

Guilt Innocence Phase
August 9, 2017

1 THE COURT: All right. Bring in the jury.

2 THE BAILIFF: All rise for the jury.

3 THE COURT: Please be seated.

4 Good morning.

5 JURY PANEL: Morning (in unison).

6 THE COURT: How is everybody doing today?

7 And how was your first trip into the
8 courthouse this morning for jury trial? Everything
9 okay?

10 All right. Well, let's get this started.
11 Could all of you please stand and raise your right hand.
12 (Swearing in the jury.)

13 THE COURT: So I want to go over just some
14 typical housekeeping rules here as we talked about
15 yesterday. Hopefully, you're a little bit more
16 refreshed today after that long, grueling day yesterday.

17 Again, any electronics you brought with
18 you, please keep those off. No communicating with
19 anyone about this case; that includes mentioning the
20 type of case you're on, who the parties are involved, or
21 anything of that sort. You can certainly call your
22 employers, your work, your spouses on the break. We're
23 certainly not preventing you from doing that. Just
24 don't talk about the case you're on.

25 Also, again, do not read any news, any

Guilt Innocence Phase
August 9, 2017

1 news media. Nowadays that's just about everything. No
2 social media, no Tweeting, no SnapChatting, any of that
3 on any of the breaks.

4 If you do see, and you may or may not, see
5 anything regarding the parties in this case, please do
6 not read anything. We want your minds open and
7 attentive to only what occurs in this courtroom.

8 Also, you are permitted to take notes.
9 You are permitted to take notes. Note taking is
10 important for a lot of reasons. It helps you retain the
11 information. But keep in mind that there's only one
12 true record, and that's what the court reporter is
13 taking down. All right? So I want to make sure that as
14 jurors you are the sole judges of the credibility of the
15 witnesses, so make sure that you don't let the notes
16 dominate what you see on the witness stand and
17 observations you make as jurors. Note taking is usually
18 for addresses, times, people's names, things of that
19 sort in order to keep everything straight.

20 At the end of the case when all of the
21 evidence has been presented, attorneys have made their
22 arguments, and you commence deliberations, those notes
23 will be taken away from you. Again, that's because
24 there's only one true record here. So those notes are
25 to aid you in just retaining the memory that you hear

Guilt Innocence Phase
August 9, 2017

1 throughout the case. So kind of keep that in mind
2 before you go back there. And they will be taken up
3 each day before you go home.

4 All right. If there is a dispute when you
5 are deliberating, there's a very specific form that I
6 send back there to you. You will have to identify the
7 witness that the information comes from, and what
8 attorney was asking that particular issue of that
9 witness. So pay close attention. If there's something
10 that you have a dispute about, that is the specificity
11 that you will need to have on that form at the end of
12 this case when you are deliberating.

13 Also, pay attention, testimony will not be
14 repeated. You can't ask at the very end, I just want to
15 hear the entire witness' testimony again. Again, that
16 has to be very specific to a dispute.

17 Any statements the attorneys make, that's
18 not evidence. If I rule on an objection, I'm not
19 picking one side over the other, picking favorites. I'm
20 just calling balls and strikes up here. If I give a
21 limiting instruction, do your best to listen to what
22 that instruction I give you is, and make sure that you
23 understand it only for that purpose.

24 I believe that's everything I have. As
25 far as breaks, we'll take -- we'll work here until

Guilt Innocence Phase
August 9, 2017

1 11:15, and we'll take a 30-minute break, and then we'll
2 work until 1:00, and we'll take a break at 1:00.

3 Gary, going out or staying in today?

4 THE BAILIFF: Staying in today.

5 All right. So the moment you get done
6 eating, and you're ready to go, ring the bell, and we'll
7 get started. So if you need to take a break earlier
8 than I call a break, raise your hand and let me know.

9 And with that, will the State approach and
10 arraign the defendant.

11 MS. BARNETT: In the name and by the
12 authority of the State of Texas, the duly organized
13 grand jury of Harris County, Texas, presents in the
14 District Court of Harris County, Texas, that in Harris
15 County, Texas, Sandra Melgar, hereafter styled the
16 defendant, heretofore on or about December 23, of 2012,
17 did then and there unlawfully, intentionally, and
18 knowingly cause the death of Jaime Melgar, hereinafter
19 called the complainant, by stabbing the complainant with
20 a deadly weapon, namely a knife.

21 It is further presented that in Harris
22 County, Texas, Sandra Melgar, hereafter styled the
23 defendant, heretofore on or about December 23, 2012, did
24 then and there unlawfully intend to cause serious bodily
25 injury to Jaime Melgar, here and after called the