

1 come in. All right.

2 So for the defense, 2, 3, 4, 7, 9, 15, 36, 38,  
3 39, 41. The government's objections to anything other  
4 than Exhibit 2 is made for the record. Those will come  
5 in. Very well.

6 Ms. Sassower, if you would compile the  
7 originals of 2, 3, 4, 7, 9, 15, 36, 38, 39 41, we can  
8 bring the jury in.

9 Yes, we are. It's gonna take her 10 or 15  
10 minutes to do that so just give, be a little bit more  
11 patient and we'll break.

12 MR. GOLDSTONE: Your Honor, we're ready with  
13 the originals.

14 THE COURT: And they've been handed up. So  
15 we're gonna take 10 minutes so the court reporter who's  
16 been transcribing this proceeding can take a  
17 break.

18 When we resume in 10 minutes, we'll call  
19 the jury in, the defense will rest its case and we will  
20 then begin with my --

21 MS. SASSOWER: Excuse me.

22 THE COURT: -- charging the jury.

23 MS. SASSOWER: I have a motion, as is my right.

24 THE COURT: Very well.

25 MS. SASSOWER: And may the record reflect that

1 the Court is resting for me. I do not rest, as I was  
2 precluded, prevented from giving direct testimony from  
3 the stand as to the critical facts pertaining to this --

4 THE COURT: What is your motion?

5 MS. SASSOWER: -- bogus, malicious --

6 THE COURT: What is your motion?

7 MS. SASSOWER: I --

8 THE COURT: Excuse me, before you make your  
9 motion. With regard to the exhibits, the numbers are  
10 confusing on this particular document. I need you to  
11 review it.

12 MS. SASSOWER: Again, I make a motion for  
13 judgment of acquittal for this case which fails as a  
14 matter of law. The evidence now resoundingly shows that  
15 the Senate Judiciary Committee hearing was adjourned.

16 That at issue is a public congressional hearing  
17 at which a respectful request was made to testify. That  
18 is consistent with what a hearing is supposed to be  
19 about.

20 THE COURT: The question --

21 MS. SASSOWER: The taking -

22 THE COURT: The question --

23 MS. SASSOWER: -- and receiving of testimony.

24 THE COURT: The question for purposes of your  
25 motion is whether or not a reasonable fact finder could

1 find proof beyond a reasonable doubt. That is your  
2 argument. That is the scope of it and make the argument  
3 now.

4 MS. SASSOWER: Well, there is no precedent and  
5 none has been shown of another case where a citizen's  
6 respectful request at a public congressional hearing has  
7 resulted in an arrest. This, the, you not only have no  
8 act of disruption.

9 The whole idea that a respectful request at a  
10 public hearing to testify is disruption is an anathema,  
11 cannot be. And you have no appearance here by the  
12 complainant, Senator Chambliss, in support of this  
13 prosecution.

14 Apparently no one at the Senate Judiciary  
15 Committee is willing to put their name to such a  
16 proposition that a respectful request to testify at a  
17 congressional hearing is disruption of Congress.

18 Now, there is no evidence in the record that I  
19 intended anything but to respectfully and appropriately  
20 request to testify, which is what I did.

21 And that intent is clear as a bell stated over  
22 and again and most particularly in the 39-page May 21st  
23 fax to, to Capitol police, copies of which went to the  
24 Senate Judiciary Committee, to Senator Schumer, Senator  
25 Clinton.

1 THE COURT: What's your next point, Ms.  
2 Sassower?

3 MS. SASSOWER: Okay. Again --

4 THE COURT: No.

5 MS. SASSOWER: There is no sign up at the  
6 Senate Judiciary Committee - don't even think about  
7 requesting to testify. There is no presentation of any  
8 rules or regulations as relates to requests to testify  
9 at a public hearing.

10 And there is no, there is evidence that I  
11 inquired as to the rules and procedures and none were  
12 forthcoming.

13 Finally, again critical to this charge is that  
14 when someone claims the right to speak in a public  
15 place, the crucial question is whether the manner of  
16 expression is basically incompatible with the normal  
17 activity of a particular place at a particular time.

