

OF ITS LOGO TO FIRE WITH THE  
EXCEPTION THAT THE PRINCIPAL  
DEALS WITH SOFTWARE AS I MAY BE  
STATING THE NEXT YEAR TO ASK ME  
DID SO I DON'T WANT TO GET YOU  
IN TROUBLE.

>> ABSOLUTELY NOT.

>> HE SHOULD INSTRUCT, BUT THE  
QUESTION IS IF YOU DON'T, WHAT  
DO WE DO?

CD3 STITCHERY SHOULD BE  
INSTRUCTED, BUT THE ISSUE WE  
HAVE NOW IS THAT IT'S ALWAYS  
BEEN IN FLORIDA BECAUSE THIS IS  
ANALOGOUS.

WE HAVE TO AT THE SAME TIME  
RESPECT THE SPIRIT OF THE TOTAL  
TO FIVE.

>> IF IT IS PETTY THEFT ARE THE  
SAME.

WORDS ARE DEEP GOOD TO SETBACK  
TO THE PROJECT TO MAKE THE  
DETERMINATION, BASED ON THEY ARE  
BOTH FELONIES SO I'LL JUST PICK  
ONE AND REVERSE THAT ONE.

>> AND THE SITUATION WHERE THEY  
EGGY WOKE.

EVEN WHEN YOU HAVE A GRAND  
THEFT, YOU'RE DEALING WITH GRAND  
THEFT, YOU STILL HAVE DIFFERENT  
DEFENSE LEVELS.

ONE WILL BE DIFFERENT LEVELS,  
BASED ON CRIMINAL PUNISHMENT.

>> IF YOU LOOK AT THE CRIMINAL  
PUNISHMENT CODE, YOU GO BACK AND  
LOOK AT THE CRIMINAL PUNISHMENT  
CODE AND DETERMINE UNDER THAT  
STANDARD WHICH CAN BE THE HIGHER  
SENTIMENTS QUITE

>> IF YOU FIND YOURSELF IN A  
SITUATION WHERE IT'S THEFT.  
OF COURSE THE VAST MAJORITY ARE  
THIRD-DEGREE GRAND DUST AND  
DEALING WITH SECOND-DEGREE OR  
THIRD-DEGREE.

MAYBE IT'S EVEN RARER COMBINED  
WITH DEALING BUT THEORETICALLY  
IT COULD OCCUR.

>> THE REASON I BELIEVE AND  
CORRECT ME IF I'M WRONG THAT  
TRIAL JUDGE IS THE HIGHEST  
OFFENSE BECAUSE THE EVIDENCE  
BELIEVES THE HIGHEST OFFENSE.  
BUT UNTIL THE JEOPARDY THE  
REASON WE DON'T ALLOW DOUBLE

JEOPARDY WHEN KRAM IS  
ENCOMPASSED BY THE AFFAIR.  
THE TWO CANNOT COEXIST THE CODY.  
HERE, THE TWO CRIMES CAN COEXIST  
BUT FOR THIS STATUTE.  
SO I'M TRYING TO PUT MY FINGER  
ON IT.  
THE VIEW CAN HELP.  
>> I HOPE I CAN.  
>> IT IS NOT DOUBLE JEOPARDY IN  
THE CONSTITUTION EXCEPT ONE  
CRIME WOULD REALLY DO WITH THE  
OTHER.  
IT IS DOUBLE JEOPARDY ONLY  
BECAUSE AT THIS STATUTE.  
I THINK GOING BACK TO YOUR  
QUESTION ABOUT HE REALLY IS  
GUILTY OF BOTH OFFENSIVE AND YOU  
CAN HAVE IT AND IT'S LOGICALLY  
CONSISTENT AND THE JURY HAS  
FOUND THAT I WE HAVE REACHED  
BOTH OF THOSE PROJECTS WHICH  
HAVE NO CONFIRMING THE INTERNET  
FOR THEMSELVES.  
>> THERE IS AN INFIRMITY.  
THE INFIRMITY IS THE LEGISLATURE  
HAS SAID FACTFINDER, NOT SENT  
THE JUDGE.  
YOU CANNOT CONVICT BOTH  
OFFENSIVE.  
SET THE JURY WITHOUT KNOWING  
THEY ARE VIOLATING THE  
LEGISLATORS CORRECTION THAT THEY  
CAN DO IT.  
SO IN ANSWER TO JUSTICE  
HIPPARCHUS QUESTION OF DOUBLE  
JEOPARDY IS NOT A FORM OF DOUBLE  
JEOPARDY.  
IT'S THE FORM OF A STATUTORY  
DIRECTION.  
>> IT'S NOT IN CONVICTION  
THEMSELVES.  
>> MAYBE THAT'S WHERE AND HAVING  
TROUBLE.  
I THOUGHT THE INFIRMITY IS THE  
DOUBLE CONVICTION.  
ARE YOU ON THE NEXT CASE?  
BECAUSE I'M REALLY INTERESTED IN  
THE INSTRUCTION IS GOING TO BE  
GOING FORWARD AND NOT LEAST THE  
CHAIR THAT TO MEAN A MORE  
IMPORTANT THING IS GOING FORWARD  
IS WITH THE PROPER INSTRUCTION  
FOR THE JURY.  
SO YOU AGREE IF REQUESTED AND

