

1       that in any way, shape or form the State is arguing  
2       that the Defendant set out to intend to kill  
3       Samantha Thomas. What the Defendant did, we submit  
4       that the evidence will show, is that he was aware  
5       of a risk that the results would occur but  
6       consciously disregarded that risk, and that is  
7       reckless murder in the State of Alabama and that is  
8       what the Defendant is indicted and charged with.

9       And we submit to you, ladies and gentlemen of  
10      the jury, and at the end of this case, we will ask  
11      you to return a verdict of guilty of reckless  
12      murder against the Defendant, Jonathan Nakhla.

13      THE COURT: Mr. Jaffe, for the Defense.

14      (OPENING STATEMENT BY THE DEFENSE)

15      MR. JAFFE: Thank you, Your Honor. May it  
16      please Your Honor and Counsel?

17      THE COURT: Yes, sir.

18      MR. JAFFE: Good morning. Let me first say  
19      that the picture that was just painted certainly is  
20      horrific.

21      (OFF THE RECORD)

22      MR. JAFFE: There's a reason that at the end  
23      of the case the judge is going to instruct you that  
24      what the lawyers say is not evidence. The only  
25      evidence that you can consider is that which you

1 hear from the witness stand attached to and applied  
2 to the instructions the judge gives you at the end  
3 of the case. And there's a reason for that, and  
4 I'm going to show you one of them right now but  
5 there are more, many more.

6 This is our client, Dr. Johnny Nakhla,  
7 (Indicating) and I'm going to come back to this in  
8 a minute, but I'm showing it to you now for a  
9 reason. She, the State prosecutor, said that he  
10 kept going back and forth to bring in alcohol.

11 If you look closely at this and we can zoom  
12 in on it, that's right after Dr. Nakhla got home  
13 from work. And if you look closely at what's in  
14 that cup, it's coffee. In fact, there's another  
15 one. There's a coffee place right down -- there it  
16 is. There's another cup of coffee that he has just  
17 gotten when he returned from work. You weren't  
18 told that, and that's a reason that what you are to  
19 consider is only the evidence you hear from the  
20 witness stand and not what some lawyer prosecutor  
21 tells you she thinks or believes the evidence is.

22 And it's not just the cup of coffee that  
23 we're going to talk about. It's many more  
24 differences in the way we see what the evidence is  
25 going to show you. Now, the prosecutor outlined

1 the law in this case that you were to apply, so  
2 we're going to talk a little bit about now as well.

3 I think that the judge has said very  
4 eloquently that we are bound by the law, and I'm  
5 not going to get into and argue that now because  
6 that's not probative. But in all the courthouses,  
7 in some courthouses there's an emblem that says we  
8 are bound by the law so we can be free.

9 And the binding of the law deals with the  
10 oath that each of you took and oath, oaths, but  
11 it's really an oath is that you will hold the  
12 prosecutors through their promises of what they're  
13 going to prove to you beyond a reasonable doubt.

14 And if they fail to prove to you, beyond a  
15 reasonable doubt, every single material element in  
16 this case, then your verdict by your oath is not  
17 guilty. I'm going to talk more about this, but I'm  
18 just sort of responding to some of the things you  
19 heard and you've already seen one significant  
20 inaccuracy and there are more. We're going to talk  
21 about what we believe the evidence will show.

22 Now, let's talk a little bit about  
23 entitlement, but first let's talk about the  
24 expensive car. You know, not only what you were  
25 told the evidence is going to show that isn't

1 accurate as I have just shown you, but there's some  
2 things you haven't been told that put this  
3 entitlement in a proper context, and I'm going to  
4 do that for you right now.

5 Here's what you weren't told and here's what  
6 the evidence is going to show you. No question  
7 about it, that after this horrific crash, it took  
8 the life of this promising medical student, Dr.  
9 Nakhla suffered a serious concussion, not one that  
10 was going to keep him in the hospital for weeks but  
11 a concussion.

12 And you were taught a little bit about what  
13 was said on voir dire or what our -- depends on how  
14 you want to call it. And you were mentioned about  
15 what Mr. Knizley said about the car and we're going  
16 to talk about that in a minute.

17 But you might remember that some of the  
18 jurors that suffered a concussion, potential jurors  
19 knew someone that had --

20 MS. RICH: Judge, I'm going to object to him  
21 referencing anything like that. That's what the  
22 evidence intends to show. Not what the --

23 THE COURT: Stop. I'm going to overrule the  
24 objection. Just gets to the facts. Let's don't  
25 talk about the voir dire process.

