

1 Yes, sir. All right. That's what we'll do.

2 Mr. Dailey, you can go on out and take a
3 break now. Thank you, sir.

4 MS. RICH: Judge, we need to get a little bit
5 closer and we need to take up something before the
6 next one comes up. Judge, we really need to clear
7 the courtroom.

8 THE COURT: I will. I'm going to do that. All
9 right. Let me do this. Those that are in here, the
10 jurors, Ms. Berg and over here, these close, if you
11 could just step -- I hate to -- a little back and
12 forth. This is just routine in every case. It
13 happens in every case, a little back and forth.

14 Let me get you guys to step out right outside
15 the door but be right there because we've got to
16 bring you right back in. Okay? And we'll bring you
17 right back in.

18 (PROSPECTIVE JURORS NOT PRESENT)

19 THE COURT: Are there any jurors in the
20 courtroom? Any jurors? All right. There are none
21 for the record. There are none here. Ms. Rich?

22 MS. RICH: Judge, very loudly, Mr. Knizley
23 accused the State and the judge of being racist.
24 There are other jurors in this courtroom that heard
25 it. Specifically, there are two jurors, juror 25,

1 Teiranni Kidd and juror number 7, Martin Moore that
2 are African-American and they heard it, and there
3 was laughter coming from that side of the room.

4 And now we have an issue of those two jurors
5 hearing -- not only Mr. Knizley accusing the State
6 and the Court of being racist by striking an
7 African-American versus a white person, we also
8 have the fact that Mr. Knizley leaned back over and
9 said to his client -- what were the words?

10 MS. WALSH: I didn't hear it.

11 MS. RICH: Okay. And what were the words?

12 MS. WALSH: I didn't hear it.

13 MS. RICH: Yes, you did. Mr. Knizley leaned
14 over and said, we're going to have to strike him
15 now -- oh, you didn't hear that part? Mr. Knizley
16 leaned over and said we're going to have to strike
17 him now basically because he doesn't want you to be
18 mad at him. I'm paraphrasing. Okay. And all of
19 that was heard within the confines of these other
20 two jurors.

21 THE COURT: See, I thought we were going to
22 just be covering the media issues up here.

23 MR. KNIZLEY: Yes. There's no one in here.
24 I, in no way, suggested, implied that the Court was
25 racist. I did and will say that the prosecution

1 pointed out one student who was an African-American
2 male and begin to inquire of that student, are you
3 in school, you're in school in Mississippi, are you
4 missing court, are you missing school, and will it
5 now be difficult for you to serve on this jury.
6 While we had a white female student, clearly on the
7 record saying it, and that white did not get the
8 same treatment. Now, I'm not saying that's
9 racist. I'm saying that's what happened. And if
10 she wants to call it racist, that's up to her, but
11 I haven't called it racist. I haven't called the
12 judge racist. I resent her saying that.

13 And may I say further, Judge, whatever
14 adverse effect it may be to me, not to someone
15 else, if there's someone in the courtroom overheard
16 and then chuckled about it, it'd be an adverse
17 effect as to me, but that's what happened. And if
18 she wants to call it racism, that's up to her, but
19 that's the fact, and I didn't call the Judge
20 anything.

21 MS. RICH: Judge, it was an adverse --

22 THE COURT: Just one second.

23 (OFF-THE-RECORD DISCUSSION)

24 THE COURT: Go ahead. Here's the thing. I
25 don't know how to fix this.

1 MS. RICH: Well, I think there's a simple fix
2 --

3 THE COURT: You know, the mistake was, you
4 know, whether the comments of Mr. Knizley were
5 directed at Ms. Rich or whoever or not. I accept
6 what you're saying at face value, who you were
7 directing your comments to but you got loud about
8 it, that's the problem.

9 If it was directed at me or not, my skin is
10 thick and I can blow it off. People know me and my
11 heart. I'm not worried about my reputation about
12 these things. But the problem is you got loud
13 about it, I heard it and had to call you down to
14 get quiet. It was too loud. I turned the mic off
15 up here at the podium. My mic is unplugged.

16 I brought the people up here. I brought my
17 court reporter up to the front away from the jury
18 so that we could be quiet and you got loud about
19 it. And now we've got jurors that clearly heard it
20 because it was yelled. It was yelled.

21 MS. RICH: To me, Your Honor, it can be
22 solved --

23 THE COURT: What?

24 MS. RICH: -- by just asking those jurors.

25 THE COURT: What?

1 MS. RICH: If anything that they have heard,
2 that we have to have private conversations up here
3 and if they may have heard something that we said,
4 can they disregard anything that was said.

5 THE COURT: What I'm about to do is order
6 another panel.

7 MS. RICH: Well, we don't want to do that,
8 Judge.

9 THE COURT: Huh?

10 MS. RICH: We don't want to do that at this
11 point.

12 THE COURT: That's the only alternative. I've
13 got to fix it unless the parties agree otherwise.

14 MR. KNIZLEY: We don't want another panel,
15 Judge.

16 MS. RICH: And we don't want another panel at
17 this point on something like this. Like if this
18 happens in the future, we may.

19 THE COURT: Okay. Let's do this. We'll take
20 them one at a time and let's find out what they
21 think they heard and let's do it one by one.
22 That's all I know to do.

23 MS. RICH: Yes, sir.

24 THE COURT: That's all I know to do. So let's
25 get Ms. Kidd. Preston is not here.

1 MS. RICH: And just for the record, the
2 Defense doesn't want a new panel, right?

3 MR. KNIZLEY: That's what I said.

4 MS. RICH: Okay.

5 THE COURT: Does or does not?

6 MS. RICH: Do not or don't?

7 THE COURT: Do not or does? I couldn't hear
8 what you said.

9 MR. KNIZLEY: Judge, I said I did not.

10 THE COURT: Well, let me see if I can remedy
11 it with these two jurors and see what -- this may
12 have resulted in these jurors being stricken for
13 having heard that.

14 MS. WALSH: Judge, I just don't know whether
15 -- Ms. Berg was in here too.

16 THE COURT: I've got to go over it with every
17 one of them.

18 MS. WALSH: Was there anyone besides those
19 three? Do you know?

20 THE COURT: I don't think so. We've got
21 Kidd, Moore --

22 MS. WALSH: And Berg.

23 THE COURT: Riley and Stinson.

24 MS. RICH: And Judge, we would prefer that
25 the Court ask the questions.