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COURT OF APPEAL OF THE STATE OF CALIFORNIA  
 SECOND APPELLATE DISTRICT

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

*3010 S. West*

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 3 OF 101  
 (PAGES 197 TO 307, INCLUSIVE)

COPY

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

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES

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

4 THE PEOPLE OF THE STATE OF CALIFORNIA, )  
5 )  
6 PLAINTIFF, )

7 VS. ) NO. A-090435

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

10 )  
11 REPORTERS' DAILY TRANSCRIPT

12 THURSDAY, NOVEMBER 6, 1986

13 VOLUME 3

14 (PAGES 197 TO 307, INCLUSIVE)

15  
16 APPEARANCES:

17 FOR THE PEOPLE: IRA REINER, DISTRICT ATTORNEY  
18 BY: FREDERICK N. WAFLEK, DEPUTY  
19 1725 MAIN STREET  
20 SANTA MONICA, CALIFORNIA 90401

21 FOR THE DEFENDANT: ARTHUR H. BARENS, ESQ.  
22 10209 SANTA MONICA BOULEVARD  
23 LOS ANGELES, CALIFORNIA 90067

24 AND  
25 RICHARD C. CHIER, ESQ.  
26 10920 WILSHIRE BOULEVARD  
27 LOS ANGELES, CALIFORNIA 90024

28  
ROSEMARIE GOODBODY, CSR NO. 932  
SALLY YERGER, CSR NO. 2008  
OFFICIAL REPORTERS

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1 THURSDAY, NOVEMBER 6, 1986 VOLUME 3 PAGES 197 TO 307

2 A.M. 197

3 P.M. 260

4 -----

5 PROCEEDINGS

6 VOIR DIRE OF PROSPECTIVE JURORS 197

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1 SANTA MONICA, CALIFORNIA; THURSDAY, NOVEMBER 6, 1986; 10:35 A.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE  
4 EXCEPT MR. CHIER IS NOT PRESENT.)

5  
6 (THE FOLLOWING PROCEEDINGS WERE HELD  
7 IN OPEN COURT:)

8 MR. WAPNER: COULD WE PUT SOMETHING ON THE RECORD  
9 BEFORE WE GO IN CHAMBERS?

10 THE COURT: YES.

11 THERE ARE NO JURORS HERE, ARE THERE? ARE YOU  
12 PEOPLE JURORS?

13 A VOICE: NO.

14 MR. WAPNER: ARE YOU A JUROR ON THIS CASE, SIR?

15 A VOICE: NO, I AM NOT.

16 MR. WAPNER: FOR THE RECORD, I WANT TO TURN OVER TO  
17 COUNSEL A SECTION OF THE DISTRICT ATTORNEY'S LEGAL POLICIES  
18 MANUAL THAT WOULD BE RELEVANT TO THE LIVESAY HEARING.

19 MR. BARENS: OH.

20 MR. WAPNER: AND ALSO TO CITE TO COUNSEL AND TO THE  
21 COURT THE ONLY CASE THAT I KNOW OF THAT TALKS ABOUT LIVESAY  
22 HEARINGS, WHICH IS LEO V. THE SUPERIOR COURT AT 179 CAL.APP.3D  
23 274.

24 THE COURT: THAT IS AS TO THE PROPORTIONALITY ISSUE?

25 MR. WAPNER: YES, IT IS.

26 THERE ARE SOME OTHER THINGS THAT ARE DISCUSSED  
27 IN THERE BUT IT ALSO DISCUSSES PROPORTIONALITY.

28 THE COURT: ALL RIGHT, I WILL TAKE A LOOK AT THE CASE.

1 MR. WAPNER: AND I WOULD LIKE TO RENEW MY REQUEST THAT  
2 THE VOIR DIRE PROCEDURE FOR HARDSHIP BE DONE BY BRINGING THE  
3 JURORS ONE BY ONE INTO THE COURTROOM AS OPPOSED TO BEING DONE  
4 IN CHAMBERS, BECAUSE I FEEL THAT THE ATMOSPHERE IN CHAMBERS  
5 IS NOT APPROPRIATE, ESPECIALLY SINCE THE DEFENDANT IS IN THERE  
6 WITHOUT A BAILIFF AND I DON'T THINK IT IS APPROPRIATE FOR  
7 A SPECIAL CIRCUMSTANCES CASE AND I THINK IT COULD BE DONE  
8 JUST AS EASILY IN THE COURTROOM.