1 MR. JAFFE: Right, I was responding to her.

2 THE COURT: Go ahead.

3 MR. JAFFE: What you're going to hear is that  
4 when someone has a concussion and goes into shock  
5 where you're confused, they are disoriented and  
6 they say all kinds of things that they really don't  
7 mean. And one of the things you're going to get to  
8 hear is the entire context of that. Because when  
9 that concussion occurred, it caused Dr. Nakhla to  
10 get 16 stitches on his head. And you're not just  
11 going to hear that he's confused and talking about  
12 his watch and his tires and his car. He was so  
13 upset.

14 First of all, he couldn't believe that  
15 Samantha Thomas had died. He was in denial. The  
16 evidence will be he couldn't believe it. He  
17 refused to accept it. He refused to believe it.  
18 He refused to even conceptualize it. So it's not  
19 just that you're going to hear. You're going to  
20 hear how upset he was. You're going to hear him  
21 screaming about it. Amongst his confusion of going  
22 in and out of denial, you're going to hear that his  
23 friend in a car he was driving was dead.

24 You're not going to hear just about a watch  
25 and tires and a car. You're going to hear some

1 real real real shocking, confusing, upsetting,  
2 yelling, crying by this young man we represent,  
3 you're going to hear that. You're going to see it  
4 on video, so it's not just me sharing this with  
5 you.

6 I mentioned a moment ago that we represent  
7 Dr. Nakhla and you're going to maybe hear us  
8 sometimes saying Dr. Nakhla or Johnny, Johnny  
9 Nakhla. And I think it's important for you to know  
10 that he still is a doctor, but he's no longer a  
11 licensed doctor. He voluntarily gave his  
12 license up after this occurred because he knew that  
13 he couldn't perform his responsibilities as a  
14 neurosurgeon while this criminal charge hung over  
15 his head, and he won't be a licensed doctor unless  
16 and until the criminal charges are over. If I  
17 could, Judge, I want to get a little water.

18 THE COURT: Yes.

19 MR. JAFFE: You were explained the law on  
20 reckless murder. And we're going to talk about,  
21 like Ms. Rich talked about from the beginning and  
22 then later at the end, and I'm going to address  
23 that with you. But while you were just told that  
24 the theme of the prosecution's case is entitlement,  
25 so I'm going to give you the theme of the Defense's

1 case.

2 And the Defense's case is this is a civil  
3 negligence matter and I agree with that --

4 MS. RICH: Objection, Your Honor.

5 MR. JAFFE: It's his response.

6 THE COURT: Overruled. Go ahead.

7 MR. JAFFE: So I just want to share that with  
8 you. We're moving on from it now, but she gave you  
9 her theme and we're giving you ours. It's not a  
10 reckless murder case under Alabama law. The  
11 evidence will not convince each and every one of  
12 you beyond a reasonable doubt. And they're going  
13 to be a lot of reasonable doubts. And unless they  
14 can overcome them, this young man we represent, 36  
15 at the time, no, 38, is presumed to be innocent.  
16 Your oath will require you to find him not guilty.

17 And I just want to say that we don't have any  
18 burden. The judge has talked over and over and  
19 over about our American system, how fortunate we  
20 all are to live in this country where a person  
21 doesn't have to testify or prove anything because  
22 if that were the case, he wouldn't be presumed  
23 innocent and then he would have a burden and he has  
24 none.

25 Now, let's talk more detailed facts that we

1 believe the evidence will show you. Before doing  
2 that, I want to say right now that you might see us  
3 object a good bit and we, as officers of the court,  
4 and all of us lawyers are, if we believe something  
5 is objectionable, we're going to object. So don't  
6 think we're trying to hide things from you because  
7 we're not. We just are required by our oaths to  
8 object any time that we believe inadmissible  
9 evidence is offered.

10 And a second thing I want to say is I want to  
11 warn you about the evidence that you're going to  
12 see. You are going to see, I think, the worst  
13 picture you've ever seen in your life. It is a  
14 picture that was described to you by Ms. Rich,  
15 prosecutor. And the only thing I'm going to say  
16 about that picture is the evidence will be that it  
17 won't prove anything to you and it will have a  
18 tendency to upset and inflame you, and the judge  
19 will, I'm sure, instruct you that you can't allow  
20 that to happen.

