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COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

FEB 24 1988

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
PLAINTIFF-RESPONDENT,)
)
VS.)
)
JOE HUNT, AKA JOSEPH HUNT,)
AKA JOSEPH HENRY GAMSKY,)
)
DEFENDANT-APPELLANT.)

SUPERIOR COURT
NO. A-090435

OCT 09 1987

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE LAURENCE J. RITTENBAND, JUDGE PRESIDING
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
3580 WILSHIRE BOULEVARD
ROOM 800
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 1 OF 101
(PAGES 44 TO 196, INCLUSIVE)

COPY

ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
OFFICIAL REPORTERS

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2 FOR THE COUNTY OF LOS ANGELES,

3 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

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5 THE PEOPLE OF THE STATE OF CALIFORNIA,)
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VS.) NO. A-096435

8 JOE HUNT, AKA JOSEPH HUNT,)
9 AKA JOSEPH HENRY GAMSKY,)
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DEFENDANT.)

REPORTER'S TRANSCRIPT ON APPEAL

NOVEMBER 5, 6, 10, 12, 13, 17, 18, 19, 20, 24, 25, 26, 1986
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APPEARANCES

FOR THE PLAINTIFF:

IRA REINER, DISTRICT ATTORNEY
BY: FREDERICK N. WAPNER, DEPUTY
1725 MAIN STREET
SANTA MONICA, CALIFORNIA 90401

FOR THE DEFENDANT:

ARTHUR H. BARENS, ESQ.
10209 SANTA MONICA BOULEVARD
LOS ANGELES, CALIFORNIA 90067

AND

RICHARD C. CHIER, ESQ.
10920 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90024

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

NO. A-090435

JOE HUNT, AKA JOSEPH HENRY GAMSKY,)

DEFENDANT.)

REPORTERS' DAILY TRANSCRIPT

WEDNESDAY, NOVEMBER 5, 1986

VOLUME 2

(PAGES 44 TO 196, INCLUSIVE)

APPEARANCES:

FOR THE PEOPLE:

IRA REINER, DISTRICT ATTORNEY
BY: FREDERICK N. WAPNER, DEPUTY
1725 MAIN STREET
SANTA MONICA, CALIFORNIA 90401

FOR THE DEFENDANT:

ARTHUR H. BARENS, ESQ.
10209 SANTA MONICA BOULEVARD
LOS ANGELES, CALIFORNIA 90067

AND

RICHARD C. CHIER, ESQ.
10920 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90024

ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
OFFICIAL REPORTERS

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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, NOVEMBER 5, 1986; 11:15 A.M.

2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS HERETOFORE NOTED.)

4 (ROSEMARIE GOODBODY, OFFICIAL REPORTER.)

5 (SALLY YERGER, OFFICIAL REPORTER.)

6
7 (THE FOLLOWING PROCEEDINGS WERE HELD
8 IN OPEN COURT IN THE PRESENCE OF THE
9 DEFENDANT AND ALL COUNSEL:)

10 THE COURT: ALL RIGHT.

11 MR. BARENS: READY. GOOD MORNING, YOUR HONOR.

12 ARTHUR BARENS APPEARING, ALONG WITH RICHARD CHIER, AND
13 MR. HUNT, WHO IS PRESENT AND READY TO PROCEED.

14 THE COURT: ALL RIGHT.

15 MR. BARENS: YOUR HONOR, THERE IS A MOTION BY THE DEFENSE
16 FOR A DAILY TRANSCRIPT.

17 THE COURT: THAT MOTION IS GRANTED.

18 MR. BARENS: THANK YOU. WE GOT A MOTION GRANTED,
19 YOUR HONOR.

20 THE COURT: YOU MAKE GOOD MOTIONS AND THEY WILL BE
21 GRANTED.

22 MR. BARENS: BEFORE I AM OVERWHELMED BY THE PRECEDENT,
23 I WILL CONTINUE.

24 WE HAVE PREPARED THIS MORNING A HARDSHIP REQUEST
25 QUESTIONNAIRE ALONG WITH A GENERAL QUESTIONNAIRE, WHICH I
26 BELIEVE WE HAVE AN AGREEMENT WITH THE PEOPLE SHOULD BE
27 DISTRIBUTED BY YOUR HONOR TO THE PROSPECTIVE PANEL.

28 WE ALSO HAVE A PROPOSED JUDGE INTRODUCTION FOR

1 YOUR HONOR. THERE WILL BE SUCH A CAPTION ON IT TO BE READ
2 AND ACCOMPANYING THESE DOCUMENTS --

3 THE COURT: I HAVE GLANCED OVER THAT PROPOSED
4 QUESTIONNAIRE TO THE JURY. I THINK THERE ARE A NUMBER OF
5 QUESTIONS THAT ARE CLEARLY IMPROPER AND I AM NOT GOING TO
6 PRESENT IT TO THE JURORS.

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1 MR. BARENS: COULD YOUR HONOR PLEASE ADVISE AS TO WHAT
2 QUESTIONS YOU TAKE EXCEPTION TO?

3 THE COURT: WELL, I WILL WAIT UNTIL WE HAVE ACTUALLY
4 VOIR DIRE THE JURY, WHEN THEY ARE SELECTED HERE.

5 MR. BARENS: WELL YOUR HONOR, WE HAD HOPED --

6 THE COURT: AFTER WE HAVE ELIMINATED THE HARDSHIP CASES.

7 MR. CHIER: WELL YOUR HONOR --

8 THE COURT: ONE AT A TIME, WILL YOU? DON'T BUTT IN
9 ALL OF THE TIME.

10 HE CAN HANDLE HIMSELF VERY, VERY WELL, MR. CHIER.
11 YOU ARE ONLY CO-COUNSEL, HERE, WHO IS ASSISTING HIM.

12 MR. CHIER: I AM ONLY CO-COUNSEL? WHAT DOES THAT MEAN?

13 THE COURT: GO AHEAD.

14 MR. BARENS: YES. WE HAD HOPED YOUR HONOR, THAT BY
15 HAVING THE GENERAL VOIR DIRE QUESTIONNAIRE COMPLETED, WE COULD
16 BE ADVISED FOR PURPOSES OF THE RECORD, AS TO THE JURORS WE
17 ARE LOSING FOR HARDSHIP.

18 LOSING ON THE HARDSHIP GIVES INDICIA OF OTHER
19 CATEGORIES AND CROSS-SECTIONS THAT ARE BEING ELIMINATED ALONG
20 WITH THE HARDSHIP. THIS MAKES -- THIS OVERLAYS OUR ARCE
21 MOTION AND WILL BE REFERENCED BY COUNSEL, IF NEED BE, IF THERE
22 IS EVER AN APPEAL ON THIS MATTER. IT IS EXTREMELY IMPORTANT
23 TO US TO HAVE A COMPREHENSIVE IDEA OF WHO WE LOST ON THE
24 HARDSHIP.

25 MR. WAPNER: MAY I BE HEARD, BRIEFLY?

26 THE COURT: YES.

27 MR. WAPNER: YOUR HONOR, I SAT DOWN YESTERDAY WITH
28 MR. CHIER AND WE DISCUSSED THE PROPOSED QUESTIONNAIRE.

1 I HAD GIVEN HIM A MUCH SHORTER VERSION OF WHAT I THOUGHT WE
2 SHOULD HAVE AND WE KIND OF INCORPORATED BOTH OF THEM AND THEN
3 WENT OVER IT AND DISCUSSED AND ELIMINATED SOME QUESTIONS AND
4 ASKED OTHERS.

5 I THINK THAT PROBABLY IT IS IN EVERYONE'S
6 INTEREST INCLUDING THE COURT'S TO DO SOMETHING ALONG THE LINES
7 OF THIS FORMAT ONLY BECAUSE IT WILL MAKE THE VOIR DIRE GO
8 MUCH FASTER.

9 THE COURT: ON THE CONTRARY, ONCE WE MAKE ALL OF THE
10 QUESTIONNAIRES AND SO FORTH, THERE IS NOTHING ON THE RECORD
11 THAT YOU HAVE. YOU HAVE TO HAVE THE JURORS IN THERE AND ASK
12 THEM THE SAME QUESTIONS THAT THEY ANSWERED IN THE QUESTIONNAIRE
13 FOR PURPOSES OF THE RECORD.

14 OTHERWISE, HOW CAN YOU HAVE VOIR DIRE UNLESS IT
15 IS DONE THAT WAY?

16 MR. WAPNER: WELL, FIRST OF ALL, THE END OF THIS
17 QUESTIONNAIRE HAS ON IT, A DECLARATION UNDER PENALTY OF
18 PERJURY.

19 THE COURT: SUPPOSE IT DOES? WHAT DO YOU WANT TO DO,
20 MAKE PART OF IT A PART OF THE RECORD?

21 MR. CHIER: YES, YOUR HONOR.

22 MR. WAPNER: ALL RIGHT. THE PROPOSAL IS --

23 THE COURT: THEN THERE WOULDN'T BE ANY VOIR DIRE IN
24 OPEN COURT. IS THAT THE IDEA? YOU ASK THE SAME QUESTIONS
25 AS CONTAINED IN THE QUESTIONNAIRE THAT YOU ARE GOING TO HAND
26 THEM?

27 MR. WAPNER: WELL, I THINK THAT WE BOTH AGREE THAT THE
28 VOIR DIRE SHOULDN'T -- THERE SHOULDN'T BE ANY REPETITION

1 DURING THE REGULAR VOIR DIRE OF THE QUESTIONS THAT HAVE ALREADY
2 BEEN ANSWERED. THERE MAY BE SOME ELABORATION ON THE QUESTIONS.
3 BUT ONE WAY OR THE OTHER, THESE QUESTIONS --

4 THE COURT: MR. WAPNER, IF A JUROR IS EXCUSED, IF ONE
5 OF THE JURORS IS EXCUSED AND ANOTHER JUROR TAKES THE PLACE
6 OF THAT JUROR, THE USUAL CUSTOM OF THE COURT ALWAYS, IS THAT
7 AFTER I HAVE ADMONISHED THE JURY TO LISTEN VERY CAREFULLY,
8 I ASK THEM WHETHER OR NOT THEY HEARD ALL OF THE QUESTIONS
9 ASKED AND THE ANSWERS GIVEN AND IF THE SAME QUESTIONS WERE
10 ASKED OF THEM, WOULD THERE BE ANYTHING DIFFERENT OR
11 SUBSTANTIALLY THE SAME OR WHAT, IN RESPECT TO THAT.

12 THAT SAVES GOING THROUGH THE WHOLE PROCESS OF
13 EACH, SINGLE JUROR WHO TAKES THE PLACE OF A JUROR WHO WAS
14 JUST EXCUSED AND ASKING THEM THE SAME QUESTIONS WHICH HAVE
15 ALREADY BEEN ASKED.

16 IT WILL ENORMOUSLY INCREASE THE TIME THAT IT WOULD
17 TAKE TO TRY THE CASE. I DON'T KNOW WHY WE ARE DEPARTING IN
18 THIS CASE FROM WHAT IS USUALLY DONE.

19 I HAVE TRIED A NUMBER OF MURDER CASES, SPECIAL
20 CIRCUMSTANCES CASES. I DON'T KNOW WHY WE HAVE TO DEPART FROM
21 THOSE PROCEDURES IN THIS PARTIUCLAR CASE. WHAT IS SO SPECIAL
22 ABOUT THIS CASE? WHY DO WE HAVE TO DO IT DIFFERENTLY?

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1 MR. WAPNER: WELL, I DON'T KNOW THAT NECESSARILY IT
2 IS DIFFERENT IN THE SENSE THAT THIS PROCEDURE HAS BEEN FOLLOWED
3 IN OTHER CASES, THIS ISN'T THE FIRST CASE WHERE JURY
4 QUESTIONNAIRES HAVE BEEN SUBMITTED.

5 THE COURT: IT IS THE FIRST CASE I HAVE HAD WHERE A
6 JURY QUESTIONNAIRE HAS BEEN SUBMITTED AND I DON'T SEE THE
7 PURPOSE OF IT, IF THE SAME QUESTIONS ARE GOING TO BE ASKED
8 IN OPEN COURT ON THE RECORD OF THOSE JURORS SO IT APPEARS
9 ON THE RECORD AND THE RECORD WILL BE COMPLETE, I WILL DO THAT.
10 BUT WHAT IS THE POINT OF HAVING A QUESTIONNAIRE IN ADVANCE?
11 IS IT TO FIND OUT WHETHER THEY SAT ON CERTAIN CRIMINAL CASES
12 AND HOW THEY VOTED ON THAT CASE, TOO? DO YOU WANT ME TO DO
13 THAT? DO YOU WANT THAT IN THERE?

14 MR. WAPNER: I DON'T WANT THAT IN THERE. WE DON'T WANT
15 ANY OTHER QUESTIONS OTHER THAN WHAT IS THERE.

16 THE COURT: YOU WANT ME TO ASK JURORS HOW MUCH MONEY
17 THEY MAKE AND WHAT THEY MAKE IT FROM?

18 MR. CHIER: NOT WHAT THEY MAKE IT FROM, YOUR HONOR.

19 MR. WAPNER: IF THE COURT FEELS THAT SOME OF THESE
20 QUESTIONS ARE IMPROPER, I AM HAPPY TO GO OVER IT WITH THE
21 COURT.

22 THE COURT: I WILL GO OVER ALL OF THOSE QUESTIONS AND
23 GO OVER THEM AND DETERMINE WHETHER I THINK THOSE QUESTIONS
24 ARE PROPER TO BE ASKED OF THOSE JURORS WHEN THEY ARE SEATED
25 IN THE JURY BOX ON VOIR DIRE BUT I AM NOT GOING TO BOTHER
26 ALL OF THESE JURORS TO FILL OUT THIS EXTENSIVE QUESTIONNAIRE.

27 HOW MANY PAGES ARE THERE HERE, 32 PAGES?

28 MR. WAPNER: WELL, I SUGGESTED TO COUNSEL ORIGINALLY

2
1 THAT I THOUGHT IT WAS --

2 THE COURT: YOU ARE INQUIRING INTO AN INVASION OF
3 PRIVACY INTO MATTERS WHICH I HAVE NEVER PERMITTED AT ANY TIME
4 IN A VOIR DIRE TO BE ASKED. A LOT OF THESE QUESTIONS ARE
5 SO PERSONAL I WOULDN'T DREAM OF PERMITTING JURORS TO BE ASKED
6 THOSE QUESTIONS. THEY DON'T TOUCH UPON THE QUALIFICATIONS
7 TO SIT AS A JUROR IN THE CASE.

8 I SEE NO NEED FOR THIS QUESTIONNAIRE IN THE FIRST
9 PLACE.

10 MR. CHIER: YOUR HONOR --

11 MR. BARENS: IF I CAN DEFER TO MR. CHIER FOR A COMMENT,
12 YOUR HONOR.

13 MR. CHIER: YOUR HONOR, A SUBSTANTIAL PART OF THE VOIR
14 DIRE WILL BE INDIVIDUAL VOIR DIRE, YOUR HONOR, OUT OF THE
15 PRESENCE OF THE OTHER JURORS.

16 THE COURT: NO, THAT WILL NOT BE.

17 IT IS ONLY WITH RESPECT TO ASKING THEM ONLY AS
18 TO THE DEATH PENALTY PHASE OF IT, THOSE FOUR QUESTIONS AND
19 SO FORTH, WHICH HAS BEEN DONE IN THE PAST.

20 MR. CHIER: WE ARE WITHDRAWING THE MOTION FOR LIMITED
21 VOIR DIRE.

22 THE COURT: WHAT DO YOU MEAN?

23 MR. CHIER: WE ARE WITHDRAWING THE MOTION FOR LIMITED
24 HOVEY VOIR DIRE AND WE ARE GOING TO HAVE A FULL HOVEY VOIR
25 DIRE OF THE PROSPECTIVE JURORS.

26 THE COURT: I THOUGHT PRELIMINARILY WHAT WE WANTED TO
27 DO, AS HAS BEEN ADUMBRATED AND SET FORTH IN GREAT DETAIL IN
28 ALL OF THE CASES, TO INDIVIDUALLY ASK EACH ONE OF THE JURORS

1 THEIR VIEWS WITH RESPECT TO THE WITHERSPOON CASE.

2 MR. CHIER: YES, YOUR HONOR, AND ALSO WITH RESPECT TO --

3 THE COURT: DO YOU WANT TO DISPENSE WITH THAT?

4 MR. CHIER: NO, YOUR HONOR.

5 MR. BARENS: NO.

6 MR. CHIER: THERE ALSO HAVE TO BE INDIVIDUALIZED VOIR
7 DIRE WITH RESPECT TO PUBLICITY.

8 THE COURT: THERE WON'T BE ANYTHING WITH RESPECT TO
9 PUBLICITY BECAUSE THERE HAS BEEN NO PUBLICITY I AM AWARE OF,
10 EXCEPT THIS INTERVIEW THAT WAS HAD AND APPEARED IN THE
11 LOS ANGELES TIMES.

12 MR. CHIER: YOUR HONOR, THERE HAS BEEN A MASS OF
13 PUBLICITY.

14 THE COURT: AND MAGAZINE ARTICLES. YOU CAN ASK EACH
15 JUROR WHETHER THEY HAVE READ ANYTHING ABOUT THIS CASE AND
16 IF SO, WHAT THEY READ AND HAS IT INFLUENCED THEM IN ANY WAY.

17 MR. CHIER: YOUR HONOR, THE PEOPLE AND THE DEFENSE
18 HAVE AGREED UPON A PROCEDURE WHICH IS FOLLOWED IN CAPITAL
19 CASES IN OTHER COURTS, WHICH IS EXPEDITIOUS AND WHICH WE ARE
20 BOTH IN AGREEMENT THAT WE WOULD LIKE TO DO IN THIS CASE. WE
21 SPENT A NUMBER OF HOURS AND AT GREAT EXPENSE IN WORKING OUT
22 THESE QUESTIONNAIRES, YOUR HONOR.

23 THE COURT: I AM NOT GOING TO PERMIT THEM TO BE
24 DISTRIBUTED, I AM NOT GOING TO PERMIT THESE QUESTIONNAIRES
25 TO BE SUBMITTED.

26 MR. CHIER: FOR WHAT REASON?

27 THE COURT: I DON'T HAVE TO GIVE YOU ANY REASON. I AM
28 TELLING YOU IT IS A WASTE OF TIME, THAT IS MY REASON. IT

4
1 ACCOMPLISHES NOTHING THAT CAN'T BE ACCOMPLISHED ON AN ORAL
2 VOIR DIRE HERE IN COURT.

3 AND A NUMBER OF THE QUESTIONS PARTICULARLY ARE
4 CLEARLY IMPROPER AND I WON'T PERMIT THEM UNDER ANY
5 CIRCUMSTANCES EVEN ON AN ORAL VOIR DIRE.

6 MR. BARENS: YOUR HONOR --

7 MR. WAPNER: IF I MIGHT BE HEARD JUST BRIEFLY ON THE
8 TIME SAVING ASPECT.

9 I THINK WITH ALL DUE RESPECT TO THE COURT THAT --

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1 THE COURT: YOU TRIED THE PITTMAN CASE, HOW IS IT YOU
2 DIDN'T GO THROUGH THIS PROCEDURE THEN? IT IS THE SAME CASE.

3 MR. BARENS: THE DEFENSE DIFFERS WITH THAT.

4 THE COURT: EXCEPT DIFFERENT DEFENDANTS BUT THE SAME
5 MURDER.

6 MR. BARENS: I TAKE GREAT EXCEPTION, YOUR HONOR, TO
7 YOUR COMMENTING THAT IT IS THE SAME CASE.

8 THE COURT: I SAID IT INVOLVES THE SAME MURDER.

9 MR. BARENS: BUT NOT THE SAME EVIDENCE, YOUR HONOR.

10 THE COURT: I DIDN'T SAY ANYTHING ABOUT THE SAME
11 EVIDENCE.

12 MR. WAPNER: WELL, WE ARE NOT REALLY DISCUSSING THE
13 EVIDENCE AT THIS POINT, IN ANY EVENT.

14 IF I MIGHT JUST BE HEARD BRIEFLY ON WHETHER OR
15 NOT THIS IS TIME-CONSERVING OR TIME-SAVING, IT SEEMS TO ME
16 THAT ONE WAY OR THE OTHER, THESE QUESTIONS ARE GOING TO BE
17 ASKED.

18 TH COURT: NOT ALL OF THESE QUESTIONS, THEY ARE NOT
19 GOING TO BE ASKED AND I AM TELLING YOU THAT RIGHT NOW.

20 YOU DON'T LISTEN TO ME, MR. WAPNER. I SAID THERE
21 ARE A NUMBER OF QUESTIONS IN THERE WHICH UNDER NO CIRCUMSTANCES
22 WOULD BE PERMITTED TO BE ASKED OR ANSWERED ON VOIR DIRE.

23 MR. WAPNER: IN ANY EVENT, I UNDERSTAND WHAT THE COURT
24 IS SAYING.

25 THERE ARE QUESTIONS, CERTAIN QUESTIONS THAT THE
26 COURT IS OBJECTING TO AND I UNDERSTAND THAT, BUT AS TO MANY
27 OF THESE QUESTIONS, ONE WAY OR THE OTHER, THEY ARE GOING TO
28 BE ASKED WHETHER IT IS AS EACH INDIVIDUAL IS SEATED IN THE

1 BOX AND THEY ARE ASKED IT AGAIN OR IF THEY FILL OUT THE
2 QUESTIONNAIRE, AND IF WE ALREADY HAVE THE INFORMATION WHEN
3 THE JUROR IS SEATED, THAT SAVES TIME.

4 THE COURT: YOU WILL ASK THEM THE SAME QUESTIONS, YOU
5 HAVE TO DO THAT FOR THE RECORD.

6 MR. WAPNER: I UNDERSTAND THAT IT HAS TO BE DONE FOR
7 THE RECORD.

8 THE COURT: UNLESS YOU WANT TO INCORPORATE ALL OF THESE
9 ANSWERS AS PART OF THE RECORD IN THIS CASE, WHICH I WOULDN'T
10 PERMIT.

11 MR. CHIER: YOUR HONOR, COULD I EXPLAIN TO YOU WHAT
12 THE PROCEDURE THAT WE HAD TENTATIVELY AGREED UPON IS?
13 YOU HAVEN'T EVEN LISTENED TO WHAT WE INTEND.

14 THE COURT: I WILL NOT PERMIT THIS QUESTIONNAIRE TO
15 BE DISTRIBUTED AMONG THE JURORS. FIRST, I DON'T BELIEVE IT
16 SHOULD BE DONE. IT WON'T SAVE ANY TIME. SECONDLY, I DON'T
17 BELIEVE THAT THESE QUESTIONS -- A NUMBER OF THESE QUESTIONS
18 ARE CLEARLY IMPROPER.

19 MR. BARENS: YOUR HONOR, SO I MIGHT HAVE SOME DIRECTION
20 FOR WHEN WE DO ORAL VOIR DIRE, WOULD YOUR HONOR BE KIND ENOUGH
21 TO INDICATE THE NUMBERS OF THE QUESTIONS THAT YOU WOULD NOT
22 PERMIT TO BE EXPRESSED OR ASKED?

23 THE COURT: YES, I WILL BE GLAD TO DO THAT FOR YOU.

24 MR. BARENS: IF YOU WOULD, PLEASE.

25 THE COURT: I WILL GO THROUGH THESE QUESTIONS AND INDICATE
26 WHICH QUESTIONS SHOULD BE ASKED TO THE PROSPECTIVE JURORS.

27 MR. BARENS: YOUR HONOR, SO I CAN KNOW, YOUR HONOR IS
28 PROPOSING THEN THAT WE WILL SIMPLY DISTRIBUTE THE HARDSHIP

1 QUESTIONNAIRE?

2 THE COURT: YOU DON'T HAVE TO DISTRIBUTE THOSE EITHER.

3 WHAT WILL HAPPEN IS, WHAT I INTEND TO DO IS AS
4 FOLLOWS: AS SOON AS WE GET ALL OF THE JURORS TOGETHER, I
5 WILL INDICATE TO THEM THE NATURE OF THE CASE WE ARE ABOUT
6 TO TRY, THAT IT IS ANTICIPATED THE CASE WILL TAKE X NUMBER
7 OF DAYS OR WEEKS FOR TRIAL. I THINK IN THE PITTMAN CASE,
8 WE STARTED ON MAY 8TH AND WE ENDED ON JUNE 24TH AND I ASSUME
9 THIS CASE WILL TAKE LONGER TO TRY.

10 THAT IS WHY, FIRST, I WILL HAVE TO GET AN ESTIMATE
11 FROM YOU AS TO HOW LONG YOU THINK THIS CASE WILL TAKE, TWO
12 MONTHS, TWO AND A HALF MONTHS, AND THEN I WILL INDICATE TO
13 THE JURORS THAT IT IS ANTICIPATED THIS CASE WILL TAKE THAT
14 LENGTH OF TIME.

15 IF ANY JUROR FEELS, FOR THE REASONS YOU HAVE
16 INDICATED HERE, A PREPAID VACATION PLAN, VACATION PLANS OR
17 MEDICAL DISABILITY OR FINANCIAL HARDSHIP SO THEY CANNOT SERVE,
18 THEN WHAT I WILL DO IS TO SEGREGATE THOSE JURORS WHO WILL
19 CLAIM A HARDSHIP AND EXCUSE ALL OF THE OTHER JURORS AND TELL
20 THEM WHEN TO COME BACK AND THEN I WILL INDIVIDUALLY INTERROGATE
21 EACH ONE OF THOSE JURORS AND ASK THEM WHAT THE BASIS IS FOR
22 THEIR CLAIM THAT IT IS A HARDSHIP FOR THEM AND THEN WE WILL
23 MAKE A DETERMINATION AT THAT TIME. IF WE CAN STIPULATE, THEN
24 WE WILL STIPULATE. IF NOT, THEN I WILL MAKE A RULING. IT
25 IS AS SIMPLE AS THAT.

26 MR. BARENS: YOUR HONOR, DID YOU FEEL -- WE HAVE A FORM
27 FOR THAT, YOUR HONOR. WE HAVE A VERY BRIEF TWO-PAGE FORM
28 HERE, THREE-PAGE FORM, INCLUDING THE COVER BUT IT IS ONLY

1 TWO PAGES FOR THEM TO FILL OUT, YOUR HONOR. WE FELT IT WOULD
2 GREATLY EXPEDITE THAT PROCEDURE.

3 THE COURT: HERE IS ONE OF THE QUESTIONS HERE -- I DON'T
4 UNDERSTAND IT -- YOU EXPLAIN IT TO ME, IF YOU WILL.

5 MR. BARENS: YES.

6 THE COURT: QUESTION NUMBER 7:

7 "WOULD YOU BE ABLE TO SERVE IF THE
8 JURY FEES WERE GREATER?"

9 WHAT IS THE SENSE OF THAT QUESTION?

10 MR. CHIER: IT IS PART OF THE MOTION THAT WE ARE MAKING.

11 THE COURT: TELL ME WHAT IS THE SENSE OF THAT PARTICULAR
12 QUESTION?

13 MR. CHIER: BECAUSE --

14 THE COURT: JUST A MINUTE NOW.

15 I AM TALKING NOW TO MR. BARENS.

16 MR. CHIER: WELL, I WANT TO ANSWER THE QUESTION, YOUR
17 HONOR.

18 THE COURT: I WANT MR. BARENS TO ANSWER, I DIRECTED
19 THE QUESTION TO HIM.

20 MR. BARENS: YOUR HONOR, I WANT TO BE CANDID IN SAYING
21 THAT I WOULD LIKE MR. CHIER TO RESPOND TO THE QUESTION, AS
22 MR. CHIER PREPARED THIS.

23 THE COURT: DO YOU THINK THERE IS ANY SENSE TO THAT
24 QUESTION?

25 MR. BARENS: I AM ASSUMING THAT MR. CHIER HAD SOME SENSE
26 IN MIND WHEN HE DRAFTED IT, YOUR HONOR.

27 THE COURT: THE SENSE, AS I UNDERSTAND IT, IS THAT
28 THE LEGISLATURE HADN'T PROPERLY TAKEN CARE OF PROSPECTIVE

1 JURORS AND DOESN'T ALLOW THEM ENOUGH MONEY; IS THAT WHAT YOU
2 WANT TO SAY?

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1 MR. CHIER: THAT'S CORRECT, YOUR HONOR. IN A SENSE --

2 THE COURT: SO FOR THAT REASON, HE CAN'T GET A FAIR
3 TRIAL? IS THAT WHAT YOU ARE TELLING ME?

4 MR. CHIER: YES, YOUR HONOR. IN A SENSE, IF YOU WANT
5 ME TO --

6 THE COURT: DO YOU CONCUR IN THAT, MR. DISTRICT ATTORNEY?

7 MR. WAPNER: QUESTION NUMBER 7?

8 THE COURT: YES. YOU SAID THAT YOU AGREED TO IT AT
9 ONE POINT. TELL ME WHAT THE SENSE OF THAT IS.

10 MR. WAPNER: WELL, THE FINANCIAL HARDSHIP QUESTIONNAIRE
11 IS NOT WHAT I WAS GIVEN TO READ. IT WAS READ TO ME OVER THE
12 TELEPHONE.

13 FRANKLY, I DON'T REMEMBER THAT PARTICULAR QUESTION
14 THERE. IT MAY HAVE BEEN AND MAYBE I JUST DIDN'T HEAR IT.

15 TO ME, IT DOESN'T -- I REALLY DON'T SEE ANY
16 PURPOSE OF HAVING IT IN THERE.

17 THE COURT: AND SUPPOSE SOMEBODY IS UNEMPLOYED AND THERE
18 IS A CHANCE THAT THEY MIGHT BE EMPLOYED SOMETIME IN THE
19 FUTURE DURING THE NEXT FEW MONTHS. IS THAT A REASON FOR --

20 MR. BARENS: WELL, I CERTAINLY FEEL THAT THAT IS AN
21 IMPORTANT QUESTION, YOUR HONOR. BECAUSE IF WE ARE LOSING
22 ALL OF THE UNEMPLOYED PEOPLE IN THE JURY BECAUSE THEY ARE
23 SAYING THAT THEY CAN'T DO JURY SERVICE BECAUSE THEY COULD
24 BE GETTING A JOB IF THEY WEREN'T ON JURY SERVICE, THAT WOULD
25 CERTAINLY --

26 THE COURT: WELL, IS THAT A GOOD REASON FOR EXCUSING
27 THEM? I AM JUST ASKING YOU IF YOU THINK IT IS? IF YOU DO,
28 WE'LL EXCUSE THEM.

1 MR. BARENS: I CERTAINLY, OUT OF A SENSE OF SOCIAL
2 JUSTICE, FEEL THAT THERE IS SOME LEGITIMACY TO THAT.

3 THE COURT: ALL RIGHT. I WILL EXCUSE THE JUROR IF HE
4 THINKS HE HAS A PROBLEM WITH A JOB AND IS GOING TO GO AROUND
5 LOOKING FOR A JOB AND HE CAN'T SERVE ON THE JURY FOR A PERIOD
6 OF TWO MONTHS OR WHATEVER IT MIGHT BE.

7 MR. CHIER: YOUR HONOR, I FIND THE PHOTOGRAPHER THERE
8 EXTREMELY DISTRACTING. I AM NOT AWARE THAT THERE WAS ANY
9 NOTICE FILED OR NOTICE GIVEN TO COUNSEL THAT THERE WAS GOING
10 TO BE --

11 THE COURT: ANYTHING ELSE, MR. BARENS? DO YOU WANT
12 TO PROCEED?

13 MR. BARENS: I WOULD LIKE TO GO FORWARD WITH THE
14 QUESTIONNAIRE, YOUR HONOR. IF YOUR HONOR HAS A PROBLEM WITH
15 QUESTION 7, IF IT IS IRRECONCILABLE, ALTHOUGH THE DEFENSE
16 ASSERTS THAT IT SHOULD BE A PART OF THIS, WE WOULD LIKE TO
17 GO FORWARD WITH THE QUESTIONNAIRE.

18 WE THINK IT WOULD SAVE A LOT OF TIME. YOU CAN
19 COVER A LOT MORE JURORS SIMULTANEOUSLY.

20 THE COURT: WHAT IS THE MATERIALITY AS TO HOW THEY ARE
21 PAID, BY THE HOUR, WEEK OR MONTH?

22 MR. BARENS: BECAUSE IT GOES TO THE PAY SITUATION, HOW
23 MUCH TIME THEY CAN LOSE. SOME OF THE PEOPLE ARE GOING TO
24 SAY THAT THEY WORK ON AN HOURLY, PART-TIME BASIS INSTEAD OF
25 A PER DIEM BASIS, WHERE THEY ONLY WORK SO MANY HOURS.

26 BUT IT MIGHT BE ONLY SO MANY HOURS IN A MONTH,
27 AS OPPOSED TO SO MANY DAYS IN A MONTH. THERE ARE THOSE TYPES
28 OF INDIVIDUALS THAT HAVE PART-TIME HOURLY, RATHER THAN PART-

1 TIME DAILY JOBS.

2 THERE ARE ALSO GOING TO BE PEOPLE THAT ARE GOING
3 TO SAY THAT THEY HAVE A DAY JOB BUT THEY ALSO WORK SO MANY
4 HOURS AT NIGHT DURING THE WEEK OR WORK NIGHTS BUT ALSO WORK
5 DURING THE DAY A COUPLE OF HOURS.

6 SO, THERE MIGHT BE SOME GUY THAT RUNS A COMPUTER
7 AT NIGHT WHO IS GOING TO SAY THAT HE CAN'T GIVE UP HIS DAY
8 JOB THAT HE HAS, TWO HOURS A DAY. WE MIGHT WANT TO KEEP THAT
9 JUROR.

10 THE COURT: WELL, I WILL ASK IF THERE ARE ANY REASONS
11 WHY THEY WANT TO BE EXCUSED. THERE IS NO SENSE IN DETAILING
12 EVERY ONE OF THE QUESTIONS WHICH COULD BE ASKED.

