a threat of a lawsuit; two, that he had articulated that I
16 had refused to assist him in preparation of documents; and
17 three, that I had refused to articulate specific files within
18 the discovery to assist him.

19 And so, of that speech and of that conduct, I still
20 can't ascertain what the Court is referring to. I'd like the
21 Court to please clear that up for me.

22 THE COURT: Mr. Sutcliffe, you may be seated.

23 MR. SUTCLIFFE: Thank you, Your Honor.

24 THE COURT: It's tough for anybody to remember
25 exactly what happens at an earlier stage, and it's equally

1 tough for me. And it's impossible for anybody, always, to
2 understand what the other guy says.

3 The record will reflect very clearly what I said. If
4 you don't understand it, it is not my obligation to clarify it.
5 I tried to explain it to you last week. This is the last time
6 I'm going to be heard about this.

7 You, by your conduct, you, by your statements, much
8 of which is graphically confirmed in a letter that you insisted
9 I read and that you sent to the prosecutor and that has now
10 become part of the open court records in this case, have made
11 it very clear that your view of representation is -- that what
12 you consider to be representation is totally unacceptable to
13 you. You've said it many times. You've said it in open court.
14 And you've said it in writing.

15 You want assistance. You don't want representation.
16 You said all those things after I explained what the proper
17 role and rights and authority of a lawyer is. And you said it
18 in the context of a series of events that has gone on for a
19 very long time.

20 The record is very clear on why I found that you had
21 waived your right to the further appointment of counsel. And
22 that's all I'm going to say about it. It is not based only on,
23 and even not based primarily on, what Mr. Reed said.

24 Now, that's it. You can challenge it. I want you to
25 know I read what you wrote, and I read it before I looked at it

1 today. You had previously sent me those things. So I
2 considered everything you had to say.

3 And we are adjourned. Please have Mr. Sutcliffe back
4 here by two o'clock.

5 Let me say to the court security officers, just to
6 assure, as I think we are all trying to, with no margin for
7 error, that the conditions in which Mr. Sutcliffe is brought to
8 the courtroom -- I'm referring to the cuffs and the
9 re-shackling at the conclusion of the proceeding -- never comes
10 to the attention of any prospective or actual jurors.

11 When he's being prepared for transport to the lockup
12 or anywhere else, please have somebody outside the courtroom
13 making sure that no prospective or actual juror can look
14 through the windows to see that happening.

15 Thank you.

16 (Lunch Recess taken at 1:12 p.m. to 2:07 p.m.)

17 (Prospective jurors entered the courtroom.)

18 THE COURT: Good afternoon. Welcome back, everyone.

19 Before we proceed with questioning additional jurors,
20 there are a couple of follow-up things that I'll turn to first.

21 Mr. Fandino, there are, I believe, two anticipated
22 possible witnesses who currently work for your long-ago
23 employer, the L.A.P.D.

24 I know you didn't raise your hand when I read the
25 names of witnesses, but I just want to make sure that you don't