

1 (The Court entered at 10:21 a.m.)

2 THE CLERK: Back on the record in Commonwealth vs.
3 Tamik Kirkland.

4 (The defendant was present.)

5 THE COURT: Are you ready to call your next witness?

6 MR. MASTROIANNI: Yes.

7 THE COURT: Mr. Klyman, are you going to rest?

8 MR. KLYMAN: Yes.

9 THE DEFENDANT: No, not resting.

10 COURT OFFICER: Put the camera away.

11 (Pause)

12 MR. ANDREPOULOS: Judge, may we be heard sidebar,
13 please.

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1 (Beginning of Sidebar Discussion.)

2 THE COURT: Yes, Counsel.

3 MR. ANDREOPOULOS: We are going to rest, and the record
4 should reflect that Mr. Kirkland wants the Court to know
5 that because of this now rebuttal testimony regarding braids
6 and so on, he would like for us to call further witnesses on
7 the issue of braids. Attorney Klyman and I have talked
8 about this. We talked about this yesterday and anticipating
9 this issue and we've made the decision, as experienced trial
10 attorneys, to not present more evidence on this subject, and
11 so we're not going to do that.

12 I think the record should reflect that Mr. Kirkland
13 opposes that decision by us, and that's why he just spoke
14 out.

15 THE COURT: Okay. Well, I am sure you have reviewed
16 all of the pros and cons with respect to calling additional
17 witnesses and you have discussed that thoroughly with your
18 client. I am going to ask that you instruct Mr. Kirkland
19 not to speak out during the court proceedings.

20 MR. ANDREOPOULOS: Yes, Judge.

21 MR. KLYMAN: Yes, Judge.

22 THE COURT: Thank you very much.

23 (End of Sidebar Discussion)
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1 THE COURT: Are we ready for the jurors, Counsel?

2 MR. MASTROIANNI: Yes.

3 MR. KLYMAN: Yes, Your Honor.

4 (The jury entered at 10:26 a.m.)

5 THE COURT: Good morning, ladies and gentlemen.

6 THE JURY: Good morning.

7 THE COURT: I hope all of you enjoyed your long
8 weekend, and, again, I apologize for the delay.

9 Have any of you begun discussing the case amongst each
10 other or with anybody outside of the courtroom?

11 Seen, heard or read anything about this case?

12 Taken any independent views to the areas that we have
13 viewed together about two weeks ago or done any independent
14 research with respect to any of the issues that have
15 developed during the course of this trial?

16 Have you gone on Facebook and talked about the case?

17 Is there anything that needs to be brought to my
18 attention before we resume this case?

19 (Pause)

20 THE COURT: For the record, there are no affirmative
21 responses to any of the questions asked by the Court.

22 Mr. Klyman, do you have any additional witnesses?

23 MR. KLYMAN: No, Your Honor. The defense rests.

24 THE COURT: All right. So, ladies and gentlemen, the
25 defense has rested its case.