13 LET THEM TELL ME WHY THEY WANT TO BE EXCUSED AND
14 IT IS A HARDSHIP FOR WHATEVER THE REASON AND THEN WE'LL PASS
15 UPON IT.

16 IF YOU ARE GOING TO, WE'LL STIPULATE TO EXCUSE.
17 IF YOU DON'T, THEN WE'LL DETERMINE WHETHER OR NOT THEY SHOULD
18 BE EXCUSED.

19 MR. CHIER: YOUR HONOR, I HAVE A SAMPLE OF THE PROPOSED
20 QUESTIONNAIRE THAT WE HAVE BEEN DISCUSSING. I AM GOING TO
21 MARK IT A. I WOULD REQUEST THAT IT BE RECEIVED INTO EVIDENCE
22 AT THIS TIME.

23 THE COURT: YOU MEAN BECAUSE YOU OFFERED IT, I HAVE
24 GOT TO RECEIVE IT INTO EVIDENCE?

25 MR. CHIER: I THINK THAT THE RECORD SHOULD INDICATE
26 WHAT WE ARE TALKING ABOUT.

27 THE COURT: WE ARE TALKING ABOUT A QUESTIONNAIRE WHICH
28 YOU SAID YOU WANT ME TO DISTRIBUTE AMONG THE JURORS WHO CLAIM

1 A HARDSHIP. IT WILL ALL BE ON THE RECORD, THE REASONS WHY
2 THEY WANT TO DO IT. I DON'T THINK YOU NEED IT.

3 MR. CHIER: I AM ASKING THAT IT BE RECEIVED.

4 THE COURT: I WILL MARK IT AS DEFENDANT'S EXHIBIT A
5 FOR IDENTIFICATION. YOU GAVE ME THE WHOLE BUSINESS, YOU MEAN?

6 MR. CHIER: YES.

7 THE COURT: WHAT YOU OFFERED ME HERE?

8 MR. CHIER: YES. THAT IS YOUR COPY. THIS IS THE COPY
9 I WISH TO HAVE RECEIVED INTO EVIDENCE.

10 THE COURT: IT WON'T BE RECEIVED. IT WILL BE MARKED
11 FOR IDENTIFICATION AS A.

12 WHAT ABOUT THE LIVESAY MOTION?

13 MR. WAPNER: IT IS MY UNDERSTANDING THAT COUNSEL WANTS
14 TO GO FORWARD WITH THE LIVESAY MOTION. SINCE THEY HAVE NOT
15 BEEN TO MR. LIVESAY'S OFFICE NOR EXAMINED ANY OF HIS RECORDS
16 AND SINCE THE MOTION AS I UNDERSTAND IT, IS BASED ON A
17 COMPARISON OF OTHER CASES IN WHICH THE DISTRICT ATTORNEY'S
18 OFFICE HAS ELECTED TO SEEK THE DEATH PENALTY OR NOT ELECTED
19 TO SEEK THE DEATH PENALTY AS COMPARED TO THIS CASE, THE
20 DEFENSE, ALTHOUGH THEY HAVE NOT DONE IT, CERTAINLY IS GOING
21 TO HAVE TO GO AND EXAMINE THOSE RECORDS.

22 AND WITH THAT IN MIND, I TALKED TO MR. LIVESAY
23 AND HE IS NOT GOING TO BE AVAILABLE ON MONDAY OF NEXT WEEK.
24 SINCE WE WILL NOT BE IN SESSION THIS FRIDAY AND SINCE
25 TOMORROW IS REALLY TOO EARLY TO HEAR THE MOTION, I AM PROPOSING
26 THAT WE DO HAVE THE LIVESAY MOTION EITHER WEDNESDAY OR
27 THURSDAY OF NEXT WEEK.

28 THE COURT: WELL, WHAT WILL WE DO WITH THESE JURORS?

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1 WHY HAS NOT ALL OF THIS BEEN DONE BEFORE?

2 MR. WAPNER: IT HAS NOT BEEN DONE BEFORE. AND IF THERE
3 IS ANY QUESTION THAT I CAN ANSWER --

4 THE COURT: WELL, THE ONLY QUESTION IS WHETHER OR NOT
5 IT IS APPROPRIATE TO HAVE SUCH A MOTION BECAUSE IT SHOULD
6 HAVE BEEN DONE WEEKS AND MONTHS BEFORE.

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1 MR. WAPNER: WELL, I AGREE THAT IT SHOULD HAVE BEEN
2 DONE BEFORE. BUT THE FACT THAT IT WAS NOT, I DON'T THINK
3 MEANS THEREFORE, THEY ARE NOT ENTITLED TO A HEARING ON THE
4 MOTION.

5 IF THEY WANT TO MAKE THE MOTION, I THINK THAT --
6 THE COURT: WELL, WE'LL GET MR. LIVESAY HERE AND HAVE
7 THEM ASK QUESTIONS OF HIM.

8 MR. WAPNER: I WILL HAVE HIM HERE. THEY WILL EXAMINE
9 HIM. BUT I THINK THAT SHOULD BE DONE AFTER COUNSEL HAS TAKEN
10 THE OPPORTUNITY TO EXAMINE HIS RECORDS, WHICH THEY CAN DO --

11 THE COURT: YOU ARE ON THE EVE OF TRIAL. THESE ARE
12 ALL THINGS THAT SHOULD HAVE BEEN DONE PRIOR TO THE TRIAL OF
13 THIS CASE. WHY WASN'T IT ALL DONE BEFORE?

14 MR. WAPNER: I AGREE THAT IT SHOULD HAVE BEEN DONE
15 BEFORE.

16 THE COURT: WELL, I THEN THINK IT CONSTITUTES A WAIVER
17 IF THEY HAVE NOT DONE IT BEFORE. IF THE CASE IS READY FOR
18 TRIAL, WE ARE READY TO GO AHEAD.

19 MR. WAPNER: THAT IS WHERE I DIFFER WITH THE COURT.

20 MR. CHIER: YOU CAN'T HAVE IT BOTH WAYS. I HAD A
21 PERSONAL TRAGEDY. THAT SLOWED ME DOWN, YOUR HONOR, AND YET,
22 YOU FORCED ME TO GO TO TRIAL --

23 THE COURT: NOTHING PREVENTED MR. BARENS FROM DOING
24 IT.

25 MR. BARENS: WE DID RECEIVE THE LIVESAY MATERIAL BUT
26 NOT UNTIL THE DAY BEFORE YESTERDAY.

27 THE COURT: HE TELLS ME THAT YOU DIDN'T REQUEST IT
28 UNTIL A FEW DAYS AGO.

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1 MR. BARENS: NO, YOUR HONOR. WE MADE A LIVESAY MOTION
2 A COUPLE OF WEEKS AGO AND RECEIVED THE MATERIALS TWO DAYS
3 AGO.

4 MR. WAPNER: WELL, IT WAS FILED, WITH ALL DUE RESPECT
5 TO COUNSEL -- I THINK IT WAS FILED LAST WEEK, CALENDARED FOR
6 OCTOBER 30TH. I THINK IT WAS FILED ON THE 27TH OR SOMETHING
7 LIKE THAT.

8 MR. BARENS: WELL, IT WAS TWO WEEKS AGO, YOUR HONOR.
9 WE ARE TALKING ABOUT NOW, A FUNDAMENTALLY SERIOUS ISSUE
10 INVOLVING THIS DEFENDANT'S FUTURE, YOUR HONOR.

11 YOUR HONOR, WE FILED THE MOTION TWO WEEKS AGO.
12 WE RECEIVED THE MATERIALS TWO DAYS AGO. THERE ARE 14 OR SO
13 POINTS THAT THE PEOPLE HAVE RAISED IN SUPPORT OF MAKING THIS
14 A DEATH PENALTY MATTER.

15 WE NEED TO REFERENCE THE LIVESAY MATERIALS IN
16 TERMS OF COMPARING THEM TO WHAT HAS BEEN DONE IN OTHER CASES.
17 WE BELIEVE THE DEFENSE HAS LEGITIMATE GROUNDS TO DISCRIMINATE
18 OUT THIS CASE AND TO SHOW THAT THE PEOPLE HAVE NOT PROCEEDED
19 IN THE NORMAL POLICY MANNER.

20 THIS IS EXTREMELY IMPORTANT TO US.

21 THE COURT: WE HAVE HAD LIVESAY MOTIONS MANY, MANY TIMES,
22 HAVE WE NOT?

23 MR. BARENS: YES, YOUR HONOR.

24 THE COURT: WELL, HE HAS BEEN INTERROGATED THE SAME
25 WAY YOU EXPECT TO INTERROGATE HIM SO AS TO SHOW A
26 PROPORTIONALITY THAT THIS PARTICULAR -- WHY HE SELECTED THIS
27 CASE AS ONE WHERE THE DEATH PENALTY IS REQUESTED.

28 THOSE SAME QUESTIONS HAVE BEEN ASKED OF HIM TIME

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1 AND TIME AGAIN IN MANY, MANY MURDER CASES WHERE THE DEATH
2 PENALTY IS REQUESTED.

3 WHAT IS SO DIFFERENT ABOUT THIS CASE AND THE
4 QUESTIONS THAT WILL BE ASKED OF HIM IN THIS CASE? HAVE THEY
5 NOT BEEN ASKED OF HIM IN OTHER CASES ABOUT WHICH YOU KNOW?

6 MR. BARENS: YOUR HONOR, ALL I AM ASKING FOR, IS THE
7 ABILITY TO HAVE TIME TO REVIEW THE COMPARISON MATERIALS.

8 THE COURT: WELL, YOU HAVE HAD A LOT OF TIME, MR. BARENS.
9 THIS CASE HAS BEEN PENDING FOR A COUPLE OF YEARS. YOU HAD
10 ALL OF THE TIME IN THE WORLD IN WHICH TO DO IT.

11 JUST ON THE EVE OF TRIAL, YOU ARE SAYING NOW
12 THAT YOU WANT TO HAVE THIS PARTICULAR MOTION HEARD.

13 MR. BARENS: YOUR HONOR, FOR YOUR HONOR, IT SHOCKS ME
14 TO BELIEVE THAT YOUR HONOR -- BECAUSE YOUR HONOR'S SENSE OF
15 TIMING IS OFFENDED, THAT IT WAS NOT DONE EARLIER, THAT WE
16 ARE NOW GOING TO TAKE AWAY FROM MR. HUNT A FUNDAMENTAL
17 OPPORTUNITY TO HAVE THE DEATH PENALTY CONSEQUENCE REMOVED
18 IN THIS CASE.

19 THE COURT: I WILL ORDER MR. LIVESAY HERE. I WILL ORDER
20 HIM AT THE EARLIEST POSSIBLE MOMENT. HE CAN BE INTERROGATED
21 AS HAS BEEN DONE IN THIS COURT BEFORE IN OTHER MURDER CASES.

22 IT DOESN'T REQUIRE WEEKS OF TIME IN ORDER TO
23 INVESTIGATE THIS MATTER. THOSE QUESTIONS CAN BE ASKED OF
24 HIM HERE IN COURT AND A DETERMINATION CAN BE MADE BY ME ON
25 THE BASIS OF THIS TESTIMONY.

26 I HAVE HEARD THIS TESTIMONY IN OTHER CASES AND
27 IT WILL BE EXACTLY THE SAME. THERE ISN'T ANY DIFFERENCE IN
28 THIS CASE.

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I HAVE HAD OTHER CASES ON WHICH HE HAS BEEN
INTERROGATED.

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1 MR. CHIER: WHY DON'T WE JUST SUBMIT THE ISSUE OF MR.
2 HUNT'S GUILT ON THE PITTMAN TRANSCRIPT?

3 THE COURT; IF YOU MAKE MOTIONS OF THAT KIND I AM GOING
4 TO SEE THAT YOU ARE OUT OF THIS CASE. THAT IS A STUPID REMARK
5 OF YOU TO MAKE.

6 MR. CHIER: THIS CASE IS DIFFERENT THAN ANY OTHER CASE.

7 THE COURT: THAT IS STUPID. WHO EVER SUGGESTED THAT,
8 THAT HIS GUILT OR INNOCENCE BE SUBMITTED ON THE TRANSCRIPT?

9 MR. CHIER: YOU SEEM TO THINK THE CASE IS SIMILAR TO
10 ANY OTHER CASE THAT HAS BEEN SUBMITTED IN HERE AND IT IS NOT.

11 THE COURT: I WOULD SUGGEST, MR. BARENS, THAT YOU ADDRESS
12 THE COURT, UNLESS IT IS ABSOLUTELY NECESSARY TO HEAR FROM
13 YOUR ASSISTANT COUNSEL.

14 MR. BARENS: THANK YOU, YOUR HONOR. I WOULD LIKE TO
15 KNOW WHEN I CAN EXPECT MR. LIVESAY. I WOULD LIKE THE
16 OPPORTUNITY TO COMPARE THE OTHER MATERIALS I HAVE REQUESTED
17 AND IF WE COULD DO THIS MONDAY, INSTEAD OF WEDNESDAY, I WILL
18 BE HAPPY TO DO IT ON MONDAY.

19 THE COURT: ALL RIGHT, I WILL BE HAPPY TO DO IT ON MONDAY.

20 MR. BARENS: DO YOU HAVE ANY FEELINGS ABOUT IT? CAN
21 WE HAVE MR. LIVESAY HERE MONDAY AT SOME ORDERLY TIME, 10:30,
22 9:00 O'CLOCK, AT WHATEVER TIME? LET'S JUST DO IT.

23 MR. WAPNER: IF THE COURT IS GOING TO ORDER MR. LIVESAY
24 OR ORDER ME TO HAVE MR. LIVESAY HERE ON MONDAY, I WILL DO
25 THAT.

26 I WILL TELL YOU I TALKED TO HIM AND HE IS SCHEDULED
27 TO BE OFF ON MONDAY. HE IS NOT SCHEDULED TO BE AT WORK ON
28 MONDAY.

1 THE COURT: WHAT DO YOU MEAN, HE IS GOING ON VACATION,
2 IS THAT IT?

3 MR. WAPNER: RIGHT, HE IS TAKING A DAY OFF.

4 IF THE COURT WANTS TO DO THAT, THAT IS ALL RIGHT
5 BUT I HATE TO INCONVENIENCE HIM, BASED ON THE FACT THAT THE
6 DEFENSE IS MAKING THIS -- HASN'T DONE THEIR HOMEWORK.

7 THE COURT: IS IT YOUR FEELING THAT, MR. WAPNER, THAT
8 THIS MOTION IS NOT TIMELY?

9 MR. WAPNER: YOUR HONOR, IT IS MY FEELING --

10 THE COURT: THEN I WILL RULE ON IT.

11 MR. WAPNER: IF THE DEFENSE WANTS TO MAKE THIS MOTION,
12 THEY SHOULD BE ENTITLED TO A HEARING. I THINK THEY HAVE BEEN
13 NOT TIMELY, AND I HAVE MADE THAT VERY CLEAR TO COUNSEL.

14 THE COURT: YOU HAVEN'T ANSWERED MY QUESTION.

15 SURELY, THEY HAVE A RIGHT TO MAKE ALL OF THE
16 MOTIONS THEY WANT BUT THEY HAVE TO BE TIMELY MADE.

17 MR. WAPNER: IT IS MY FEELING -- I THINK I DID ANSWER
18 YOUR QUESTION -- THAT I DO NOT THINK THAT YOU SHOULD DENY
19 THIS MOTION BECAUSE IT IS NOT TIMELY MADE. I THINK THAT
20 REGARDLESS OF THE FACT THAT IT IS MADE ON THE EVE OF TRIAL --

21 THE COURT: ALL RIGHT THEN, GET MR. LIVESAY HERE ON
22 MONDAY.

23 MR. WAPNER: OKAY.

24 THE COURT: ALL RIGHT, WE WILL PROCEED WITH THE TRIAL
25 OF THE CASE; IS THAT WHAT YOU WANT?

26 MR. BARENS: YES, YOUR HONOR.

27 THE COURT: ARE THERE ANY OTHER MOTIONS?

28 MR. BARENS: NOT AT THIS TIME, YOUR HONOR.

1 MR. WAPNER: WELL, THERE IS A MOTION FOR A SEPARATE
2 SPECIAL CIRCUMSTANCES PHASE OF THE TRIAL AND, FRANKLY, I DON'T
3 THINK THAT WE HEARD THAT MOTION YESTERDAY.

4 AND I ALSO DIDN'T EXACTLY UNDERSTAND THE MOTION
5 WHEN I GOT IT, BECAUSE I DON'T KNOW WHAT THAT MEANS.

6 THE COURT: HE MEANS, I SUPPOSE, THAT IF HE IS FOUND
7 GUILTY OF MURDER IN THE FIRST DEGREE, THEN WE IMPANEL ANOTHER
8 JURY, OR ISN'T THAT WHAT YOU WANTED?

9 MR. WAPNER: WELL, I DON'T THINK SO.

10 MR. BARENS: WELL, NO, YOUR HONOR.

11 (UNREPORTED COLLOQUY BETWEEN MR. CHIER AND
12 MR. BARENS.)

13 MR. BARENS: YES, IN SUBSTANCE THAT IS CORRECT. IT
14 IS ANALOGOUS TO THE MOTION FOR BIFURCATION.

15 THE COURT: DO YOU UNDERSTAND THE MOTION NOW, MR. WAPNER?

16 MR. WAPNER: WELL, IT WAS MY UNDERSTANDING THAT THEY
17 DIDN'T NECESSARILY WANT A SEPARATE JURY BUT THAT THEY WANTED --

18 THE COURT: WHAT IS YOUR UNDERSTANDING?

19 MR. WAPNER: MY UNDERSTANDING OF THE THRUST OF THIS
20 MOTION IN READING THE ARGUMENT WAS THAT THEY DIDN'T WANT --
21 THEY WANTED THE JURY TO TAKE THE SPECIAL CIRCUMSTANCES
22 SEPARATELY AND NOT JUST AS AN APPENDAGE TO THE VERDICT FORM
23 AND, THEREFORE, THEY ARE MOVING FOR A SEPARATE HEARING SO
24 THE SAME JURY WOULD CONSIDER THE SPECIAL CIRCUMSTANCES AT
25 A DIFFERENT TIME THAN THEY WOULD CONSIDER THE QUESTION OF
26 GUILT OR INNOCENCE. AND THE REASON I SAY I DIDN'T UNDERSTAND
27 IT IS OBVIOUSLY THERE IS NO NEW EVIDENCE.

28 THE COURT: THE WAY IT IS NORMALLY DONE IS WHEN A JURY

1 IS PROPERLY INSTRUCTED, THEN THEY DECIDE WHETHER HE IS GUILTY
2 OR NOT GUILTY. IF IT IS GUILTY OF MURDER IN THE FIRST DEGREE,
3 THEN THEY MAKE A FINDING AS TO THE SPECIAL CIRCUMSTANCES BEING
4 TRUE OR FALSE; ISN'T THAT TRUE?

5 MR. WAPNER: CORRECT.

6 THE COURT: ISN'T THAT THE WAY WE HAVE USUALLY DONE
7 IT?

8 MR. WAPNER: THAT IS HOW IT IS DONE IN EVERY CASE.

9 THE COURT: HOW IS IT THAT THEY WANT IT ANY DIFFERENTLY
10 THAN THAT TODAY?

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1 MR. WAPNER: I DON'T KNOW.

2 ALL I AM SAYING IS, SINCE THEY FILED THIS MOTION,
3 IT IS MY UNDERSTANDING THIS PARTICULAR MOTION WASN'T HEARD
4 YESTERDAY AND THAT BEFORE WE PROCEED IT SHOULD BE --

5 THE COURT: ALL RIGHT, I WILL HEAR THAT MOTION. WHAT
6 IS IT YOU WANT? IS THAT YOUR MOTION?

7 MR. BARENS: MOTION SUBMITTED, YOUR HONOR.

8 THE COURT: WELL, THEN THE MOTION WILL BE DENIED, IF
9 THAT IS WHAT YOU ARE SEEKING.

10 MR. BARENS: THAT IS WHAT WE ARE SEEKING, YOUR HONOR.

11 THE COURT: ALL RIGHT, THE MOTION IS DENIED.

12 MR. BARENS: IN FACT, A TRIFURCATION MIGHT BE MORE A
13 STATE OF THE ART.

14 THE COURT: WE ARE NOT HAVING ANY TRIFURCATION OR
15 BIFURCATION EXCEPT FOR THE GUILT PHASE AND PENALTY PHASE.

16 MR. BARENS: AGAIN, YOUR HONOR HAS ALREADY RULED ON
17 OUR MOTION FOR BIFURCATION?

18 THE COURT: THAT WILL BE DENIED.

19 YOU WANT TO HAVE THE JURY DECIDE THE SPECIAL
20 CIRCUMSTANCE AT A DIFFERENT TIME THAN THE QUESTION OF GUILT
21 OR INNOCENCE.

22 MR. BARENS: THAT IS WHAT WE INDICATED.

23 THE COURT: THEY ARE BOUND TOGETHER. HOW CAN ALL OF
24 THE GUILT PHASE AND THE SPECIAL CIRCUMSTANCES PHASE NOT BE
25 PART OF ONE TRIAL?

26 MR. BARENS: I BELIEVE THE GUILT PHASE CAN BE, YOUR
27 HONOR.

28 THE COURT: IF THE CLAIM OF THE PEOPLE IS THAT THE

1 DEATH PENALTY IS PROPER AND THE SPECIAL CIRCUMSTANCE BEING
2 THE ROBBERY --

3 MR. BARENS: RIGHT.

4 THE COURT: -- THE DEATH OCCURRING DURING THE COURSE
5 OF THE ROBBERY --

6 MR. BARENS: THAT IS MY POINT.

7 THE COURT: -- HOW CAN YOU BIFURCATE THAT?

8 MR. BARENS: WELL, YOUR HONOR, ALL OF THIS STARTED WITH
9 THE FACT THAT WE WERE NEVER BOUND OVER FROM THE PRELIMINARY
10 ON THE 211. AT THE PRELIMINARY HEARING, JUDGE KIDNEY AT THE
11 PRELIMINARY HEARING NEVER BOUND THE DEFENDANT OVER ON THE
12 211, TO BEGIN WITH AND, YET, WE END UP AT THIS TRIAL WITH
13 THE 211.

14 I BELIEVE THE JUDGE, HAVING TO REGARD THAT IN
15 AN ISOLATED CONTEXT, COULD NOT FIND A 211 BECAUSE THERE ARE
16 SIMPLY NO FACTS IN SUPPORT OF IT.

17 THE COURT: IF THERE IS A ROBBERY, THEN THERE CANNOT
18 BE ANY DEATH PENALTY.

19 MR. BARENS: YES.

20 BUT BEFORE WE GET TO THE DEATH PENALTY PHASE,
21 WE WILL BE DOING THE GUILT PHASE.

22
23 THE COURT: CERTAINLY, YOU DO THE GUILT PHASE FIRST.
24 IF THERE IS NO ROBBERY, THEN THERE IS NOTHING TO BE CONSIDERED
25 AFTER THAT.

26 MR. BARENS: WELL, THE PROBLEM IS WE CAN BE GUILTY ON
27 A MURDER COUNT. WE HAVE GOT THE 211 THERE AND WE WOULD LIKE
28 THEM TO ADDRESS --

1 THE COURT: TELL ME HOW ONE CAN BE GUILTY OF A MURDER
2 CASE IF IT WAS IN THE COURSE OF ROBBERY OR PURSUANT TO A
3 ROBBERY THAT WAS INVOLVED IN IT, HOW CAN YOU SEPARATE THAT?

4 MR. BARENS: I WILL SUBMIT IT, YOUR HONOR. I AM JUST
5 NOT GOING TO TAKE UP ANY MORE OF YOUR HONOR'S TIME.

6 THE COURT: ALL RIGHT.

7 MR. WAPNER: LET ME JUST MAKE A FEW COMMENTS, BECAUSE
8 I CONCUR WITH THE COURT THAT THE ROBBERY AND THE SPECIAL
9 CIRCUMSTANCES ARE INEXTRICABLY BOUND AND THAT IS WHY I SAID
10 I DIDN'T UNDERSTAND WHAT THEY WANTED TO DO, BECAUSE IF YOU
11 HAD A SEPARATE PHASE FOR THE SPECIAL CIRCUMSTANCES, THERE
12 IS NOT GOING TO BE ANY ADDITIONAL EVIDENCE. IT IS ALL THE
13 SAME EVIDENCE AND WHAT ARE YOU GOING TO DO, BRING A JURY BACK
14 IN AND SAY "OKAY, NOW GO BACK AND DECIDE THAT SEPARATELY?"

15 THE COURT: PRECISELY.

16 MR. BARENS: WELL, NO.

17 MR. WAPNER: AS FAR AS COUNSEL'S COMMENTS ABOUT THE
18 ROBBERY, IN THE SPECIAL CIRCUMSTANCES PHASE, THEY ARE NOT
19 DECIDING WHETHER OR NOT THERE WAS A ROBBERY. THEY DON'T FIND
20 GUILT OR INNOCENCE ON A ROBBERY. THEY MAKE A FINDING OF THE
21 TRUTH OR FALSITY OF A SPECIAL CIRCUMSTANCE.

22 THE COURT: WHICH INCLUDES ROBBERY, SO YOU DON'T HAVE
23 TO HAVE ANY SEPARATE CHARGE FOR ROBBERY, THAT IS HIS POSITION
24 AND I THINK HE IS RIGHT. THEY HAVE TO PROVE THE ROBBERY.
25 YOU DON'T HAVE TO CHARGE A ROBBERY, YOU HAVE TO PROVE THE
26 ROBBERY AND MURDER.

27 MR. WAPNER: YOUR HONOR, THERE IS ONE OTHER THING THAT
28 I WOULD LIKE TO HAVE HEARD AND THAT IS, WE HAD A DISCUSSION
YESTERDAY AND I THINK WE DO NOT HAVE A CLEAR RECORD ABOUT

1 A DEFENSE MOTION FOR A CHALLENGE TO THE OVERALL JURY PANEL
2 AND WHAT I WOULD LIKE TO DO, WITH THE COURT'S PERMISSION,
3 IS TO SCHEDULE A HEARING ON WEDNESDAY, SINCE NEXT TUESDAY
4 IS A COURT HOLIDAY, AND SUBPOENA MR. ARCE OR ACTUALLY ASK
5 HIM TO COME IN AND TESTIFY AND EXPLAIN THE PROCEDURES THAT
6 ARE FOLLOWED FOR SELECTING JURORS IN THIS DISTRICT AND HAVE
7 COUNSEL ASK HIM QUESTIONS.

8 THE COURT: WHY NOT HAVE OUR JURY SUPERVISOR HERE? SHE
9 IS AWARE OF HOW JURORS ARE SELECTED AND WHERE THEY COME FROM.

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1 MR. WAPNER: WELL, MY PREFERENCE IS TO HAVE MR. ARCE
2 BECAUSE HE DOES IT FOR THE WHOLE COUNTY AND, FIRST OF ALL,
3 HE DOES THIS OFTEN.

4 THE COURT: WHEN DO YOU WANT TO GET HIM IN?

5 MR. WAPNER: WELL, SINCE WE ARE HAVING MR. LIVESAY HERE
6 ON MONDAY, I WOULD LIKE TO HAVE MR. ARCE HERE ON WEDNESDAY.

7 THE COURT: DO YOU WANT THAT HEARING?

8 MR. BARENS: YES.

9 MR. CHIER: BUT IN AID OF THAT, WE WOULD LIKE THE
10 QUESTIONNAIRES SUBMITTED TO THE JURORS.

11 THE COURT: THE JURORS ARE NOT GOING TO HAVE ANY
12 QUESTIONNAIRE, I AM TELLING YOU THAT RIGHT NOW.

13 MR. CHIER: COULD I BE HEARD AS TO WHY?

14 THE COURT: I DON'T WANT TO HEAR YOU ON ANYTHING FURTHER
15 ABOUT THAT SUBJECT. I DON'T LIKE THE QUESTIONNAIRE. I DON'T
16 LIKE THE QUESTIONS WHICH ARE CONTAINED IN THERE, THERE ARE
17 QUESTIONS THAT ARE CLEARLY IMPROPER. I ALSO THINK IT WOULD
18 BE REPETITIOUS OF WHAT YOU HAVE TO ASK THE JURORS ON THE
19 RECORD ON VOIR DIRE.

20 MR. CHIER: YOUR HONOR IS NOT ALLOWING ME TO MAKE A
21 RECORD ON THAT ISSUE?

22 THE COURT: WE HAVE A SUFFICIENT RECORD. WE DON'T NEED
23 ANY MORE.

24 MR. CHIER: I DON'T FEEL THE RECORD IS SUFFICIENT,
25 FROM MY POINT OF VIEW.

26 THEE COURT: YOU HAVE A RECORD WHICH IS SUFFICIENT FROM
27 MY POINT OF VIEW. YOU HAVE A RECORD OF IT.

28 MR. CHIER: I WOULD LIKE TO STATE THE REASONS FOR IT,

1 WHY IT SHOULD BE FILLED OUT IN CONNECTION WITH THE ARCE
2 HEARING.

3 THE COURT: I DON'T WANT TO HEAR ANYTHING FURTHER ABOUT
4 IT.

5 MR. BARENS: YOUR HONOR, SO I CAN AVOID PROBLEMS WITH
6 THE COURT, WHEN WE GO TO DO OUR ORAL VOIR DIRE, COULD YOUR
7 HONOR PERHAPS, NOT LATER THAN WEDNESDAY, INDICATE FROM
8 EXHIBIT A, THE QUESTION NUMBERS THAT YOUR HONOR FOUND
9 OBJECTIONABLE AND ALLOW A FEW MOMENTS PERHAPS THAT DAY TOWARD
10 A DISCUSSION ON THE QUESTION NUMBERS THAT YOUR HONOR OBJECTS
11 TO?

12 THE COURT: SURELY.

13 MR. BARENS: THANK YOU. I WOULD APPRECIATE IT.

14 THE COURT: I WILL GO OVER THEM AND INDICATE TO YOU
15 WHICH I THINK I WILL PERMIT ON THE VOIR DIRE OF THE JURY.

16 MR. BARENS: THAT IS WHAT I AM ASKING.

17 MR. WAPNER: YOUR HONOR, I DON'T AGREE THAT THE
18 QUESTIONNAIRE IS NECESSARY FOR THE ARCE HEARING BUT I DON'T
19 THINK IT IS GOING TO TAKE MORE THAN A COUPLE OF MINUTES FOR
20 MR. CHIER TO ARTICULATE WHY HE THINKS THAT IT IS.

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1 THE COURT: WHAT IS IT FOR? THE ARCE HEARING? WE
2 DON'T NEED THIS QUESTIONNAIRE FOR THAT, DO WE?

3 MR. WAPNER: WELL, THERE IS A THEORY -- THE THEORY IS
4 THAT I ASSUME, THAT HE WANTS TO KNOW WHO WAS ON THIS
5 PARTICULAR PANEL.

6 THE COURT: WHAT DOES THAT HAVE TO DO WITH THE ARCE
7 HEARING?

8 MR. WAPNER: MY FEELING IS THAT IN THE ARCE HEARING,
9 THAT HAS TO DO WITH THE GENERAL PANEL THAT COMES INTO
10 SANTA MONICA AND NOT NECESSARILY THE 100 OR 150 PEOPLE THAT
11 HAPPENED TO BE SITTING ON THIS PARTICULAR CASE.

12 BUT WHAT I AM SUGGESTING IS, THAT WHATEVER IT
13 HAS TO DO WITH THE ARCE HEARING, MR. CHIER HAS SOME THEORY
14 ON IT THAT HE WANTS --

15 THE COURT: YOU WANT ME TO HAVE IT ON THE RECORD?

16 MR. WAPNER: HE WANTS TO PUT IT ON THE RECORD.

17 THE COURT: PUT IT ON THE RECORD. HOW LONG WILL IT
18 TAKE?

19 MR. CHIER: I NOTICE THAT YOU ARE LOOKING AT YOUR WATCH.
20 IS THERE A TIME LIMIT?

21 THE COURT: YES. I WILL GIVE YOU FIVE MINUTES TO PUT
22 ON THE RECORD WHY -- WHAT CONNECTION THIS QUESTIONNAIRE HAS
23 WITH ANYTHING RELATING TO MR. ARCE.

24 MR. CHIER: THE MOTION TO QUASH THE ENTIRE PANEL HAS
25 BEEN MADE ON MULTIPLE GROUNDS, CONSTITUTIONAL IN NATURE.

26 THE PANEL THAT IS ELECTED TO SERVE IN THIS
27 JUDICIAL DISTRICT AND IN THIS CASE, IT IS OUR CONTENTION,
28 IS CONSTITUTIONALLY INFIRM IN THAT COGNIZABLE GROUPS OF

2
1 PERSONS ARE SYSTEMATICALLY EXCLUDED FROM THE JURY SELECTION
2 PROCESS.

3 THE COURT: WHO ARE THEY?

4 MR. CHIER: THEY ARE PERSONS OF LOW INCOME. THEY ARE
5 PERSONS WHO DO NOT REGISTER TO VOTE. THEY ARE --

6 THE COURT: WHAT SUPPORT HAVE YOU GOT FOR A STATEMENT
7 OF THAT KIND, THAT PEOPLE ARE EXCLUDED FROM SERVING ON THE
8 JURY BECAUSE THEY ARE IN THE LOW INCOME BRACKET? WHERE DO
9 YOU GET THAT FROM? WHERE DO YOU GET THAT FROM?

10 MR. CHIER: YOUR HONOR, I WAS IN MIDSSENTENCE WHEN YOU --

11 THE COURT: WHERE DID YOU GET THAT FROM? I WANT TO
12 KNOW THE BASIS OF THAT PARTICULAR REMARK THAT NO PERSONS OF
13 LOW INCOME ARE PERMITTED TO SERVE OR CALLED FOR SERVICE ON
14 THE JURY.