18 Again, we are talking about a public  
19 congressional hearing, hearing.

20 THE COURT: Very well.

21 MS. SASSOWER: And --

22 THE COURT: Very well. I've heard  
23 Enough.

24 MS. SASSOWER: -- consistent with the --

25 THE COURT: Please be seated.

1 MS. SASSOWER: -- purpose of a hearing.

2 THE COURT: No, excuse me. We're done. Mr.  
3 Mendelsohn.

4 MR MENDELSON: Your Honor, viewing the  
5 evidence in the light most favorable to the government,  
6 as the Court must do at this time, we believe the  
7 evidence more than sufficiently shows that a reasonable  
8 mind could find beyond a reasonable doubt that the  
9 defendant committed the offense of disruption of  
10 Congress on May 22nd 2003.

11 THE COURT: Very well. The standard for ruling  
12 on a motion for judgment of acquittal, as I previously  
13 stated for the record, is set forth in Curley vs. United  
14 States, 81 U.S. App. D.C. 389, page 392, 160 F 2d. 229,  
15 page 232. It's a 1947 case.

16 Simply put, the standard is as follows: If  
17 there is no evidence upon which a reasonable mind might  
18 fairly conclude guilt beyond a reasonable doubt, the  
19 motion must be granted.

20 In reviewing the facts of this case in the light  
21 most favorable to the government, as the Court must do  
22 in such a motion, certainly there has been the  
23 presentation of evidence from which a reasonable fact  
24 finder could find guilt beyond a reasonable doubt.

25 On that basis, the motion for judgment of

1 acquittal is denied. We will be in recess for 15  
2 minutes. So 10 after three we will resume with the  
3 instructions to the jury and closing arguments.

4 Before we adjourn for 15 minutes, Ms. Liu, you  
5 informed me that the initial closing and the rebuttal  
6 total 15 to 20 minutes, is that correct?

7 MS. LIU: That's correct, Your Honor. I expect  
8 the initial closing to take about 15 minutes and the  
9 rebuttal, although it depends in some part upon what Ms.  
10 Sassower says, to take about 5 to 8 minutes.

11 THE COURT: Very well. Ms. Sassower, your  
12 estimate of time for your closing statement.

13 MS. SASSOWER: I don't know. I haven't been  
14 able to even present the direct case from the stand.

15 THE COURT: Very well.

16 MS. SASSOWER: I don't know.

17 THE COURT: Then I will give you 20  
18 minutes.

19 THE CLERK: The Court will stand in recess  
20 until return of court in 15 minutes.

21 (Thereupon, the Court recessed at 3:00 p.m.)

22 (Thereupon, the Court reconvened at 3:10 p.m.)

23 THE CLERK: United States versus Elena  
24 Sassower, case number M4113-03.

25 MS. LIU: Good afternoon, Your Honor, Jessie Liu

1 for the United States.

2 THE COURT: Mr. Mendelsohn.

3 MR. MENDELSON: I'm sorry, Your Honor. Aaron  
4 Mendelsohn for the United States.

5 MS. SASSOWER: Criminal defendant Elena  
6 Sassower.

7 MR. GOLDSTONE: Mark Goldstone, attorney  
8 adviser.

9 THE COURT: Good afternoon, please be seated.  
10 (Pause)

11 THE CLERK: United States versus Elena  
12 Sassower, Case No. M4113-03.

13 MR, MENDELSON: Aaron Mendelsohn for the  
14 United States

15 THE COURT: Yes. Jessie Liu for the  
16 government.

17 MS. LIU: Good afternoon, Your Honor. Jessie  
18 Liu for the United States.

19 THE COURT: Very well.

20 MS. SASSOWER: Elena Sassower, criminal  
21 defendant, pro se.

22 MR. GOLDSTONE: Mark Goldstone,  
23 Attorney adviser.

24 THE COURT: Good afternoon. Please be  
25 seated. All right. As soon as my law clerk walks in

1 with a copy of the jury instructions for each of you, I  
2 will bring the jury in and deliver the charge.

3 For those who are seated in the audience, the  
4 first order of business once the jury is brought in will  
5 be my announcement that the defense has rested its case  
6 and that I will charge them on the law that is to be  
7 applied in the case.

8 During my charge to the jury, the outer doors  
9 will be locked because I don't want ingress and egress  
10 to interfere with their concentration.

11 So if you don't want to be in here for, it's  
12 probably gonna take me 20 minutes to deliver this, then  
13 you need to exit the room. We will then unlock the door  
14 at the, before the start of the closing statements by  
15 counsel.