INSTRUCTION MAY BE GIVEN TO THE JURY THAT THEY CANNOT CONVICT OF BOTH OFFENSES.

>> AND DOUBLE JEOPARDY WHEN THAT HAPPENS IN A PRAYER HAPPENS BECAUSE THERE'S OFFENSES ANYMORE AT THE JURY IS TOLD YOU HAVE A LESSER OFFENSE.

YOU WERE NOT TOLD TO DO THE BOOK BROKER ANALYSIS.

>> SO A PROPER INSTRUCTION? THEY ARE TOLD FIRST OF ALL IF IT'S NOT PART OF A COMMON PLAN OR SCHEME, THEN THEY COULD CONVICT TWO DIFFERENT SENTENCES. IF YOU PUT THEM TOGETHER TO USE A PASS AT ONE POINT THE PRACTICE AND A THEY KNOWS THEY ARE DOING PRIESTS AT THE JURY HAVE TO DECIDE IF IT'S PART HAS BEEN. BUT THEN, WHAT IS IT THAT THE JURY IS THEN TOLD ABOUT YOUR GOING TO FIND THEM GUILTY AND THE ELEMENTS ECONOMIC CONVICT OF ONE.

IS THE STANDARD JURY INSTRUCTION BEING PROPOSED?

DOES THE STATE SUPPORT THAT OR HE NOT A POSITION TO GET HIS STATE'S POSITION?

PAYMENT WE ARE NOT IN THE POSITION OF BEING PROPOSED.

WHAT SHOULD BE PROPOSED IS GOING TO CUT THIS STATUTE.

>> JUST TELLING THE JURY, DON'T CONVICT THOSE.

AND THAT WOULD BE A SIMPLE SOLUTION, WHICH IS THAT'S AS MUCH AS THE LEGISLATURE SAID. THAT'S AS MUCH AS A JUDGE SHOULD BE TELLING THEM.

>> CORRECT.

THE PROBLEM IN GENERAL AND OF PUTTING OUT THE PLURALITY OF THE OPINION DURING THAT TIME AND EFFORT IF IT TAKES LANGUAGE FROM THE INTENT OF THE OVERALL AND DOES NOT GO TO AT THE ACTUAL 12025 IS TALKING ABOUT.

IN THAT MANNER CANNOT BE AFTER IN TERMS OF WHAT THE LEGISLATURE OR THE JURY MAKES A DECISION ON.

>> SO WE WOULD JUST LEAVE IT TO THE JURY TO MAKE DECISION AS TO WHICH OF THE OFFENSES, EVEN

THOUGH THE STATE IMPROVES BOTH OF THEM AT THE JURY FOR WHATEVER REASON OR NO REASON AT ALL FOR THIS ONE, BUT THE JURY WAS SIMILAR TO ASK IF THEY TO CONVICT THEM OF DEALING WITH STOLEN PROPERTY.

>> NOW I'D LIKE TO POINT OUT ONE OF THE DANGERS OF WHAT THE DEFENSE IS ASKING FOR IS AS THINGS STAND NOW AS IN THE LAST 30 YEARS THAT COULD GO TO TRIAL ON BOTH DEALING IN THE CHURCH AND THE STATE COULD AT LEAST KNOW THAT I'M ONLY GOING TO TAKE ONE AWAY FROM THIS, BUT I'LL GET THE HIGHEST OF WHATEVER THE JURY COULD SPEAK.