15 MR. CHIER: THE JURORS ARE SELECTED FROM MOTOR VEHICLE
16 LICENSING RECORDS --

17 THE COURT: ALSO FROM THE VOTER'S REGISTRATION.

18 MR. CHIER: ALSO FROM THE VOTER'S REGISTRATION.
19 DEMOGRAPHIC STUDIES HAVE BEEN DONE TO SHOW THAT PERSONS IN
20 LOW INCOME GROUPS DO NOT ALWAYS REGISTER TO VOTE AND --

21 THE COURT: IS THERE ANY CASE AGAINST THIS SYSTEM
22 THAT WE PRESENTLY HAVE IN LOS ANGELES COUNTY? IS THERE
23 ANYTHING THAT SAYS THE SYSTEM WE HAVE IS IMPERFECT, NOT ONLY
24 IMPERFECT, BUT UNCONSTITUTIONAL? HAVE YOU GOT A SINGLE CASE?

25 MR. CHIER: YOUR HONOR, WE ARE TRYING TO --

26 THE COURT: HAVE YOU GOT A SINGLE CASE WHICH HAS SO
27 RULED?

28 MR. CHIER: ONLY THE WILLIAMS CASE.

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1 THE COURT: THE WILLIAMS CASE HAS NOTHING TO DO WITH
2 IT.

3 MR. CHIER: THE WILLIAMS CASE HAS TO DO WITH SELECTING --

4 THE COURT: IT HAS NOTHING TO DO WITH LOW INCOME OR
5 HIGH INCOME.

6 MR. CHIER: WELL, IT HAD TO DO WITH THE --

7 THE COURT: GO ON. FINISH YOUR STATEMENT. I WON'T
8 INTERRUPT YOU ANY MORE. GO AHEAD.

9 MAKE A RECORD FOR YOURSELF.

10 MR. CHIER: THAT THERE ARE PERSONS WHO ARE EXCLUDED
11 FROM JURY SERVICE AND ARE NOT CALLED FOR JURY SERVICE BECAUSE
12 THEY DO NOT RETURN THE QUESTIONNAIRE, EVEN THOUGH THEY ARE
13 SENT TO THEM, THEREBY ELIMINATING ANOTHER COGNIZABLE GROUP
14 OF JURORS, YOUR HONOR.

15 THE FACT THAT THE JURORS ARE NOT SELECTED FROM
16 PUBLIC UTILITY ROLLS OR OTHER GENERAL DEPOSITORIES OF
17 CITIZENS' NAMES OTHER THAN THE MOTOR VEHICLE AND VOTER'S
18 REGISTRATION LISTS, RESULTS IN THE ELIMINATION OF THOSE
19 COGNIZABLE GROUPS.

20 IN ADDITION, IT WILL BE OUR CONTENTION -- WE CAN
21 HAVE THE FORMS FILLED OUT -- THAT PERSONS ARE BEING EXCUSED
22 FOR HARDSHIP RESULTING IN A JURY PANEL COMPOSED OF RETIRED
23 PERSONS AND UPPER MIDDLE CLASS PERSONS WHO ARE LEFT AFTER
24 THE ELIMINATION OF OTHER PERSONS THAT ARE REPRESENTATIVE OF
25 THE COMMUNITY BUT WHO ARE NOT SUMMONED IN AND CALLED FOR JURY
26 SERVICE.

27 AND THESE FORMS, IF FILLED OUT, WILL GIVE THE
28 DEMOGRAPHIC BASIS FOR THESE CLAIMS WHICH WE ARE TALKING ABOUT

1 AS TO THEIR INFORMATION AND BELIEF.

2 THE COURT: HAVE YOU FINISHED?

3 MR. CHIER: YES, YOUR HONOR.

4 THE COURT: I WILL ADHERE TO THE SAME RULING. THESE
5 QUESTIONNAIRES WILL NOT BE DISTRIBUTED AMONG THE PROSPECTIVE
6 JURORS.

7 MR. WAPNER: I JUST WANT TO KNOW THE PROCEDURE THAT
8 WE ARE NOW INTENDING TO FOLLOW ON THE HARDSHIP WHEN WE BRING
9 THE PEOPLE IN.

10 MR. BARENS: THAT WAS MY QUESTION --

11 THE COURT: THAT PROCEDURE IS THAT I WILL FOLLOW THE
12 FORM GENERALLY PRESENTED BY COUNSEL FOR THE DEFENDANT. I
13 WILL ASK THE JURORS ABOUT WHETHER OR NOT -- WHAT THEIR
14 REASONS ARE FOR SEEKING TO BE EXCUSED FOR HARDSHIP OR
15 MEDICAL DISABILITY OR WHETHER -- WHERE DID YOU GET THE
16 PREPAID VACATION PLAN? IS THAT A PART OF --

17 MR. BARENS: WELL, AGAIN, OUT OF A SENSE OF JUSTICE
18 FOR THESE PEOPLE. ONE OF THE THINGS THAT WE WANT TO MENTION
19 TO THE COURT OR REQUEST OF THE COURT, IS THAT YOUR HONOR,
20 WE HAD SOME DISCUSSION AMONG COUNSEL THIS MORNING -- WELL,
21 I WILL COMMENT ON THAT LATER.

22 YOUR HONOR, IT SEEMED LIKE THE APPROPRIATE THING
23 TO DO.

24 THE COURT: WELL, WAS THIS BASED ON ANYTHING THAT WAS
25 DECIDED BY ANY COURT?

26 MR. CHIER: YES, YOUR HONOR. THIS WAS THE COPY OF THE
27 FORM THAT WAS DISTRIBUTED TO THE JURY IN SAN FERNANDO BY
28 JUDGE SCHWAB IN THE CASE MR. CHALEFF WAS DOING. WE JUST

5
1 FRANKLY, PLAGIARIZED IT.

2 THE COURT: WELL, ONE JUDGE HAS DONE IT ONE WAY AND
3 ANOTHER JUDGE HAS DONE IT ANOTHER WAY. I WILL DO IT MY OWN
4 WAY, WHICH I HAVE DONE FOR 25 YEARS, TO BE EXACT AND NEVER
5 BEEN CRITICIZED BY ANY COURT.

6 I WILL ASK THE APPROPRIATE QUESTIONS. I CAN'T
7 ANTICIPATE WHAT EACH, SINGLE PERSON IS GOING TO SAY AS TO
8 WHY IT CONSTITUTES AN ECONOMIC HARDSHIP OR A MEDICAL
9 DISABILITY.

10 I WILL TREAT EACH CASE ON ITS OWN MERIT WHEN THE
11 TIME COMES.

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1 MR. WAPNER: ALL RIGHT. AS FAR AS THE PARTICULAR
2 PROCEDURE WE ARE GOING TO FOLLOW, WE ARE GOING TO BRING ALL
3 OF THE JURORS IN?

4 THE COURT: ALL OF THE JURORS WILL BE BROUGHT IN IF
5 WE ARE READY TO GO TO TRIAL, WHICH HOPEFULLY, WILL BE VERY
6 SOON. ALL OF THE JURORS WILL BE BROUGHT IN.

7 AND AS THE FIRST INQUIRY, I WILL TELL THEM WHAT
8 THE CASE GENERALLY, IS ABOUT. THEN I WILL TELL THEM THAT
9 IT IS ANTICIPATED THAT THE CASE WILL TAKE -- HOW LONG DO
10 YOU ANTICIPATE IT WILL TAKE?

11 MR. WAPNER: WELL, I THINK THAT WE WILL HAVE TO ASK
12 COUNSEL ALSO WHAT THEIR ESTIMATE IS. BUT IT SEEMS LIKE IN
13 THIS CASE, PROBABLY ASSUMING THAT IT WENT TO THE PENALTY
14 PHASE, PROBABLY ABOUT THREE MONTHS.

15 THE COURT: THREE MONTHS? NOW, I WILL TELL THEM THAT
16 IT IS ANTICIPATED THAT THE CASE WILL TAKE THREE MONTHS. THAT
17 IS YOUR ESTIMATE OF IT.

18 NOW, OBVIOUSLY, I WILL ASK WHETHER OR NOT IT
19 WOULD BE A FINANCIAL HARDSHIP TO THEM TO DO IT FOR ANY REASON
20 OR REQUEST THE REASON WHY THEY WANT TO BE EXCUSED.

21 I WILL LISTEN TO THE FACTS IN EACH ONE OF THE
22 CASES. I CAN'T ANTICIPATE WHAT THEY ARE GOING TO SAY AND
23 MAKE A RULING IN ADVANCE.

24 MR. WAPNER: NO. I UNDERSTAND THAT. WHAT I AM
25 SUGGESTING IS THAT INITIALLY, WHEN WE BRING THE WHOLE PANEL
26 IN, THERE WILL BE A GROUP WILL NOT HAVE HARDSHIP. THERE WILL
27 BE A GROUP WHO CAN SERVE FOR THREE MONTHS.

28 THE COURT: WE WILL WAIT UNTIL WE HAVE GONE THROUGH

1 THE HARDSHIP INTERROGATION.

2 MR. WAPNER: WELL, THAT IS WHAT I AM GETTING AT. WHEN
3 YOU SAY THAT THEY WILL WAIT, WHAT I WOULD EXPECT WOULD BE
4 THAT THE GROUP WHO ARE CLAIMING THE HARDSHIP -- I AM
5 SUGGESTING A PROCEDURE WHERE THEY WOULD BE BROUGHT INTO THE
6 COURTROOM IN GROUPS OF 12 OR 14 OR HOWEVER MANY COULD FIT
7 IN THE JURY BOX.

8 AND EACH ONE AT THAT TIME, WOULD GIVE THEIR
9 REASONS FOR THE HARDSHIP. AND WITHOUT ANY DECISION BEING
10 MADE AT ALL WHILE THEY ARE SITTING THERE, THEN THESE 12 WOULD
11 EITHER --

12 THE COURT: WELL, IN THE EVENT THAT THEY ENUNCIATE THE
13 REASONS WHY, WHY CAN'T I MAKE A DECISION? I FIRST WILL ASK
14 YOU WHETHER YOU ARE IN AGREEMENT.

15 IF NOT, I WILL MAKE A DETERMINATION WHETHER OR
16 NOT THERE IS HARDSHIP.

17 MR. WAPNER: THE ONLY REASON I AM ASKING YOU NOT TO
18 MAKE A DETERMINATION AT THE MOMENT THAT THE JUROR MAKES A
19 STATEMENT, IS SO THAT NONE OF THE PEOPLE ARE EDUCATED BY THE
20 OTHERS. SO THAT --

21 THE COURT: WELL, THEY WILL HEAR ALL OF THE REASONS,
22 ALL OF THE QUESTIONS.

23 MR. CHIER: THAT IS WHY WE PREPARED A WRITTEN
24 QUESTIONNAIRE UNDER PENALTY OF PERJURY.

25 THE COURT: ALL RIGHT.

26 MR. WAPNER: COUNSEL, IF I MIGHT JUST HAVE A MOMENT --
27 WE WILL HEAR ALL OF THE REASONS. BUT, THEY WON'T KNOW WHICH
28 REASONS THE COURT IS GOING TO ACCEPT.

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1 THE COURT: WELL, I WILL MAKE A DETERMINATION AFTER
2 I HAVE HEARD ALL OF THEM. WE WILL MAKE A DETERMINATION WHICH
3 OF THOSE JURORS SHOULD BE EXCUSED.

4 MR. WAPNER: RIGHT. EITHER BY COMING UP TO THE BENCH
5 OR BY EXCUSING THE 12 AND ASKING THEM TO WAIT IN THE HALLWAY
6 AND THEN ON THE RECORD, MAKING A DETERMINATION WHICH SHOULD
7 BE EXCUSED AND CALLING THAT GROUP BACK IN AND EXCUSING THEM.

8 THE COURT: IF YOU WANT IT DONE THAT WAY AND IT IS
9 AGREEABLE TO COUNSEL, I HAVE NO OBJECTION.

10 MR. BARENS: I WOULD URGE THE SAME PROCEDURE SO AS NOT
11 TO EDUCATE THEM.

12 THE COURT: I WILL DO IT THAT WAY IF YOU WANT ME TO.
13 OR ALTERNATIVELY, I WILL HAVE THEM ALL WAIT OUTSIDE AND JUST
14 TAKE THEM ONE AT A TIME.

15 MR. BARENS: I WOULDN'T MIND IT AT ALL.

16 MR. CHIER: THE BEST WAY WOULD BE TO FILL OUT THE FORM
17 AND RETURN IT.

18 THE COURT: THEN WE GET THE QUALIFICATIONS AND --

19 MR. WAPNER: WELL, THE ONLY REASON I SUGGESTED THE 12
20 TO 14 IS BECAUSE IT WOULD BE FASTER.

21 THE COURT: WELL, WE HAVE GOT TO ASK THEM THE SAME
22 QUESTIONS.

23 MR. WAPNER: WE WON'T HAVE TO APPROACH THE BENCH WITH
24 RESPECT TO EACH ONE OF THEM.

25 MR. CHIER: YOUR HONOR, IF THEY COULD JUST TAKE
26 15 MINUTES TO FILL OUT THE FORM, THEN THEY COULD --

27 THE COURT: YOU ARE ASKING THEM THE SAME QUESTIONS FOR
28 THE RECORD?

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MR. CHIER: NO. WE WOULD JUST HAVE TO ASK FOLLOW-UP
QUESTIONS AT THAT PARTICULAR TIME. THEY HAVE SIGNED A
STATEMENT UNDER PENALTY. THAT WOULD GO INTO EVIDENCE AND
THAT IS IT. WE WOULD SAVE A LOT OF TIME. THAT IS WHY WE
DID THIS, FOR THAT PURPOSE AND NOT TO --

1 THE COURT: I THINK MAYBE WE WILL TAKE THEM ONE AT A
2 TIME AND ASK THEM REGARDING THE HARDSHIP. WE WILL TAKE THE
3 PROSPECTIVE JURORS ONE AT A TIME AND THEN MAKE A RULING WHILE
4 THEY ARE HERE.

5 MR. WAPNER: THEN WHAT I SUGGEST THAT IS IF YOU ARE
6 GOING TO BRING THEM ALL IN EITHER DO IT NOW OR AT 1:30 AND
7 THEN THOSE --

8 THE COURT: TODAY?

9 MR. WAPNER: WELL, I DON'T KNOW.

10 MR. BARENS: WAIT A MINUTE. HOW CAN WE DO THAT BEFORE
11 THE LIVESAY HEARING?

12 THE COURT: DON'T YOU WANT A LIVESAY HEARING?

13 MR. BARENS: YES, YOUR HONOR.

14 I WOULD NOT WANT THE JURORS TOUCHED AT ALL.

15 THE COURT: WE CAN'T START THIS THING UNTIL WE HAVE
16 THE LIVESAY HEARING -- WAIT A MINUTE -- I DON'T THINK --

17 I THINK WE CAN CONCEIVABLY TAKE THE HARDSHIP CASES
18 BEFORE WE HAVE A LIVESAY HEARING, IT DOESN'T MAKE ANY
19 DIFFERENCE, YOU SAY?

20 MR. BARENS: WELL, YOUR HONOR HAS TO EXPLAIN TO THEM
21 THAT YOU ARE EITHER DEALING WITH A DEATH PENALTY CASE OR NOT.

22 MR. WAPNER: NOT ON THE HARDSHIP PHASE, I DON'T THINK
23 WE DO.

24 MR. BARENS: YOUR HONOR, I WOULD LIKE TO BE CONSISTENT
25 IN DEALING WITH THESE PEOPLE. YOU GET THEM IN HERE AND PEOPLE
26 ARE GOING TO SNEAK THROUGH -- NOT SNEAK THROUGH, I TAKE THAT
27 BACK -- PEOPLE ARE GOING TO COME THROUGH WHO ARE NOT ON A
28 HARDSHIP BASIS AND ALL OF A SUDDEN THEY ARE THEN TOLD THAT

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1 "YOU ARE HERE ON A DEATH PENALTY CASE", YOUR HONOR, I DON'T
2 LIKE IT, THERE IS SOMETHING ABOUT THAT THAT SEEMS DISHONEST.

3 THE COURT: WHAT I INTEND TO DO IS TO HAVE ALL OF THE
4 JURORS TOGETHER AND TELL THEM THE TYPE OF CASE THAT WE HAVE
5 AND PRELIMINARILY, I WILL ASK WHICH OF THE JURORS CANNOT STAY
6 FOR REASONS OF MEDICAL DISABILITY OR FINANCIAL HARDSHIP OR
7 OTHER GOOD REASON THAT THEY WANT TO BE EXCUSED, THEN THEY
8 WILL RAISE THEIR HANDS AND THEY WILL REMAIN AND THE OTHER
9 JURORS WILL LEAVE THE COURTROOM, IS THAT ALL RIGHT? AND THEN
10 WE WILL TAKE THEM EITHER IN CHAMBERS OR HAVE THE OTHER JURORS
11 WAIT AND TAKE THEM ONE AT A TIME AND HAVE THEM COME IN AND
12 THEY WILL BE ADMONISHED NOT TO DISCUSS ANYTHING AT ALL AS
13 TO WHAT TRANSPIRED.

14 (UNREPORTED COLLOQUY BETWEEN THE COURT AND
15 THE CLERK.)

16 THE COURT: PARDON ME. THE CLERK TELLS ME THAT THERE
17 ARE 143 JURORS WHICH WE GOT IN THIS MORNING. DO WE WANT ALL
18 143 COMING INTO THE COURTROOM? THEY WILL HAVE TO BE AROUND
19 THE HALLS AND SO FORTH. WE WILL FIRST MAKE INQUIRY OF THOSE
20 WHO ARE GOING TO BE HARDSHIP CASES.

21 MR. BARENS: YES, YOUR HONOR.

22 THERE IS ONE OTHER QUALIFICATION YOU MIGHT OFFER
23 UP TO THE JURORS. THERE WAS SOME DISCUSSION AMONG COUNSEL
24 THIS MORNING ABOUT HAVING THE WEEK BETWEEN CHRISTMAS AND
25 NEW YEARS OFF, THAT THE JURORS COULD BE TOLD THAT BECAUSE,
26 LIKE MYSELF, YOUR HONOR, FRANKLY, I HAVE A COMMITMENT DURING
27 THAT PERIOD OF TIME WITH MY FAMILY.

28 THE COURT: ALL RIGHT.

1 MR. BARENS: I THINK WE SHOULD ADVISE THEM WE WILL BE
2 DARK, SAY, THE DAY BEFORE CHRISTMAS TO NEW YEAR'S DAY OR
3 SOMETHING. I THINK IT IS A FAIR PLAY ITEM TO ADVISE THEM
4 ON.

5 THE COURT: I THINK SO, TOO.

6 MR. BARENS: IT MAY MAKE IT MORE ATTRACTIVE TO OUR PANEL.

7 THE COURT: IT IS AGREEABLE WITH ME IF IT IS AGREEABLE
8 TO YOU.

9 MR. WAPNER: THAT IS FINE, I CONCUR WITH THAT.

10 THE COURT: WE WILL BE DARK THAT WEEK, WE HAVE OTHER
11 BUSINESS WE CAN HANDLE.

12 THE CLERK: THE NEXT DAY IS FRIDAY SO IT WOULD BE THE
13 5TH OF JANUARY?

14 MR. BARENS: YES, THAT IS FINE.

15 THE COURT: IN THE MEANTIME, HAVE THEM COME BACK 1:30.

16 THE CLERK: I BELIEVE SHE ASKED THEM TO COME BACK AT
17 2:00, YOUR HONOR.

18 THE COURT: AT 2:00, ALL RIGHT.

19 I THINK MAYBE WE OUGHT TO HAVE ALL OF THEM IN
20 AND I WILL GIVE THEM A GENERAL IDEA OF THE NATURE OF THE
21 CASE WE ARE ABOUT TO TRY.
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1 THE FIRST QUESTION PRELIMINARILY WILL BE TO EXCUSE
2 THOSE JURORS WHO HAVE GOOD REASON, A LEGAL EXCUSE, NAMELY,
3 ECONOMIC HARDSHIP, FINANCIAL HARDSHIP OR A MEDICAL DISABILITY.

4 MR. CHIER: YOUR HONOR, I DON'T BELIEVE THEY SHOULD
5 BE ADVISED THAT IT IS A DEATH PENALTY CASE AT THIS TIME. IT
6 WOULDN'T BE APPROPRIATE BECAUSE --

7 THE COURT: ISN'T THAT WHAT YOU WANTED?

8 MR. BARENS: WELL, YOU SEE --

9 THE COURT: ISN'T THAT WHAT YOU JUST SUGGESTED?

10 MR. BARENS: YES.

11 THE COURT: YOU WANTED TO DO THAT AND NOW YOU HAVE GOT
12 COUNSEL THAT DISAGREES WITH YOU.

13 MR. BARENS: MY PROBLEM WITH DOING THIS PRE-LIVESAY,
14 YOUR HONOR, IS THAT I HAVE A PROBLEM IN MY MIND ABOUT WHAT
15 WE TELL THEM ABOUT THE NATURE OF THIS CASE. BY NOT TELLING
16 THEM, NOT KNOWING WHAT THE RULING IS GOING TO BE ON THE
17 LIVESAY MOTION, THERE ARE IMPLICATIONS BOTH WAYS. IF THE
18 COURT RULES AGAINST THE DEFENSE ON THE LIVESAY MOTION, WE
19 NOW HAVE TO INTRODUCE A MAJOR NEW ADVICE TO THE JURY ABOUT
20 WHY THEY ARE HERE.

21 MR. CHIER: MAY I HAVE JUST A MOMENT TO CONFER WITH
22 COUNSEL HERE, YOUR HONOR?

23 (UNREPORTED COLLOQUY BETWEEN MR. BARENS

24 AND MR. CHIER.)

25 MR. BARENS: YES, YOUR HONOR, OUR STRONG PREFERENCE,
26 IF YOUR HONOR IS COMMITTED TO MAKING THE HARDSHIP INQUIRY
27 PRIOR TO RULING ON THE LIVESAY MOTION, WE WOULD NOT WANT YOUR
28 HONOR TO ADVISE THAT IT IS A DEATH PENALTY CASE, THAT IS WHAT

1 I SAID EARLIER AND THAT IS WHAT I AM REITERATING NOW.

2 THE COURT: WHY NOT?

3 MR. BARENS: WHY?

4 IT IS OBVIOUS, YOUR HONOR, THAT THERE ARE CERTAIN
5 TYPES OF JURORS THAT ARE MORE ATTRACTIVE TO THE DEFENSE AND
6 IF THESE JURORS --

7 THE COURT: IT IS SUFFICIENT FOR ME TO TELL THEM THAT
8 THIS IS A MURDER CASE WITHOUT SAYING WHETHER IT IS A DEATH
9 PENALTY CASE.

10 MR. BARENS: THAT WOULD BE ACCEPTABLE TO THE DEFENSE
11 AT THIS POINT, SEEING THAT IS ALL YOU CAN SAY CONCLUSIVELY
12 AT THIS POINT.

13 THE COURT: WHAT DO YOU SAY?

14 MR. WAPNER: I THINK IT IS APPROPRIATE BECAUSE IT WOULD
15 NOT BE APPROPRIATE TO NOW TELL THEM IT IS A DEATH PENALTY
16 CASE AND THEN NEXT WEEK YOU ARE TELLING THEM ALL OF A SUDDEN
17 THAT IT ISN'T. THEY HAVE TO WONDER WHY AND WHAT HAPPENED
18 AND THERE WILL NEVER BE ANY EXPLANATION FOR THAT.

19 MR. BARENS: WE HAVE NO DISAGREEMENT RIGHT AT THIS
20 MOMENT, YOUR HONOR.

21 THE COURT: SO YOU SUGGEST I NOT TELL THEM IT IS A DEATH
22 PENALTY CASE?

23 MR. WAPNER: AT THIS POINT, I DON'T THINK WE HAVE TO.

24 THE COURT: I THOUGHT YOU WANTED ME TO DO THAT. DON'T
25 YOU? WHAT IS IT YOU WANT ME TO DO?

26 MR. WAPNER: RIGHT NOW ON THE HARDSHIP PHASE, ALL WE
27 HAVE TO DO IS TELL THEM THAT IT IS A MURDER CASE AND THAT
28 IT IS EXPECTED TO LAST THREE MONTHS.

1 THE COURT: THAT IS EXACTLY WHAT I SAID.

2 MR. WAPNER: THAT IS FINE.

3 THE COURT: YOU ARE IN AGREEMENT WITH THAT, THAT WE
4 DO IT THAT WAY?

5 MR. WAPNER: YES.

6 THE COURT: ALL RIGHT, THEN I WILL DO IT THAT WAY.

7 MR. BARENS: THANK YOU.

8 THE COURT: ALL RIGHT, COME BACK AT 2 O'CLOCK.

9 MR. BARENS: ALL RIGHT, THANK YOU, YOUR HONOR.

10 MR. WAPNER: AND WE WILL RECONVENE AGAIN BEFORE WE BRING
11 THE JURORS IN? I MEAN WE ARE NOT GOING TO SHOW UP AT 2:00
12 WITH THE --

13 THE COURT: SURE. DO YOU WANT TO COME AT QUARTER TO
14 2:00 SO YOU GET HERE BEFORE THE JURORS GET HERE, BEFORE WE
15 GET THE JURY IN?

16 MR. WAPNER: OH, 2:00 IS FINE. I WANT TO DISCUSS
17 SOMETHING WITH COUNSEL.

18 THE COURT: WELL, MAKE IT A QUARTER OF 2:00, ANY TIME
19 YOU WANT OR 1:30, ANYTHING YOU WANT.

20 MR. WAPNER: NO. 2 O'CLOCK IS FINE, YOUR HONOR.
21 THANK YOU.

22 THE COURT: ALL RIGHT.

23 (AT 12:07 P.M. A RECESS WAS TAKEN
24 UNTIL 2 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, NOVEMBER 5, 1986; 2:15 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS HERETOFORE NOTED.)
4

5 THE COURT: THE PEOPLE VERSUS HUNT. THE DEFENDANT IS
6 PRESENT WITH COUNSEL.

7 MR. BARENS: GOOD AFTERNOON, YOUR HONOR. WELL YOUR
8 HONOR, WE WERE JUST TRYING TO NOW CONFIRM WHAT WE ARE GOING
9 TO BE DOING HERE.

10 ARE YOU PLANNING TO HAVE THE GROUP IN EN MASSE
11 AT THIS TIME AND THEN GENERALLY DESCRIBE THE CASE AND THEN
12 WE ARE GOING TO HAVE THEM IN ONE AT A TIME?

13 I HAD A QUESTION. IF A PERSON SAYS THAT HE HAS
14 AN ECONOMIC HARDSHIP HAVING TO DO WITH THE JOB, IS IT YOUR
15 DESIRE YOUR HONOR, TO THEN SAY TO THEM, "WOULD YOU MIND IF
16 I CALLED YOUR EMPLOYER?" OR, "WOULD YOU CALL YOUR EMPLOYER
17 AND INFORM ME TOMORROW?"

18 WHICH OF THOSE TWO DO YOU PREFER?
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1 THE COURT: WHICH DO YOU THINK IS BEST?

2 MR. BARENS: WELL, I THINK WE SHOULD, AGAIN, OUT OF
3 FAIR PLAY.

4 THE COURT: GIVE THEM A CHANCE --

5 MR. BARENS: GIVE THEM A CHANCE TO CALL THEIR EMPLOYER
6 AND GO FROM THERE.

7 THE COURT: ALL RIGHT.

8 MR. BARENS: ANYTHING FURTHER, MR. WAPNER?

9 THE COURT: DID YOU EVER SEE THIS BOOKLET?

10 MR. BARENS: I HAVE NOT, YOUR HONOR.

11 THE COURT: THIS IS THE EMPLOYERS' PAY JURY LEAVE POLICY
12 BOOKLET, DAYS PAID, UNLIMITED THREE MONTHS MAXIMUM AND SO
13 ON AND SO FORTH. LIKE THEY HAVE THE MAY COMPANY. TAKE A
14 LOOK AT THAT. IF THEY TELL US WHOM THEY WORK FOR, YOU CAN
15 TAKE A LOOK AND SEE WHETHER ANY OF THEIR EMPLOYERS ARE
16 LISTED IN THERE.

17 MR. BARENS: THANK YOU, YOUR HONOR.

18 THE COURT: THEN WE WILL KNOW HOW LONG THEY ARE ENTITLED
19 TO.

20 MR. WAPNER: YOUR HONOR, TWO THINGS: ONE, SINCE WE
21 HAVE 143 PEOPLE, AND I DON'T THINK THERE IS ANY WAY HUMANLY
22 POSSIBLE THAT WE ARE GOING TO GET THEM ALL INTO THE COURTROOM WITH-
23 OUT PACKING IT LIKE SARDINES, MAYBE WE SHOULD JUST SPLIT THEM
24 INTO TWO GROUPS OF 72.

25 THE COURT: IF THEY ALL COME IN HERE, I WILL SAY THIS
26 IS A MURDER CASE, WHICH IT IS ANTICIPATED THE TRIAL WILL LAST
27 FOR SO ON AND SO FORTH. MY FIRST INQUIRY, PRELIMINARILY,
28 IS IT IS EXPECTED THAT THE CASE WILL LAST FOR THREE MONTHS

1 "ARE THERE ANY OF YOU WHO FEEL THEY CANNOT SIT FOR THAT
2 PERIOD OF TIME?"

3 MR. BARENS: YOUR HONOR, COULD YOU ALSO ADD THAT WE
4 WILL GIVE THE WEEK BETWEEN CHRISTMAS AND NEW YEARS? IT WILL
5 MAKE IT MORE PALATABLE.

6 THE COURT: I WILL ADMONISH THEM OF THAT.

7 THE BAILIFF: JUDGE, THEY HAVE 121 SEATS NOW.

8 MR. BARENS: YOUR HONOR, I DID HAVE ANOTHER POINT.
9 MR. WAPNER RELATED A STORY TO ME DURING THE BREAK THAT A
10 PROSPECTIVE JUROR APPROACHED HIM AND DURING THAT CONVERSATION
11 RELATED THAT -- WHO WAS THE PERSON THAT TOLD HER THAT?

12 MR. WAPNER: WELL, THE WOMAN IN CHARGE, THE COMMISSIONER.

13 MR. BARENS: THE PARTY IN CHARGE OF THE JURY PANEL,
14 UPON INQUIRY, HAD TOLD THIS INDIVIDUAL THAT THIS WAS A DEATH
15 PENALTY CASE. MY CONCERN IS THAT YOU ADMONISH THAT PERSON
16 UNTIL WE HAVE A LIVESAY HEARING THAT THAT IS EXTREMELY
17 CORRUPTIVE.

18 THE COURT: I WILL EXCUSE THAT PERSON ALTOGETHER THEN
19 IF YOU WANT.

20 MR. BARENS: MY PROBLEM IS AT THIS JUNCTURE I AM NOT
21 SURE WHO ELSE MIGHT HAVE BEEN TOLD THAT.

22 MR. WAPNER: LET ME TRY AND CLARIFY THAT. THE PERSON
23 WHO APPROACHED ME IS NOT ON THE PROSPECTIVE JURY PANEL.
24 I THINK MR. BARENS WAS SUGGESTING THAT THE COURT PRIVATELY
25 TALK TO WHOEVER IT IS WHO IS IN CHARGE OF THE JURORS HERE
26 TO MAKE SURE THAT THAT PERSON, THE ONE IN CHARGE OF THE JURY
27 DOES NOT TELL THESE PROSPECTIVE JURORS ANYTHING ABOUT THE
28 CASE.

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1 MR. CHIER: I WOULD LIKE TO INQUIRE WHETHER WE HAVE
2 ALREADY LET THE CAT OUT OF THE BAG?

3 THE COURT: WELL THEN, THE CLERK WILL CALL DOWN THERE
4 AND ASK THEM IF SHE TOLD THE JURORS AS TO WHAT THE NATURE
5 OF THE CASE IS.

6 THE CLERK: YES, YOUR HONOR.

7 THE COURT: PARDON ME. I MIGHT SUGGEST THAT NANCY KNOWS
8 THE COMPOSITION OF THE JURORS IN THIS PARTICULAR DISTRICT.
9 IF YOU WANT TO ASK HER ANY QUESTIONS, INSTEAD OF ARCE --

10 MR. CHIER: NO. I WANT ARCE.

11 THE COURT: WELL, IF YOU WANT ARCE TO BE ON THE STAND,
12 OKAY.

13 THE CLERK: SHE IS COMING. SHE WAS HERE A FEW MINUTES
14 AGO AND DELIVERED THE TICKETS.

15 I TOLD HER WHAT WE WERE GOING TO TELL THE JURORS.
16 I SAID WE WERE NOT GOING TO TELL THEM ABOUT THE DEATH PENALTY.
17 I DON'T KNOW IF SHE MIGHT HAVE DONE IT BEFORE.

18 MR. WAPNER: MAY I SUGGEST THAT WE SHOUDLN'T EVEN TELL
19 THEM IT IS A MURDER CASE, ONLY THAT IT IS A CRIMINAL CASE?

20 BECAUSE AS MR. CHIER SAID BEFORE, WHATEVER THEY
21 KNOW ABOUT THE CASE MIGHT GIVE THEM IDEAS THAT THEY WANT TO
22 GET OFF OF IT. ALL WE ARE REALLY CONCERNED WITH AT THIS POINT,
23 IS WHETHER OR NOT THEY CAN STAY FOR THREE MONTHS.

24 THE COURT: WHY DON'T I TELL THEM IT IS A SERIOUS FELONY
25 CASE BECAUSE -- WELL, THAT WILL BE ALL I WILL TELL THEM.
26 ALL RIGHT?

27 MR. BARENS: THAT IS ACCEPTABLE.

28 (OFF-THE-RECORD COLLOQUY WITH THE JURY CLERK.)

1 THE COURT: SHE SAID NO.

2 MR. BARENS: ALL RIGHT. THANK YOU.

3 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, NANCY.