16 MR. MENDELSON: Your Honor, the elements of  
17 the offense, the language that we proffer to the Court  
18 is not the exact language that's in the elements of the  
19 offense. Jury instruction number 16.

20 THE COURT: Okay, Mr. Mendelsohn.

21 MR. MENDELSON: Your Honor, the law clerk has  
22 the --

23 THE COURT: Just tell me.

24 MR. MENDELSON: -- proposed elements of the  
25 offense. I don't have it but it is jury number, jury



1 instruction number 16.

2 THE COURT: Yes, I, I have it in front of me.

3 MR. MENDELSON: If I could have the --

4 THE COURT: I've read it. What's the, what,  
5 tell, direct me to the -

6 MR. MENDELSON: Right.

7 THE COURT: -- specific problem.

8 MR. MENDELSON: In number one.

9 THE COURT: Yes.

10 MR. MENDELSON: The defendant uttered loud,  
11 threatening or abusive language or engaged in disorderly  
12 or disruptive conduct.

13 THE COURT: Give me the copy of the statute  
14 from your material. Is that it?

15 MR. MENDELSON: That's all, Your Honor.

16 THE COURT: Very well. That's the way it will  
17 be read.

18 MR. MENDELSON: Which way, Your Honor?

19 THE COURT: Or. Very well, bring them in.

20 (Thereupon, the jury returned to the  
21 courtroom at 3:25 p.m.)

22 THE COURT: Please be seated. Ladies and  
23 gentlemen, the defense has rested its case and we're  
24 entering the phase now where I will give you your final  
25 instructions. I'd ask that you pay particularly close

1 attention to these instructions.

2           And to the extent that you need to be reminded  
3 of the particulars of these instructions, since there  
4 are several, a copy of the instructions will be provided  
5 for you during your deliberations.

6           Ladies and gentlemen, members of the jury, you  
7 are about to enter your final duty in this case which is  
8 to decide the issues of fact and to return a verdict as  
9 to the defendant's innocent, innocence or guilt of the  
10 charge.

11           I told you at the very start of the trial that  
12 your principal function during the taking of testimony  
13 would be to listen carefully and to observe each witness  
14 who testified.

15           It has been obvious to me, to counsel and to  
16 the defendant that you have conscientiously discharged  
17 this duty. I ask you now to give me that same careful  
18 attention as I instruct you on the law applicable to  
19 this case.

20           My function is to conduct this trial in an  
21 orderly, fair and efficient manner, to rule on questions  
22 of law and to instruct you on the law that applies in  
23 this case.

24           It is your duty to accept the law as I state it  
25 to you. You should consider all the instructions as a

1 whole. You may not disregard any instruction, give  
2 special attention to any one instruction, or question  
3 the wisdom of any rule of law.

4 As I stated previously, I will provide you with  
5 a written copy of my instructions. During your  
6 deliberations, you may, if you want, refer to these  
7 instructions.

8 While you may refer to any particular portion  
9 of the instructions, you are to consider the  
10 instructions as a whole and you may not follow some and  
11 ignore others.

12 The fact that you have been provided with a  
13 copy of my instructions should not discourages,  
14 discourage you from making an inquiry regarding the  
15 meaning of these instructions, if necessary.

16 Please return the instructions to me when your  
17 verdict is rendered. When you return to the juryroom,  
18 you should select a foreperson to preside over your  
19 deliberations and to be your spokesperson here in court.

20 There are no specific rules regarding how you  
21 should select a foreperson. That is up to you.  
22 However, as you go about the task, be mindful of your  
23 mission to reach a fair and just verdict based on the  
24 evidence.

25 Consider whether you wish to select a

1 foreperson who will be able to facilitate your  
2 discussions, who can help you organize the evidence, who  
3 will encourage civility and mutual respect among all of  
4 you, who will invite each juror to speak up regarding  
5 his or her views about the evidence and who will promote  
6 a full and fair consideration of that evidence.

7           The verdict must represent the considered  
8 judgment of each juror. In order to return a verdict,  
9 it is necessary that each juror agree to the verdict.  
10 Your verdict must be unanimous. Each juror must agree  
11 on it.

12           It is your duty as jurors to consult with one  
13 another and to deliberate with a view to reaching an  
14 agreement, if you can do so without compromising your  
15 own individual judgment.

16           Each of you must decide the case for himself or  
17 herself. But you must do so only after an impartial  
18 consideration of the evidence in the case with your  
19 fellow jurors.