21 I'm going to just warn you, expect a picture  
22 that won't prove anything to you. We already know  
23 how horrific this crash was. And what could be  
24 worse than a picture of part of a head on a  
25 guardrail? I can't even look at it, but it's not



1 proof that he is guilty of a crime.

2 Now, let's talk about that day. It was gone  
3 into extensively, again, what you haven't heard.  
4 You heard a lot about Samantha Thomas. Let's talk  
5 about what Dr. Nakhla did that day and put some of  
6 this stuff in context.

7 Dr. Nakhla got up in the morning and he,  
8 during the course of his day, is a neurosurgeon,  
9 this is what we expect the evidence to show you.  
10 But this is not what I'm telling you, that Dr.  
11 Nakhla performed three major surgeries, two brain  
12 surgeries and one spine reconstruction.

13 Two of those cases involve cancer, saving  
14 lives. That was his day. His day wasn't going out  
15 and getting a dozen White Claws and drinking them  
16 during the day. That wasn't his day and he had a  
17 stressful day, too, the evidence will be.

18 And seriously, that's how it began and that's  
19 how it ended and a long day and yes, as the  
20 prosecutor told you, he lived at the same apartment  
21 complex that Samantha Thomas lived in and they were  
22 friends. The evidence will be that two weeks  
23 before Samantha Thomas came to his birthday party.  
24 She was friends with his wife. This wasn't  
25 somebody he was hitting on, somebody that he was

1 friends with.

2 And he lived at the same apartment complex  
3 that she did with his wife Sally and their two  
4 children, Ethan and Noah, one's nine and one's  
5 four, a loving father. And when he gets home,  
6 parks his car and starts walking to his apartment,  
7 he didn't know that he was going to walk by the  
8 pool and see two or three people because I don't  
9 remember if Tristan Hughes was there at the time.

10 But at least Samantha Thomas and Paige  
11 Farley, he didn't know he was going to see them  
12 drinking at the pool. He had no idea. He walked  
13 by and he said his hellos. And the first thing  
14 that happens is Paige Farley who yes, is a  
15 competitive marshal arts person, the evidence will  
16 be that Samantha Thomas told Paige to throw him in  
17 the pool, and she actually tried to do that.

18 And he had papers on him and other stuff on  
19 him that was important medical documents and he  
20 resisted that. And I don't remember so don't hold  
21 me to this, but it could be that she ended up in  
22 the pool but he didn't. He didn't know that  
23 earlier that day the evidence will show you he did  
24 not know and you weren't told a moment ago that  
25 sometime turning the middle of the day Samantha

1 Thomas and Paige Farley talked about let's get  
2 together at the pool.

3 And Paige Farley happened to have 12 undrunk  
4 -- I always forget the name of that, I mentioned it  
5 earlier. What's the name of that? Claw, White  
6 Claw. I always forget that because I didn't know  
7 what it was until I Googled it.

8 Anyway, didn't know that they were going to  
9 go get -- in her refrigerator were 12 undrunk White  
10 Claws, 12, a dozen and that Samantha Thomas picks  
11 her up, the evidence will be, brings her to the  
12 pool. And there's no discussion that she was going  
13 to spend the night. She didn't bring any personal  
14 effects with her. They were going to hang out by  
15 the pool and drink and that's what they did.

16 Dr. Nakhla didn't drink any of those 12 --  
17 whatever it is. He didn't drink any of them and he  
18 didn't know they had drunk them, although they were  
19 there. The bottles and the packages were still  
20 there. He didn't drink any of that. He didn't  
21 know they drunk all of that. He was drinking  
22 coffee then. After he resisted because of the  
23 papers getting thrown in the pool, he goes and he  
24 works out.

25 You can see and you will see that he ends up

1 in workout equipment and he goes and he has a  
2 workout and now he's returning with another cup of  
3 coffee. Goes into his apartment, decides he's  
4 going to join his friends.

5 So he goes and he brings down -- at some  
6 point, pours himself a drink and at some point goes  
7 back up and gets a bottle of wine and brings it  
8 down. Apparently, they had run out of alcohol.  
9 Brings down a bottle of wine, and they're drinking  
10 wine and they're conversing and they're talking.  
11 And if there's any -- the State tries to tell you  
12 that he was hitting on them, the evidence will not  
13 be that at all.