4 SHALL WE HAVE THEM COME IN NOW?

5 MR. BARENS: YES, YOUR HONOR.

6 THE COURT: HAVE THE JURORS COME IN NOW.

7 MR. WAPNER: JUST SO WE CAN MAKE A RECORD OF THAT, WE
8 SHOULD PUT IN THAT WOMAN'S NAME IN THE RECORD.

9 THE COURT: WELL, I DON'T KNOW WHAT WOMAN. THE ONE
10 WE JUST TALKED TO? THAT IS NANCY CONTILLI, C-O-N-T-I-L-L-I.

11 MR. WAPNER: AND THE COURT INQUIRED OF HER WHETHER OR
12 NOT THE JURORS HAD BEEN TOLD ANYTHING ABOUT THE DEATH PENALTY
13 AND SHE REPLIED IN THE NEGATIVE?

14 THE COURT: SHE SAID NO. THAT IS CORRECT.

15 MR. WAPNER: THANK YOU.

16 (THE PROSPECTIVE JURORS ENTER THE COURTROOM.)

17 THE COURT: WELL, WE HAVE ONE SEAT OVER HERE.

18 ALL RIGHT. SWEAR THE JURORS, PLEASE.

19 THE CLERK: NOW THAT YOU ARE ALL SEATED, PLEASE STAND
20 TO BE SWORN. RAISE YOUR RIGHT HANDS.

21 EACH OF YOU DO SOLEMNLY SWEAR THAT YOU WILL WELL
22 AND TRULY ANSWER SUCH QUESTIONS AS MAY BE ASKED OF YOU
23 TOUCHING UPON YOUR QUALIFICATIONS TO ACT AS TRIAL JURORS IN
24 THE CAUSE NOW PENDING BEFORE THIS COURT, SO HELP YOU GOD?

25 THE PROSPECTIVE JURORS: I DO.

26 THE CLERK: THANK YOU. YOU MAY BE SEATED.

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1 THE COURT: I TOLD YOU I WON'T KEEP YOU STANDING UP
2 THERE VERY LONG.

3 WE ARE ABOUT TO TRY A VERY SERIOUS FELONY CASE
4 AND ALL OF YOU HAVE BEEN SUMMONED FOR THAT PARTICULAR PURPOSE.

5 IT IS ANTICIPATED THAT THIS CASE WILL TAKE THREE
6 MONTHS TO TRY SO BEFORE WE GO ANY FURTHER, WHAT I AM GOING
7 TO DO IS TO ASK THOSE OF YOU WHO FEEL THAT IT WOULD BE AN
8 ECONOMIC HARDSHIP OR A MEDICAL DISADVANTAGE FOR YOU TO SERVE
9 THAT LONG, TO RAISE YOUR HANDS, PLEASE, IF YOU DESIRE TO BE
10 EXCUSED ONLY.

11 ALL RIGHT, THOSE OF YOU WHO HAVE RAISED YOUR HANDS
12 REMAIN HERE.

13 ALL OF THE OTHERS WILL REPORT BACK TO THE JURY
14 ASSEMBLY ROOM AND WHEN WE ARE FINISHED INTERROGATING AND ASKING
15 QUESTIONS OF THOSE WHO WANT TO BE EXCUSED, ASKING THEM THEIR
16 REASONS FOR IT AND IT IS AGREED THAT THEY WILL BE EXCUSED
17 AND AFTER WE FINISH WITH THAT PROCESS, WE WILL HAVE THE REST
18 OF YOU BACK HERE AGAIN AND START WITH THE TRIAL AGAIN.

19 MR. WAPNER: YOUR HONOR, BEFORE YOU EXCUSE THOSE PEOPLE
20 BACK TO THE JURY ASSEMBLY ROOM, MAY WE APPROACH THE BENCH
21 JUST BRIEFLY WITH THE REPORTER?

22 (WHEREUPON, THE FOLLOWING PROCEEDINGS

23 WERE HELD AT THE BENCH:)

24 THE COURT: YES?

25 MR. WAPNER: SINCE WE HAVE ALL OF THESE PEOPLE TO EXAMINE
26 FOR HARDSHIP AND WE HAVE THE LIVESAY MOTION ON MONDAY AND
27 MR. ARCE COMING IN ON WEDNESDAY, WHICH SHOULD TAKE UP ALL
28 OF MONDAY PROBABLY AND ALL OF WEDNESDAY, DO YOU THINK THAT

1 INSTEAD OF TELLING THESE PEOPLE TO GO BACK TO THE JURY ROOM,
2 WE SHOULD TELL THEM TO REPORT BACK TO THE JURY ROOM NEXT
3 THURSDAY?

4 MR. BARENS: THAT IS AGREEABLE.

5 THE COURT: ALL RIGHT.

6 MR. BARENS: YOU MIGHT ALSO MENTION THE WEEK OFF AT
7 CHRISTMAS BECAUSE I AM GOING TO LOSE PEOPLE.

8 (WHEREUPON, THE FOLLOWING PROCEEDINGS
9 WERE HELD IN OPEN COURT:)

10 THE COURT: I HAVE INDICATED ALSO IT WILL TAKE THREE
11 MONTHS TO TRY, WHICH WILL BRING US THROUGH THE CHRISTMAS AND
12 NEW YEARS HOLIDAYS. ANY OF THE JURORS WHO ARE SELECTED TO
13 TRY THIS CASE WILL NOT BE REQUIRED TO BE HERE FOR THE
14 HOLIDAY SEASON FOR THAT PARTICULAR WEEK SO YOU CAN MAKE YOUR
15 PLANS ACCORDINGLY.

16 NOW WHAT I WILL ASK THOSE OF YOU WHO HAVEN'T
17 RAISED YOUR HANDS, SINCE THIS PROCESS IS GOING TO TAKE SOME
18 TIME AND WE HAVE SOME OTHER MATTERS TO TAKE UP, I WILL ASK
19 THOSE OF YOU WHO WERE ASKED TO GO OUTSIDE TO COME BACK TO
20 THE JURY ASSEMBLY ROOM ON NEXT THURSDAY, A WEEK FROM TODAY.

21 MR. BARENS: TOMORROW, YOUR HONOR.

22 MR. WAPNER: A WEEK FROM TOMORROW.

23 THE COURT: A WEEK FROM TOMORROW, YES. A WEEK FROM
24 TOMORROW, THAT WILL BE THE 13TH. COME BACK ON NOVEMBER 13TH
25 AT 10 A.M. AND BE IN THE JURY ASSEMBLY ROOM AT THAT PARTICULAR
26 TIME. JUST THOSE OF YOU WHO HAVE NOT INDICATED THEY WANTED
27 TO BE EXCUSED, HAVE NO REASON, GOOD REASON FOR BEING EXCUSED,
28 ALL OF YOU WILL COME BACK A WEEK FROM TOMORROW.

1 MR. WAPNER: YOUR HONOR, BEFORE YOU DO THAT, WE HAVE
2 ONE OTHER PROBLEM.

3 (WHEREUPON, THE FOLLOWING PROCEEDINGS
4 WERE HELD OUTSIDE THE HEARING
5 OF THE JURY:)

6 THE COURT: WHAT IS YOUR PROBLEM?

7 MR. WAPNER: WE HAVE TO KNOW WHO IS STAYING BY NAME,
8 WHO IS STAYING AND WHO IS LEAVING.

9 THE COURT: WELL, THOSE WHO ARE STAYING, WE WILL GET
10 THEIR NAMES AND THEN CROSS IT OFF AND THE OTHERS ARE THE OTHERS
11 THAT WILL BE THE REMAINING JURORS.

12 MR. WAPNER: FINE.

13 MR. CHIER: ARE ALL OF THE PEOPLE ON THE LIST ALL HERE?

14 THE CLERK: YES, WE COUNTED 143.

15 DO YOU WANT ME TO GO OUT IN THE HALLWAY AND CHECK
16 EVERYBODY?

17 MR. CHIER: WHY DON'T WE GO DOWN THE LIST AND ASK IF
18 THEY ARE LEAVING OR NOT LEAVING OR STAYING?

19 MR. BARENS: THAT WILL TAKE FOREVER. LET'S GO WITH
20 THIS PROCEDURE.

21 THE COURT: DO YOU WANT TO CALL OUT A HUNDRED AND
22 FORTY-THREE NAMES?

23 MR. BARENS: NO, JUDGE. I AM SATISFIED.

24 (WHEREUPON, THE FOLLOWING PROCEEDINGS
25 WERE HELD IN OPEN COURT:)

26 THE COURT: NOW FOR THOSE OF YOU WHO INDICATED IT WOULD
27 NOT BE A HARDSHIP, A WEEK FROM TOMORROW GO TO THE JURY ASSEMBLY
28 ROOM AT 10 O'CLOCK A WEEK FROM TOMORROW AND THEN WE WILL GIVE

1 YOU FURTHER INSTRUCTIONS AT THAT TIME. BY THAT TIME, I THINK
2 WE WILL BE READY TO TRY THE CASE. THANK YOU VERY MUCH.

3 THOSE WHO HAVE RAISED THEIR HANDS, STAY AND THE
4 OTHERS COME BACK TO THE JURY ASSEMBLY ROOM A WEEK FROM
5 THURSDAY.

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1 MR. LISLES: I HAVE TWO AIRPLANE TICKETS I WOULD LIKE
2 TO USE NOVEMBER 26TH THROUGH DECEMBER 3. IS THAT A REASONABLE
3 EXCUSE?

4 THE COURT: IT IS NOT ECONOMIC HARDSHIP? IT IS JUST
5 A VACATION?

6 MR. LISLES: YES.

7 (THE FOLLOWING PROCEEDINGS WERE HELD AT
8 THE BENCH:)

9 THE COURT: WHAT POSITION DO YOU AGREE UPON IF PEOPLE
10 WANT TO GO ON VACATION? YOU MADE IT ONE OF YOUR CONDITIONS
11 IF THEY HAVE PREARRANGED VACATION SCHEDULES, THAT THAT IS
12 A GOOD EXCUSE. WHAT DO YOU WANT TO HAPPEN?

13 MR. WAPNER: I THINK IF PEOPLE HAVE PAID FOR VACATION,
14 PREPAID IT SEEMS TO ME THAT -- AND THEY CAN'T GET THEIR MONEY
15 BACK, THAT IS FINANCIAL HARDSHIP.

16 MR. CHIER: I THINK IT OUGHT TO BE A THRESHOLD INQUIRY
17 AS TO HOW MUCH IS INVOLVED. BECAUSE IF IT IS ONE HUNDRED
18 BUCKS OR TWO HUNDRED BUCKS, THAT IS ONE THING BUT --

19 THE COURT: ARE YOU GOING TO PAY FOR THEM?

20 MR. CHIER: NO I WON'T.

21 MR. BARENS: I WANT TO BE AS KIND TO PEOPLE AS THE SYSTEM
22 CAN BE.

23 THE COURT: SURE.

24 MR. BARENS: THAT'S ALL.

25 THE COURT: THESE VACATIONS MEAN A GREAT DEAL TO THE
26 PEOPLE. THEY LOOK FORWARD TO IT ALL YEAR ROUND.

27 IF WE GET FIVE OR SIX PEOPLE, WHAT DIFFERENCE
28 DOES IT MAKE? WE WILL GET PEOPLE TO TAKE THEIR PLACE.

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1 MR. BARENS: AGREED.

2 THE COURT: HOW DO YOU WANT ME TO HANDLE IT, FROM HERE?
3 MR. BARENS AND MR. CHIER, HOW DO YOU WANT THE COURT TO HANDLE
4 IT?

5 MR. BARENS: AS --

6 MR. WAPNER: I THINK WHAT WE SHOULD DO NOW, IS HAVE
7 THE CLERK GO DOWN THE LIST AND CALL ALL OF THE NAMES. WE
8 WILL FIND OUT WHO IS HERE. AND THEN WE'LL CALL THEM IN
9 ALPHABETICAL ORDER.

10 MR. BARENS: IT WOULD BE MUCH QUICKER, A MUCH QUICKER
11 PROCEDURE IF YOU SIMPLY STARTED IT WITH THE A'S AND THE
12 PWOPE WHO DON'T SHOW UP -- IF A PERSON IS NOT HERE, YOU WILL
13 CALL THE NEXT NAME. IF A PERSON SHOWS UP, FINE. YOU DON'T
14 HAVE TO GO THROUGH THE WHOLE LIST. IT WOULD JUST BE QUICKER.

15 THE COURT: ALL RIGHT. I WILL JUST ASK THE QUESTIONS.
16 DO YOU WANT TO HAVE IT DONE PRIVATELY?

17 MR. WAPNER: WELL, FIRST, I THINK THAT IT SHOULD BE
18 DONE EITHER WITH PUTTING 12 OF THEM IN THE BOX AND ASKING
19 THEM ALL OF THE QUESTIONS AND THEN --

20 THE COURT: WHAT DIFFERENCE DOES IT MAKE IF IT IS 12?
21 WE CAN ALSO HAVE A HUNDRED. WHAT DIFFERENCE DOES IT MAKE
22 IF YOU PUT 12 IN THE BOX? THEY ARE GOING TO BE IN THE PRESENCE
23 OF THE OTHER PEOPLE.

24 MR. WAPNER: HOWEVER IT IS DONE --

25 THE COURT: THE WAY I HAVE ALWAYS DONE IT IS TO ASK
26 THEM IN OPEN COURT ON THE RECORD, ASK THEM WHAT THEIR REASON
27 IS. WE'LL MAKE THE DECISION. I WILL LOOK AT YOU AND FIND
28 OUT WHETHER YOU AGREE OR DON'T AGREE.

1 MR. BARENS: YOUR HONOR, I AM CONCERNED ABOUT PEOPLE
2 BEING EMBARRASSED.

3 THE COURT: ABOUT WHAT?

4 MR. BARENS: THAT THEY MIGHT -- SOME PEOPLE MIGHT NOT
5 WANT TO SAY THAT THEY MIGHT GET FIRED FROM THEIR JOB. THEY
6 DON'T LIKE SAYING THAT TYPE OF THING.

7 THE COURT: WELL, THERE ARE PEOPLE WHO WE COULD JUST
8 HAVE ASK THEIR EMPLOYERS IF THEY STAY HERE.

9 MR. CHIER: THERE ARE 140 OR SO PEOPLE -- WELL, MAYBE
10 80 OR 90 PEOPLE HERE. A LOT OF PEOPLE DON'T LIKE TO TALK
11 ABOUT FINANCES IN FRONT OF THE OTHER PEOPLE.

12 THE COURT: I WON'T TALK ABOUT FINANCES. I WON'T ASK
13 THEM ABOUT FINANCES. I WILL ASK THEM WHETHER OR NOT THEIR
14 EMPLOYER WILL PERMIT THEM TO STAY.

15 IF THEY SAY THEIR EMPLOYER WILL NOT PERMIT IT,
16 I WILL SAY THAT THEY SHOULD CALL THEIR EMPLOYER. IF THEY
17 SAY NO, THEY WON'T PERMIT ME TO, THAT IS THE END OF IT.

18 MR. WAPNER: LET ME SUGGEST SOMETHING. FIRST OF ALL,
19 MY CONCERN IS THAT WHATEVER PROCEDURE THE COURT USES, THAT
20 WE NOT ALLOW ANY OF THE JURORS TO TRY TO BE EDUCATED IN TO
21 WHAT IS A GOOD EXCUSE AND WHAT IS NOT A GOOD EXCUSE.

22 IN OTHER WORDS, IF YOU WANT THEM ALL TO STATE
23 THE REASONS IN FRONT OF THE OTHER PEOPLE --

24 THE COURT: HOW DO YOU PROPOSE IT DO IT? TAKE THEM
25 ONE AT A TIME IN CHAMBERS?

26 MR. WAPNER: I THOUGHT THE WAY --

27 MR. BARENS: YOU COULD DO IT.

28 THE COURT: WHAT DIFFERENCE DOES IT MAKE? THE OTHER

1 11 WILL HEAR IT IF THERE ARE 12.

2 MR. CHIER: I --

3 MR. BARENS: IF THEY ARE IN THE BOX --

4 MR. WAPNER: I THOUGHT THIS MORNING WE AGREED YOU WERE
5 GOING TO TAKE THEM ONE AT A TIME IN THE JURY BOX. BUT I WILL
6 SUGGEST IS THAT YOU TAKE THEM 12 AT A TIME AND THAT YOU JUST
7 LISTEN TO ALL OF THEIR REASONS THEN YOU EXCUSE THEM.

8 THE COURT: NO.

9 MR. WAPNER: ARE YOU GOING TO DO ONE AT A TIME?

10 THE COURT: YES. WE HAVE TO.

11 MR. WAPNER: OKAY. THE OTHER THING IS, YOU MIGHT WANT
12 TO MAKE ANOTHER THRESHOLD INQUIRY WHICH IS OF ALL THE PEOPLE
13 WHO ARE LEFT HERE NOW, IF THERE ARE THOSE WHOSE HARDSHIP
14 CONSISTS OF WHETHER OR NOT THEY WILL BE PAID, YOU MIGHT WANT
15 TO SEND ALL THOSE PEOPLE OUT NOW TO CALL THEIR EMPLOYERS AND
16 TO RETURN TOMORROW.

17 MR. BARENS: WELL, IF THEY SAY THAT THEY ARE UNCERTAIN
18 AS TO WHETHER THEY ARE GOING TO BE PAID, THEY SHOULD INQUIRE
19 AND COME BACK.

20 THE COURT: WELL, I WILL FIRST FIND OUT WHETHER OR NOT
21 THEY HAVE EMPLOYMENT AND WHETHER THEIR EMPLOYER WILL PAY FOR
22 IT.

23 MR. BARENS: LET'S JUST START DOING IT, JUDGE.

24 THE COURT: ALL RIGHT. YOU WANT ME TO CALL ONE AT A
25 TIME?

26 MR. WAPNER: YES.

27 (THE FOLLOWING PROCEEDINGS WERE HELD
28 IN OPEN COURT:)

B
1 THE COURT: LET ME CALL YOUR NAME. LIBORIO ACERET.

2 MR. ACERET: HERE.

3 THE COURT: DO YOU DESIRE TO BE EXCUSED, DO YOU?

4 MR. ACERET: YES, YOUR HONOR.

5 THE COURT: AND WHAT IS YOUR REASON?

6 MR. ACERET: MY COMPANY ONLY PAYS FOR TEN DAYS AND I
7 DON'T KNOW WHAT MY COMPANY'S WORK SCHEDULE IS FOR THE NEXT
8 COUPLE OF MONTHS.

9 RIGHT NOW --

10 THE COURT: WELL, DO YOU WANT TO FIRST GO AND CALL YOUR
11 EMPLOYER AND FIND OUT WHETHER OR NOT YOU CAN STAY FOR THE
12 THREE MONTHS? DO YOU THINK IT WOULD ACCOMPLISH ANYTHING?
13 DO YOU THINK THEY WILL DO IT?

14 MR. ACERET: I DON'T KNOW, YOUR HONOR. IT MIGHT NOT.

15 THE COURT: YOU CALL THEM UP THEN AND YOU COME BACK,
16 WILL YOU?

17 MR. ACERET: OKAY.

18 THE COURT: OF COURSE, WE WOULD LIKE TO HAVE YOU. WHO
19 ARE YOU WITH, BY THE WAY?

20 MR. ACERET: AIRESEARCH MANUFACTURING.

21 THE COURT: JUST A MINUTE. WE DO HAVE A LIST OF THE
22 EMPLOYERS WHICH INDICATES HOW LONG THEY WILL PERMIT THEIR
23 EMPLOYEES TO STAY. THE NAME OF THE COMPANY IS WHAT?

24 MR. ACERET: AIRESEARCH MANUFACTURING COMPANY.
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1 THE COURT: THEY ALLOW YOU ONLY TEN DAYS?

2 MR. ACERET: YES, YOUR HONOR.

3 THE COURT: AND YOU KNOW WHETHER THE POLICY IS RIGID,
4 THEY WON'T PERMIT YOU ANY MORE THAN TEN DAYS?

5 MR. ACERET: THAT, I DON'T KNOW.

6 THE COURT: WHY DON'T YOU GO AND CALL THEM UP AND FIND
7 OUT WHETHER OR NOT THEY PERMIT YOU TO STAY FOR THREE MONTHS,
8 WOULD YOU?

9 MR. ACERET: OKAY, YOUR HONOR.

10 MR. WAPNER: MAY WE APPROACH THE BENCH?

11 MR. CHIER: MAY WE APPROACH THE BENCH?

12 THE COURT: COME ON.

13 (WHEREUPON, THE FOLLOWING PROCEEDINGS
14 WERE HELD AT THE BENCH:)

15 THE COURT: YES?

16 MR. WAPNER: I THOUGHT WE WERE GOING TO HAVE ALL OF
17 THESE PEOPLE WAIT OUTSIDE AND CALL EACH OF THE PEOPLE IN ONE
18 BY ONE?

19 THE COURT: NO. JUST LET IT GO THIS WAY. IF WE HAVE
20 THEM WAIT OUTSIDE AND STAND UP THERE AND THEN TAKE HOURS
21 STANDING UP THERE AND CALL THEM IN ONE BY ONE, I DON'T LIKE
22 THAT.

23 MR. WAPNER: THEY CAN WAIT IN THE JURY ASSEMBLY ROOM.

24 THE COURT: I WILL DO IT THIS WAY. I HAVE DONE IT IN
25 THE PAST AND CAN DO IT AGAIN.

26 MR. WAPNER: THE ONLY THING, IF THEY ARE ANSWERING IN
27 THE BACK OF THE ROOM, IT MAKES IT VERY HARD --

28 THE COURT: TO SEE WHAT?

1 MR. WAPNER: TO HEAR IT WHEN THEY ARE GIVING THEIR
2 ANSWERS.

3 THE COURT: CAN'T YOU HEAR IT? I WILL HAVE THEM SPEAK
4 UP.

5 MR. WAPNER: ALL RIGHT.

6 MR. BARENS: YOUR HONOR, IN TERMS OF MAKING A DECISION
7 ON WHETHER OR NOT THE PEOPLE ARE GOING TO BE EXCUSED, DO YOU
8 PROPOSE TO DO THAT WHILE THEY ARE IN HERE?

9 THE COURT: IN HIS CASE, I THOUGHT WE HAD AGREED TO
10 HAVE HIM CALL THE EMPLOYER TO FIND OUT IF THE EMPLOYER WILL
11 PERMIT HIM TO STAY.

12 MR. BARENS: WHAT IF THERE IS SOME OTHER REASON, ARE
13 YOU GOING TO MAKE THE RULINGS NOW ON WHETHER THEY ARE EXCUSED
14 OR NOT?

15 THE COURT: I JUST WANT TO HEAR WHAT THEIR EXCUSES ARE
16 FIRST. IF THEIR EMPLOYER DOESN'T PERMIT THEM ANY MORE THAN
17 TEN DAYS CATEGORICALLY, THEN I WILL EXCUSE THEM.

18 MR. CHIER: IN FRONT OF THE OTHER JURORS?

19 THE COURT: WHY NOT?

20 MR. BARENS: IT IS EDUCATIONAL, YOUR HONOR.

21 THE COURT: WELL, WHAT IS IT YOU SUGGEST? THAT I SEND
22 THEM OUT OR HAVE THEM IN CHAMBERS ONE BY ONE?

23 MR. CHIER: I SUGGEST THAT YOU DO WHAT YOU SAID YOU
24 WERE GOING TO DO, QUESTION THEM INDIVIDUALLY.

25 THE COURT: IN CHAMBERS?

26 MR. BARENS: YES.

27 MR. WAPNER: IT DOESN'T HAVE TO BE IN CHAMBERS. IT
28 CAN BE IN THE JURY BOX AS LONG AS ALL OTHER 12 ARE NOT THERE.

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1 THE COURT: AND WHERE WILL I PUT THE OTHER 12?

2 MR. WAPNER: THEY CAN WAIT IN THE JURY ASSEMBLY ROOM.

3 MR. BARENS: IT IS APPARENTLY MORE PRACTICAL IF YOUR
4 CLERK SUMMONS THEM TO YOUR CHAMBERS ONE BY ONE, IT IS MORE
5 CONVENIENT TO YOUR HONOR AS WELL, I THINK.

6 THE COURT: I THINK IT IS MUCH BETTER THAT WAY, ALL
7 RIGHT. THEN WE WILL DECIDE WHETHER OR NOT WE WANT TO EXCUSE
8 THEM OR NOT.

9 (WHEREUPON, THE FOLLOWING PROCEEDINGS
10 WERE HELD IN OPEN COURT:)

11 THE COURT: WHAT THE CLERK IS GOING TO DO IS CALL THE
12 NAMES OFF ONE BY ONE AND THEN I WILL HAVE THE PLEASURE OF
13 HAVING YOU IN CHAMBERS AND I WILL ASK YOU SOME QUESTIONS IN
14 THERE. IT MIGHT BE THAT THERE MAY BE SOME PERSONAL REMARKS
15 THAT SOME OF YOU WANT TO MAKE WHICH YOU DON'T WANT TO HAVE
16 THE OTHERS HEAR AND TO PRESERVE THAT CONFIDENTIALITY AND
17 PRIVILEGE, THAT IS THE BEST WAY OF DOING IT. YOU ALL STAY
18 THERE AND WE WILL CALL YOU IN ONE BY ONE. I HOPE WE DON'T
19 KEEP YOU WAITING TOO LONG.

20 (WHEREUPON, THE FOLLOWING PROCEEDINGS
21 WERE HELD IN CHAMBERS WITHIN THE PRESENCE
22 AND HEARING OF THE DEFENDANT:)

23 THE CLERK: MARGARET ALLEN.

24 THE COURT: ALL RIGHT, THAT IS MARGARET ALLEN. THAT
25 IS MRS. ALLEN, IS IT?

26 MRS. ALLEN: YES.

27 THE COURT: ALL RIGHT, MRS. ALLEN, TELL US FOR THE RECORD
28 WHAT YOUR REASONS ARE FOR SEEKING TO BE EXCUSED?

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1 MRS. ALLEN: BECAUSE OF A DEATH IN THE FAMILY AND I
2 AM THE SOLE SUPPORT OF TWO YOUNG WOMEN.

3 AND THEY TOLD ME BEFORE I CAME DOWN TO REPORT
4 THAT THE SMALL COMPANY THAT I AM WORKING FOR IS GOING TO QUIT
5 PAYING FOR JURY DUTY BECAUSE IT HAS BECOME A BURDEN.

6 AND THOSE ARE THE ONLY TWO REASONS.

7 THE COURT: ALL RIGHT. FRED?

8 MR. WAPNER: WHAT COMPANY IS IT?

9 MRS. ALLEN: BURBANK MEDICAL CLINIC.

10 MR. CHIER: BURBANK.WHAT?

11 MRS. ALLEN: MEDICAL CLINIC.

12 I AM THE ASSISTANT DIRECTOR OF NURSING.

13 MR. WAPNER: HAVE THEY STOPPED PAYING?

14 MRS. ALLEN: THEY HAVE NOT AS YET BUT THEY SAID THEY
15 WERE GOING TO BECAUSE IT HAS BECOME A DRAIN.

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1 THE COURT: ALL RIGHT. HEARING NOTHING TO THE
2 CONTRARY, THANK YOU VERY MUCH, YOU WILL BE EXCUSED. YOU MAY
3 GO BACK TO THE JURY ASSEMBLY ROOM AND DON'T SAY ANYTHING TO
4 ANYBODY.

5 MRS. ALLEN: OKAY.

6 (PROSPECTIVE JUROR EXITED CHAMBERS.)

7 MR. WAPNER: BEFORE WE BRING IN THE NEXT PERSON, MY
8 PREFERENCE IS TO HAVE THIS DONE INDIVIDUALLY BUT NOT IN
9 CHAMBERS BECAUSE I THINK THAT IT CREATES TOO INFORMAL OF AN
10 ATMOSPHERE. I THINK IT GIVES THE JURORS AN IMPRESSION THAT
11 THIS IS LIKE A COFFEE-KLATSCH. THEY ARE GOING TO FIND OUT
12 IT IS A DEATH PENALTY CASE. WE HAVE A DEFENDANT SEATED IN
13 HERE. WE HAVE NO BAILIFF. THAT GIVES THEM AN IMPRESSION
14 THAT MAYBE THERE ISN'T SECURITY IN HERE AND I DON'T THINK
15 THIS IS PROPER.

16 MR. BARENS: JUST A MOMENT.

17 MR. WAPNER: I DON'T THINK IT SHOULD BE DONE IN CHAMBERS.

18 THE COURT: I THINK THIS IS THE BEST WAY OF DOING IT.

19 MR. WAPNER: LET ME MAKE A SUGGESTION, WHICH IS IF WE
20 HAVE A LIST OF ALL THE PEOPLE --

21 THE COURT: PARDON ME. LET ME INTERRUPT YOU FOR A
22 MOMENT.

23 ON THE DEATH QUALIFICATIONS, I AM TAKING EACH
24 JUROR SEPARATELY, WHICH WE HAVE BEEN DOING. IT HAS BEEN DONE
25 IN CHAMBERS ANY NUMBER OF TIMES.

26 MR. BARENS: YES.

27 THE COURT: WHAT DIFFERENCE DOES IT MAKE?

28 MR. WAPNER: IN MY EXPERIENCE, THE DEATH QUALIFYING

1 HAS NEVER BEEN DONE IN CHAMBERS. IT HAS ALWAYS BEEN DONE
2 IN OPEN COURT WITH THE JUROR IN THE WITNESS BOX.

3 THE COURT: AND WE HAVE THE JURORS IN SEPARATELY.

4 MR. WAPNER: THEY ARE DONE SEPARATELY WHEN THEY COME
5 INTO THE COURTROOM.

6 THE COURT: WELL, THEY COME INTO CHAMBERS SEPARATELY
7 AND I HAVE DONE IT THIS WAY BEFORE.

8 MR. WAPNER: I DON'T KNOW IF IT HAS EVER BEEN DONE THAT
9 WAY. I KNOW THE DEATH PENALTY CASE I HAD HERE --

10 THE COURT: WE WILL DO THAT WAY, ALL RIGHT?

11 MR. CHIER: I DON'T MEAN TO BELABOR THIS BUT I STILL
12 HAVE THOSE QUESTIONNAIRES ON HARDSHIP AND WE COULD LIKE HAND
13 THEM OUT AND STILL HAVE THEM FILL THEM OUT. WE COULD LIKE
14 GO THROUGH THESE VERY RAPIDLY BUT IT WOULD, SINCERELY,
15 EXPEDITE IT.

16 THE COURT: I HAVE RULED ON IT ALREADY. DON'T REPEAT
17 IT AGAIN, WILL YOU?

18 MR. WAPNER: IF WE ARE GOING TO DO IT THIS WAY, I ASK
19 THAT WE HAVE A BAILIFF PRESENT.

20 THE CLERK: BEATRICE AGSAOAY.

21 MRS. AGSAOAY: AGSAOAY.

22 THE COURT: THAT IS NUMBER 3, IS THAT RIGHT?

23 ALL RIGHT, MRS. AGSAOAY, YOU HAVE INDICATED YOU
24 WANT TO BE EXCUSED, DO YOU?

25 MRS. AGSAOAY: YES.

26 THE COURT: WHAT IS YOUR REASON?

27 MRS. AGSAOAY: I AM A SCHOOLTEACHER AND THREE MONTHS
28 IS JUST TOO LONG FOR ME TO BE OUT OF SCHOOL.

1 THE COURT: WON'T THE SCHOOL SYSTEM PERMIT YOU TO DO
2 THAT?

3 MRS. AGSAOAY: WELL, THEY WILL BUT IT WILL BE A HARDSHIP
4 ON THE STUDENTS.

5 THE COURT: CAN'T THEY GET A SUBSTITUTE TEACHER FOR
6 YOU?

7 MRS. AGSAOAY: YES, THEY DO, BUT SUBSTITUTE TEACHERS
8 ARE HARD TO -- WELL, LET'S SAY THIS, A SPANISH TEACHER IS
9 VERY HARD TO LOOK FOR, A SPANISH SUBSTITUTE TEACHER IS HARD
10 TO LOOK FOR.

11 EVEN TODAY, IT WAS DIFFICULT LOOKING FOR A
12 QUALIFIED PERSON.

13 THE COURT: WHY DON'T YOU BE ASKED TO BE EXCUSED
14 ALTOGETHER FROM JURY DUTY? WHY DON'T YOU SEEK TO BE EXCUSED
15 AND NOT SIT ON THIS CASE OR ANY OTHER CASE EVEN FOR A DAY
16 OR A WEEK IF THEY NEED YOU?

17 MRS. AGSAOAY: WELL, THEY SAID, YOU KNOW, A FEW DAYS,
18 YOU COULD MAKE IT. THEY WERE SAYING I COULD COME IN ONE DAY
19 AND THEN GO BACK TO SCHOOL ANOTHER DAY AND THINGS LIKE THAT.
20 THAT WOULDN'T BE SO MUCH OF A HARDSHIP.

21 THE COURT: HOW CAN YOU COME IN AND BE A JUROR FOR ONE
22 DAY IF A CASE TAKES A WEEK TO TRY?

23 MRS. AGSAOAY: I DON'T KNOW.

24 SOMETIMES THERE COULD BE CASES THAT ARE ONLY ONE
25 DAY OR TWO DAYS. I DON'T KNOW.

26 THE COURT: IS THIS THE POLICY OF THE BOARD OF
27 EDUCATION?

28 MRS. AGSAOAY: NO.

1 THE COURT: WELL, THIS IS YOUR OWN IDEA ABOUT HARDSHIP?
2 NOBODY TOLD YOU --

3 MRS. AGSAOAY: IT WOULD BE A HARDSHIP.

4 THE COURT: NOBODY TOLD YOU THAT YOU COULDN'T SERVE
5 FOR THREE MONTHS, DID THEY?

6 MRS. AGSAOAY: NO.

7 THE COURT: YOU CAN SERVE FOR THREE MONTHS, CAN YOU?

8 MRS. AGSAOAY: I CAN BUT IF I DO --

9 THE COURT: YOU GET PAID, TOO, DON'T YOU?

10 MRS. AGSAOAY: YES.

11 THE COURT: DO YOU WISH TO ASK ANY QUESTIONS?

12 MRS. AGSAOAY: I MEAN MONEY-WISE IT IS NOT A HARDSHIP.

13 MR. BARENS: COULD I ASK A QUESTION?

14 MA'AM, ARE YOU SAYING IF YOU WERE HERE THAT YOU
15 ARE A SPECIAL TEACHER, YOU ARE A SPANISH TEACHER?

16 MRS. AGSAOAY: YES, I AM THE SPANISH TEACHER.

17 MR. BARENS: IS THAT THE ONLY CLASS YOU TEACH?

18 MRS. AGSAOAY: YES.

19 MR. BARENS: AND ARE YOU TELLING US THAT IF YOU ARE
20 HERE THAT THE STUDENTS WILL BE SUBJECTED TO HAVING A WHOLE
21 SERIES OF DIFFERENT TEACHERS TO PICK UP YOUR ASSIGNMENT?