20           In the course of your deliberations, do not  
21 hesitate to re-examine your own views and change your  
22 opinion if convinced that your opinion is erroneous.

23           On the other hand, do not surrender your honest  
24 conviction as to the weight or effect of the evidence  
25 solely because of the opinion of your fellow jurors or

1 merely re, or merely to return a verdict. Remember at  
2 all times that you are not partisans, you are judges of  
3 the facts.

4 I am sending into the juryroom with you the  
5 exhibits that have been received in evidence except for  
6 the videotape. You may examine any or all of them as  
7 you consider your verdict.

8 If you wish to view the portion of the  
9 videotape that has been admitted into evidence, please  
10 notify Ms. Franklin by a written note and we will  
11 assemble in the courtroom with the appropriate  
12 equipment.

13 The exhibits that have been entered into  
14 evidence are labeled with letters and numbers. The  
15 system of labeling and numbering exhibits is simply to  
16 help the parties organize the presentation of the case.

17 You are to attach no particular significance to  
18 the system employed to label certain exhibits with  
19 letters and numbers or the fact that some exhibits are  
20 not in sequence. Excuse me.

21 If it becomes necessary during your  
22 deliberations to communicate with me, you may send a  
23 note by the clerk or marshal signed by your foreperson  
24 or by one or more members of the jury.

25 No member of the jury should try to communicate

1 with me by any means other than a signed note. And I  
2 will never communicate with any member of the jury on a  
3 matter touching the merits of this case except in  
4 writing or orally here in open court.

5 If I get a note from you, I am going to respond  
6 here in the courtroom with counsel and the parties  
7 present.

8 Everyone is entitled, once you begin your  
9 deliberations, to know about any communications that we  
10 have between us.

11 Bear in mind that you are never under any  
12 circumstances, to reveal to any person, not the clerk,  
13 the marshal or me, how the jury stands on the question  
14 of the defendant's guilt or innocence until after you  
15 have reached a unanimous verdict.

16 This means, for example, that you should never  
17 state to the court that the jury is divided six to six,  
18 7 to five, 11 to one, or in any other fashion whether  
19 for conviction or acquittal.

20 I instructed you earlier during this trial that  
21 you are to ignore any reports in the newspaper or on  
22 radio or television concerning this case.

23 While you deliberate, there may be reports in  
24 the newspaper or on radio or television relating to this  
25 case.

1           Again, as I instructed you earlier, please make  
2 sure you do not read, listen to or watch any of the  
3 reports. You must decide this case solely on the  
4 evidence presented in the courtroom and consider only  
5 evidence that meets certain standards in reaching your  
6 verdict.

7           For example, a witness may testify about events  
8 he himself has seen or heard. But, except as I have  
9 held to be admissible as an exception to the hearsay  
10 rule, he generally may not testify about matters that  
11 others have told him about.

12           Also, witnesses must be sworn to tell the truth  
13 and are subject to cross-examination. News reports  
14 about this case are not subject to these standards.

15           And if you read, listen to or watch these  
16 reports, you may be exposed to misleading or inaccurate  
17 information that unduly favors one side of the case and  
18 to which the other side is unable to respond.

19           Therefore, you must completely disregard any  
20 press, television, or radio reports that you may read,  
21 see, or hear. Such reports are not evidence and you  
22 should not be influenced in any manner whatsoever by  
23 such publicity.

24           A form of verdict has been prepared for your  
25 convenience. You will take this form to the juryroom.

1           And when you have reached a unanimous agreement  
2 as to your verdict, you will have your foreperson fill  
3 in, date and sign the form to state the verdict upon  
4 which you unanimously agree and then return with your  
5 verdict to the courtroom.

6           At this point I'd like to talk with you a bit  
7 about how court will convene while you deliberate.  
8 First, during the period of deliberations, we will  
9 convene court in each day the way, the same way that we  
10 have.

11           You will deliberate at your own pace. You will  
12 decide how much times, how much time it takes to fairly  
13 and impartially consider the charge that you will be  
14 presented on the verdict form.

15           During the course of that time, we will convene  
16 each day at 9:45 a.m. and close at 4:45 p.m. I will not  
17 reconvene in the courtroom with everyone present unless  
18 I have a note from you that I need to respond to.

19           Most of the time, you will be able to begin  
20 your deliberations here and then stop at 4:45. You  
21 cannot, however, have any deliberations whatsoever  
22 unless all 12 of you are present.