9 THE COURT: I HAVE ALREADY RULED ON IT BY HAVING THE  
10 HEARINGS IN CHAMBERS AND WE WILL CONTINUE THE WAY WE HAVE  
11 BEEN DOING. I THINK THAT WILL BE MUCH BETTER THAN CALLING  
12 THEM IN ONE BY ONE. IT TAKES MUCH LONGER THAT WAY, TO GO  
13 TO THE JURY ASSEMBLY ROOM AND GET THEM OUT ONE AT A TIME.

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1 MR. WAPNER: WE CAN HAVE THEM STAY JUST IN THE HALLWAY?

2 THE COURT: WE DON'T WANT THEM STANDING IN THE HALLWAY  
3 ALL OF THE TIME. ALL RIGHT. PLEASE GET THEM IN.

4 MR. WAPNER: MAY I HAVE A MOMENT, YOUR HONOR?

5 THE COURT: ALL RIGHT. WE'LL GO INTO CHAMBERS.

6 (THE FOLLOWING PROCEEDINGS WERE HELD  
7 IN CHAMBERS:)

8 (PROSPECTIVE JUROR CHERIE THOMAS  
9 ENTERED CHAMBERS.)

10 THE CLERK: THIS IS CHERIE THOMAS.

11 THE COURT: ALL RIGHT. GOOD MORNING. SHE HAS GOT  
12 PRIORITY.

13 WHERE DO YOU LIVE, BY THE WAY?

14 MISS THOMAS: HAWTHORNE.

15 THE COURT: AND YOU WANT TO BE EXCUSED FROM JURY DUTY?

16 MISS THOMAS: WELL, I CALLED MY EMPLOYER THIS MORNING.  
17 I CALLED THE PAYROLL DEPARTMENT. AND I WORK AT AEROSPACE  
18 CORPORATION.

19 THE PAYROLL DEPARTMENT SAYS THAT THEY PAY FOR  
20 25 DAYS WITHIN A 12 MONTH PERIOD.

21 AND I ASKED HER IF I WERE ON A JURY, WOULD I BE  
22 EXCUSED. AND SHE SAID IF MY EMPLOYER WOULD WRITE A LETTER.  
23 SO --

24 THE COURT: IF YOUR EMPLOYER WOULD WRITE A LETTER?

25 MISS THOMAS: MY MANAGER. IF HE WOULD WRITE A LETTER  
26 SAYING THAT I WAS ON A JURY, SOMETHING TO THE EFFECT THAT  
27 I COULD BE PAID IN SPITE OF THE FACT THAT IT WENT ON BEYOND  
28 THE 25 DAYS.

1                   SO IT LOOKS AS THOUGH I DON'T NEED TO BE EXCUSED.

2           THE COURT:   WELL, WHO WAS TO WRITE THE LETTER?

3           MISS THOMAS:  IT WOULD BE MY BOSS.

4           THE COURT:  WRITE THE LETTER TO WHOM?

5           MISS THOMAS:  PROBABLY TO PAYROLL, WHERE I WORK.

6           THE COURT:  WELL, WOULD YOU FIND OUT IF IT COULD BE  
7   DONE?

8           MISS THOMAS:  IT CAN BE DONE.  I WILL JUST HAVE TO KNOW  
9   IF MY MANAGER WILL DO IT.

10          MR. WAPNER:  WELL, FIND OUT FROM THE MANAGER IF HE WILL  
11   DO IT.  TALK TO HIM AND LET US KNOW.

12          MISS THOMAS:  YES.  I DIDN'T HAVE TIME TO DO THAT THIS  
13   MORNING.

14          MR. BARENS:  YOU CALL HIM NOW.

15          MISS THOMAS:  I WILL CALL HIM NOW IF HE IS IN.

16          THE COURT:  MAKE THE CALL OUTSIDE.

17                    (PROSPECTIVE JUROR THOMAS EXITS CHAMBERS.)