22 MRS. AGSAOAY: YES.

23 MR. BARENS: AND THE CHILDREN THEN WILL NOT HAVE ONE
24 TEACHER ALL SEMESTER?

25 MRS. AGSAOAY: THAT IS TRUE.

26 MR. CHIER: WOULD THAT FACT BE ON YOUR MIND TO SUCH
27 AN EXTENT YOU THINK IT WOULD INTERFERE WITH YOUR ABILITY TO
28 CONCENTRATE ON THE EVIDENCE?

1 MRS. AGSAOAY: NO, IT WOULDN'T.

2 MR. BARENS: MY CONCERN, JUDGE, IS I DON'T THINK IT
3 IS FAIR TO THE CHILDREN.

4 THE COURT: NOT FAIR TO THE CHILDREN?

5 MR. BARENS: NO, I DO NOT THINK IT IS FAIR TO THE
6 CHILDREN.

7 MR. WAPNER: YOUR HONOR, I DON'T THINK IT IS FAIR TO
8 THE CHILDREN EITHER BUT WITH ALL DUE RESPECT, I MEAN I AM
9 NOT --

10 MR. CHIER: IT IS NOT FAIR TO MY WIFE AND I AM HERE.

11 THE COURT: IT IS NOT A HARDSHIP.

12 MR. WAPNER: I DON'T MEAN TO BE UNFAIR TO MRS. AGSAOAY.

13 I CERTAINLY TAKE EXCEPTION AS AN ATTEMPT BY
14 MR. BARENS' REFERENCE TO TRY AND INGRATIATE HIMSELF TO THIS
15 LADY.

16 I HAVE CONCERN FOR THE CHILDREN ALSO.

17 THE COURT: AS LONG AS IT IS NOT A PERSONAL HARDSHIP
18 ON YOU AND YOU CAN DO IT AND YOU ARE BEING PAID BY THE BOARD
19 OF EDUCATION, WE WOULD VERY MUCH LIKE TO HAVE YOU AS A POSSIBLE
20 JUROR.

21 MRS. AGSAOAY: ALL RIGHT.

22 THE COURT: IT MAY VERY WELL BE YOU MAY NOT BE CALLED.

23 MRS. AGSAOAY: OKAY.

24 THE COURT: IN WHICH CASE THERE IS NO PROBLEM. YOU
25 UNDERSTAND THAT?

26 MRS. AGSAOAY: ALL RIGHT, YES.

27 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL
28 COME BACK.

1 MRS. AGSAOAY: NEXT WEEK, THURSDAY?

2 THE COURT: A WEEK FROM THURSDAY AT 10 O'CLOCK AND YOU
3 GO TO THE JURY ASSEMBLY ROOM.

4 MRS. AGSAOAY: I WILL. THANK YOU.

5 (PROSPECTIVE JUROR EXITS CHAMBERS.)

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1 THE CLERK: THIS IS MR. ACERET. HE IS HERE ON THE LIST.
2 HE CAME BACK.

3 THE COURT: DID YOU CALL UP?

4 MR. ACERET: YES, YOUR HONOR.

5 THE COURT: WHAT DID THEY SAY?

6 MR. ACERET: THE PERSON I TALKED TO SAID THE COMPANY
7 WOULDN'T DEVIATE FROM THE TEN DAYS.

8 THE COURT: ALL RIGHT.

9 MR. BARENS: EXCUSED.

10 THE COURT: EXCUSED. ALL RIGHT. THANK YOU VERY MUCH.
11 YOU MAY BE EXCUSED.

12 THANK YOU FOR CALLING, MR. ACERET. THANK YOU
13 FOR CALLING UP.

14 MR. ACERET. OKAY. THANK YOU.

15 (PROSPECTIVE JUROR ACERET LEAVES CHAMBERS.)

16 MR. WAPNER: YOUR HONOR, IN A CASE SUCH AS MR. ACERET'S,
17 FROM NOW ON, DO YOU WANT TO INQUIRE OF WHOM HE TALKED AT THE
18 COMPANY AND WHETHER OR NOT IT WOULD BE HELPFUL FOR YOU TO
19 CALL OR DO YOU WANT TO JUST ACCEPT THAT?

20 THE COURT: I DON'T THINK IT WOULD BE NECESSARY.

21 MR. CHIER: THEY SHOULD BE UNDER OATH, YOUR HONOR.

22 THE COURT: THEY HAVE ALL BEEN SWORN.

23 (PROSPECTIVE JUROR DONALD ANDERSON ENTERS
24 CHAMBERS.)

25 THE CLERK: THIS IS DONALD ANDERSON.

26 THE COURT: MR. ANDERSON, YOU INDICATED THAT YOU WISHED
27 TO BE EXCUSED?

28 MR. ANDERSON: WELL, I WORK FOR THE POST OFFICE.

1 THE COURT: THE POST OFFICE?

2 MR. ANDERSON: YES. I AM PRETTY MUCH SURE THAT THEY
3 DON'T GO OVER TEN DAYS.

4 MR. CHIER: HOW LONG HAVE YOU BEEN WITH THE POST OFFICE?

5 MR. ANDERSON: JUST ABOUT A YEAR.

6 MR. CHIER: IS THAT A PROBATIONARY PERIOD?

7 MR. ANDERSON: YES. NINETY DAYS IS PROBATIONARY.

8 I PASSED THE PROBATION.

9 MR. CHIER: YOU ARE TENURED?

10 MR. ANDERSON: PARDON?

11 MR. CHIER: ARE YOU TENURED?

12 THE COURT: TENURED?

13 MR. ANDERSON: YES, YES.

14 THE COURT: HAVE YOU GOT SENIORITY?

15 MR. ANDERSON: YES. I HAVE A LITTLE SENIORITY.

16 THE COURT: DO YOU KNOW THEY DEFINITELY GO OVER TEN
17 DAYS?

18 MR. ANDERSON: WELL, OUR KEEPER, OUR PAYROLL-KEEPER,
19 SHE TOLD ME TEN DAYS. SO, YOU KNOW --

20 MR. BARENS: EXCUSED.

21 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU ARE
22 EXCUSED.

23 MR. WAPNER: CAN YOU CHECK IN THE BOOK?

24 THE COURT: I CHECKED THE BOOK. I DON'T SEE THE POST
25 OFFICE.

26 MR. ANDERSON: CAN YOU MAKE SURE?

27 MR. BARENS: HOLD ON, HERE. IF HE IS NOT SURE --

28 THE COURT: WHO IS YOUR SUPERVISOR?

1 MR. ANDERSON: MY SUPERVISOR IS -- I KNOW HIS NAME.
2 HIS NAME IS MIKE. I DON'T KNOW HIS LAST NAME.

3 THE COURT: YOU CALL HIM UP.

4 MR. ANDERSON: YES.

5 THE COURT: CALL HIM UP AND FIND OUT AND TELL HIM THAT
6 WILL TAKE THREE MONTHS TO TRY.

7 I THINK THERE IS A TELEPHONE YOU CAN CALL IN THE
8 COURTROOM. THERE IS A TELEPHONE IN THERE. ASK THE BAILIFF
9 TO HAVE YOU USE THE TELEPHONE.

10 MR. ANDERSON: OKAY.

11 THE COURT: OKAY.

12 THE COURT: I AM PUTTING A LINE THROUGH THOSE WHO HAVE
13 BEEN EXCUSED.

14 (PROSPECTIVE ANDERSON EXITS CHAMBERS.)

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1 (PROSPECTIVE JUROR BLEVINS ENTERS CHAMBERS.)

2 THE CLERK: THIS IS RUTH BLEVINS.

3 THE COURT: ALL RIGHT, MISS BLEVINS. SIT DOWN.

4 MS. BLEVINS: THANK YOU VERY MUCH.

5 THE COURT: I THINK YOU INDICATED THAT YOU WANTED TO
6 BE EXCUSED FROM JURY DUTY BECAUSE OF THE LENGTH OF TIME? IS
7 THAT THE REASON?

8 MS. BLEVINS: YES. IN JANUARY I WILL HAVE MY HOUSE
9 FULL OF COMPANY. I KNOW THAT IT IS PERSONAL, BUT IT IS --

10 THE COURT: HOW DO YOU MEAN, THE HOUSE FULL?

11 MS. BLEVINS: OUT-OF-TOWN GUESTS ARE COMING.

12 THE COURT: IN JANUARY?

13 MS. BLEVINS: JANUARY, YES. I WOULD LIKE VERY MUCH
14 TO SERVE. BUT THAT IS THE ONLY THING. I WILL BE OUT OF MY
15 HOUSE IN --

16 THE COURT: THAT IS NOT A LEGAL EXCUSE.

17 MS. BLEVINS: I SUSPECTED THAT.

18 THE COURT: BECAUSE YOU WILL HAVE FRIDAY, SATURDAY AND
19 SUNDAY OFF. WE DON'T HAVE ANY COURT ON FRIDAY.

20 BUT YOU HAVE ALL OF THE HOLIDAYS, THE HOLIDAYS
21 OFF. IT MAY VERY WELL BE THAT YOU MAY NOT BE CHOSEN.

22 MS. BLEVINS: UH-HUH.

23 THE COURT: YOU MIGHT BE EXCUSED.

24 MS. BLEVINS: OKAY.

25 THE COURT: ALL RIGHT. SO WE WOULD LIKE TO HAVE YOU
26 STAY.

27 ALL RIGHT. WE WOULD LIKE YOU TO SERVE.

28 MS. BLEVINS: I WOULD LIKE TO SERVE, BUT THAT --

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1 THE COURT: THANK YOU. I WILL TELL YOU WHAT YOU DO.
2 YOU COME BACK ON THURSDAY, NEXT THURSDAY. ACTUALLY, COME
3 BACK A WEEK FROM TODAY. THAT IS THE SAME AS WE HAVE TOLD
4 ALL OF THE OTHER JURORS.

5 YOU GO TO THE JURY ASSEMBLY ROOM A WEEK FROM
6 THURSDAY.

7 MS. BLEVINS: NO CHANCE OF GETTING OFF ON THAT THURSDAY,
8 SIR?

9 THE COURT: WELL, THERE IS A PROBABILITY. I DON'T THINK
10 THAT WE WILL START ON THURSDAY. BUT, AT ANY RATE --

11 MS. BLEVINS: BECAUSE I WAS PREPARED TO ASK FOR THAT.
12 BECAUSE I HAD AN APPOINTMENT THAT HAS BEEN SCHEDULED A LONG
13 TIME AGO AND I WAS PREPARED TO ASK FOR THAT.

14 THE COURT: WHY DON'T YOU TRY TO HAVE IT CHANGED TO
15 SOMETIME THIS NEXT WEEK, UP UNTIL --

16 MR. WAPNER: YOUR HONOR, BECAUSE OF THE NATURE OF WHAT
17 I SUSPECT WE WILL BE DOING NEXT WEEK, STARTING ON THURSDAY,
18 IT IS GOING TO TAKE LONGER.

19 I THINK IT WOULD BE ACCEPTABLE TO HAVE MISS
20 BLEVINS COME IN ON FRIDAY.

21 THE COURT: ALL RIGHT. COME IN ON FRIDAY. EXCUSE ME.
22 THAT SHOULD BE NEXT MONDAY.

23 MR. BARENS: A WEEK FROM MONDAY.

24 THE COURT: A WEEK FROM NEXT MONDAY. A WEEK FROM NEXT
25 MONDAY REPORT AT 10:00 O'CLOCK.

26 MS. BLEVINS: 10:00 O'CLOCK? THE JURY ASSEMBLY ROOM?

27 THE COURT: THAT'S RIGHT.

28 MS. BLEVINS: THANK YOU, SIR.

1 THE COURT: OH, IF THEY ARE IN HERE, WE'LL ASK YOU TO
2 COME IN HERE. YOU JUST REPORT TO THE CLERK, THEN.

3 MS. BLEVINS: THANK YOU, SIR.

4 THE COURT: THANK YOU.

5 (PROSPECTIVE JUROR BLEVINS EXITS CHAMBERS.)

6 MR. WAPNER: WHAT DID WE DO WITH ANDERSON?

7 MR. CHIER: ANDERSON WILL COME BACK.

8 (PROSPECTIVE JUROR BONNER ENTERS CHAMBERS.)

9 THE CLERK: THIS IS CARINETHA BONNER.

10 THE COURT: HELLO, MISS BONNER. IS IT MISS OR MRS.?

11 MRS. BONNER: MRS.

12 THE COURT: YOU ARE ASKING TO BE EXCUSED?

13 MRS. BONNER: YES.

14 THE COURT: AND YOUR REASON?

15 MRS. BONNER: I AM SIX MONTHS PREGNANT. BY THE TIME
16 THE TRIAL WOULD BE OVER, I WILL HAVE HAD MY BABY.

17 THE COURT: I THINK THAT IS A GOOD MEDICAL REASON. THANK
18 YOU VERY MUCH.

19 MR. WAPNER: I THINK IT SOUNDS A LITTLE SHAKY.

20 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

21 MR. WAPNER: CAN'T YOU PUT IT OFF FOR A LITTLE WHILE?

22 THE COURT: I HOPE YOU HAVE A VERY HAPPY DELIVERY AND
23 THAT IT IS A BEAUTIFUL BABY. IT WILL BE IF IT LOOKS LIKE
24 YOU.

25 MS. BONNER: THANK YOU.

26 (PROSPECTIVE JUROR BONNER EXITS CHAMBERS.)

27 (PROSPECTIVE JUROR BOSCO ENTERS CHAMBERS.)

28 THE CLERK: THIS IS JOSEPH BOSCO.

1 THE COURT: MR. BOSCO, WE UNDERSTAND YOU WANT TO BE
2 EXCUSED?

3 MR. BOSCO: YES. AS SOON AS YOU MADE THE ANNOUNCEMENT
4 YOUR HONOR, I CONTACTED MY EMPLOYER. THEY SAID THAT THEY
5 WILL PAY, COMPANY POLICY IS PERMITTING TEN DAYS.

6 AND SINCE I AM AN OLD-TIME EMPLOYEE AND HAVE SOME
7 VERY VALUABLE SECURITY-TYPE CLEARANCES FOR THE WORK I DO,
8 IT WOULD RAISE CONSIDERABLE HARDSHIP ON THE PERFORMANCE OF
9 SOME OF THE JOB RESPONSIBILITIES THAT WOULD HAVE TO BE
10 BESTOWED ON OTHER PEOPLE.

11 FOR THAT REASON, THEY DISCOURAGED ME FROM GETTING
12 INVOLVED IN SUCH A LONGSTANDING CASE.

13 THE COURT: UH-HUH.

14 MR. CHIER: WHAT IS THE LIMIT OF THE JURY DUTY, TEN
15 DAYS ORDINARILY?

16 MR. BOSCO: YES, TEN DAYS IS NORMAL, STANDARD. IT IS
17 T.R.W.

18 THE COURT: T.R.W.?

19 MR. BOSCO: YES.

20 THE COURT: FIFTEEN WORKDAYS PER YEAR. THAT IS ALL
21 THEY ALLOW.

22 MR. BARENS: EXCUSED.

23 MR. CHIER: YES.

24 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
25 BE EXCUSED.

26 YOU COME BACK A WEEK FROM THURSDAY TO THE JURY
27 ASSEMBLY ROOM AT 10:00 O'CLOCK. ALL RIGHT? YOU ARE EXCUSED.

28 MR. WAPNER: HE GOES BACK TO THE JURY ASSEMBLY ROOM?

1 THE COURT: YES. YOU WILL REPORT THERE FOR OTHER DUTY.

2 (PROSPECTIVE JUROR BOSCO EXITS CHAMBERS.)

3 (PROSPECTIVE JUROR ANDERSON ENTERS CHAMBERS.)

4 THE CLERK: DONALD ANDERSON. HE MADE HIS PHONE CALLS.

5 THE COURT: YES?

6 MR. ANDERSON: THEY SAID NOT OVER TEN DAYS.

7 THE COURT: ALL RIGHT. THANK YOU. YOU WILL BE EXCUSED.

8 MR. ANDERSON: THANK YOU.

9 I MIGHT SERVE ON ANOTHER JURY LESS THAN THAT?

10 THE COURT: YOU GO BACK TO THE JURY ASSEMBLY ROOM. TELL
11 THEM YOU HAVE BEEN EXCUSED FROM THIS CASE.

12 MR. ANDERSON: OKAY. THANK YOU.

13 (PROSPECTIVE JUROR ANDERSON EXITS CHAMBERS.)

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1 (PROSPECTIVE JUROR BROOKS ENTERS CHAMBERS.)

2 THE CLERK: THIS IS CARLTON BROOKS.

3 THE COURT: HOW ARE YOU, MR. BROOKS?

4 MR. BROOKS: FINE, THANK YOU.

5 THE COURT: YOU INDICATED YOU WANTED TO BE EXCUSED,
6 MR. BROOKS?

7 MR. BROOKS: I WORK FOR ROCKWELL INTERNATIONAL. I THINK
8 THE MAXIMUM PAY IS 25 DAYS, IF I AM NOT MISTAKEN. I DON'T
9 THINK THEY WILL EXTEND IT ANY MORE.

10 THE COURT: YOU DON'T?

11 MR. BROOKS: WELL, I NEVER CHECKED. I HAVE NEVER BEEN
12 CONFRONTED WITH THE SITUATION.

13 THE COURT: DO YOU WANT TO FIND OUT FROM THEM AND LET
14 ME KNOW?

15 MR. BROOKS: OF COURSE I WILL DO IT.

16 THE COURT: TWENTY-FIVE DAYS? DO YOU WANT TO CHECK
17 AND SEE IF THEY WILL PERMIT IT?

18 MR. BROOKS: SURE. I WILL CALL THEM.

19 THE COURT: IS THAT 25 WORKING DAYS?

20 MR. BROOKS: THAT IS 25 WORKING DAYS, YOUR HONOR.

21 THE COURT: TWENTY-FIVE. FIND OUT FROM THEM AND LET
22 THE CLERK KNOW. COME BACK AND LET US KNOW.

23 MR. BROOKS: THANK YOU.

24 THE COURT: THANK YOU.

25 (PROSPECTIVE JUROR BROOKS EXITS CHAMBERS.)

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1 THE COURT: I NEVER ANTICIPATED THERE WOULD BE THAT
2 GREAT A NUMBER.

3 MR. WAPNER: I THOUGHT THERE WOULD BE A LOT MORE.

4 THE CLERK: THIS IS BARBARA CAMPBELL.

5 THE COURT: IS IT MISS CAMPBELL OR MR. (SIC)?

6 MISS CAMPBELL: MISS.

7 MR. CHIER: IT IS CERTAINLY NOT MR.

8 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED.
9 WHAT REASON DO YOU HAVE?

10 MISS CAMPBELL: I RISK LOSING MY JOB.

11 THE COURT: PARDON ME?

12 MISS CAMPBELL: I CAN'T RISK LOSING MY JOB.

13 THE COURT: WHOM DO YOU WORK FOR?

14 MISS CAMPBELL: THE J. PAUL GETTY MUSEUM.

15 THE COURT: J. PAUL GETTY?

16 MR. BARONS: DO YOU KNOW WHAT THEIR POLICY IS?

17 MISS CAMPBELL: NO, I AM NOT SURE.

18 MR. CHIER: DO YOU KNOW A RON -- WHAT IS HIS NAME --
19 RON SLATKINS?

20 MISS CAMPBELL: NO.

21 I WORK IN THE BOOKSTORE.

22 THE COURT: CAN YOU FIND OUT FROM THEM HOW LONG THEY
23 WILL PERMIT YOU TO STAY?

24 MISS CAMPBELL: YES.

25 THE COURT: FIND OUT IF THEY WILL PERMIT YOU TO STAY
26 THREE MONTHS AND COME BACK AND LET US KNOW.

27 MISS CAMPBELL: CAN I TELL YOU ONE MORE THING ABOUT
28 IT?

1 THE COURT: YES.

2 MISS CAMPBELL: MY POSITION IS SLATED TO BE ELIMINATED.

3 THE COURT: WHAT?

4 MISS CAMPBELL: MY POSITION AS THE BOOKSTORE BUYER IS
5 SUPPOSED TO BE ELIMINATED WHEN A NEW PERSON COMES IN TO HEAD
6 THE DEPARTMENT OF PUBLICATIONS.

7 THE COURT: I SEE. SO YOU WOULD LOSE YOUR JOB?

8 MISS CAMPBELL: DECEMBER 1ST, SO I WOULD LIKE TO BE
9 THERE TO MAKE SURE I GET ANOTHER JOB WITHIN THE COMPANY.

10 THE COURT: I SEE.

11 MISS CAMPBELL: THAT IS MY MAIN REASON.

12 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE
13 EXCUSED.

14 MISS CAMPBELL: OKAY.

15 THE COURT: GO TO THE JURY ASSEMBLY ROOM AND TELL THEM
16 YOU ARE EXCUSED FROM THIS CASE.

17 MISS CAMPBELL: THANK YOU..

18 (PROSPECTIVE JUROR EXITED CHAMBERS.)

19 MR. CHIER: DO WE HAVE ANY INPUT WHETHER YOU EXCUSE
20 THEM?

21 MR. BARENS: HE JUST SAID SHE WAS EXCUSED.

22 THE COURT: DO YOU WANT HER NOT TO BE EXCUSED?

23 THE CLERK: THIS IS RAMONA CAPLAN.

24 MR. WAPNER: I DON'T THINK NODS WILL GET ON THE RECORD
25 AND I THINK WE SHOULD BE ASKED AND I THINK WE SHOULD HAVE
26 SOME KIND OF INDICATION.

27 THE COURT: IF THERE IS NO OBJECTION. IF THERE IS AN
28 OBJECTION, IT WILL BE VOICED AND IT WILL BE ON THE RECORD.

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1 MR. CHIER: ALL RIGHT, FINE.

2 MAYBE WE SHOULD BETTER CHANGE PLACES HERE, JUDGE,
3 MR. WAPNER AND I.

4 MR. WAPNER: THAT IS FINE.

5 MR. CHIER: SO WE ARE TRACKING TOGETHER.

6 MR. BARENS: IT IS DIFFICULT FOR ME TO SEE MR. CHIER
7 THAT FAR TO MY RIGHT ANYHOW, YOUR HONOR.

8 THE COURT: WHAT IS YOUR NAME AGAIN? I AM SORRY?

9 MS. CAPLAN: RAMONA CAPLAN.

10 THE COURT: RAMONA CAPLAN, YOU ARE MRS. CAPLAN?

11 MS. CAPLAN: MS.

12 THE COURT: MISS?

13 MS. CAPLAN: MS.

14 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED?

15 MS. CAPLAN: YES, YOUR HONOR.

16 THE COURT: WHAT IS YOUR REASON FOR IT?

17 MS. CAPLAN: I HAVE BEEN TRYING FOR THE PAST THREE YEARS
18 FOR A PROMOTION AND I WAS CALLED LAST WEEK BY THE VICE
19 PRESIDENT OF HUMAN RESOURCES OF OUR STUDIO TO BE TOLD I AM
20 BEING CONSIDERED FOR A JOB AS PUBLICIST. IT WILL INCREASE
21 MY SALARY BY 50 PERCENT.

22 IF I AM NOT AVAILABLE TO GO THROUGH THE INTERVIEWING
23 PROCESS, WHICH I ONLY HAVE ONE MORE INTERVIEW TO GO THROUGH
24 BEFORE I WOULD BE TOLD WHETHER I DO OR DO NOT HAVE THE
25 POSITION.

26 THE COURT: IT WILL JEOPARDIZE YOUR PROMOTION?

27 MS. CAPLAN: IT WOULD ABSOLUTELY JEOPARDIZE MY CHANCE
28 FOR THE OPPORTUNITY.

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1 MR. WAPNER: I HAVE NO OBJECTION TO HER BEING EXCUSED.

2 MR. BARENS: NO OBJECTION.

3 THE COURT: YOU CAN GO BACK TO THE JURY ASSEMBLY ROOM
4 AND TELL THEM YOU HAVE BEEN EXCUSED FROM DUTY IN THIS CASE.

5 MS. CAPLAN: THANK YOU, YOUR HONOR.

6 (PROSPECTIVE JUROR EXITED CHAMBERS.)

7 THE CLERK: THIS IS CARLTON BROOKS AGAIN.

8 THE COURT: DID YOU CALL YOUR EMPLOYER?

9 MR. BROOKS: I SPOKE WITH MY BENEFITS PERSON AT SEAL
10 BEACH AND SHE INDICATED THE CORPORATION IS NOT WILLING TO
11 EXTEND THE 25 DAYS, BUT THEY ENCOUNTERED A SITUATION IN THE
12 PAST WHERE AN EMPLOYEE WAS A JUROR AND THERE WAS NO ALTERNATE
13 AND IT DID EXTEND BEYOND THE TIME AND THEY DID COMPENSATE
14 HIM.

15 THE COURT: SO THEY ARE WILLING FOR YOU TO SERVE BEYOND
16 THAT DAY?

17 MR. BROOKS: NO.

18 THE COURT: ALL RIGHT, THANK YOU. THANK YOU VERY MUCH.
19 YOU WILL BE EXCUSED.

20 MR. BROOKS: THANK YOU, YOUR HONOR.

21 THE COURT: YOU REPORT TO THE JURY ASSEMBLY ROOM THAT
22 YOU HAVE BEEN EXCUSED IN THIS CASE. YOU MIGHT SERVE IN SOME
23 OTHER CASES.

24 MR. BROOKS: THANK YOU.

25 (PROSPECTIVE JUROR EXITED CHAMBERS.)

26 MR. WAPNER: YOUR HONOR, THAT IS THE KIND OF SITUATION
27 WHERE WE MIGHT BENEFIT BY THE COURT MAKING A CALL TO THE
28 EMPLOYER.

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1 THE COURT: WAS THAT CARLTON BROOKS?

2 MR. BARENS: YES.

3 MR. WAPNER: THAT WAS CARLTON BROOKS, THAT IS RIGHT.

4 THE COURT: YOU SUGGEST I CALL THE EMPLOYER?

5 MR. BARENS: NO.

6 THE COURT: AND WASTE ALL THAT TIME.

7 THE CLERK: THIS IS STEVEN COCHRAN.

8 THE COURT: STEVEN COCHRAN? MR. COCHRAN, YOU HAVE
9 INDICATED THAT YOU WANT TO BE EXCUSED FROM JURY DUTY IN THIS
10 CASE. WHAT IS YOUR REASON FOR IT?

11 MR. COCHRAN: MY COMPANY ONLY PAYS 22 DAYS.

12 THE COURT: WHAT IS THE NAME OF YOUR COMPANY?

13 MR. COCHRANE: HUGHES AIRCRAFT.

14 THE COURT: DO YOU THINK IF YOU WERE TO CALL THEM AND
15 ASK THEM WHETHER YOU CAN SERVE FOR LONGER THAN THAT THAT THEY
16 WOULD DO IT?

17 MR. COCHRANE: I REALLY DOUBT IT. IT WAS ENOUGH OF
18 A HARDSHIP JUST TO COME FOR A MATTER OF THREE WEEKS BECAUSE
19 WE ARE VERY UNDERSTAFFED IN MY DEPARTMENT.

20 THE COURT: YES, THEY PAY FOR 22 WORKING DAYS; IS THAT
21 RIGHT?

22 MR. COCHRANE: YES.

23 THE COURT: IS THAT ALL RIGHT?

24 MR. BARENS: MR. WAPNER?

25 MR. WAPNER: IF THEY ARE NOT GOING TO EXTEND IT, I HAVE
26 NO OBJECTION TO HIS BEING EXCUSED.

27 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE
28 EXCUSED. GO TO THE JURY ASSEMBLY ROOM AND TELL THEM YOU HAVE

6 1 BEEN EXCUSED IN THIS CASE, JUST IN THIS CASE.

2 MR. COCHRANE: THANK YOU.

3 (PROSPECTIVE JUROR EXITED CHAMBERS.)

4 MR. CHIER: DO YOU THINK WHILE WE ARE DOING THIS, WE
5 COULD ASK THE JURORS HOW CLOSE TO THE COURTHOUSE THEY LIVE?
6 IT REALLY WOULDN'T PROTRACT THIS PROCEEDING MUCH AND IT WOULD
7 BE VERY INFORMATIVE.

8 MR. WAPNER: THAT GOES TO THE ARCE HEARING AND I DON'T
9 THINK THE ARCE HEARING HAS TO DO WITH THE PEOPLE ON THIS
10 PANEL.

11 IT HAS TO DO WITH SANTA MONICA PANELS GENERALLY.

12 THE CLERK: THIS IS MRS. MARVEL CONGER.

13 THE COURT: MRS. MARVEL CONGER?

14 MRS. CONGER: MARVEL.

15 THE COURT: ALL RIGHT, MRS. CONGER, YOU INDICATED YOU
16 WANTED TO BE EXCUSED.

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1 MRS. CONGER: I DON'T KNOW IF I APPLY OR NOT. NO ONE
2 COULD ANSWER THAT.

3 I ENTERTAIN FOR MY HUSBAND A LOT. I START WITH
4 THANKSGIVING WITH 40 PEOPLE, I HAVE TO PUT A PARTY ON
5 DECEMBER 11TH FOR ABOUT 250 AND THE SAME JANUARY 1ST AND WE
6 HAVE A THREE-WEEK VACATION PLANNED IN JANUARY, WHICH I COULD
7 TALK TO MY HUSBAND ABOUT.

8 I AM NOT TRYING TO GET OUT OF IT. I JUST WANT
9 TO TELL YOU THIS IS MY PROBLEM BECAUSE I AM AWFULLY BUSY FROM
10 NOW UNTIL JANUARY 1ST.

11 AND THE LAST TIME I WAS ON JURY DUTY, THEY
12 WOULDN'T EVEN LET ME ON BECAUSE MY BROTHER IS ON THE HIGHWAY
13 PATROL.

14 THE COURT: THEY WOULDN'T?

15 MRS. CONGER: THEY WOULDN'T LET ME ON ANY CASE BECAUSE
16 MY BROTHER IS ON THE HIGHWAY PATROL. THEY QUESTIONED ME MORE
17 THAN A LOT OF OTHER PEOPLE.

18 THE COURT: I SEE. YOU HAVE A BROTHER WHO IS A LAW
19 ENFORCEMENT OFFICER?

20 MRS. CONGER: YES.

21 THE COURT: ANY OBJECTION?

22 MR. BARENS: I FIND HER EXCUSE LEGITIMATE, YOUR HONOR.

23 THE COURT: WHERE DID YOU SAY YOU LIVE?

24 MRS. CONGER: IN THE PALISADES.

25 THE COURT: THE PALISADES?

26 ALL RIGHT, THANK YOU VERY MUCH. YOU WILL BE
27 EXCUSED.

28 MRS. CONGER: THANK YOU.

1 THE COURT: GO TO THE JURY ASSEMBLY ROOM AND TELL THEM
2 YOU ARE EXCUSED IN THIS CASE. THANK YOU VERY MUCH.

3 THE CLERK: BAYANI CRUZ.

4 THE COURT: MR. CRUZ, YOU HAVE INDICATED YOU WANT TO
5 BE EXCUSED, DO YOU?

6 MR. CRUZ: YES, YOUR HONOR, BECAUSE I DON'T HAVE GOOD
7 ENGLISH SO MIGHT I EXPLAIN WHAT I --

8 THE COURT: I SEE.

9 MR. CRUZ: WHAT IS IN MY HEART.

10 THE COURT: YOU CAN'T UNDERSTAND --

11 MR. CRUZ: NOT TOO MUCH.

12 THE COURT: -- ENGLISH TOO WELL?

13 MR. CRUZ: YES.

14 MR. BARENS: ACTUALLY THE DEFENSE MIGHT PREFER THAT,
15 YOUR HONOR.

16 HE IS EXCUSED?

17 MR. WAPNER: I HAVE NO OBJECTION. HE IS EXCUSED.

18 THE COURT: WHERE DO YOU LIVE, BY THE WAY?

19 MR. CRUZ: NORTH HOLLYWOOD, SIR.

20 THE COURT: NORTH HOLLYWOOD?

21 MR. CRUZ: YES.

22 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE
23 EXCUSED. YOU GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK
24 THAT I HAVE EXCUSED YOU IN THIS CASE AND TO TAKE YOU OFF THE
25 LIST ALTOGETHER.

26 MR. CRUZ: ALTOGETHER?

27 THE COURT: THEY CAN TAKE YOU OFF COMPLETELY.

28 MR. CRUZ: OKAY. THANK YOU, YOUR HONOR.

1 THE COURT: YOU ARE WELCOME.

2 (PROSPECTIVE JUROR EXITED CHAMBERS.)

3 MR. WAPNER: THEY WANTED YOU TO ASK THE QUESTION AND
4 THEY DON'T WRITE DOWN THE ANSWER.

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1 (PROSPECTIVE JUROR MR. DAMERELL ENTERS
2 CHAMBERS.)