23           Once all 12 are present, then your foreperson  
24 can say that you may begin the discussions. At the end  
25 of the day when your fore, foreperson says you are going



1 to stop for the day, again, you cannot have any  
2 discussion unless all 12 of you are present.

3 As I said, if I receive a note from you during  
4 deliberations, I will respond. But I will give counsel  
5 and the defendant an opportunity to comment on what my  
6 response will be before I respond.

7 So sometimes there may be some delay in  
8 responding to your note until I get counsel and the  
9 defendant here and have a hearing on what I should say  
10 to you. This is because all of the parties are entitled  
11 to know what I'm going to say.

12 When you return to the courtroom with your  
13 verdict, the foreperson will bring the verdict form into  
14 the courtroom with you. The marshal, when I ask for it,  
15 will take the verdict form from the foreperson and hand  
16 it to the courtroom clerk.

17 The courtroom clerk will then do what we call  
18 publish the verdict. The courtroom clerk will read  
19 aloud the verdict that you have entered.

20 At that point, just so you know how it works,  
21 the clerk will say to the fore, foreperson, is that the  
22 verdict you just announced? Hopefully you will all say  
23 yes.

24 Any party can ask that the jury be polled on the  
25 verdict as just announced. If there is a request for a

1 poll, then I will direct the clerk to poll the jury.

2           The clerk then says, do each of you agree with  
3 the verdict as just announced and we'll say juror number  
4 one. Hopefully juror number one, will say yes. And  
5 then the clerk will say jury number two, and we just go  
6 down the line until all jurors have been polled.

7           If anyone says no, that means that we do not  
8 have a unanimous verdict and I will ask you to retire to  
9 the juryroom and come back when you have reached a  
10 unanimous verdict.

11           That is all the poll, that polling the jury is,  
12 just so you know how the process works when you come  
13 back.

14           While the alternate juror will not begin  
15 deliberations with the 12 regular jurors, it is possible  
16 that you could be called to deliberate at some future  
17 time. Because that possibility exists, you are  
18 instructed that you should continue to follow my  
19 instructions not to discuss this case with anyone at any  
20 time.

21           The Court will notify you when the jury has  
22 completed its deliberations. When that occurs, your  
23 jury service will be discharged and you will be free to  
24 discuss the case.

25           Your function as the jury is to determine what

1 the facts are in this case. You are the sole judges of  
2 the facts. You alone decide what weight to give to the  
3 evidence presented during the trial.

4 You decide the value of the evidence and the  
5 believability of the witnesses. You should determine  
6 the facts without prejudice, fear, sympathy or  
7 favoritism.

8 You should not be improperly influenced by  
9 anyone's race, ethnic origin, or gender. Decide the  
10 case solely from a fair consideration of the evidence.

11 You may not take anything I may have said or  
12 done as indicating how I think you should decide this  
13 case. If you believe that I have expressed or indicated  
14 an opinion as to the facts, you should ignore it. It is  
15 your sole and exclusive duty and responsibility to  
16 decide the verdict in this case.

17 In determining the facts, you are reminded that  
18 before each member was accepted and sworn to act as a  
19 juror, he or she was asked questions concerning  
20 competency, qualifications, fairness and freedom from  
21 prejudice and bias.

22 On the faith of those answers, the juror was  
23 accepted by the parties. Therefore, those answers are  
24 as binding on each of you now as they were then and  
25 should remain so until the jury is discharged from

1 consideration of this case.

2           If any reference by the Court or the attorneys  
3 to evidence does not coincide with your own recollection  
4 of the evidence, it is your recollection which should  
5 control during your deliberations.

6           During the trial, I have permitted those jurors  
7 who wanted to do so to take notes. You may take your  
8 notes with you to the juryroom and use them during your  
9 deliberations if you wish.

10           As I told you at the beginning of the trial,  
11 your notes are only to be an aid to your memory. They  
12 are not evidence in the case and they should not replace  
13 your memory of the evidence.

14           Those jurors who have not taken notes should  
15 rely on their memory of the evidence. The notes are  
16 intended to be for the notetaker's own personal use.

17           At the end of your deliberations, please tear  
18 out from your notebooks any notes you have made and give  
19 them to your foreperson. The clerk will collect your  
20 notebooks and pencils when you return to the courtroom.

