

the property is not formally listed in the National Register.

Only the Department of the Interior can make a determination of eligibility that a district, site, building, structure or object meets the National Register criteria for listing on the National Register of Historic Places.

What says the State?

MR. AVERY: Can we approach?

(Counsel approached the bench, and the following proceedings were had:)

MR. AVERY: I'd just like the record to reflect that we do except that charge. We don't think that it applies and take exception to it.

THE COURT: Go ahead.

MR. MATHIS: I do have some exceptions, but I'll do it outside of their presence, if you want me to.

THE COURT: Ladies and gentlemen, you also notice that we keep saying 12 of you must decide, and you notice that there are 13 of you over there. What the law allows you to do is select an alternate. That alternate sits just in case something happens to the 12. We know who the alternate is at all times, but you do not know. If you knew you were the