

1 (Beginning of Sidebar Discussion)

2 THE COURT: Yes, Mr. Andreopoulos.

3 MR. ANDREOPOULOS: Judge, I just want to make you aware
4 of a situation that both attorneys are working on. There's
5 a picture that I showed Mr. Mastroianni. It really had to
6 do with some of the issues we were having earlier with the
7 defendant. And Mr. Mastroianni has told me that he would
8 look at this picture by way of maybe it's -- maybe
9 stipulating to the authenticity of this picture. So, I just
10 wanted to make you aware of that. That was sort of the
11 center of the problem that we were having, and so I thought
12 you should know.

13 THE COURT: Okay. I appreciate that.

14 MR. MASTROIANNI: It's a photograph that the defense
15 asserts was taken at the Department of Corrections about --

16 THE COURT: When?

17 MR. MASTROIANNI: -- about a week before the escape.

18 MR. ANDREOPOULOS: April 22.

19 MR. MASTROIANNI: So I told the defense I would try to
20 authenticate it through the DOC to avoid an authentication
21 requirement, and then talk about admissibility.

22 THE COURT: We can address that tomorrow. What I'm
23 going to do now is adjourn for the day, okay. It's almost
24 1:30 and I know staff has not eaten. So, I need to give
25 them their lunch break. We are going to have closing