3 THE CLERK: THIS IS MICHAEL DAMERELL.

4 THE COURT: MR. DAMERELL, WHERE DO YOU LIVE?

5 MR. DAMERELL: PARDON ME?

6 THE COURT: WHERE DO YOU LIVE?

7 MR. DAMERELL: HERE IN SANTA MONICA.

8 THE COURT: AND WHAT IS YOUR EXCUSE FOR SEEKING TO BE
9 EXCUSED?

10 MR. DAMERELL: WELL, I AM NOT POSITIVE WHETHER MY COMPANY
11 PAYS OVER TEN DAYS OR NOT. I WAS TOLD THAT THEY PAID FOR
12 JURY DUTY BUT THEY DIDN'T GIVE ME --

13 THE COURT: WHAT IS THE NAME OF YOUR COMPANY?

14 MR. DAMERELL: WICKES COMPANIES.

15 THE COURT: WICKES?

16 MR. DAMERELL: YES.

17 MR. WAPNER: IF WE GIVE YOU SOME TIME TO GO AND CALL
18 YOUR EMPLOYER, CAN YOU CONTACT THEM AND LET US KNOW?

19 MR. DAMERELL: YES.

20 MR. BARENS: WOULD YOU DO THAT?

21 MR. DAMERELL: I WILL SEE IF I CAN DO IT HERE.

22 THE COURT: ALL RIGHT. PLEASE CALL UP AND COME BACK
23 AND TELL US AGAIN, WOULD YOU?

24 MR. DAMERELL: OKAY.

25 THE COURT: THANKS.

26 (PROSPECTIVE JUROR DAMERELL EXITS CHAMBERS.)

27 (PROSPECTIVE JUROR DAWSON ENTERS CHAMBERS.)

28 THE CLERK: THIS IS JERRY DAWSON.

1 THE COURT: YES, MR. DAWSON. HOW ARE YOU?

2 MR. DAWSON: FINE.

3 THE COURT: WHERE DO YOU LIVE?

4 MR. DAWSON: I LIVE IN HERMOSA BEACH.

5 THE COURT: AND INDICATED THAT YOU WANTED TO BE EXCUSED?

6 MR. DAWSON: YES, SIR.

7 THE COURT: WHAT IS THE REASON?

8 MR. DAWSON: I HOLD DOWN TWO POSITIONS. ONE IS A
9 PROPERTY MANAGER AND THE OTHER IS A REAL ESTATE LOAN BROKER
10 WHICH IS A STRAIGHT COMMISSION SITUATION.

11 THE COURT: IF YOU DON'T WORK, YOU DON'T GET PAID, IS
12 THAT IT ?

13 MR. DAWSON: IF I DON'T CLOSE ANY DEALS, I DON'T GET
14 PAID.

15 THE COURT: YOU WOULDN'T BE ABLE TO GET ALONG ON WHAT
16 YOU ARE PAID AS A JUROR, WOULD YOU?

17 MR. DAWSON: NO. YOU KNOW, YOUR HONOR, I HAVE BEEN
18 CALLED HALF A DOZEN TIMES. AND I WAS ALWAYS ON STRAIGHT
19 COMMISSION. AND I DO NOW HAVE SOME SALARY.

20 BUT MY WIFE JUST TOOK A FORCED RETIREMENT. SHE
21 LOST HER HEALTH INSURANCE. I HAVE HAD TO PUT HER ON MINE,
22 WHICH IS EXPENSIVE.

23 I AM ALSO A RECOVERING CANCER PATIENT. I HAVE
24 THREE YEARS TO GO, YET.

25 THE COURT: ALL RIGHT.

26 MR. WAPNER: GOOD LUCK ON THAT ONE. I HAVE NO OBJECTION
27 IF HE IS EXCUSED.

28 MR. BARENS: NO OBJECTION.

1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU ARE
2 EXCUSED.

3 GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK
4 THAT YOU ARE TO BE EXCUSED FROM THE JURY IN THIS CASE.

5 (PROSPECTIVE JUROR DAWSON EXITS CHAMBERS.)

6 (PROSPECTIVE JUROR DRACKE ENTERS CHAMBERS.)

7 THE CLERK: THIS IS EMIL DRACKE.

8 THE COURT: YES. D-R-A-C-K-E, DRACKE IS HOW YOU
9 PRONOUNCE IT?

10 MR. DRACKE: YES.

11 THE COURT: MR. DRACKE, WHERE DO YOU LIVE, BY THE WAY?

12 MR. DRACKE: I LIVE IN WOODLAND HILLS.

13 THE COURT: I THINK YOU INDICATED YOU WANTED TO BE
14 EXCUSED FROM THE JURY?

15 MR. DRACKE: YES.

16 THE COURT: WHAT IS THE REASON?

17 MR. DRACKE: THE REASON IS, WHEN I FOUND OUT THAT I
18 HAD JURY DUTY COMING UP A COUPLE OF WEEKS AGO, LAST WEEK I
19 RESIGNED MY POSITION AT WORK.

20 I DECIDED TO HAVE MY JURY DUTY OVER AND THEN START
21 LOOKING FOR A JOB. BUT I CAN'T GO WITHOUT A JOB FOR TWO OR
22 THREE MONTHS.

23 THE COURT: ANY QUESTIONS?

24 MR. WAPNER: NO OBJECTION IF HE IS EXCUSED.

25 MR. BARENS: NONE.

26 THE COURT: THANK YOU, MR. DRACKE. YOU ARE EXCUSED
27 TO GO TO THE JURY ASSEMBLY ROOM. TELL THEM YOU ARE EXCUSED.

28 YOU CAN SERVE FOR A WEEK OR TWO, CAN'T YOU?

1 MR. DRACKE: YES. THAT IS WHAT I WANTED TO DO.

2 THE COURT: WELL, TELL THEM THAT.

3 (PROSPECTIVE JUROR DRACKE EXITS CHAMBERS.)

4 (PROSPECTIVE JUROR DAMERELL ENTERS CHAMBERS.)

5 THE CLERK: THIS IS MICHAEL DAMERELL AGAIN.

6 THE COURT: YOU HAVE CONTACTED YOUR EMPLOYER?

7 MR. DAMERELL: YES. I CALLED UP. THEY SAID THAT THERE
8 IS NO LIMIT ON THE NUMBER OF DAYS THAT THEY PAY FOR.

9 THE COURT: ALL RIGHT, FINE. YOU CAN STAY THEN, CAN'T
10 YOU?

11 MR. DAMERELL: RIGHT.

12 THE COURT: ALL RIGHT. WHY DON'T YOU REPORT A WEEK
13 FROM TODAY AT 10:00 O'CLOCK IN THE JURY ASSEMBLY ROOM.

14 MR. WAPNER: WEEK FROM TOMORROW.

15 THE COURT: A WEEK FROM TOMORROW. THAT WILL BE THURSDAY
16 AT 10:00 O'CLOCK. THANK YOU VERY MUCH. I AM GLAD YOU ARE
17 ABLE TO MAKE IT.

18 (PROSPECTIVE JUROR DAMERELL EXITS CHAMBERS.)

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1 (PROSPECTIVE JUROR EDWARDS ENTERS CHAMBERS.)

2 THE CLERK: THIS IS RUSSELL EDWARDS.

3 THE COURT: YES. MR. EDWARDS, SIT DOWN.

4 MR. EDWARDS: YES, RUSSELL EDWARDS. TWO LAST NAMES.

5 THE COURT: OR THE MAN WITH TWO FIRST NAMES. MR. EDWARDS,
6 I THINK YOU HAVE INDICATED THAT YOU WANTED TO BE EXCUSED?

7 MR. EDWARDS: THREE MONTHS IS JUST TOO LONG FOR ME.
8 IT WORKS A HARDSHIP. I HAVE GOT A MOTHER THAT IS ALMOST 90.

9 I HAVE TO MORE OR LESS MONITOR THAT EVERY DAY.

10 THE COURT: YOU ARE NOT WORKING, ARE YOU?

11 MR. EDWARDS: NO. I AM RETIRED.

12 THE COURT: WHERE DO YOU LIVE?

13 MR. EDWARDS: WHERE DO I LIVE? WINDSOR HILLS.

14 THE COURT: WINDSOR HILLS, WHERE IS THAT?

15 MR. EDWARDS: WELL, IT IS PART OF BALDWIN HILLS. IT
16 IS UP NORTH OF STOCKER.

17 THE COURT: YES. ALL RIGHT. ANY QUESTIONS?

18 MR. WAPNER: NO. I DON'T HAVE ANY QUESTIONS.

19 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
20 BE EXCUSED.

21 YOU ARE TO REPORT TO THE JURY ASSEMBLY ROOM AND
22 TELL HER YOU ARE EXCUSED FROM THIS CASE.

23 MR. EDWARDS: THANK YOU.

24 (PROSPECTIVE JUROR EDWARDS EXITS CHAMBERS.)

25 (PROSPECTIVE JUROR EIDSATH ENTERS CHAMBERS.)

26 THE CLERK: THIS IS ANN EIDSATH.

27 THE COURT: JUST HAVE A SEAT. IS IT MRS. OR MISS?

28 MRS. EIDSATH: MRS.

1 THE COURT: WHERE DO YOU LIVE, MRS. EIDSATH?

2 MRS. EIDSATH: MANHATTAN BEACH.

3 THE COURT: ARE YOU SEEKING TO GET EXCUSED FROM THIS
4 CASE?

5 MRS. EIDSATH: UH-HUH.

6 THE COURT: WHAT IS YOUR REASON?

7 MRS. EIDSATH: BECAUSE OF THE LENGTH OF IT. I HAVE
8 HIGH BLOOD PRESSURE. I NEED MEDICATION FOR IT.

9 I TAKE LOW PRESSURE TWICE A DAY. AND SOMETIMES
10 IT MAKES ME DROWSY, YOU KNOW, THE LATEST ONE.

11 AND I WOULD BE ATTENDING --

12 THE COURT: IT IS FOR MEDICAL REASONS THAT YOU WANT
13 TO BE EXCUSED?

14 MRS. EIDSATH: YES. THEN, I AM ARTHRITIC ALSO. AND
15 YOU KNOW, I THOUGHT THAT TEN DAYS, I COULD DO IT FOR TEN DAYS.

16 I AM RETIRED. I DON'T HAVE ANY OTHER PROBLEMS.
17 BUT I DON'T THINK I COULD DO IT FOR THAT LENGTH OF TIME.

18 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
19 BE EXCUSED. YOU ARE TO GO TO THE JURY ROOM.

20 TELL THE CLERK THERE YOU HAVE BEEN EXCUSED FROM
21 THIS CASE AND YOU WANT TO SERVE ON SOME OTHER CASE.

22 MRS. EIDSATH: I THINK I COULD SERVE ON SOME OTHER ONE.

23 THE COURT: GOOD LUCK TO YOU.

24 MRS. EIDSATH: THANK YOU. I HOPE ALL GOES WELL.

25 (PROSPECTIVE JUROR EIDSATH EXITS CHAMBERS.)

26 (PROSPECTIVE JUROR ELLIS ENTERS CHAMBERS.)

27 THE CLERK: THIS IS DON ELLIS.

28 THE COURT: DON ELLIS? WHERE DO YOU LIVE, MR. ELLIS?

1 MR. ELLIS: PARDON ME?

2 THE COURT: WHERE DO YOU LIVE?

3 MR. ELLIS: I LIVE IN WEST LOS ANGELES.

4 THE COURT: AND YOU HAVE INDICATED THAT YOU WANT TO
5 BE EXCUSED?

6 MR. ELLIS: YES, FROM THIS CASE. THREE AND A HALF YEARS
7 AGO, I RETIRED FROM THE PROBATION DEPARTMENT BECAUSE OF A
8 PHYSICAL CONDITION DIAGNOSED AS FIBROCITIS, WHICH WAS CAUSED
9 BY STRESS AFTER 23½ YEARS IN PROBATION.

10 SO I FEEL THAT IF I HAVE TO SERVE ON A LONG CASE
11 LIKE THAT, THAT IT WOULD BE A GOOD DEAL OF STRESS. IT WOULD
12 AGGRAVATE THE CONDITION.

13 THE COURT: MEDICAL REASONS, IS THAT RIGHT?

14 MR. ELLIS: YES. I COULD GET MY DOCTOR TO WRITE A
15 LETTER.

16 MR. WAPNER: NO OBJECTION.

17 THE COURT: THANK YOU VERY MUCH. YOU ARE EXCUSED.

18 TELL THE CLERK IN THE JURY ASSEMBLY ROOM THAT
19 YOU HAVE BEEN EXCUSED FROM THE CASE. THANK YOU VERY MUCH.

20 (PROSPECTIVE JUROR ELLIS EXITS CHAMBERS.)

21 (PROSPECTIVE JUROR ESCOBEDO ENTERS CHAMBERS.)

22 THE CLERK: THIS IS ALICIA ESCOBEDO. THE NAME IS SPELLED
23 INCORRECTLY ON THE LIST. IT IS E-S-C-O-B-E-D-O.

24 THE COURT: IS THAT MRS. OR MISS?

25 MRS. ESCOBEDO: MRS.

26 THE COURT: WHERE DO YOU LIVE?

27 MRS. ESCOBEDO: MARINA DEL REY.

28 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED?

1 MRS. ESCOBEDO: YES.

2 THE COURT: WHAT IS THE REASON?

3 MRS. ESCOBEDO: MY COMPANY ONLY PAYS FOR 22 DAYS,
4 MAXIMUM. IT IS HUGHES AIRCRAFT COMPANY.

5 THE COURT: WHAT?

6 MRS. ESCOBEDO: HUGHES AIRCRAFT.

7 THE COURT: YES. THAT IS RIGHT. YOU DON'T THINK THEY
8 WILL GIVE YOU ANY MORE TIME?

9 MRS. ESCOBEDO: NO.

10 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
11 BE EXCUSED.

12 PLEASE TELL THE CLERK IN THE JURY ASSEMBLY ROOM
13 THAT YOU ARE EXCUSED FROM THIS CASE. YOU CAN SERVE ON OTHER
14 CASES.

15 MRS. ESCOBEDO: OKAY. THANK YOU VERY MUCH.

16 THE COURT: THANK YOU.

17 (PROSPECTIVE JUROR ESCOBEDO EXITS CHAMBERS.)

18 MR. CHIER: CAN PEOPLE BE FIRED FOR JUST GOING ON JURY
19 DUTY?

20 THE COURT: THEY ARE NOT ALLOWED TO.

21 MR. CHIER: BUT THEY CAN SUSPEND THE PAY.

22 MR. BARENS: ON THE PANACOST JURY, THAT WENT OVER
23 THREE MONTHS. WE HAD TERRIBLE PROBLEMS.

24 (PROSPECTIVE JUROR DEVINE ENTERS CHAMBERS.)

25 THE CLERK: THIS LADY'S NAME IS NOT ON THE LIST. SHE
26 IS CHERI, C-H-E-R-I, DEVINE, D-E-V-I-N-E.

27 THE COURT: IS IT MISS?

28 MISS DEVINE: MS. DIVORCED.

1 THE COURT: WHERE DO YOU LIVE?

2 MS. DEVINE: RESEDA.

3 THE COURT: DO YOU WANT TO BE EXCUSED?

4 MS. DEVINE: YES. ECONOMIC REASONS.

5 THE COURT: AND HOW IS THAT?

6 MS. DEVINE: MY COMPANY PAYS FOR TEN DAYS. THEY WILL
7 PAY TEN DAYS ADDITIONAL IF I AM PLACED ON A JURY TOWARDS THE
8 END OF MY TERM.

9 BUT BEYOND THE 20 DAYS, THEY WILL NOT PAY ME.

10 I SUPPORT TWO MINOR CHILDREN.

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1 THE COURT: ALL RIGHT.

2 MR. WAPNER: NO OBJECTION.

3 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.
4 PLEASE GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK THAT
5 YOU HAV BEEN EXCUSED FROM THIS CASE. THEY MIGHT WANT TO PUT
6 YOU ON SOME OTHER CASE. THANK YOU.

7 (PROSPECTIVE JUROR DEVINE EXITS CHAMBERS.)

8 (PROSPECTIVE JUROR FALKOWSKI ENTERS CHAMBERS.)

9 THE CLERK: THIS IS ERIC FALKOWSKI.

10 THE COURT: YOU MAY HAVE A SEAT. HOW ARE YOU, MR.
11 FALKOWSKI? WHERE DO YOU LIVE?

12 MR. FALKOWSKI: SORRY?

13 THE COURT: WHERE DO YOU LIVE?

14 MR. FALKOWSKI: MAR VISTA.

15 THE COURT: MAR VISTA. AND YOU WANT TO BE EXCUSED,
16 I UNDERSTAND?

17 MR. FALKOWSKI: YES, UH-HUH.

18 THE COURT: WHAT IS YOUR REASON FOR THAT?

19 MR. FALKOWSKI: I HAVE TWO MEDICAL PROBLEMS. ONE IS
20 WITH MY LEFT HAND AND ANOTHER ONE WITH MY LEFT FOOT. I AM
21 PLANNING TO HAVE A SURGÈRY THAT WILL HAVE TO BE PERFORMED
22 TO HAVE THIS CUT OUT.

23 THE COURT: WHAT IS IT? YOU HAVE A DUPUYTREN'S
24 CONTRACTURE?

25 MR. FALKOWSKI: YES.

26 THE COURT: YES. I HAVE ONE. THAT IS HOW I KNOW.

27 MR. WAPNER: I HAVE NO OBJECTION.

28 MR. FALKOWSKI: I AM GOING TO HAVE IT OPERATED ON. I

1 JUST CAN'T WORK.

2 MR. CHIER: NO OBJECTION.

3 THE COURT: THANK YOU VERY MUCH. GOOD LUCK IN YOUR
4 OPERATION. DO YOU WANT TO BE EXCUSED ALTOGETHER SO YOU DON'T
5 HAVE TO SERVE ON ANY KIND OF CASE?

6 MR. FALKOWSKI: YES.

7 THE COURT: TELL THE JURY CLERK YOU ARE EXCUSED
8 ALTOGETHER.

9 MR. FALKOWSKI: THANK YOU.

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1 MR. BARENS: NO ONE IS DOING THIS TODAY IN RED CHINA.

2 THE CLERK: THIS IS ELAINE FARRELL.

3 THE COURT: IS THAT MISS FARRELL?

4 MISS FARRELL: UH-HUH.

5 THE COURT: WHERE DO YOU LIVE, MISS FARRELL?

6 MISS FARRELL: PARDON?

7 THE COURT: WHERE DO YOU LIVE?

8 MISS FARRELL: IN VAN NUYS.

9 THE COURT: VAN NUYS OR VENICE?

10 MISS FARRELL: VAN NUYS.

11 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED.

12 MISS FARRELL: UH-HUH.

13 THE COURT: WHAT IS YOUR REASON FOR IT?

14 MISS FARRELL: I AM AN ACCOUNTANT FOR AN INSURANCE
15 COMPANY DOWNTOWN AND DURING THE FIRST THREE MONTHS OF THE
16 YEAR WE WORK SIX DAYS A WEEK, TEN HOURS A DAY TO PUT OUT THE
17 ANNUAL STATEMENT AND I DON'T KNOW --

18 ACTUALLY, I REALLY DON'T THINK THAT THEY WOULD
19 LET ME STAY FOR THE FULL THREE MONTHS.

20 THE COURT: YOU THINK IF YOU CALL THEM UP THEY WOULD
21 TELL YOU NO, IS THAT IT?

22 MISS FARRELL: YEAH.

23 MY MANAGER ACTUALLY WANTED ME TO POSTPONE IT UNTIL
24 EARLY DECEMBER BECAUSE WE DO MONTHLY EARNINGS NOW.

25 MR. BARENS: COULD WE HAVE THE PROSPECTIVE JUROR INQUIRE?

26 THE COURT: YES. WOULD YOU FIND OUT FROM YOUR EMPLOYER
27 WHETHER OR NOT THEY WILL PERMIT YOU TO STAY THROUGH JANUARY
28 AT LEAST?

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1 MR. CHIER: WHO DO YOU WORK FOR?

2 MISS FARRELL: TRANSAMERICA-OCCIDENTAL LIFE.

3 THE COURT: TRANSAMERICA?

4 MISS FARRELL: YES.

5 THE COURT: WHY DON'T YOU CALL THEM UP AND ASK THEM
6 AND THEN COME BACK AND TELL US?

7 MISS FARRELL: OKAY.

8 THE COURT: THANK YOU VERY MUCH.

9 (PROSPECTIVE JUROR EXITED CHAMBERS.)

10 THE CLERK: READY?

11 THE COURT: YES.

12 THE CLERK: THIS IS HARVEY FERBER.

13 MR. FERBER: GOOD AFTERNOON.

14 THE COURT: GOOD AFTERNOON, MR. FERBER.

15 MR. FERBER: HOW ARE YOU ALL?

16 THE COURT: FINE. THANK YOU.

17 WHERE DO YOU LIVE, MR. FERBER?

18 MR. FERBER: I WORK FOR HUGHES AIRCRAFT.

19 THE COURT: WHERE DO YOU LIVE?

20 MR. FERBER: I LIVE IN RESEDA.

21 THE COURT: AND YOUR COMPANY WON'T PERMIT YOU MORE THAN
22 22 DAYS, IS THAT IT?

23 MR. FERBER: YOU ARE CORRECT, YOUR HONOR.

24 THE COURT: ALL RIGHT. THAT IS A FIRM RULE, IS IT?

25 MR. FERBER: YES, IT IS.

26 MR. WAPNER: NO OBJECTION.

27 MR. BARENS: NO OBJECTION.

28 THE COURT: ALL RIGHT. HOWEVER, YOU CAN SERVE IN OTHER

1 CASES SO YOU GO BACK TO THE JURY ASSEMBLY ROOM AND JUST TELL
2 THEM YOU HAVE BEEN EXCUSED FROM THIS CASE.

3 MR. FERBER: THANK YOU.

4 THE COURT: THANK YOU VERY MUCH FOR COMING.

5 MR. FERBER: GOOD-BY.

6 (PROSPECTIVE JUROR EXITED CHAMBERS.)

7 THE COURT: THEY DON'T ALL COME FROM SANTA MONICA.

8 MR. CHIER: WELL, THEY COME FROM AN ARC.

9 THE COURT: WHAT KIND OF HAIR DID YOU SAY THEY GREW?

10 MR. CHIER: BLUE HAIR.

11 THE CLERK: THIS IS MRS. CYNTHIA FORD BUT NOW BARLESE,
12 B-A-R-L-E-S-E.

13 MR. WAPNER: IS THAT A HYPHENATED LAST NAME?

14 MRS. BARLESE: NO.

15 MR. WAPNER: YOU ARE USING BARLESE?

16 MRS. BARLESE: YES.

17 THE CLERK: SHE WAS FORMERLY CYNTHIA FORD.

18 THE COURT: YOUR NAME USED TO BE FORD, IS THAT IT?

19 MRS. BARLESE: UH-HUH.

20 THE COURT: WHERE DO YOU LIVE?

21 MRS. BARLESE: IN SANTA MONICA.

22 THE COURT: AND YOU WANT TO BE EXCUSED FROM JURY DUTY?

23 MRS. BARLESE: YES.

24 THE COURT: IN THIS CASE?

25 MRS. BARLESE: I THINK IT WOULD BE A HARDSHIP FOR MY
26 COMPANY. WE HAVE A SMALL DIVISION. MY MAIN COMPANY IS IN
27 CHICAGO. IT IS AMERITEC COMMUNICATIONS. WE HAVE A SMALL
28 DIVISION IN L.A. AND THERE ARE ONLY TWO OF US.

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1 THE COURT: IT IS ONE OF THE TELEPHONE COMPANIES, ISN'T
2 IT?

3 MRS. BARLESE: RIGHT.

4 THE COURT: IT IS ONE OF MY TELEPHONE COMPANIES.

5 MRS. BARLESE: IS THAT RIGHT?

6 THE COURT: AND WHAT IS THE HARDSHIP YOU SAY?

7 MRS. BARLESE: THERE IS ONLY TWO OF US IN THE L.A. AREA
8 AND WE HAVE FOUR BUILDINGS THAT WE MAINTAIN SO IT IS REALLY
9 HARD WHEN ONE OF US ARE GONE.

10 THE COURT: SO YOU DON'T WANT TO SERVE ON THE JURY ON
11 ANY CASE; IS THAT RIGHT?

12 MRS. BARLESE: WELL, ESPECIALLY FOR THREE MONTHS.

13 THE COURT: YOU CAN STAY FOR A SHORTER PERIOD, CAN YOU?

14 MRS. BARLESE: PARDON ME?

15 THE COURT: WILL YOU SERVE FOR A SHORTER PERIOD?

16 MRS. BARLESE: YES.

17 THE COURT: WHY DON'T YOU GO BACK -- IS THAT AGREEABLE
18 WITH YOU GENTLEMEN?

19 MR. BARENS: JUST A MOMENT, YOUR HONOR.

20 (UNREPORTED COLLOQUY BETWEEN MR. BARENS

21 AND MR. CHIER.)

22 MR. BARENS: IT IS NOT EXACTLY A HARDSHIP THAT WE HAVE
23 HERE RATHER A PREFERENCE.

24 MR. WAPNER: MAY WE MAKE SOME FURTHER INQUIRY?

25 THE COURT: YES, GO AHEAD.

26 MR. WAPNER: WILL THE COMPANY PAY YOU FOR THE ENTIRE
27 TIME THAT YOU ARE ON JURY DUTY?

28 MRS. BARLESE: I REALLY DON'T KNOW.

1 I HAVE ONLY BEEN EMPLOYED FOR TWO MONTHS WITH
2 THIS COMPANY SO I REALLY DON'T KNOW AND I HAVEN'T ASKED.

3 MR. WAPNER: OKAY, WELL MAYBE THAT IS THE FIRST INQUIRY,
4 BECAUSE THAT MIGHT ANSWER ALL OF THE OTHER QUESTIONS. CAN
5 WE PLEASE ASK HER TO ASK HER EMPLOYER AND THEN COME BACK?

6 THE COURT: WHY DON'T YOU ASK YOUR EMPLOYER WHETHER
7 OR NOT THEY WILL PERMIT YOU TO SERVE FOR THREE MONTHS?

8 MRS. BARLESE: OKAY.

9 THE COURT: THEN COME BACK AND LET US KNOW, WILL YOU?

10 MRS. BARLESE: YES.

11 THE COURT: ALL RIGHT, THANK YOU.

12 (PROSPECTIVE JUROR EXITED CHAMBERS.)
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1 MR. BARENS: AFTER THE NEXT JUROR, YOUR HONOR, I AM
2 GOING TO EXCUSE MYSELF WITH YOUR LEAVE AND MR. CHIER WILL
3 REMAIN AND WE WILL RESUME AT 10:30 TOMORROW.

4 THE COURT: YES.

5 MR. BARENS: IS THAT AGREEABLE WITH YOU, MR. HUNT?

6 THE DEFENDANT: YES, IT IS.

7 MR. BARENS: THANK YOU, SIR.

8 THE CLERK: THIS IS MISS ANNE FRITZ.

9 THE COURT: MISS FRITZ, WHERE DO YOU LIVE?

10 MISS FRITZ: IN LOS ANGELES ON CREST DRIVE, 1452 CREST
11 DRIVE.

12 THE COURT: CREST DRIVE, THAT IS NEAR BEVERLY HILLS,
13 IS IT?

14 MISS FRITZ: YES.

15 MR. CHIER: IS THAT CHEVIOT HILLS?

16 MISS FRITZ: NO.

17 MR. WAPNER: IT IS MORE LIKE BEVERLYWOOD?

18 MISS FRITZ: THE SLUMS OF BEVERLY HILLS.

19 THE COURT: YOU INDICATED YOU WANT TO BE EXCUSED. WHAT
20 IS YOUR REASON FOR IT?

21 MISS FRITZ: MY EMPLOYER PAYS A MAXIMUM OF TEN DAYS.

22 THE COURT: WHAT IS THE NAME OF YOUR EMPLOYER?

23 MISS FRITZ: CITICORP TTI.

24 THE COURT: WHAT IS THE NAME?

25 MISS FRITZ: CITICORP.

26 THE COURT: OH, CITICORP.

27 DON'T YOU THINK THEY WILL LET YOU SERVE ANY LONGER
28 THAN THAT?

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1 MISS FRITZ: I AM QUITE POSITIVE.

2 THE COURT: WHAT?

3 MISS FRITZ: I AM QUITE POSITIVE. THEY ARE ALREADY
4 EXPECTING ME TO WORK NIGHTS AND WEEKENDS AND THROUGH
5 THANKSGIVING TO MAKE UP FOR THIS TIME, THE THREE WEEKS.

6 MR. BARENS: NO OBJECTION.

7 MR. WAPNER: I HAVE NO OBJECTION, YOUR HONOR.

8 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE
9 EXCUSED. YOU GO BACK TO THE JURY ASSEMBLY ROOM AND TELL THE
10 CLERK THERE YOU HAVE BEEN EXCUSED FROM THIS CASE ONLY.

11 MR. BARENS: YOUR HONOR, I AM GOING TO LEAVE AND WE
12 WILL SEE YOU TOMORROW. THANK YOU, MR. WAPNER.

13 THE COURT: I THINK HE IS CAPABLE OF HANDLING THIS FOR
14 YOU.

15 (WHEREUPON, MR. BARENS EXITS CHAMBERS.)

16 THE CLERK: MA'AM, IF YOU WANT TO SIT HERE.

17 THIS IS MISS RUTH GASSTER, MISS.

18 GASSTER, G-A-S-S-T-E-R.

19 THE COURT: IS THAT MISS OR MRS.?

20 MISS GASSTER: MISS.

21 THE COURT: WHERE DO YOU LIVE, MISS GASSTER?

22 MISS GASSTER: ON SOUTH HOLT, H-O-L-T, AVENUE,
23 LOS ANGELES.

24 THE COURT: WHERE IS THAT?

25 MISS GASSTER: IT IS NEAR LA CIENEGA AND BURTON WAY
26 OR NEAR THIRD STREET AND LA CIENEGA.

27 THE COURT: WHAT IS YOUR REASON FOR WANTING TO BE
28 EXCUSED?

A-3

1 MISS GASSTER: THEY ARE MEDICAL REASONS. I HAVE HAD
2 OPEN HEART SURGERY. I HAVE HAD HYPERTENSION. I THINK IT
3 WOULD BE TOO MUCH OF A STRESS THAT LONG OF A PERIOD.

4 MR. WAPNER: NO OBJECTION.

5 MR. CHIER: NO OBJECTION.

6 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL
7 BE EXCUSED. GO TO THE JURY ASSEMBLY ROOM AND TELL THEM YOU
8 HAVE BEEN EXCUSED IN THIS CASE.

9 MISS GASSTER: ALL RIGHT, THANK YOU.

10 THE CLERK: THIS IS ELAINE FARRELL. SHE HAS CALLED
11 HER EMPLOYER.

12 THE COURT: OH, YES.

13 MISS FARRELL: THEY SAID THEY WOULD RATHER I DIDN'T
14 AND THEY WOULD WRITE A LETTER ASKING THAT I BE EXCUSED IF
15 IT NEED BE.

16 THE COURT: ALL RIGHT. WHAT IS YOUR LAST NAME AGAIN?

17 MISS FARRELL: ELAINE FARRELL.

18 THE COURT: OH, YES, THANK YOU VERY MUCH. ALL RIGHT,
19 THANK YOU. YOU WILL BE EXCUSED. YOU GO TO THE JURY ASSEMBLY
20 ROOM AND TELL THE CLERK YOU HAVE BEEN EXCUSED FROM THIS CASE.

21 MISS FARRELL: OKAY, THANK YOU.

22 MR. CHIER: THAT IS THE 22ND JUROR EXCUSED.

23 MR. WAPNER: IS IT? I HAVEN'T BEEN KEEPING COUNT.

24 THE CLERK: THIS IS ROBERT GETZ.

25 THE COURT: OH YES, MR. GETZ. WHERE DO YOU LIVE, PLEASE?

26 MR. GETZ: I RUN -- I RUN A SMALL FAMILY --

27 THE COURT: WHERE DO YOU LIVE?

28 MR. GETZ: WHERE DO I LIVE?

A " 1 THE COURT: YES.

2 MR. GETZ: SANTA MONICA.

3 THE COURT: AND YOU RUN A FAMILY WHAT?

4 MR. GETZ: I RUN A SMALL FAMILY REAL ESTATE BUSINESS
5 WHICH CAN RUN ITSELF FOR TWO OR THREE WEEKS, MAYBE A MONTH,
6 BUT REALLY NOT FOR THIS KIND OF TIME.

7 THE COURT: IT WOULD BE A HARDSHIP FOR EVERYBODY?

8 MR. GETZ: IT REALLY WOULD.

9 THE COURT: ALL RIGHT. ANY QUESTIONS?

10 MR. CHIER: NO. I HAVE NO OBJECTION.

11 MR. WAPNER: I HAVE NO OBJECTION.

12 MR. GETZ: I AM ALSO A LAWYER SO YOU PROBABLY DON'T
13 WANT ME ANYWAY..

14 THE COURT: YOU ARE A LAWYER, TOO?

15 MR. GETZ: YES.

16 THE COURT: SOMETIMES THEY MAKE THE BEST JURORS.

17 THANK YOU VERY MUCH. TELL THE JURY CLERK YOU
18 ARE EXCUSED FROM THIS CASE, ALL RIGHT?

19 MR. GETZ: THANK YOU.

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1 (PROSPECTIVE JUROR GLIKBARG ENTERED
2 CHAMBERS.)

3 THE CLERK: THIS IS CHARLENE GLIKBARG.

4 THE COURT: IS THAT MISS OR MRS.?

5 MRS. GLIKBARG: MRS. I AM EMBARRASSED FOR MY EXCUSE.
6 BUT I WILL HAVE TO. I AM EMBARRASSED WITH MY EXCUSE. BUT
7 I WILL TELL YOU, ANYWAY.