14 If there's any kidding around and horsing  
15 around, that's what it was. It wasn't anybody  
16 hitting on anybody. So the pool does close at 10  
17 o'clock. The White Claws were already consumed. I  
18 think Tristan Hughes had 2, I think Paige Farley  
19 had maybe 6 and I think Samantha Thomas had four is  
20 my recollection. The evidence will be what the  
21 evidence will be. Dr. Nakhla didn't have any of  
22 them.

23 So they're sitting around and they're  
24 socializing and de-stressing, decompensating and at  
25 10 o'clock when the pool closed, ultimately, they

1 ended up at what is the gazebo, and at the gazebo  
2 they're still drinking some wine.

3 And before that, Dr. Nakhla took Paige on a  
4 ride. And I want to tell you right now what the  
5 evidence is going to be and it's not easy for me to  
6 say this to you and it's not going to be easy for  
7 Dr. Nakhla to admit this to you but yes, he was  
8 overly proud of his car. No question about it.  
9 The evidence is going to show you that and we admit  
10 that because it's true. The evidence will be that  
11 he was too proud of his car. He liked to show it  
12 off.

13 And that's unfortunate, but it's not illegal  
14 and it didn't cause her death. So Paige Farley  
15 does go for a ride with Dr. Nakhla. It's about a  
16 10-minute ride. There's been no evidence, at least  
17 proof of how fast he was going with her. But one  
18 thing we do know is that when she returned and  
19 before they left, Samantha Thomas encouraged Paige  
20 to go for a ride in the car because she had been in  
21 it before which you weren't told.

22 Now, that already had happened. They're at  
23 the gazebo. It's after 10. You were just told  
24 that after that car ride between Paige Farley and  
25 Dr. Nakhla, so she went to sleep and that's not

1        what the evidence will be.        The evidence will  
2        be that ultimately later on she went to sleep  
3        because she was so intoxicated that she was passing  
4        out. She had to be helped back to Samantha  
5        Thomas's apartment and put to sleep on the couch  
6        because she was passing out from drinking so much.  
7        You weren't told that, but that's what the evidence  
8        is going to show you.

9                Now, ultimately, Tristan Hughes leaves.  
10       They're at the gazebo. Dr. Nakhla orders some food  
11       and it's delivered, Bone Fish, fried calamari.  
12       They're eating their food. He probably ate most of  
13       it, but it was for everybody.

14               Tristan Hughes leaves. The evidence is going  
15       to be that Samantha Thomas also around midnight or  
16       so goes to her room. Now, he had been talking  
17       about going out for a drive and maybe getting some  
18       ice cream earlier. That's what the evidence is  
19       going to show you.

20               And Dr. Nakhla decides, well, we can still do  
21       that. So there's a phone call, it lasts about a  
22       minute to Samantha Thomas and they go back down to  
23       the gazebo, hang out for about 30 minutes and then  
24       they get -- and just stop it for a minute and I'm  
25       going to ask you to zoom in on it for a moment.

1 (PLAYING VIDEO)

2 MR. JAFFE: Just stop there. And then they  
3 decide they're going to go out. Now, the reason I  
4 want you to see this now and you're going to see it  
5 during the trial, it's evidence, we expect the  
6 evidence to show is that they are walking -- can  
7 you zoom out on that? Zoom in and hold it, please.

8 Now, you were just told that somehow she  
9 hesitated. I'm not sure why you were told that,  
10 but that's not what the evidence is going to show  
11 you because I'm going to show you what the evidence  
12 is going to show you right now. The hesitation is  
13 he's got to put his top down. And by the way, I'm  
14 not going to show you it to you now, you're going  
15 to see later on that when he and Paige went for a  
16 drive, they were still horsing around and Paige has  
17 a towel and whips him with the towel. In other  
18 words, you know how you get a towel and you go like  
19 that and Paige does that to him because they're  
20 friends, although he didn't know Paige very well.

21 (PLAYING VIDEO)

22 MR. JAFFE: Now, if you'll take them to where  
23 they get into the car but before they get in --  
24 stop. Nobody is wobbly. Nobody is unsteady.  
25 Nobody is in a hurry. They're walking slowly to

1 the car. If you'll continue on until he gets in.  
2 That's it. Stop there. All right. Let him get in  
3 and open the top, please.

4 Now, you'll see the top come up. The top is  
5 up. She slowly gets in the car and then they take  
6 off and they go approximately a mile, 1.2 miles  
7 before this horrible crash happens. And the way  
8 they took was Dauphin Street and you know there's  
9 two or three stop signs there.