21           And I will ask the foreperson to give the clerk  
22 your notes when your verdict is announced. The clerk  
23 will give the notes to me and I will destroy your notes  
24 immediately after the trial. No one, including myself,  
25 will look at them.

1           The essential elements of this offense, each of  
2 which the government must prove beyond a reasonable  
3 doubt, are as follows: that defendant uttered loud,  
4 threatening or abusive language or engaged in disorderly  
5 or disruptive conduct within any of the United States  
6 Capitol buildings.

7           That defendant did so willfully and knowingly  
8 and that at the time she did so, she had the intent to  
9 impede or disrupt or disturb the orderly conduct of any  
10 session of Congress or either house thereof, or the  
11 orderly conduct within any such building of any hearing  
12 before or any deliberations of any committee or  
13 subcommittee of the Congress, or either house thereof.

14           An act is done willingly and knowingly if it is  
15 done voluntarily, purposefully and deliberately and with  
16 intent to violate the law and not because of mistake or  
17 accident or inadvertently.

18           Disorderly and disruptive conduct means conduct  
19 that hinders or interferes with the peaceful conduct of  
20 governmental business.

21           When someone claims the right to speak in a  
22 public place, the crucial question is whether the manner  
23 of expression is basically incompatible with the normal  
24 activity of a particular place at a particular time.

25           In a criminal case, the government has the

1 burden of proving the defendant guilty beyond a  
2 reasonable doubt. In civil cases, it is only necessary  
3 to prove that a fact is more likely true than not, or in  
4 some cases that its truth is highly probable.

5 In criminal cases such as this one, the  
6 government's proof must be more powerful than that. It  
7 must be beyond a reasonable doubt.

8 Reasonable doubt, as the name implies, is a  
9 doubt based on a, on reason, a doubt for which you have  
10 a reason based upon the evidence or lack of evidence in  
11 the case.

12 If after careful, honest and impartial  
13 consideration of all the evidence you cannot say that  
14 you are firmly convinced of the defendant's guilt, then  
15 you have a reasonable doubt.

16 Reasonable doubt is the kind of doubt that would  
17 cause a reasonable person, after careful and thoughtful  
18 reflection, to hesitate to act in the graver or more  
19 important matters in life.

20 However, it is not an imaginary doubt, nor a  
21 doubt based on speculation or guesswork. It is a doubt  
22 based on reason.

23 The government is not required to prove guilt  
24 beyond all doubt or to a mathematical or scientific  
25 certainty. Its burden is to prove guilt beyond a

1 reasonable doubt.

2           Every defendant in a criminal case is presumed  
3 to be innocent. This presumption of innocence remains  
4 with the defendant throughout the trial, unless and  
5 until she is proven guilty beyond a reasonable doubt.

6           The burden is on the government to prove the  
7 defendant guilty beyond a reasonable doubt. This burden  
8 of proof never shifts throughout the trial. The law  
9 does not require a defendant to prove her innocence or  
10 to produce any evidence.

11           The defendant began the trial here with a clean  
12 slate. The presumption of innocence alone is sufficient  
13 to acquit the defendant unless you, as jurors, are  
14 unanimously convinced beyond a reasonable doubt of her  
15 guilt after a careful and impa, impartial consideration  
16 of all of the evidence in this case.

17           If the government fails to sustain its burden,  
18 you must find the defendant not guilty. If you find  
19 that the government has proven beyond a reasonable doubt  
20 every element of the offense with which the defendant is  
21 charged, it is your duty to find her guilty.

22           One of the elements of the offense, upon which  
23 I have already instructed you, requires proof by the  
24 government of a certain state of mind signified by using  
25 terms like willfully and knowingly.

1           Someone's intent or knowledge ordinarily cannot  
2 be proved directly because there is no way of looking  
3 directly into the workings of the human mind.

4           However, you may infer a defendant's intent or  
5 knowledge from the surrounding circumstances. You may  
6 consider any statements made or acts done or not done by  
7 the defendant and all other facts and circumstances  
8 received in evidence that may indicate the defendant's  
9 intent or knowledge.

10           You may infer, but are not required to infer,  
11 that a person intends the natural and probable  
12 consequences of acts knowingly done by him.

13           It is entirely up to you, however, to decide  
14 what facts to find from the evidence received during  
15 trial, during this trial.