8 THE COURT: WHERE DO YOU LIVE, BY THE WAY?

9 MRS. GLIKBARG: 416 HOMEWOOD ROAD.

10 THE COURT: WHERE IS THAT?

11 MRS. GLIKBARG: WEST LOS ANGELES.

12 THE COURT: YOU HAVE A REASON YOU WANT TO BE EXCUSED
13 FROM JURY DUTY IN THIS CASE?

14 MRS. GLIKBARG: YES.

15 THE COURT: CAN YOU TELL US ABOUT IT?

16 MRS. GLIKBARG: MY FAMILY IS PLANNING A SPECIAL BIRTHDAY
17 PARTY FOR ME ON DECEMBER 4TH IN NORTHERN CALIFORNIA.

18 THE COURT: WHAT DAY OF THE WEEK IS THAT?

19 MRS. GLIKBARG: PARDON ME?

20 THE COURT: WHAT DAY OF THE WEEK?

21 MRS. GLIKBARG: I THINK IT IS THURSDAY.

22 THE COURT: DECEMBER 4TH IS A THURSDAY? CAN YOU CANCEL
23 IT AND DO IT ON THE 5TH? YOU WON'T BE HERE ON THE 5TH.

24 MRS. GLIKBARG: IT IS POSSIBLE, YES.

25 THE COURT: ALL RIGHT. SUPPOSE THAT I PROMISE YOU THAT
26 YOU WON'T BE HERE ON THE 5TH. YOU COULD BE EXCUSED. WOULD
27 THAT BE ALL RIGHT? WOULD YOU BE ABLE TO SERVE?

28 MRS. GLIKBARG: I COULD GO UP THERE THE 5TH.

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1 MR. CHIER: YOU COULD LEAVE THE EVENING OF THE 4TH?

2 MRS. GLIKBARG: OKAY.

3 THE COURT: IS THAT ALL RIGHT?

4 MRS. GLIKBARG: ALL RIGHT.

5 THE COURT: DO YOU WANT TO SERVE THEN?

6 MRS. GLIKBARG: YES.

7 THE COURT: I PROMISE YOU THAT YOU WON'T HAVE TO BE
8 HERE ON THE 5TH.

9 MRS. GLIKBARG: OKAY.

10 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

11 YOU COME BACK ON THURSDAY, A WEEK FROM FRIDAY.
12 ON THURSDAY, YOU GO TO THE JURY ASSEMBLY ROOM. THAT WILL
13 BE AT 10 O'CLOCK.

14 MR. WAPNER: MAY I INQUIRE, MRS. GLIKBARG. WHAT
15 BIRTHDAY IS IT? I WILL ASK NOW SO I DON'T HAVE TO ASK IN
16 FRONT OF EVERYBODY ELSE.

17 MRS. GLIKBARG: 60.

18 MR. WAPNER: THANK YOU. I TAKE IT THAT THE 4TH IS YOUR
19 BIRTHDAY?

20 MRS. GLIKBARG: YES.

21 THE COURT: YOU ARE JUST A YOUNG GIRL COMPARED TO ME.

22 MRS. GLIKBARG: ALL RIGHT. THANK YOU.

23 (PROSPECTIVE JUROR GLIKBARG EXITED
24 CHAMBERS.)

25 (PROSPECTIVE JUROR GOLDSTEIN ENTERED
26 CHAMBERS.)

27 THE CLERK: THIS IS IRVING GOLDSTEIN.

28 THE COURT: JUST HAVE A SEAT HERE, SIR. MR. GOLDSTEIN,

1 WHERE DO YOU LIVE?

2 MR. GOLDSTEIN: BEVERLY HILLS.

3 THE COURT: WHAT IS YOUR REASON FOR WANTING TO BE
4 EXCUSED?

5 MR. GOLDSTEIN: THE REASON I AM HERE IS THAT I WOULD
6 LIKE TO BE EXCUSED FOR THE REASON OF -- THAT I FEEL THAT I
7 CANNOT MAKE DECISIONS ON PEOPLE'S LIVES, YOU KNOW, WHETHER
8 GUILTY OR NOT.

9 THE COURT: HOW DO YOU KNOW --

10 MR. GOLDSTEIN: WELL, I FEEL. I KNOW MYSELF. I KNOW
11 I CAN'T DO IT.

12 THE COURT: YOU MEAN YOU DON'T WANT TO BE A JUROR AT
13 ALL?

14 MR. GOLDSTEIN: I DON'T WANT TO BE ON THE JURY BECAUSE
15 I KNOW I CAN'T KEEP WITH IT. DO YOU UNDERSTAND WHAT I MEAN?

16 I FEEL --

17 THE COURT: EVEN IF IT WERE A SPEEDING TICKET?

18 MR. GOLDSTEIN: I DON'T SPEED. WHAT DO YOU MEAN,
19 SPEEDING TICKET?

20 THE COURT: SUPPOSE YOU ARE ASKED TO BE A JUROR IN THE
21 MUNICIPAL COURT?

22 MR. GOLDSTEIN: WELL, I FEEL THAT I CANNOT KEEP WITH
23 IT TO MAKE A DECISION ON SOMEONE ELSE'S LIFE. THIS IS THE
24 WAY I FEEL.

25 THE COURT: WHAT MAKES YOU THINK SOMEBODY'S LIFE IS
26 INVOLVED?

27 MR. GOLDSTEIN: WELL, WHATEVER IT IS, WHETHER IT IS
28 LIFE OR NOT OR GUILTY OR VOTING NOT GUILTY.

1 I FEEL I CANNOT DO IT.

2 THE COURT: ALL RIGHT.

3 MR. GOLDSTEIN: YOUR HONOR, I WOULD LIKE TO BE EXCUSED.

4 THE COURT: THANK YOU. YOU WILL BE EXCUSED.

5 MR. CHIER: YOUR HONOR, I --

6 THE COURT: YOU GO TO THE JURY ASSEMBLY ROOM AND TELL
7 THE CLERK THAT YOU SHOULD BE CROSSED OFF THE LIST. YOU ARE
8 EXCUSED FROM FURTHER JURY DUTY.

9 MR. CHIER: I DON'T AGREE. I DON'T THINK THERE IS --

10 THE COURT: I THOUGHT HE SAID --

11 MR. CHIER: NO. I DON'T UNDERSTAND THIS TO BE HARDSHIP.

12 THE COURT: WELL, THIS IS NOT HARDSHIP EXACTLY.

13 MR. GOLDSTEIN: I FEEL I CAN'T DO IT. THIS IS THE WAY
14 I FEEL.

15 MR. CHIER: I THINK THAT WE OUGHT TO HAVE A CHANCE TO
16 VOIR DIRE HIM DURING THE --

17 MR. WAPNER: DURING THE REGULAR JURY SELECTION?

18 THE COURT: WHAT?

19 MR. WAPNER: IT IS FINE WITH ME.

20 THE COURT: WE'LL HAVE AN OPPORTUNITY TO TALK TO YOU
21 FURTHER. YOU COME BACK A WEEK FROM THURSDAY.

22 THAT IS A WEEK FROM THURSDAY. YOU GO TO THE JURY
23 ASSEMBLY ROOM. COME BACK A WEEK FROM THURSDAY.

24 MR. GOLDSTEIN: BUT WAIT. I MAY NOT BE ABLE TO COME
25 BACK HERE ON THURSDAY. I WILL HAVE TO SEE. WHAT DATE IS
26 THAT?

27 THE COURT: THE 13TH.

28 MR. GOLDSTEIN: I HAVE A DENTAL APPOINTMENT WHICH I

1 CAN'T BREAK. I MADE IT TWO MONTHS AGO.

2 MR. WAPNER: NEXT MONDAY.

3 THE COURT: COME THE FOLLOWING MONDAY. COME ON MONDAY
4 MORNING.

5 MR. GOLDSTEIN: OKAY.

6 THE COURT: OKAY. THANK YOU. YOU GO TO THE JURY
7 ASSEMBLY ROOM.

8 BE THERE AT 10 O'CLOCK. THANK YOU.

9 (PROSPECTIVE JUROR GOLDSTEIN EXITED
10 CHAMBERS.)

11 MR. WAPNER: BEFORE WE BRING IN THE NEXT PERSON, MAYBE
12 WHILE THEY ARE COMING IN, YOU KNOW, WE HAVE EXCUSED THESE
13 PEOPLE UNTIL MONDAY. BUT THEY ARE GOING TO MISS THE WHOLE
14 EXPLANATION OF WHAT WE ARE DOING.

15 THE COURT: WHAT DO YOU MEAN?

16 MR. WAPNER: WELL, BEFORE WE START THE HOVEY VOIR DIRE,
17 WE HAVE TO GET THE ENTIRE PANEL IN. YOU HAVE TO TELL THEM
18 WHAT WE ARE GOING TO DO.

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1 (PROSPECTIVE JUROR GOOLEY ENTERS CHAMBERS.)

2 THE CLERK: THIS IS MARJORIE GOOLEY.

3 THE COURT: MRS. GOOLEY, HAVE A SEAT HERE. WHERE DO
4 YOU LIVE, MRS. GOOLEY?

5 MRS. GOOLEY: WESTCHESTER.

6 THE COURT: YOU HAVE INDICATED THAT YOU WANTED TO BE
7 EXCUSED, DO YOU?

8 MRS. GOOLEY: I DON'T HAVE ANY PERSONAL REASON FOR
9 NEEDING TO BE EXCUSED OTHER THAN THAT I DO WORK.

10 I DON'T KNOW WHAT MY EMPLOYER'S FEELING IS ABOUT
11 MY BEING GONE FOR THREE MONTHS.

12 THE COURT: WHO IS YOUR EMPLOYER?

13 MRS. GOOLEY: THE BOEING COMPANY.

14 THE COURT: BOEING?

15 MRS. GOOLEY: UH-HUH.

16 MR. CHIER: DO YOU KNOW IF THERE IS A TIME LIMIT ON
17 THE NUMBER OF DAYS?

18 MRS. GOOLEY: I DON'T KNOW.

19 MR. CHIER: HOW LONG HAVE YOU BEEN WITH THEM?

20 MRS. GOOLEY: EIGHT YEARS.

21 THE COURT: I HAVE NOT GOT THAT DOWN HERE. IT IS
22 B-O-E-I-N-G, LIKE AIRPLANE?

23 MRS. GOOLEY: YES.

24 MR. WAPNER: COULD YOU GO AND SPEAK WITH YOUR EMPLOYER
25 AND COME BACK AND TELL US WHAT THEY TOLD YOU?

26 MRS. GOOLEY: UH-HUH.

27 THE COURT: ALL RIGHT. COME BACK IN.

28 MR. CHIER: ANY OTHER PERSONAL REASONS?

1 MRS. GOOLEY: NO OTHER PERSONAL REASONS.

2 THE COURT: ALL RIGHT. THANK YOU.

3 (PROSPECTIVE JUROR GOOLEY EXITS CHAMBERS.)

4 THE CLERK: IRVING GOLDSTEIN, DID YOU EXCUSE HIM FOR
5 THE DAY OR TELL HIM TO COME BACK ON THE 15TH OF NOVEMBER?
6 HE'S OUT THERE SAYING YOU EXCUSED HIM.

7 MR. WAPNER: WE TOLD HIM TO COME BACK A WEEK FROM MONDAY,
8 WHATEVER THAT DATE IS.

9 THE CLERK: THAT IS THE 17TH. HE WILL BE PART OF THE
10 PANEL?

11 MR. WAPNER: YES.

12 THE CLERK: OKAY. HE SAYS HE CAN'T MAKE DECISIONS.

13 THE COURT: ON THE RECORD, I WOULD STRONGLY SUGGEST TO
14 COUNSEL THAT WE EXCUSE MR. GOLDSTEIN. I DON'T THINK HE IS
15 THE KIND OF JUROR WE WANT IN THIS CASE.

16 MR. WAPNER: PEOPLE ARE WILLING FOR HIM TO BE EXCUSED.

17 MR. CHIER: I AM NOT WILLING TO STIPULATE, YOUR HONOR.

18 THE COURT: OKAY. NOVEMBER 17TH? ALL RIGHT.

19 (PROSPECTIVE JUROR GREEN ENTERS CHAMBERS.)

20 THE CLERK: THIS IS ANDREW GREEN. HAVE A SEAT, PLEASE.

21 THE COURT: MR. GREEN, WHERE DO YOU LIVE?

22 MR. GREEN: I LIVE IN LOS ANGELES, YOUR HONOR.

23 THE COURT: WHERE? WHAT PART?

24 MR. GREEN: OVER BY THE COLISEUM IN LOS ANGELES.

25 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED?

26 MR. GREEN: YES, I DO.

27 THE COURT: WHAT REASON?

28 MR. GREEN: WELL, I WORK FOR THE CITY. THE CITY ONLY

1 GIVES ME TEN CONSECUTIVE WORKING DAYS.

2 I AM SUPPOSED TO BE SCHEDULED FOR EYE SURGERY
3 ON MY LEFT EYE RIGHT AFTER THE TEN DAYS ARE OVER.

4 THE COURT: ALL RIGHT.

5 MR. CHIER: NO OBJECTION.

6 MR. WAPNER: NO OBJECTION.

7 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
8 BE EXCUSED. THANK YOU, SIR.

9 (PROSPECTIVE JUROR GREEN EXITS CHAMBERS.)

10 (PROSPECTIVE JUROR BARLESE ENTERS CHAMBERS.)

11 THE CLERK: THIS IS MS. BARLESE. SHE WAS TOLD TO CALL
12 BUT SHE WAS NOT ABLE TO GET AN ANSWER.

13 MRS. BARLESE: I COULD NOT GET AN ANSWER. OUR OFFICE
14 IN CHICAGO, EVERYONE IS GONE.

15 SO, I COULD GET AN ANSWER EARLY TOMORROW MORNING.

16 THE COURT: WHY DON'T YOU DO THAT. PLEASE COME AND
17 LET US KNOW. THANK YOU.

18 (PROSPECTIVE JUROR BARLESE EXITS CHAMBERS.)

19 (PROSPECTIVE JUROR GRIGSBY ENTERS CHAMBERS.)

20 THE CLERK: THIS IS JOHN GRIGSBY.

21 THE COURT: HAVE A SEAT. MR. GRIGSBY, WHERE DO YOU
22 LIVE?

23 MR. GRIGSBY: IN VENICE.

24 THE COURT: ARE YOU A FAN OF THE COLTS?

25 MR. GRIGSBY: WELL, SOMEBODY GOT ME THIS SHIRT IN
26 INDIANAPOLIS.

27 THE COURT: YOU HAVE INDICATED THAT YOU WANT TO BE
28 EXCUSED?

1 MR. GRIGSBY: YES.

2 THE COURT: WHAT IS YOUR REASON?

3 MR. GRIGSBY: PACIFIC MOTORS, WHERE I WORK, HERE ON
4 FOURTH AND BROADWAY, CONSISTS OF ONLY SEVEN PEOPLE.

5 EVERYONE HAS THEIR OWN, SPECIFIC DUTY AND WHEN
6 SOMEBODY IS OUT, THEY HAVE TO COVER EACH OTHER.

7 BUT I MEAN, EVEN BY BEING OUT A DAY, IT PUTS A
8 HARDSHIP ON SOME OF THE PEOPLE.

9 BUT IT IS NOT TOO BAD. I COULD STAY A LITTLE
10 BIT. BUT, FOR THE PERIOD OF THREE MONTHS, THAT IS REALLY
11 A GOOD POSSIBILITY THAT THEY WOULD HAVE TO FIND SOMEBODY ELSE,
12 WHICH WOULD PUT ME OUT OF MY POSITION.

13 I HAVE BEEN WITH THEM A LONG TIME. I LIKE MY WORK.

14 MR. WAPNER: NO OBJECTION.

15 MR. CHIER: NO OBJECTION.

16 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
17 BE EXCUSED.

18 GO BACK TO THE JURY ASSEMBLY ROOM AND TELL THEM
19 THAT YOU HAVE BEEN EXCUSED FROM THIS CASE. THANK YOU.

20 (PROSPECTIVE JUROR GRIGSBY EXITS CHAMBERS.)

21 (PROSPECTIVE JUROR HACKETT ENTERS CHAMBERS.)

22 THE CLERK: THIS IS MARY HACKETT.

23 THE COURT: YES, MRS. HACKETT?

24 MRS. HACKETT: YES.

25 THE COURT: WHERE DO YOU LIVE?

26 MRS. HACKETT: LAWDALE, CALIFORNIA.

27 THE COURT: YES. I UNDERSTAND YOU WANT TO BE EXCUSED?

28 MRS. HACKETT: YES.

1 THE COURT: WHAT IS YOUR REASON FOR THAT?

2 MRS. HACKETT: WELL, MY COMPANY AS FAR AS I KNOW, ONLY
3 PAYS FOR TEN DAYS. PLUS, I AM RETIRING IN APRIL.

4 I AM LEAD PERSON THERE. AND THEY ARE GOING TO
5 START ME AT THE FIRST OF THE YEAR, TRAINING SOMEONE TO TAKE
6 MY PLACE.

7 I DON'T THINK AT THIS TIME THAT THEY WOULD BE
8 VERY HAPPY IF I WAS GONE FOR A COUPLE OF MONTHS.

9 I WOULD HAVE TO BE GONE FOR THREE MONTHS AND I
10 HAVE TO TRAIN SOMEONE.

11 THE COURT: ARE YOU SURE THEY WOULD NOT WANT YOU TO
12 STAY OUT?

13 MRSS. HACKETT: I AM SURE THEY WOULDN'T.

14 MR. WAPNER: WHAT COMPANY?

15 MRS. HACKETT: TEL AUTOGRAPH.

16 THE COURT: WHO?

17 MRS. HACKETT: TEL AUTOGRAPH, A SMALL COMPANY.

18 MR. CHIER: THANK YOU.

19 MRS. HACKETT: YOU SEE, I AM RETIRING IN APRIL.

20 MR. CHIER: DID YOU DETERMINE WHETHER OR NOT THEY WOULD
21 PAY YOU?

22 MRS. HACKETT: WELL, I MEAN, THEY NEVER HAVE. I MEAN,
23 I CAN MAKE THE PHONE CALL. BUT I AM SURE.

24 MR. CHIER: DO YOU KNOW WHAT THEIR LIMIT IS? DO YOU
25 THINK IT IS TEN DAYS?

26 MRS. HACKETT: YES. IT HAS ALWAYS BEEN TEN DAYS.
27 NO ONE HAS EVER COME UP WITH A SITUATION BEFORE. WHAT CAN
28 I SAY?

1 BUT I AM SURE THEY ARE NOT GOING TO WANT TO LET
2 ME OFF BECAUSE I'M SUPPOSED TO BE TRAINING SOMEONE TO TAKE
3 MY PLACE.

4 MR. CHIER: I WOULD ASK THAT SHE AT LEAST MAKE AN
5 INQUIRY, YOUR HONOR.

6 THE COURT: THANK YOU. DO YOU WANT TO CALL AND FIND
7 OUT? PLEASE GO AHEAD AND LET US KNOW.

8 MRS. HACKETT: ALL RIGHT.

9 THE COURT: THANK YOU VERY MUCH.

10 (PROSPECTIVE HACKETT EXITS CHAMBERS.)
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1 THE CLERK: THIS IS MRS. RUTH HALDEMAN WITH NO R.

2 THE COURT: THAT IS THE SAME SPELLING AS HALDEMAN --

3 MRS. HALDEMAN: RIGHT.

4 THE COURT: -- WHO USED TO BE CHIEF OF STAFF FOR THE
5 PRESIDENT.

6 MRS. HALDEMAN: RIGHT, BUT NO RELATION.

7 THE COURT: THAT IS MRS., IS IT?

8 MRS. HALDEMAN: RIGHT.

9 THE COURT: WHERE DO YOU LIVE?

10 MRS. HALDEMAN: IN MALIBU IN BIG ROCK MESA.

11 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED.

12 MRS. HALDEMAN: YES.

13 THE COURT: WHAT IS YOUR REASON FOR IT?

14 MRS. HALDEMAN: I HAVE A MENTALLY RETARDED SON.

15 THE COURT: YOU HAVE WHAT?

16 MRS. HALDEMAN: A MENTALLY RETARDED SON WHO WORKS AS
17 A CUSTODIAN AT OUR CHURCH IN PACIFIC PALISADES AND IT IS
18 DIFFICULT FOR HIM TO GET HOME FROM WORK. MY HUSBAND CAN DROP
19 HIM OFF IN THE MORNING BUT IT IS DIFFICULT, THERE ARE NO
20 DIRECT BUS CONNECTIONS FOR HIM TO GET HOME AND I TAKE HIM
21 HOME IN THE AFTERNOON AROUND 2:15.

22 DEPENDENT UPON HOW LONG THE COURT IS IN SESSION
23 EACH DAY, HOW LONG IS THE COURT IN SESSION?

24 THE COURT: GENERALLY UNTIL 4:30.

25 MRS. HALDEMAN: 4:30? WELL, IT WOULD REALLY WORK KIND
26 OF A HARDSHIP ON FRED, I AM AFRAID, MY SON.

27 THE COURT: ANY QUESTIONS?

28 MR. CHIER: WHAT TIME WOULD NOT WORK A HARDSHIP IF YOU

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1 WERE A JUROR?

2 MRS. HALDEMAN: WELL, IF THE COURT WERE PROBABLY, YOU
3 KNOW, IF IT WERE DEFINITELY IN SESSION NO LONGER THAN 4:30
4 SO THAT I COULD PICK HIM UP AT A REASONABLE TIME.

5 THE COURT: WE DON'T STAY LATER THAN 4:30.

6 MRS. HALDEMAN: YOU REALLY DON'T?

7 THE COURT: NO.

8 MRS. HALDEMAN: WELL, THEN I WILL STAY. THAT WOULD
9 BE ALL RIGHT.

10 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

11 MRS. HALDEMAN: THANK YOU.

12 THE COURT: WHY DON'T YOU REPORT BACK TO THE JURY ASSEMBLY
13 ROOM A WEEK FROM TOMORROW?

14 MRS. HALDEMAN: ON THE 13TH AT 10 O'CLOCK?

15 THE COURT: THAT IS THE 13TH, ISN'T IT?

16 MRS. HALDEMAN: THE 13TH AT 10 O'CLOCK?

17 THE COURT: THE 13TH AT 10 O'CLOCK.

18 MR. WAPNER: YOUR HONOR, MAY I MAKE ONE INQUIRY OF
19 MRS. HALDEMAN NOW?

20 THE COURT: YES.

21 MR. WAPNER: I AM NOT SURE IF THIS IS THE APPROPRIATE
22 TIME BUT OBVIOUSLY BY YOUR ANSWER, YOU HAVE TO MAKE SOME
23 ADJUSTMENT IN YOUR SCHEDULE IF YOU ARE GOING TO BE PICKING
24 HIM UP AT, SAY, 4:45 INSTEAD OF 2:15. WHAT I WANT TO KNOW
25 IS IF IT IS GOING TO BE OF SUCH CONCERN IF YOU ARE GOING TO
26 BE SO WORRIED ABOUT IT THAT BETWEEN, SAY, 2:15 AND 4:30 YOU
27 ARE GOING TO BE KIND OF HALF THINKING ABOUT HIM AND HALF
28 LISTENING TO THE EVIDENCE?

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1 MRS. HALDEMAN: NO. I WILL TRY IN THE MEANTIME BETWEEN
2 NOW AND NEXT WEEK TO SEE IF I CAN MAKE SOME ADJUSTMENTS IN
3 HIS SCHEDULE, MAYBE MAKE SOME ARRANGEMENTS OR SOMETHING.

4 THE COURT: IT WON'T DISTURB YOU AT ALL?

5 MRS. HALDEMAN: SO THAT IT WON'T DISTURB HIM.

6 THE COURT: IT WON'T DISTURB YOU?

7 MRS. HALDEMAN: IT WON'T DISTURB ME. OTHERWISE, I WOULD
8 NOT COMMIT MYSELF.

9 MR. WAPNER: IF FOR SOME REASON YOU HAVE NOT BEEN ABLE
10 TO MAKE THOSE ARRANGEMENTS, YOU WILL LET US KNOW?

11 MRS. HALDEMAN: I WILL LET YOU KNOW AT THAT TIME,
12 CERTAINLY.

13 MR. WAPNER: THANK YOU.

14 (PROSPECTIVE JUROR EXITED CHAMBERS.)

15 THE CLERK: MRS. LETITIA HANSFORD. MA'AM, JUST HAVE
16 A SEAT RIGHT HERE.

17 THE COURT: WHERE DO YOU LIVE, MRS. HANSFORD?

18 MRS. HANSFORD: EXCUSE ME?

19 THE COURT: WHERE DO YOU LIVE?

20 MRS. HANSFORD: CANOGA PARK.

21 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED.

22 MRS. HANSFORD: YES.

23 THE COURT: FOR WHAT REASON?

24 MRS. HANSFORD: AT THE MOMENT, I AM IN THE PROCESS OF
25 GETTING AN AGENT AND IF I GET A CALL --

26 THE COURT: GETTING A WHAT?

27 MRS. HANSFORD: AN AGENT. IF I GET A CALL, I HAVE TO
28 GO.

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1 THE COURT: YOU MEAN THE THEATRICAL BUSINESS?

2 MRS. HANSFORD: IF I GET A CALL IN HERE CAN I BE ABSENT
3 DURING IT?

4 MR. WAPNER: NO.

5 THE COURT: WHAT IS THE NATURE OF THIS? WHY DO YOU
6 NEED AN AGENT?

7 MRS. HANSFORD: COMMERCIALS ON TELEVISION.

8 THE COURT: I SEE. YOU ARE AN ACTRESS, ARE YOU?

9 MRS. HANSFORD: YES.

10 THE COURT: I DON'T UNDERSTAND. YOU ARE LOOKING FOR
11 AN AGENT, IS THAT WHAT YOU ARE DOING?

12 MRS. HANSFORD: RIGHT, I AM BEING MARKETED THROUGH AN
13 AGENT. IF I GET AN INTERVIEW TO GO TO THE AGENT, I HAVE TO
14 GO.

15 THE COURT: ANY QUESTIONS?

16 MR. CHIER: THAT IS YOUR SOLE SOURCE OF INCOME --

17 MRS. HANSFORD: YES.

18 MR. CHIER: -- YOU DERIVE FROM THIS TYPE OF WORK?

19 MRS. HANSFORD: RIGHT.

20 MR. CHIER: YOUR INCOME IS DEPENDENT UPON HAVING THIS
21 WORK?

22 MRS. HANSFORD: YES.

23 THE COURT: WHAT KIND OF WORK DO YOU DO?

24 MRS. HANSFORD: ACTING.

25 THE COURT: ACTRESS?

26 MRS. HANSFORD: UH-HUH.

27 THE COURT: ANY PARTICULAR FIELD?

28 MRS. HANSFORD: GETTING INTO TELEVISION COMMERCIALS.

1 THE COURT: ANY QUESTION?

2 MR. CHIER: NO OBJECTION.

3 MR. WAPNER: NO OBJECTION.

4 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE
5 EXCUSED. IN OTHER WORDS, YOU WANT TO BE EXCUSED ALTOGETHER
6 FROM JURY DUTY?

7 MRS. HANSFORD: YES. IT IS REALLY --

8 THE COURT: YOU GO TO THE CLERK IN THE JURY ASSEMBLY
9 ROOM AND TELL THEM I HAVE EXCUSED YOU FROM ALL JURY DUTY,
10 ALL RIGHT?

11 MRS. HANSFORD: OKAY. THANKS.

12 (PROSPECTIVE JUROR EXITED CHAMBERS.)

13 THE CLERK: THIS IS JONATHAN HARADA.

14 THE COURT: ALL RIGHT, MR. HARADA, WHERE DO YOU LIVE?

15 MR. HARADA: BEG PARDON?

16 THE COURT: WHERE DO YOU LIVE?

17 MR. HARADA: IN TORRANCE.
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1 THE COURT: ALL RIGHT. I UNDERSTAND YOU WANT TO BE
2 EXCUSED, DO YOU?

3 MR. HARADA: YES, SIR.

4 THE COURT: WHAT IS YOUR REASONS FOR IT?

5 MR. HARADA: I WORK FOR HUGHES AIRCRAFT AND I AM TOLD
6 THEY WON'T PAY FOR MORE THAN 22 DAYS OF JURY SERVICE.

7 THE COURT: YES, WE HAVE HAD OTHER PEOPLE FROM HUGHES
8 AND THEY HAVE TOLD US THE SAME THING.

9 MR. CHIER: NO OBJECTION.

10 THE COURT: ALL RIGHT?

11 MR. WAPNER: I HAVE NO OBJECTION.

12 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU GO
13 TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK YOU ARE EXCUSED
14 FROM THIS CASE AND CAN SERVE ON OTHER CASES WHICH DON'T
15 REQUIRE MORE THAN 22 DAYS, ALL RIGHT?

16 MR. HARADA: THANK YOU.

17 (PROSPECTIVE JUROR EXITED CHAMBERS.)

18 MR. CHIER: THAT IS THE 25TH EXCUSED JUROR AND THAT
19 IS IN TWO HOURS.

20 THE COURT: WELL, I EXPECTED ABOUT HALF OF THEM --

21 THE CLERK: IS IT MRS.?

22 MRS. HOFF: YES.

23 THE CLERK: THIS IS MRS. KAREN HOFF. JUST HAVE A SEAT
24 HERE, MA'AM.

25 THE COURT: MRS. HOFF? KAREN HOFF?

26 MRS. HOFF: YES.

27 THE COURT: WHERE DO YOU LIVE, MRS. HOFF?

28 MRS. HOFF: CANOGA PARK.

1 THE COURT: ALL RIGHT. AND YOU WANT TO BE EXCUSED,
2 DO YOU?

3 MRS. HOFF: WELL, NOT NECESSARILY BUT I DON'T KNOW IF
4 MY EMPLOYER WILL PAY FOR THAT MANY DAYS.

5 THE COURT: WHO IS YOUR EMPLOYER?

6 MRS. HOFF: LITTON ENCODER DIVISION.

7 MR. CHIER: DIVISION OF LITTON INDUSTRIES?

8 MRS. HOFF: YES.

9 THE COURT: DO YOU THINK YOU COULD ASK THEM WHETHER
10 OR NOT YOU COULD STAY?

11 MRS. HOFF: THE OFFICE CLOSSES AT 4:00 SO I DON'T KNOW
12 IF I CAN GET THROUGH UNTIL TOMORROW.

13 THE COURT: WHY DON'T YOU CALL UP, GO AHEAD AND LET
14 US KNOW, WOULD YOU PLEASE?

15 MRS. HOFF: UH-HUH.

16 THE COURT: THANK YOU.

17 (PROSPECTIVE JUROR EXITED CHAMBERS.)

18 THE CLERK: ROGER HOLDSWORTH.

19 THE COURT: MR. HOLDSWORTH, WHERE DO YOU LIVE?

20 MR. HOLDSWORTH: SIR?

21 THE COURT: WHERE DO YOU LIVE?

22 MR. HOLDSWORTH: IN TORRANCE.

23 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED. WHY?

24 MR. HOLDSWORTH: YES, SIR.

25 THE COURT: WHAT IS YOUR REASON FOR IT?

26 MR. HOLDSWORTH: I WORK AT NORTHROP AND WE ARE GETTING
27 READY FOR A CONTRACT OPERATIONAL REVIEW RIGHT AFTER THE FIRST
28 OF THE YEAR AND TWO YEARS AGO, THEY WERE IN THE AREA WITH

1 HUGHES AND ROCKWELL AND NOW THEY ARE COMING BACK TO NORTHROP
2 AND I AM A MANAGER OF A DEPARTMENT AT THE WEST COMPLEX AND
3 WE ARE FOUR MILES AWAY FROM THE MAIN PLANT AND I AM THE ONLY
4 SUPERVISOR THERE FOR MY PEOPLE IN THAT AREA.

5 THE COURT: YOU DON'T THINK THEY WILL LET YOU SERVE
6 FOR THAT PERIOD?

7 MR. HOLDSWORTH: I DON'T THINK SO, SIR.

8 MR. CHIER: NO OBJECTION.

9 THE COURT: ANY OBJECTION?

10 MR. WAPNER: HOW LONG DO THEY PAY YOU FOR?

11 MR. HOLDSWORTH: 30 DAYS.

12 MR. WAPNER: IS THERE ANY EXTENSION TO THAT OR IS IT
13 JUST A FLAT 30 DAYS?

14 MR. HOLDSWORTH: JUST 30 DAYS AS FAR AS I KNOW.

15 MR. WAPNER: WHAT KIND OF REVIEW IS THAT? WHO IS THIS
16 REVIEW BY?

17 MR. HOLDSWORTH: THE GOVERNMENT.

18 MR. WAPNER: AND IF YOU ARE NOT THERE AS THE SOLE
19 SUPERVISOR OF THIS PLANT, IS IT GOING TO JEOPARDIZE YOUR JOB?

20 MR. HOLDSWORTH: WELL, MY BOSS WOULDN'T LIKE IT BECAUSE
21 ONLY TWO PEOPLE I HAVE THERE ARE LEAD PERSONS AND I AM THE
22 MANAGER OF THE WORKERS. IT IS ADVISABLE FOR THE MANAGER TO
23 BE THERE.

24 MR. WAPNER: OKAY, I HAVE NO OBJECTION.

25 THE COURT: ALL RIGHT, THANK YOU VERY MUCH,
26 MR. HOLDSWORTH. YOU ARE EXCUSED TO GO TO THE JURY ASSEMBLY
27 ROOM. TELL THE CLERK YOU ARE EXCUSED FROM THIS CASE BUT YOU
28 ARE ABLE TO SERVE ON SOME OTHER SHORTER CASE, ALL RIGHT?

1 MR. HOLDSWORTH: THANK YOU.

2 (PROSPECTIVE JUROR EXITED CHAMBERS.)

3 THE CLERK: MRS. JOAN HYRA.

4 THE COURT: MISS HYRA, WHERE DO YOU LIVE, PLEASE?

5 MRS. HYRA: PARDON ME?

6 THE COURT: WHERE DO YOU LIVE?

7 MRS. HYRA: LOS ANGELES.

8 THE COURT: WHAT PART OF LOS ANGELES?

9 MRS. HYRA: WESTCHESTER.

10 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
11 JURY DUTY IN THIS CASE?