10 And you will see and the evidence will show  
11 you that it was about four minutes between the time  
12 he left, they left together and go through the gate  
13 and navigates stop signs and got on the service  
14 road. And then it was a total of 1.2 miles from  
15 the gate to where this wreck occurred.

16 You were read the DUI statute by the  
17 prosecutor and you also know that it's not illegal  
18 to drink and drive. The legality comes when someone  
19 cannot safely operate a motor vehicle which is  
20 another way of saying that they're too impaired to  
21 safely occupy a motor vehicle. And if they're not,  
22 then it doesn't matter that they had drinks before  
23 they drove, especially if they ate fried food. And  
24 I'm going to leave that there and you'll hear more  
25 about that when Dr. Harper testifies.



1           You were told a moment ago that Johnny lied  
2           about the speed. Well, I think it's important for  
3           you to be watchful for the evidence that you're  
4           going to hear about and that's this; when Dr.  
5           Nakhla gets to the hospital and is treated for his  
6           concussion -- and yes, they drew blood several  
7           different times. And the way they came up with .12  
8           or .11, whatever it was, what's called retrograde  
9           extrapolation.

10           The only thing I want to say right now about  
11           that because I'm about to close in the next five  
12           minutes and sit down and let's hear the evidence.  
13           But anything I say, I want you to hold me to it.  
14           Just like I want you to hold the State only to what  
15           they say that their burden of proof is.

16           But retrograde extrapolation, the evidence  
17           will be, is when they don't know what the blood  
18           alcohol is at the time of the event, no matter what  
19           the event is, like, even when they stop, in this  
20           case, when a fatality occurred, when a crash  
21           occurred. They don't know.

22           So they do a bunch of complex mathematical  
23           formulas. But to do that, the evidence will be,  
24           they have to make assumptions, assumptions. And  
25           the assumptions they have to make include but are

1 not limited to; well, when was the last drink  
2 consumed, the body weight, the gender of the person  
3 and, most importantly, whether they were in what's  
4 called the absorption stage or the elimination  
5 stage.

6 And if they don't know that information, the  
7 evidence will be, then they're speculating, whether  
8 they're using math, whether they're using calculus,  
9 whether they're using geometry, whether they're  
10 using anything like that, they are basically  
11 speculating on what the blood alcohol was at the  
12 time of the collision.

13 And that means that they go back and the  
14 blood was taken, for example, at various times at  
15 the hospital and then they do the math and they try  
16 to figure it out, what it was. There's not going  
17 to be any proof, real proof, not any solid proof,  
18 any credible proof of what it was because it's  
19 based on assumptions.

20 Dr. Harper didn't take it into consideration  
21 because he didn't know and he wasn't told, the food  
22 that was taken, eaten by Dr. Nakhla that was fried  
23 and he was given the wrong weight. He was told 200  
24 pounds, but Dr. Nakhla is 160 to 170. But having  
25 said that, just know that it's cut and dry is what

1       you were just told.

2               Now, while in the hospital, he is speaking  
3       with medical personnel and with detectives. And he  
4       was asked where were you going, I'm going to get  
5       some ice cream. How fast were you going, I don't  
6       know. Well, what do you think and he admits he was  
7       probably speeding. All I'm suggesting to you is  
8       this, you heard about this EDR or ACM, whatever you  
9       want to call it. As the prosecutor said, it's a  
10      black box that's like in an airplane or in this  
11      case it's in a car.

12             But remember and the evidence will be that  
13      this is not the original black box. This is a  
14      Lamborghini engine in an Audi Spyder 8. What that  
15      means will be for you to determine. But the thing  
16      I want to leave you with is this, is that we know  
17      this for certain, the evidence will be that the EDR  
18      was defective. It wasn't working accurately.  
19      Now, well, how is the evidence going to show you  
20      that because it is designed to take measurements of  
21      speed and it is -- it points where the airbag  
22      deploys and it's supposed to record the deployments  
23      of the airbag. And in this case the evidence will  
24      be 100 percent crystal clear that it didn't record  
25      them accurately. It didn't work. And if it didn't

1 work on the deployments, we have to question then  
2 about the speed. I'll ask you to be looking out  
3 for that.