18                    (PROSPECTIVE JUROR BARLESE ENTERED CHAMBERS.)

19          THE CLERK:  THIS IS CYNTHIA FORD OR BARLESE FROM  
20   YESTERDAY.

21          MR. WAPNER:  THIS IS MRS. BARLESE.  IT IS UNDER FORD  
22   ON THE LIST.  IT IS ON THE FIRST PAGE IN THE SECOND COLUMN.

23          THE COURT:  YES.  YOU WERE HERE YESTERDAY.  THANK YOU.

24          MRS. BARLESE:  I WORK FOR MARITECH AND THEY DO PAY  
25   UNLIMITED DAYS.

26                    BUT MY EMPLOYER ASKED ME TO TELL YOU THAT SINCE  
27   I AM ON A SIX-MONTH PROBATION, SINCE I AM A NEW EMPLOYEE,  
28   THAT THEY WILL HAVE TO REPLACE ME IF I HAVE TO BE ON JURY



1 DUTY FOR THREE MONTHS.

2 THE COURT: IN OTHER WORDS, YOU LOSE YOUR JOB?

3 MRS. BARLESE: RIGHT.

4 MR. WAPNER: NO OBJECTION.

5 THE COURT: ALL RIGHT. I THINK WE CAN EXCUSE YOU.

6 THANK YOU VERY MUCH. WE DON'T WANT YOU TO LOSE YOUR JOB

7 ALTHOUGH WE WOULD LIKE TO HAVE YOU AS A JUROR.

8 (PROSPECTIVE JUROR BARLESE EXITED

9 CHAMBERS.)

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1 MR. WAPNER: YOUR HONOR, CAN I ASK YOU TO CHECK YOUR  
2 LIST AT THE VERY BOTTOM OF THE FIRST PAGE, MELVA KING, DID  
3 WE EXCUSE HER?

4 THE COURT: YES, SHE WAS EXCUSED, YES.

5 MR. WAPNER: THANK YOU, YOUR HONOR.

6 THE COURT: WHAT ABOUT MIKHAIL, WHAT DID WE DO WITH  
7 HER?

8 MR. WAPNER: SHE WAS COMING BACK. SHE WAS GOING TO  
9 CHECK WITH HER EMPLOYER AND LET US KNOW.

10 THE CLERK: MARJORIE GOOLEY IS HERE. SHE WAS INTERVIEWED  
11 YESTERDAY.

12 MRS. GOOLEY: YOU ASKED ME TO LEAVE YESTERDAY AND CHECK  
13 ON MY COMPANY POLICY FOR JURY PAY AND I DID CHECK ON IT. I  
14 CALLED SEATTLE AND I FOUND OUT THAT THE BOEING COMPANY WILL  
15 PAY THE MAXIMUM AMOUNT OF DAYS THAT IT REQUIRES TO BE ON A  
16 TRIAL.

17 THE COURT: SO YOU CAN STAY WITH US THEN?

18 MRS. GOOLEY: YES.

19 THE COURT: THAT IS FINE.

20 MRS. GOOLEY: HOWEVER, HE DID ASK ME TO STRESS THE FACT  
21 IT WOULD BE DISRUPTIVE TO WORK.

22 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, MRS. GOOLEY,  
23 SO WE WILL KEEP YOU WITH US, ALL RIGHT?

24 MRS. GOOLEY: ALL RIGHT.

25 THE COURT: I TELL YOU WHAT YOU DO, WHY DON'T YOU COME  
26 BACK TO THE JURY ASSEMBLY ROOM A WEEK FROM TODAY, A WEEK FROM  
27 TODAY -- AT WHAT TIME DID I SAY?

28 MR. WAPNER: 10:30.

1 THE COURT: AT 10:30, WILL YOU DO THAT?

2 MRS. GOOLEY: 10:30, YES.

3 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU CAN  
4 GO BACK AND DO SOME WORK IF YOU WANT TO UNTIL THEN.