12 MRS. HYRA: YES.

13 THE COURT: WHAT IS YOUR REASON FOR IT?

14 MRS. HYRA: MY COMPANY ONLY PAYS FOR 22 DAYS.

15 THE COURT: WHAT IS THE COMPANY?

16 MRS. HYRA: HUGHES AIRCRAFT COMPANY.

17 THE COURT: IS IT ALL RIGHT TO EXCUSE MRS. HYRA?

18 MR. CHIER: NO OBJECTION.

19 THE COURT: NO OBJECTION?

20 MR. CHIER: NO OBJECTION.

21 MR. WAPNER: I HAVE NO OBJECTION.

22 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.
23 TELL THEM IN THE JURY ASSEMBLY ROOM YOU ARE EXCUSED IN THIS
24 CASE BUT YOU CAN SERVE IN SOME OTHER CASES UP TO THE TIME
25 THAT YOUR TIME EXPIRES.

26 MR. WAPNER: YOUR HONOR, I KNOW WE HAVE EXCUSED A LOT
27 OF PEOPLE FROM HUGHES ALREADY. I DON'T KNOW WHETHER THEIR
28 POLICY IS A HARD AND FAST POLICY OR NOT. I WONDER IF

1 THE COURT COULD CALL AFTER WE ARE THROUGH TODAY OR TOMORROW
2 MORNING BEFORE WE GET INTO SESSION.

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1 (PROSPECTIVE JUROR HACKETT ENTERS CHAMBERS.)

2 THE CLERK: THIS IS MISS HACKETT. SHE HAS CALLED HER
3 EMPLOYER.

4 MRS. HACKETT: I CALLED THEM THIS MORNING. AND THE
5 GIRL IN PERSONNEL SAID THEY PAY FOR TEN DAYS. WHEN I CALLED
6 BACK NOW, SHE CHECKED AND SHE SAID THEY DON'T PAY AT ALL,
7 I SHOULDN'T EVEN BE HERE.

8 THAT WAS A MISTAKE ON HER PART. SO, THEY DON'T
9 PAY.

10 THE COURT: WHAT IS YOUR NAME AGAIN?

11 MRS. HACKETT: HACKETT. IT IS MARY HACKETT.

12 THE COURT: YES. WE WILL EXCUSE YOU. THANK YOU VERY
13 MUCH.

14 MRS. HACKETT: THANK YOU.

15 THE COURT: TELL THE JURY CLERK YOU ARE EXCUSED.

16 MRS. HACKETT: I WILL DO THAT. THANK YOU VERY MUCH.

17 THE COURT: THANK YOU.

18 (PROSPECTIVE JUROR HACKETT EXITS CHAMBERS.)

19 (PROSPECTIVE JUROR KARA ENTERS CHAMBERS.)

20 THE CLERK: THIS IS NASI KARA, N-A-S-I, K-A-R-A.

21 THE COURT: WHAT IS YOUR NAME AGAIN?

22 MR. KARA: KARA.

23 THE COURT: YES. NASI KARA.

24 MR. KARA: RIGHT.

25 THE COURT: ALL RIGHT. MR. KARA, WHERE DO YOU LIVE?

26 MR. KARA: IN HAWTHORNE.

27 THE COURT: HAWTHORNE?

28 MR. KARA: YES.

1 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
2 JURY DUTY IN THIS CASE. WHAT IS YOUR REASON FOR IT?

3 MR. KARA: ECONOMIC HARDSHIP.

4 THE COURT: PARDON ME?

5 MR. KARA: ECONOMIC HARDSHIP.

6 THE COURT: WHO DO YOU WORK FOR?

7 MR. KARA: HUGHES AIRCRAFT.

8 THE COURT: ALL RIGHT. THEY ALLOW YOU 22 DAYS, DON'T
9 THEY?

10 MR. KARA: I AM NOT SURE.

11 THE COURT: YES. THEY WON'T LET YOU OFF WORK FOR THREE
12 MONTHS? THAT IS WHAT IS ANTICIPATED THIS CASE WILL TAKE.
13 THEY WON'T LET YOU OFF THREE MONTHS, WILL THEY?

14 MR. KARA: NO.

15 THE COURT: WELL, WHO IS IN CHARGE OUT THERE?
16 IS THERE SOMEONE IN THE PERSONNEL OFFICE?

17 MR. KARA: YES.

18 THE COURT: WHO IS IT?

19 MR. KARA: JUST PERSONNEL, YOU KNOW.

20 THE COURT: WELL, DO YOU WANT ME TO DO THAT RIGHT NOW?

21 MR. WAPNER: NO.

22 THE COURT: IT IS BARBARA FRENCH.

23 MR. KARA: PERSONNEL.

24 THE COURT: DO YOU KNOW BARBARA FRENCH?

25 MR. KARA: NO.

26 THE COURT: IS THAT HUGHES AIRCRAFT?

27 MR. KARA: YES.

28 THE COURT: NOT HELICOPTERS?

1 MR. KARA: NC.

2 THE COURT: ALL RIGHT. BARBARA FRENCH. I WILL CALL
3 HER WHEN WE GET FINISHED AND SEE WHAT SHE CAN DO.

4 MR. WAPNER: YES.

5 THE COURT: IS THAT OKAY WITH YOU, MR. KARA?

6 MR. CHIER: NO OBJECTION.

7 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
8 BE EXCUSED.

9 GO TO THE JURY ASSEMBLY ROOM. TELL THE CLERK
10 THAT YOU ARE EXCUSED FROM THIS CASE BUT YOU CAN SERVE ON OTHER
11 CASES.

12 MR. KARA: YES.

13 THE COURT: YOU ARE ALLOWED 22 DAYS.

14 MR. KARA: OKAY.

15 THE COURT: ALL RIGHT.

16 MR. KARA: YES.

17 THE COURT: IN THIS CASE YOU WILL NOT BE A JUROR. YOU
18 CAN SERVE ON OTHER CASES.

19 MR. KARA: OKAY.

20 THE COURT: YOU CAN SERVE ON OTHER CASES. ALL RIGHT?

21 MR. KARA: ALL RIGHT. THEY WILL GIVE ME THE DATE FOR
22 THAT?

23 THE COURT: YES. YOU TELL THEM YOU ARE EXCUSED FROM
24 THIS CASE BUT YOU CAN SERVE ON ANOTHER CASE.

25 MR. KARA: OKAY. THANK YOU.

26 (PROSPECTIVE JUROR KARA EXITS CHAMBERS.)

27 (PROSPECTIVE JUROR HOFF ENTERS CHAMBERS.)

28 THE CLERK: THIS IS KAREN HOFF.

1 THE COURT: MISS HOFF?

2 MRS. HOFF: YES. I CAN'T AFFORD NOT TO BE PAID. THEY
3 WILL NOT LET ME OUT.

4 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU ARE
5 EXCUSED.

6 MRS. HOFF: THANK YOU.

7 (PROSPECTIVE JUROR HOFF EXITS CHAMBERS.)

8 (PROSPECTIVE JUROR KATT ENTERS CHAMBERS.)

9 THE CLERK: THIS IS ELIZABETH KATT, K-A-T-T.)

10 THE COURT: ALL RIGHT. MRS. KATT, WHERE DO YOU LIVE?

11 MRS. KATT: I LIVE IN SANTA MONICA.

12 THE COURT: SANTA MONICA?

13 MRS. KATT: YES.

14 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
15 JURY DUTY, DO YOU, IN THIS CASE?
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1 MRS. KATT: I DO ON THIS CASE.

2 THE COURT: WHAT IS YOUR REASON?

3 MRS. KATT: BECAUSE WHERE I WORK, THEY WILL ONLY PAY
4 MY SALARY FOR TEN DAYS. THEY WILL EXCUSE ME FOR LONGER THAN
5 THAT.

6 BUT I ONLY GET PAID FOR TEN DAYS.

7 THE COURT: YOU HAVE GOT TO BE PAID, DON'T YOU?

8 MRS. KATT: YES.

9 MR. CHIER: NO OBJECTION.

10 THE COURT: ALL RIGHT.

11 MR. WAPNER: NO OBJECTION.

12 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.

13 GO TO THE JURY ASSEMBLY ROOM. TELL THEM YOU
14 ARE EXCUSED FROM THIS CASE. THANK YOU.

15 (PROSPECTIVE JUROR KATT EXITS CHAMBERS.)

16 (PROSPECTIVE JUROR KELM ENTERS CHAMBERS.)

17 THE CLERK: THIS IS GEORGIE KELM.

18 THE COURT: MISS KELM?

19 MISS KELM: UH-HUH.

20 THE COURT: MISS KELM, WHERE DO YOU LIVE?

21 MISS KELM: SANTA MONICA.

22 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED?

23 MISS KELM: UH-HUH.

24 THE COURT: WHAT IS YOUR REASON?

25 MISS KELM: MY SCHOOL DISTRICT ONLY PAYS FOR TEN DAYS.

26 THE COURT: WHO DO YOU WORK FOR?

27 MISS KELM: BURBANK UNIFIED SCHOOL DISTRICT.

28 THE COURT: BURBANK UNIFIED SCHOOL DISTRICT?

1 MS. KELM: YES.

2 THE COURT: DO YOU THINK THE KIDS WILL MISS YOU, TOO?

3 MS. KELM: PROBABLY NOT, NO.

4 MR. WAPNER: WHAT DO YOU DO FOR THE SCHOOL DISTRICT?

5 MS. KELM: I AM A TEACHER.

6 MR. WAPNER: WHAT DO YOU TEACH?

7 MS. KELM: ENGLISH AND JOURNALISM.

8 MR. CHIER: ARE YOU THE SOLE SUPPORT OF YOUR FAMILY?

9 MS. KELM: UH-HUH.

10 MR. WAPNER: AND THE TEN DAYS IS A HARD AND FAST RULE,
11 AS FAR AS YOU KNOW?

12 MS. KELM: YES.

13 MR. WAPNER: NO OBJECTION.

14 MR. CHIER: NO OBJECTION.

15 THE COURT: ALL RIGHT. YOU ARE EXCUSED. THANK YOU
16 VERY MUCH.

17 GO TO THE JURY ASSEMBLY ROOM. TELL THEM YOU HAVE
18 BEEN EXCUSED FROM THIS CASE.

19 (PROSPECTIVE JUROR KELM EXITS CHAMBERS.)

20 (PROSPECTIVE JUROR GOOLEY ENTERS CHAMBERS.)

21 THE CLERK: THIS IS MS. GOOLEY AGAIN.

22 MRS. GOOLEY: YES, I CALLED MY BOSS. I SPOKE WITH
23 MY BOSS. HE SAID THAT THE COMPANY POLICY IS THAT AS LONG
24 AS IT IS NOT DISRUPTIVE OF THE OFFICE, IT WAS UNLIMITED.

25 BUT HE FELT IT WAS DISRUPTIVE FOR ME TO BE GONE
26 THAT LONG.

27 THE COURT: ALL RIGHT. ANY OBJECTION?

28 MR. WAPNER: CAN I ASK WHAT OFFICE IS IT AGAIN? WHERE

1 DO YOU WORK?

2 MRS. GOOLEY: BOEING, B-O-E-I-N-G.

3 THE COURT: WHAT DO YOU DO?

4 MRS. GOOLEY: I AM AN EXECUTIVE SECRETARY.

5 MR. WAPNER: I GOT THE IMPRESSION THAT HE SAID IT WOULD
6 BE DISRUPTIVE IF YOU WERE GONE THAT LONG. WOULD YOUR JOB
7 BE IN JEOPARDY?

8 MS. GOOLEY: KIND OF.

9 MR. CHIER: I DON'T THINK THEY CAN LOSE THEIR JOB FOR
10 BEING ON JURY DUTY.

11 MR. WAPNER: ARE YOU THE SOLE SUPPORT OF YOUR FAMILY?

12 MRS. GOOLEY: NO.

13 MR. CHIER: IS IT AN ECONOMIC HARDSHIP ON YOU?

14 MRS. GOOLEY: NO.

15 MR. WAPNER: BECAUSE THEY WOULD PAY THE WHOLE THING
16 THEY JUST KIND OF DISCOURAGED YOU FROM --

17 MRS. GOOLEY: WELL, HE DIDN'T MENTION WHETHER I WOULD
18 BE PAID OR NOT. HE GAVE ME SOME POLICY NUMBER. HE SAID THAT
19 IT WOULD BE AS LONG AS NECESSARY IF IT WERE NOT DISRUPTIVE.

20 HE FELT IT WOULD BE DISRUPTIVE.

21 MR. CHIER: DID YOU ADVISE HIM --

22 MRS. GOOLEY: HE WOULD BE WILLING TO WRITE A LETTER
23 TO STATE THAT.

24 MR. CHIER: IS HE THE PERSON WHO WOULD MAKE SUCH POLICY?

25 MRS. GOOLEY: NO. HE WOULD NOT MAKE THE POLICY. BUT
26 HE IS THE MANAGER OF THE LOS ANGELES OPERATION.

27 WE ARE A SMALL LIAISON OFFICE OUT OF SEATTLE,
28 WASHINGTON. HE IS THE PERSON IN CHARGE OF BOEING OFFICE

1 HERE IN LOS ANGELES.

2 MR. CHIER: SO YOUR POLICY IS DIRECTED OUT OF SEATTLE.
3 BUT HE WOULD BE THE ONE IN THE OFFICE HERE THAT WOULD BE
4 IMPACTED. BUT THE COMPANY POLICY IS ESTABLISHED IN SEATTLE
5 ABOUT JURY DUTY?

6 MRS. GOOLEY: YES.

7 MR. CHIER: I AM NOT PREPARED TO EXCUSE THIS WITNESS
8 AT THIS TIME, YOUR HONOR.

9 THE COURT: WOULD YOU BE PAID FOR THE ENTIRE TIME?

10 MRS. GOOLEY: THAT WAS NOT CLEAR TO ME. I DIDN'T ASK
11 HIM THAT SPECIFICALLY, QUITE HONESTLY.

12 HE JUST TOLD ME VERY STRONGLY THAT IT WOULD BE
13 DISRUPTIVE. HE LET ME KNOW IT WOULD BE VERY DISRUPTIVE.

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1 MR. WAPNER: COULD YOU FIND OUT FIRST IF YOU WOULD BE
2 PAID AND I GUESS IF YOU ARE NOT PAID, WHETHER IT WOULD BE
3 AN ECONOMIC HARDSHIP ON YOU?

4 MRS. GOOLEY: I CAN FIND OUT IF I WOULDN'T BE PAID.

5 MR. WAPNER: WHY DON'T YOU FIND OUT?

6 MRS. GOOLEY: BUT THERE IS MORE AT RISK THAN JUST WHETHER
7 YOU ARE PAID OR NOT, YOU KNOW,. IF MY JOB IS --

8 THE COURT: DO YOU THINK IT WOULD JEOPARDIZE YOUR JOB?

9 MRS. GOOLEY: YES.

10 MR. CHIER: WHAT?

11 MRS. GOOLEY: WELL, THERE WOULD BE NO ONE. IF I WERE
12 NOT THERE, THEY WOULD HAVE TO CALL IN A TEMPORARY PERSON WHO
13 HAD NO EXPERIENCE WITH WHAT I AM DOING. IT WOULD BE CHAOTIC
14 I WOULD THINK.

15 THE COURT: WELL--

16 MR. CHIER: BUT YOUR CONCERN IS PRIMARILY THE IMPACT
17 ON YOUR BOSS?

18 MS. GOOLEY: RIGHT.

19 MR. WAPNER: HOW WOULD THAT AFFECT YOU, ASSUMING THAT
20 YOU ENDED UP SITTING FOR THREE MONTHS? HOW IS IT GOING TO
21 AFFECT YOUR ABILITY TO LISTEN TO THE EVIDENCE AND TAKE IT
22 SERIOUSLY? ARE YOU GOING TO HAVE ONE PART OF YOUR MIND
23 THINKING ABOUT WHAT IS GOING ON AT THE OFFICE AND BEING
24 CONCERNED WITH THAT?

25 MS. GOOLEY: WELL, I DON'T THINK THAT SO MUCH. I THINK
26 IT WOULD BOTHER ME KNOWING THAT I WAS DOING SOMETHING THAT
27 WAS AGAINST HOW HE FELT, YOU KNOW, THAT HE WAS NOT IN TOTAL
28 AGREEMENT WITH MY BEING GONE FOR THREE MONTHS. IT IS A LONG

1 TIME.

2 IS THAT PRETTY SURE FOR HOW LONG THE CASE WILL
3 RUN?

4 MR. CHIER: IT IS HARD TO ESTIMATE WITH ANY REAL
5 ACCURACY. BUT IT IS FAIR.

6 THE COURT: IT WILL BE IN THAT BALLPARK.

7 MRS. GOOLEY: WOULD THAT BE FIVE DAYS A WEEK?

8 MR. CHIER: NO, FOUR, FROM 10:30 TO 4:30.

9 THE COURT: 10:30 TO 4:30.

10 MR. WAPNER: WE HAVE FRIDAYS OFF.

11 THE COURT: DO YOU THINK YOU COULD MAKE IT?

12 MR. WAPNER: CHECK AND SEE IF THEY ARE GOING TO PAY
13 YOU, FIRST OF ALL. MAYBE WE CAN GO FROM THERE.

14 MRS. GOOLEY: ALL RIGHT. DO YOU WANT ME TO GO AND DO
15 THAT NOW?

16 THE COURT: WELL, YOU CAN TELL US TOMORROW MORNING.

17 MR. WAPNER: TOMORROW MORNING.

18 THE COURT: THANK YOU VERY MUCH.

19 (PROSPECTIVE JUROR GOOLEY EXITS CHAMBERS.)

20 (PROSPECTIVE JUROR KING ENTERS CHAMBERS.)

21 THE CLERK: THIS IS MELVA KING AT THE BOTTOM OF THE
22 LIST.

23 THE COURT: MISS KING, WHERE DO YOU LIVE?

24 MISS KING: PARDON ME?

25 THE COURT: WHERE DO YOU LIVE?

26 MISS KING: I LIVE IN WEST LOS ANGELES, WESTWOOD.

27 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED?

28 MISS KING: YES. MY HUSBAND AND I HAVE RESERVATIONS

1 TO GO ON A CRUISE ON THE 20TH OF NOVEMBER.

2 WE WON'T BE BACK UNTIL THE 2ND OF DECEMBER.

3 MR. CHIER: IT IS PREPAID?

4 MRS. KING: YES, FOR TWO MONTHS.

5 MR. CHIER: NO OBJECTION.

6 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
7 BE EXCUSED. RETURN TO THE JURY ASSEMBLY ROOM. TELL THEM
8 YOU ARE EXCUSED FROM THIS CASE. THANK YOU.

9 (PROSPECTIVE JUROR KING EXITS CHAMBERS.)

10 (PROSPECTIVE JUROR KIRK ENTERS CHAMBERS.)

11 THE CLERK: THIS IS GEORGEANN KIRK.

12 THE COURT: WHERE DO YOU LIVE, MISS KIRK?

13 MISS KIRK: PACIFIC PALISADES.

14 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED?

15 MISS KIRK: YES.

16 THE COURT: WHAT IS YOUR REASON?

17 MISS KIRK: TWO REASONS. ONE, I ADMINISTER A PROGRAM
18 OVER AT MACLAREN CHILDREN'S CENTER. YES THAT IS A PLACEMENT
19 FOR HARD TO PLACE CHILDREN IN JUVENILE COURT.

20 A THREE-MONTH PERIOD OF TIME WOULD IMPACT ON MY
21 PROGRAM. AND THE OTHER REASON IS THAT I PUT \$1,200 DOWN
22 FOR A TWO-WEEK VACATION BETWEEN DECEMBER 21ST AND JANUARY
23 2ND.

24 THE COURT: YOU WILL BE EXCUSED. THANK YOU.

25 YOU MAY RETURN TO THE JURY ASSEMBLY ROOM. TELL
26 THE THEM YOU HAVE BEEN EXCUSED FROM THIS CASE. YOU CAN SERVE
27 FOR THE NEXT TWO WEEKS OR SO.

28 MISS KIRK: YES, I CAN.

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THE COURT: THANK YOU.

(PROSPECTIVE JUROR KIRK EXITS CHAMBERS.)

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1 THE CLERK: THIS IS RICHARD KROLL. IF YOU WOULD HAVE
2 A SEAT HERE, PLEASE.

3 THE COURT: ALL RIGHT, MR. KROLL, WHERE DO YOU LIVE?

4 MR. KROLL: I LIVE IN SANTA MONICA.

5 THE COURT: AND WHAT IS YOUR REASON FOR WANTING TO BE
6 EXCUSED?

7 MR. KROLL: I HAVE A SEVERE ILLNESS IN MY FAMILY IN
8 PHILADELPHIA AND I AM WORKING ON GETTING A LEAVE OF ABSENCE
9 FROM MY JOB FOR SIX MONTHS.

10 THE COURT: AND WHERE DO YOU WORK?

11 MR. KROLL: THE PHONE COMPANY.

12 THE COURT: WHICH PHONE COMPANY?

13 MR. KROLL: GTE.

14 THE COURT: THAT IS THE OTHER COMPANY, ISN'T IT?

15 MR. KROLL: YEAH.

16 I WAS PLANNING TO TAKE OFF SIX MONTHS BECAUSE
17 IT IS PROBABLY DEATH. MY DAD HAS GOT LUNG CANCER.

18 THE COURT: PARDON ME?

19 MR. KROLL: MY DAD HAS LUNG CANCER AND I SORT OF WANTED
20 TO SPEND SOME TIME BACK IN PHILADELPHIA AND I WAS PLANNING
21 TO GO AS SOON AS MY JOB GIVES ME THE OKAY, WHICH COULD BE,
22 LIKE, IN A MONTH.

23 THE COURT: ALL RIGHT?

24 MR. CHIER: I HAVE NO OBJECTION.

25 MR. WAPNER: ALL RIGHT, OKAY, I HAVE NO OBJECTION.

26 CAN WE HAVE A MINUTE BEFORE WE BRING THE NEXT
27 JUROR IN?

28 THE COURT: YES.

1 THANK YOU VERY MUCH. YOU ARE EXCUSED. YOU TELL
2 THEM IN THE JURY ASSEMBLY ROOM YOU ARE EXCUSED FROM THIS CASE.

3 MR. WAPNER: CAN WE TAKE A BREAK FOR A MINUTE?

4 (PAUSE IN PROCEEDINGS.)

5 THE CLERK: THIS IS LINDA KYRIAZI.

6 THE COURT: IS THAT MISS OR MRS.?

7 MISS KYRIAZI: MISS.

8 THE COURT: WHERE DO YOU LIVE, BY THE WAY?

9 MISS KYRIAZI: I LIVE IN WEST L.A.

10 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
11 THIS CASE.

12 MISS KYRIAZI: RIGHT.

13 THE COURT: WHAT IS YOUR REASON?

14 MISS KYRIAZI: MY COMPANY PAYS FOR TEN DAYS ONLY.

15 THE COURT: WHAT IS THE NAME OF YOUR COMPANY?

16 THE WITNESS: TTI.

17 THE COURT: TT WHAT?

18 MISS KYRIAZI: TTI.

19 MR. CHIER: CITICORP?

20 MR. WAPNER: TTI, CITICORP.

21 IS THAT A HARD AND FAST POLICY AS FAR AS YOU KNOW?

22 MISS KYRIAZI: I ASKED THEM AND I ASKED EXCEPT FOR WHEN
23 I AM CALLED ON A TRIAL AND THEY SAID NO, THEY WILL PAY FOR
24 TEN DAYS ONLY, SO I HAVE CLARIFIED THAT.

25 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU MAY
26 BE EXCUSED. YOU TELL THEM IN THE JURY ASSEMBLY ROOM, THE
27 CLERK THERE THAT YOU HAVE BEEN EXCUSED FROM THIS CASE, ALL
28 RIGHT?

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1 MISS KYRIAZI: THANK YOU.

2 (PROSPECTIVE JUROR EXITED CHAMBERS.)

3 THE CLERK: THIS IS HARRY LERNER.

4 JUST HAVE A SEAT THERE, SIR.

5 THE COURT: ALL RIGHT, MR. LERNER.

6 MR. LERNER: YES, YOUR HONOR.

7 THE COURT: WHERE DO YOU LIVE, MR. LERNER?

8 MR. LERNER: I LIVE AT 1944 GLENDON AVENUE.

9 THE COURT: WHAT PART OF THE CITY IS THAT?

10 MR. LERNER: WEST LOS ANGELES.

11 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
12 JURY DUTY IN THIS CASE. WHY?

13 MR. LERNER: IN THIS CASE.

14 THE COURT: WHAT IS YOUR REASON?

15 MR. LERNER: I HAVE ARTHRITIS AND EVERY ONCE IN A WHILE
16 IT WILL FLARE UP.

17 NOW FROM WHAT SOMEONE SAID IN THE ASSEMBLY ROOM,
18 YOU DON'T WANT SOMEBODY ON THE JURY THAT IS GOING TO BE ON
19 FOR A FEW DAYS AND THEN HAVE TO LEAVE. I NEVER KNOW WHEN
20 IT WILL FLARE UP. IT DOESN'T EVER LAST MORE THAN ABOUT FOUR
21 OR FIVE DAYS BUT IT IS PRETTY PAINFUL WHEN IT DOES.

22 MR. WAPNER: I HAVE NO OBJECTION.

23 MR. CHIER: NO OBJECTION.

24 THE COURT: ALL RIGHT, THANK YOU, MR. LERNER. YOU WILL
25 BE EXCUSED.

26 MR. LERNER: THANK YOU.

27 THE COURT: YOU TELL THEM IN THE JURY ASSEMBLY ROOM
28 YOU ARE TO BE EXCUSED FROM JURY DUTY ALTOGETHER.

1 MR. LERNER: THANK YOU.

2 (PROSPECTIVE JUROR EXITED CHAMBERS.)

3 THE CLERK: THIS IS DONALD LIDEEN.

4 IF YOU WOULD HAVE A SEAT RIGHT HERE, SIR.

5 THE COURT: WHERE DO YOU LIVE, MR. LIDEEN?

6 MR. LIDEEN: TORRANCE.

7 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
8 JURY DUTY HERE.

9 MR. LIDEEN: THAT'S CORRECT.

10 THE COURT: WHAT IS YOUR REASON FOR IT?

11 MR. LIDEEN: I AM UNEMPLOYED AND THREE WEEKS OUT OF
12 THE JOB MARKET WOULD BE AN ADDITIONAL HARDSHIP.

13 THE COURT: THREE MONTHS?

14 MR. LIDEEN: THREE MONTHS, YES.

15 THE COURT: AND YOU NEED A JOB TO GET ALONG, IS THAT
16 IT?

17 MR. LIDEEN: YES.

18 THE COURT: YOU NEED A JOB IN ORDER FOR YOU TO KEEP
19 ON LIVING COMFORTABLY, IS THAT THE IDEA?

20 MR. LIDEEN: YES, THAT'S CORRECT.

21 MR. WAPNER: I HAVE NO OBJECTION.

22 MR. CHIER: NO OBJECTION.

23 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL
24 BE EXCUSED, MR. LIDEEN.

25 MR. LIDEEN: THANK YOU.

26 (PROSPECTIVE JUROR EXITED CHAMBERS.)

27 THE COURT: WE WILL GET THROUGH THE L'S AND THEN WE
28 WILL ADJOURN.

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MR. WAPNER: YES, THAT IS FINE.

THE CLERK: THIS IS BERNADETT LISTER.

MA'AM, IF YOU WOULD HAVE A SEAT RIGHT HERE.

THE COURT: ALL RIGHT. MISS LISTER, IS IT?

MISS LISTER: YES.

THE COURT: WHERE DO YOU LIVE?

MISS LISTER: IN VENICE.

THE COURT: PARDON ME?

MISS LISTER: VENICE.

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1 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
2 JURY DUTY HERE.

3 MISS LISTER: YES.

4 THE COURT: WHAT IS YOUR REASON?

5 MISS LISTER: BECAUSE OF WORK AND MY DAUGHTER.

6 THE COURT: WHERE DO YOU WORK?

7 MISS LISTER: EL SEGUNDO.

8 THE COURT: WHAT IS THE NAME OF THE COMPANY?

9 MISS LISTER: AEROSPACE.

10 THE COURT: AEROSPACE?

11 MISS LISTER: AEROSPACE.

12 THE COURT: THEY GIVE YOU TIME OFF, DON'T THEY, FOR
13 JURY DUTY?

14 MISS LISTER: BUT NOT AS MUCH AS YOU ARE REQUIRING.

15 THE COURT: AEROSPACE CORPORATION, IS THAT IT?

16 MISS LISTER: YEAH.

17 THE COURT: THEY GIVE YOU 20 WORKING DAYS MAXIMUM, DON'T
18 THEY?

19 MISS LISTER: UH-HUH.

20 THE COURT: YOU DON'T THINK THEY WILL GIVE YOU ANY MORE,
21 DO YOU?

22 MISS LISTER: NO.

23 THE COURT: ANY OBJECTION?

24 MR. CHIER: NO OBJECTION, YOUR HONOR.

25 MR. WAPNER: NO.

26 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL
27 BE EXCUSED. AND YOU GO BACK TO THE JURY ASSEMBLY ROOM AND
28 TELL THE CLERK YOU HAVE BEEN EXCUSED FROM THIS CASE BUT YOU

A-2
1 CAN BE ON SOME OTHER CASE UNTIL YOUR TIME IS UP.

2 MISS LISTER: OKAY, THANK YOU.

3 (PROSPECTIVE JUROR EXITED CHAMBERS.)

4 THE COURT: ALL RIGHT, WE WILL FINISH THIS TOMORROW
5 MORNING.

6 MR. WAPNER: 10:30?

7 THE COURT: ALL RIGHT, 10:30.

8 MR. CHIER: I HAVE A BRIEF APPEARANCE TO CONTINUE A
9 CASE DOWNTOWN.

10 THE COURT: MR. BARENS WILL BE HERE ANYWAY.

11 THE CLERK: READY?

12 MR. WAPNER: THIS WILL BE THE LAST FOR THE DAY.

13 THE CLERK: THIS IS NADIA MIKHAIL, M-I-K-H-A-I-L.

14 THE COURT: M-I --

15 THE CLERK: YES, THE REST IS CORRECT.

16 THE COURT: IS THAT MISS OR MRS.?

17 MRS. MIKHAIL: YES, I AM MARRIED, MRS.

18 THE COURT: RUSSIAN, IS IT?

19 MRS. MIKHAIL: NO.

20 I AM EGYPTIAN.

21 THE COURT: OH, EGYPTIAN.

22 WHERE DO YOU LIVE?

23 MRS. MIKHAIL: I LIVE IN RESEDA.

24 THE COURT: RESEDA?

25 MRS. MIKHAIL: YES.

26 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM
27 JURY DUTY, DO YOU?

28 MRS. MIKHAIL: REALLY, I'D LOVE TO SERVE BUT I DON'T

1 KNOW ABOUT MY WORK, YOU KNOW, IF THEY'D LET ME STAY FOR THREE
2 MONTHS.

3 THE COURT: WHERE DO YOU WORK?

4 MRS. MIKHAIL: IN SIMI VALLEY IN WHITAKER CORPORATION.

5 THE COURT: YOU DON'T KNOW HOW LONG THEY WILL LET YOU
6 SERVE?

7 MRS. MIKHAIL: I DON'T KNOW. I DON'T HAVE ANY IDEA,
8 YOU KNOW.

9 MR. WAPNER: WHY DON'T WE HAVE HER CALL OR CHECK AND
10 COME BACK IN THE MORNING AND TELL US?

11 MR. CHIER: THAT IS OKAY WITH ME.

12 THE COURT: ALL RIGHT. WHY DON'T YOU COME BACK TOMORROW
13 MORNING?

14 MRS. MIKHAIL: WELL, I CAN CALL NOW, YOU KNOW.

15 THE COURT: WELL, GO ON AND CALL.

16 MRS. MIKHAIL: YES.

17 THE COURT: ALL RIGHT, YOU CALL NOW AND SEE IF THEY
18 WILL LET YOU STAY FOR THE THREE MONTHS, WILL YOU?

19 MRS. MIKHAIL: ALL RIGHT. THANKS.

20 (PROSPECTIVE JUROR EXITED CHAMBERS.)

21 MR. WAPNER: IN ANY EVENT, ARE WE GOING TO WAIT FOR
22 HER TO CALL? BECAUSE SHE IS PROBABLY GOING TO HAVE TO COME
23 BACK TOMORROW FOR THE FUTURE. IF SHE IS NOT IN THIS CASE
24 SHE IS GOING TO REPORT TO THE JURY ASSEMBLY ROOM FOR ANOTHER
25 CASE.

26 THE COURT: SUPPOSE SHE COMES BACK AND SAYS NO, THEY
27 WON'T LET HER OFF WORK FOR THREE MONTHS, THEN I CAN EXCUSE
28 HER AND SEND HER INTO THE JURY ASSEMBLY ROOM?

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1 MR. CHIER: THAT IS ALL RIGHT WITH ME. I GIVE YOU MY
2 PROXY.

3 THE COURT: OKAY?

4 MR. WAPNER: I HAVE NO OBJECTION.

5 WE WILL RESUME TOMORROW MORNING AT 10:30?

6 THE COURT: YES.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT:)

3 THE COURT: I WILL HAVE YOU ALL COME BACK TO THIS
4 COURTROOM TOMORROW MORNING. I THINK WE WILL BE FINISHED WITH
5 OUR CALENDAR BY 10:30.

6 HOW MUCH OF A CALENDAR DO WE HAVE?

7 THE CLERK: I THINK IT IS A SHORT CALENDAR.

8 THE COURT: ALL RIGHT. WILL YOU ALL RETURN TO THIS
9 COURTROOM TOMORROW MORNING AT 10:30? I THINK WE WILL BE
10 THROUGH, FINISHED CERTAINLY BY NOON WITH TALKING TO YOU.

11 ALL RIGHT. PLEASE COME BACK HERE TOMORROW MORNING
12 AT 10:30. WE'LL BE FINISHED BY NOON.

13 A VOICE: WE DON'T HAVE TO GO TO THE OTHER ROOM?

14 THE COURT: NO. COME DIRECTLY INTO THIS COURTROOM,
15 DIRECTLY HERE.

16 GOOD NIGHT. SEE YOU ALL TOMORROW.

17 (AT 4:27 P.M. AN ADJOURNMENT WAS TAKEN
18 UNTIL THURSDAY, NOVEMBER 6, 1986, AT
19 10:30 A.M.)
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