THE DEFENSE OF THE OTHER HAND HAS THE BENEFIT AS WELL.

THE DEFENSE COULD GO THAT THE DAY FACILITATOR MIGHT ACTUALLY BE THE OPENING VOTE.

THERE MAY BE ENOUGH EVIDENCE TO SUPPORT BOTH, BUT THEY COULD WRITE ME AND HIRE I MIGHT GIVE THIS OR THE DEALING ON WHICHEVER IS LOWER.

WHAT IS GOING TO HAPPEN IS THIS A NEW TRIAL RATHER THAN THE LESS SERIOUS NOT GOING TO LET THE JURY MAKEUP CALL ANYMORE IT'S GOING TO GO FORWARD ON THE HIGHER AND THEN YOU'RE GOING TO ACTUALLY BE LOSING OUT ON A ONE-TIME OPPORTUNITY.

>> THEY WOULD BE -- THERE COULD YET AFFIRMATIVELY FOR A SUPPOSE OF INSTRUCTION.

I MEAN, THERE'S LOTS OF THINGS THAT COULD HAVE BEEN.

GOING BACK TO THE ARGUMENT, WHAT IS -- DO YOU DISAGREE THAT HIS FUNDAMENTAL AIR NOT TO GIVE ANY INSTRUCTION IN THIS CASE?

>> IT IS NOT FUNDAMENTAL AIR TO NOT HAVE INSTRUCTION.

>> THE REASON BEING QUITE

>> IT WAS NEVER AN ISSUE.

AS YOUR HONOR SAID THE DEFENSE'S THEORY WAS ALL OR NOTHING.

IT WAS UP ONE OR THE OTHER.

THE THEORY WON'T CHANGE.

>> THAT WOULD BE SOMETHING UNIQUE TO THE CAVE.

THAT DOESN'T NECESSARILY MEAN --  
BECAUSE I HAVEN'T LOOKED BACK AT  
THE FOURTH DISTRICT CASE.  
RATHER DIFFERENT TAXPAYER  
AERUGINOSA CERTAINLY HAVE TO  
DISAPPROVE?  
VIGOR WITH WHICH HE SAID, IT'S  
NOT FUNDAMENTAL AIR HERE.  
>> I DON'T BELIEVE THE OPINION  
DISCUSSES WHAT THE ERROR IS AN  
INSTANT IN THE JURY.  
I THINK IF BUSH IS EVERYTHING  
TOGETHER IN TERMS OF THE  
CONDITION.  
>> IT IS THE DEFENSE IN TERMS OF  
THE DECLINE SHOULD BE SHOULD  
THEY FIRE ONE OR THE OTHER.  
WE DON'T HAVE THE FACTS, BUT THE  
PRINCIPLE IS THE JURY  
INSTRUCTION.  
>>> SEEMS LIKE IT COULD BE A --  
COULD BE A REASONABLE  
DISTINCTION.  
WOULDN'T BE A REASONABLE  
DISTINCTION IN THE CASE, THE  
NEXT CASE COMING UP BUT,  
OBVIOUSLY, THE INSTRUCTION THAT  
WAS REQUESTED.  
BUT IF THE THEORY IS THAT I  
DIDN'T DO IT AT ALL, AND IT  
WAS -- YOU KNOW IT SAYS.  
IT REALLY DOESN'T MATTER TO THAT  
DEFENDANT ARGUING IT.  
THAT'S WHAT HE'S HOPING FOR.  
HE'S HOPING THAT THEY JUST  
BELIEVE THAT HE JUST FOUND  
SOMETHING ON THE SIDE OF THE  
ROAD, AND SINCE IT WAS JUST  
FINDERS KEEPERS, HE DECIDED TO,  
YOU KNOW, SELL IT FOR WHATEVER  
IT WAS WORTH.  
>> AND I IN RESPONSE YOUR  
HONOR, I WOULD SAY THAT'S NOT  
WHAT THE STATUTE SAYS.  
THE STATUTE REQUIRES THE JURY TO  
MAKE THE DECISION.  
THANK YOU.  
>> WE THANK YOU BOTH FOR YOUR  
ARGUMENT, THE COURT WILL NOW  
STAND IN RECESS FOR TEN MINUTES.  
>> ALL RISE.