

STATE OF IDAHO,)	
)	
Plaintiff,)	CR2009-22548
)	CR2009-22648
Vs.)	
)	
FRANK TANKOVICH,)	COURT LOG – IN CHAMBERS
WILLIAM TANKOVICH,)	
)	OCTOBER 28 2010 4:32 PM
Defendants.)	

COURT REPORTER: ANNE MACMANUS
 PA ART VERHAREN
 BARRY MCHUGH

DA CHRISTOPHER SCHWARTZ
 JED WHITAKER

J We're in session in chambers. Christopher Schwartz requested a limited inquiry of a juror.

Christopher Schwartz I'd first like to question juror Hyslop.

Barry McHugh For the record, questioning of the jurors invades the province of the jury

J This concern is unique and the issue raised is based on information received during deliberation. It is in the interest of justice to allow a limited inquiry.

Art VerHaren Will the court do the inquiry?

J Counsel will – actually it may be a combination.

Juror Hyslop enters the courts chambers

J Explains to juror Hyslop the presiding jurors question to the court.

Hyslop They were making a big deal about the swastika and Born 2 kill on the side of the truck. I told them of my buddies and I writing it on a truck. She asked if I was a racist. I'm not but to a point I guess I am. It didn't effect me being fair. I had no response to issues asked in questioning.

There was “kinda-Iguess so” attempt by them – our first vote I said not guilty and they all got after me – I got tired of it after about one hour of that and I said guilty. I don’t know if I feel good about my decision.

J You’re not to give into intimidation - didthat occur?

Hyslop Nope

XE by Christopher Schwartz I don’t remember exactly what she said. She said “that’s not funny and we’ve got to tell the judge now” . She wrote a paper. I kind of felt pressure after the not guilty vote. The jury talked about my beliefs. They didn’t like my opinion. They said I shouldn’t be racist. I felt pressured. Then they went over the rules with me. I felt they’re guilty based on the law but not in my opinion. A little of what changed my mind is what they said to me about my beliefs.

J You’re not in trouble – there’s no wrong answer.

XE BY Jed Whitaker I read the instruction – in my personal opinion they are not guilty. I read the rules over again and we discussedt.

XE by Barry McHughI told a lady by myself – no with anyone else there - about my buddies and I putting swastika on the truck at mud bogging. This was with the lady who wrote the question out. Then she asked if I was a racist and wrote a note to the judge. The vote was before that. We read the instructions and discussed. I participated 30 minutes and in the rules I came to the conclusion they’re guilty.

J questions Hyslop I have no questions for the court. They had me read the questions a little closer. I can’t remember which one.

J Juror excused.

J We made a record – you can file motions if you feel it appropriate. The reporter is directed to provide counsel with a transcript of the questioning of juror Hyslop. We’ll return to the courtroom.