16           You should consider all the circumstances and  
17 evidence that you think are relevant in determining  
18 whether the government has proved beyond doubt, beyond a  
19 reasonable doubt, that the defendant acted with the  
20 necessary state of mind.

21           The defendant's theory of the case is that the  
22 defendant did not willfully and knowingly engage in  
23 disorderly and disruptive conduct within a United States  
24 Capitol Building.

25           Defendant had no intent to impede or disrupt or



1 disturb the orderly conduct of a session of Congress.

2 Ms. Sassower's conduct did not hinder or  
3 interfere with the peaceful conduct of governmental  
4 business and her manner of expression was not  
5 incompatible with the normal activity of that particular  
6 place at a particular time.

7 You will note that the information charges that  
8 the offense was committed on or about on a particular  
9 date. The proof need not establish with certainty the  
10 exact date of the alleged offense.

11 It is sufficient if the evidence in the case  
12 establishes beyond a reasonable doubt that the offense  
13 was committed on a date reasonably near the date  
14 alleged.

15 You are specifically cautioned against  
16 permitting the character of the charge itself to affect  
17 your minds in arriving at your verdict. You must permit  
18 only the evidence in this case to enter into your  
19 deliberations and findings in a, in rendering a fair and  
20 impartial verdict.

21 You will be provided with copies of the  
22 information against the defendant. An information is  
23 merely the formal way of accusing a person of a crime to  
24 bring her to trial.

25 You must not use the information for any

1 purpose other than informing yourselves of the charge  
2 you are to consider. You must not consider the  
3 information as evidence of any kind.

4 You may not consider it as any evidence of the  
5 defendant's guilt or draw any inference of guilt from  
6 it.

7 You have heard testimony of criminal acts  
8 purportedly committed by the defendant with which she is  
9 not formally charged in the information.

10 That evidence was introduced by the defendant  
11 for the purpose of showing defendant's intent or any  
12 bias against her.

13 You are instructed that if you find that the  
14 defendant did engage in criminal activity not charged to  
15 her here, you are not to draw an inference from such a  
16 finding that the defendant is a person of bad character  
17 and that she must therefore be guilty of the crime with  
18 which she is charged.

19 In other words, the fact that the defendant may  
20 have broken the law on another occasion not charged in  
21 the information, is not by itself evidence that she  
22 committed any offense for which she is now on trial.

23 The questions put to the witnesses by counsel  
24 and the defendant are not part of the evidence in this  
25 case.

1           If a lawyer or the defendant asked a witness a  
2 question that contained an assertion of fact, you may  
3 not consider the assertion as evidence of the fact,  
4 unless the fact is elsewhere established by the evidence  
5 or the witness adopts the fact in answering the  
6 question.

7           The opening statements and closing arguments  
8 are likewise not evidence. They are intended only to  
9 assist you in understanding the evidence and the  
10 contentious, contentions of the parties.

11           Finally, anything you may have heard or seen  
12 outside this courtroom is not evidence and must be  
13 disregarded.

14           The lawyers in this case sometimes objected  
15 when the other side asked a question, made an argument,  
16 or offered evidence which the objecting lawyer believed  
17 was not proper.

18           You must not be prejudiced against the lawyer  
19 who made the objections. It is the lawyer's  
20 responsibility to object to evidence which they believe  
21 is not admissible.

22           If during the course of the trial, I sustained  
23 an objection to a lawyer's question, you should  
24 disregard the question and you must not speculate as to  
25 what the answer would have been.

1           If the objection was overruled, treat the  
2 answer like you would any other. If after a witness  
3 answered a lawyer's question, I ruled that the answer  
4 should be stricken, you should both disregard, you  
5 should disregard both the question and the answer in  
6 your deliberations.

7           Likewise, exhibits as to which I have sustained  
8 an objection or which I ordered stricken are not  
9 evidence and you must not consider them in your  
10 deliberations.

11           The defendant has the right to choose not to  
12 have counsel and to represent herself. In this case,  
13 the defendant chose to represent herself with the  
14 assistance of an attorney adviser.

15           You are to draw no inference whatsoever from  
16 defendant's decision to represent herself.

17           You will recall that I told you that you were  
18 permitted to draw reasonable inferences from the  
19 testimony of the witnesses. This is because there are  
20 two types of evidence from which you may find the facts  
21 of a case: direct evidence and circumstantial evidence.

22           When a witness, such as an eyewitness, asserts  
23 actual knowledge of a fact, that witness' testimony is  
24 direct evidence.