4 And finally, you were told about Chris Davis.  
5 I do not know what the evidence will show you about  
6 what Chris Davis is going to say. I don't know.  
7 So I'm at a loss as to how to respond to that. But  
8 I do know this, I do know that Chris Davis was  
9 driving his, I think, Lexus in this area and  
10 there's no secret about this area. And we do know  
11 this, that when he cuts suddenly with no turning  
12 signal in front of Dr. Nakhla, causing Dr. Nakhla  
13 to swerve, Dr. Nakhla is going south, Chris Davis  
14 is taking a turn left in front of Dr. Nakhla. If  
15 Dr. Nakhla hadn't have swerved, he would have  
16 T-boned Chris Davis. And I don't know what Chris  
17 Davis is going to say, but I know the evidence is  
18 going to show you this, he didn't call the police.  
19 He didn't call 911. He refused to give a statement  
20 and cooperate in this investigation. And that the  
21 only thing we know the evidence is going to show  
22 you is that -- I think it was the following day,  
23 his uncle or someone close to him agreed to bring  
24 over I think a handwritten statement about Chris  
25 Davis that night as he turned into the Comfort Inn

1 in his Lexus. That's all we know.

2 So I'll be like you. I'll be listening to  
3 hear what Chris Davis is going to say, and I will  
4 be interested and I will suggest that you might  
5 want to be interested, when did he come forward?  
6 When was the first time he gave a statement? What  
7 does the statement say? What's he going to say  
8 when he testifies? I don't know.

9 But I do know that he didn't cooperate,  
10 didn't call 911 and they couldn't find him that  
11 night, and he refused to give a statement. That  
12 much I know, and you can hold me to that and  
13 anything else I say, hold me to it.

14 So as I wind down, Dr. Johnny Nakhla has and  
15 will express his deepest deepest deepest heartfelt  
16 -- I don't have a good word for it other than that  
17 he will live this tragedy every day for the rest of  
18 his life as well as his kids and his family. He  
19 will never get over it and nor will Samantha  
20 Thomas's family, a horrible, horrible, horrible  
21 tragedy.

22 And there are legitimate questions of civil  
23 negligence, but when it comes to reckless murder,  
24 no. No matter how they want to present or argue  
25 it, they will fail to prove to you, to each of you,

1       beyond a reasonable doubt, that he was recklessly  
2       indifferent to whether Samantha Thomas lived or  
3       died.

4               In fact, it is to the contrary. He will  
5       forever mourn the loss of his friend and the friend  
6       of his family. No matter how they want to paint  
7       him, they can't change that, and charging him with  
8       murder will not bring Samantha Thomas back.

9               But Dr. Nakhla, a neurosurgeon that saved  
10      lives, including on this day, will not be a doctor  
11      while these criminal charges are here and not be a  
12      neurosurgeon. And at the end of this case, we're  
13      going to ask you to find him not guilty, meaning  
14      hold the State of Alabama to its proof and honor  
15      your oath to hold them to proving each and every  
16      element of these charges. And I say charges  
17      because it's not just reckless murder they want to  
18      call it, extreme indifference to the value of human  
19      life other than one's self. That's a short version  
20      of it. It's also other charges that you'll hear  
21      about, manslaughter, criminal negligent homicide --

22              MS. RICH: Judge, I'm going to object at this  
23      point. None of that has been ruled on nor  
24      interjected.

25              MR. JAFFE: I don't think they should be --

1 THE COURT: Get back to the facts. Go ahead.

2 MR. JAFFE: Okay. Or vehicular homicide --

3 MS. RICH: Judge, objection.

4 THE COURT: Go ahead, wrap it up.

5 MR. JAFFE: I am, in 10 seconds.

6 THE COURT: That's fine.

7 MR. JAFFE: You will find him in our -- we're  
8 very clearly suggesting to you that at the end of  
9 this case, you will find him not guilty of these  
10 charges. And I appreciate your attention and we  
11 are glad you're on this jury. It's the best jury  
12 possible for this case in that Dr. Nakhla trust  
13 each and every one of you --

14 MS. RICH: Judge, I'm going to object. It's  
15 improper --

16 MR. JAFFE: That's all, Judge.

17 THE COURT: Sustained. That's argument.

18 Ladies and gentlemen, let's do this. It's 11:05,  
19 we've been going for a while. Let's take a  
20 10-minute break, personal break. Is that good?  
21 Even 15 minutes, let's start back at 11:20.

22 So the way this is going to work each day is  
23 you'll take your notepads with you and you'll  
24 probably get into a custom of kind of sitting in  
25 the same chair every day, that's what juries do.