

EXHIBIT B

What constitutes probable cause
relating to the 4th Amendment
of search and seizure.

FILED

AUG 13 2009

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Patricia Lopez

Also, can we have a dictionary?

August 13, 2009

Members of the Jury:

You are to determine the claims based on the instructions that I have given you. Probable cause is not an issue regarding any of the claims.

You have also asked for a dictionary. I cannot provide you with a dictionary. You must decide the case based on the evidence that was presented and the law as I have given it to you. If there is a term that you believe requires clarification, please advise me what that term is. I also would like to remind you that you must base your decision on what was presented in court and not on any outside information.

Finally, since I am sending you a note, there is one other point I would like to address. Because you are currently deliberating, I need to approve your schedule (starting and finishing times) in advance. I will address that with you later in the day.

Sincerely,

Matthew F. Kennelly

Beyond the 2nd Charge
Is the Charge being used -
The CJT was being punitive in
the way they conducted the search?

FILED

[Handwritten signature]

AUG 13 2009

MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT

Members of the Jury

Thank you for your question.
The requirements for the second
claim are on page 16 of the
instructions. I cannot provide
you with further information
beyond what the instructions
already say.

Judge Kennelly

We need further clarification on charge #2 - page 12 and page 16. Especially page 16

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Explain further.

AUG 13 2009

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Members of the jury -
Please advise which part or parts of these instructions require clarification.

Judge Kennedy

Page 16 - Question 1 -> "in a manner that was not rationally related to a legitimate non-punative governmental purpose" -> please explain.

The claim (#2) on page 12 seems very different from claim #2 on page 16 - (question 1)

We need further clarification
on Charge #2 - page 12 and
page 16. (especially page 16)

Explain further.

Members of the jury -
Please advise which part or
parts of these instructions require
clarification.

Judge Kennelly

Page 16 - Question 1 → "in a manner that
was not rationally related to a
legitimate non-punitive governmental
purpose" → please explain.

The claim (#2) on page 12 seems
very different from claim #2 on page 16.
(question 1)

August 12, 2009

Members of the Jury:

1. The description of the claims on page 12 is a summary. The other instructions identify what has to be proven on each claim.
2. With regard to your question about item 1 on page 16, I cannot provide you with further information beyond what is already in the jury instructions.

Sincerely,

Judge Matthew F. Kennelly