25           Circumstantial evidence is proof of a chain of

1 facts and circumstances that enable you to draw  
2 inferences that may indicate the guilt or innocence of a  
3 defendant.

4 Let me give you an example. If you look out a  
5 window and saw that snow was falling, falling, you would  
6 be an eyewitness to the fact that snow was falling.

7 If you thereafter testified in court that you  
8 had seen snow falling, your testimony would be direct  
9 evidence of the fact that snow was falling at the time  
10 you saw it happen.

11 However, if you looked out a window and saw no  
12 snow on the ground and then went to sleep and saw snow  
13 on the ground after you woke up, your testimony about  
14 those observations would be circumstantial evidence that  
15 snow fell while you were asleep.

16  
17 The law makes no distinction between the weight  
18 you should give to either kind of evidence. Nor does  
19 circumstantial evidence require a greater degree of  
20 certainty than direct evidence.

21 In reaching a verdict in this case, you should  
22 weigh all of the evidence presented both direct and  
23 circumstantial.

24 In determining whether the government has  
25 established the charge against the defendant beyond a

1 reasonable doubt, you must consider and weigh the  
2 testimony of all the witnesses who have appeared before  
3 you. You are the sole judge of the credibility of the  
4 witnesses.

5 In other words, you alone are to determine  
6 whether to believe any witness and the extent to which  
7 any witness should be believed.

8 In reaching a conclusion as to the credibility  
9 of any witness, you may consider any matter that may  
10 have a bearing on the subject.

11 You may consider the demeanor and the behavior  
12 of the witness on the witness stand, the witness' manner  
13 of testifying, whether the witness impresses you as a  
14 truthful person, whether the witness impresses you as  
15 having an accurate memory and recollection, whether the  
16 witness has any motive for not telling the truth,  
17 whether the witness had a full opportunity to observe  
18 the matters about which he or she has testified, whether  
19 the witness has any interest in the outcome of this  
20 case, or friendship or hostility toward other people  
21 concerned with this case.

22 Inconsistencies or discrepancies in the  
23 testimony of a witness or between the testimony of  
24 different witnesses, may or may not cause you to  
25 discredit such testimony.

1 Two or more persons witnessing an incident or  
2 transaction may see or hear it differently. An innocent  
3 misrecollection like a failure of recollection is not an  
4 uncommon experience.

5 In weighing the effect of the inconsistency or  
6 discrepancy, always consider whether it pertains to a  
7 matter of importance or unimportant detail and whether  
8 the inconsistency or discrepancy results from innocent  
9 error or intentional falsehood.

10 You may consider the reasonableness or  
11 unreasonableness, the probability or improbability of  
12 the testimony of a witness in determining whether to  
13 accept it as true and accurate.

14 You may consider whether the witness has been  
15 contradicted or supported by other credible evidence.  
16 If you believe that any witness has shown him or herself  
17 to be biased or prejudiced for or against either side in  
18 this trial, you may consider and determine whether such  
19 bias or prejudice has colored the testimony of the  
20 witness so as to affect the desire and capability of the  
21 witness to tell the truth.

22 You should give the testimony of each witness  
23 such weight as in your judgment it is fairly entitled to  
24 receive.

25 The weight of the evidence is not necessarily

1 determined by the number of witnesses testifying for  
2 each side. Rather, you should consider all of the facts  
3 and circumstances in evidence to determine which of the  
4 witnesses you believe.

5           You may find the testimony of a smaller number  
6 of witnesses on one side is more believable than the  
7 testimony of a greater number of witnesses on the other  
8 side, or you may find the contrary.

9           The defendant has a right to become a witness  
10 in her own behalf. Her testimony should not be believed  
11 merely because she is the defendant.

12           Let me restate that. The defendant has a right  
13 to become a witness in her own behalf. Her testimony  
14 should not be disbelieved merely because she is the  
15 defendant.

16           In weighing her testimony, however, you may  
17 consider the fact that the defendant has a vital  
18 interest in the outcome of this trial.

19           As with the testimony of any other witness, you  
20 should give the defendant's testimony such weight as in  
21 your judgment it is fairly entitled to receive.

22           A police officer's testimony should be  
23 evaluated by you just as any other evidence in the case.  
24 In evaluating the officers' credibility, you should use  
25 the same guidelines that you apply to the testimony of