5 (PROSPECTIVE JUROR GOOLEY EXITS CHAMBERS.)

6 THE CLERK: THIS IS MARTHA MANZANO.

7 MRS. MANZANO: GOOD MORNING.

8 THE COURT: GOOD MORNING. IS THAT MISS OR MRS.?

9 MISS MANZANO: MISS.

10 THE COURT: MISS MANZANO, WHERE DO YOU LIVE?

11 MISS MANZANO: I LIVE IN CULVER CITY -- IN WEST LOS  
12 ANGELES.

13 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
14 JURY DUTY?

15 MISS MANZANO: YES, I DO. THE REASON BEING IS I WORK  
16 AS A CODE ENFORCEMENT OFFICER FOR THE CITY OF CULVER CITY  
17 FIRE DEPARTMENT AND THERE IS ONLY TWO OF US THAT ARE IN THE  
18 DEPARTMENT AND I FEEL IT WOULD BE A GREAT HARDSHIP ON THE  
19 DEPARTMENT FOR ME TO BE OUT THREE MONTHS.

20 THE COURT: WELL, IT WOULD BE A HARDSHIP ON THE DEPARTMENT  
21 BUT NOT ON YOU, THOUGH, WOULD IT?

22 MISS MANZANO: NOT ON ME.

23 ANOTHER REASON BEING IS I HAVE CASES RIGHT NOW  
24 THAT HAVE DEADLINES PENDING THAT I HAVE TWO CASES THAT ARE  
25 GOING TO COURT. I DON'T KNOW, YOU KNOW, IF THEY CAN EXCUSE  
26 ME ON THOSE.

27 MR. WAPNER: BY GOING TO COURT, MEANING YOU HAVE TO  
28 TESTIFY AS A WITNESS?

1 MISS MANZANO: YES, I DO.

2 MR. WAPNER: AND THAT IS IN CULVER CITY MUNICIPAL COURT?

3 MISS MANZANO: CULVER CITY MUNICIPAL COURT, YES, SIR.

4 MR. WAPNER: HOW LONG HAVE YOU WORKED THERE AT THE  
5 FIRE DEPARTMENT?

6 MISS MANZANO: I HAVE WORKED THERE FOR FIVE YEARS --  
7 SIX YEARS.

8 MR. WAPNER: WHAT IS YOUR EXPERIENCE IN TERMS OF THESE  
9 CASES ACTUALLY GOING TO TRIAL AND YOUR HAVING TO TESTIFY?

10 MISS MANZANO: I HAVE BEEN DOING THIS FOR ALL TOGETHER  
11 11 YEARS NOW.

12 MR. BARENS: DO YOU ACTUALLY END UP GOING TO COURT ON  
13 YOUR CASES OFTEN?

14 MISS MANZANO: I DO IF THEY NEED A WITNESS, I HAVE TO  
15 TESTIFY AS TO THE VIOLATIONS THAT I DID FIND ON THE PROPERTY  
16 OF THE PROPERTY OWNERS OR BUSINESS OWNERS.

17 MR. WAPNER: IN THESE TWO PARTICULAR CASES WHERE YOU  
18 HAVE SUBPOENAS THAT MIGHT INTERFERE WITH THIS CASE, WERE YOU  
19 THE ONLY PERSON WHO OBSERVED THE VIOLATIONS?

20 MISS MANZANO: NO, I AM NOT THE ONLY PERSON THAT  
21 OBSERVED THEM BUT I WAS THE ONE -- THE OFFICER THAT WAS SENT  
22 OUT THERE TO WRITE UP THE VIOLATIONS AND I AM THE ONE TO WRITE  
23 UP THE WHOLE CASE ON THEM FOR THE CITY ATTORNEY'S OFFICE.

24 MR. WAPNER: IS THERE ANYONE ELSE WHO COULD TESTIFY  
25 IF YOU ARE HERE ON JURY DUTY?

26 MISS MANZANO: I AM SURE THEY COULD PROBABLY GET ONE  
27 OF THE CITY PLANNERS OR SOMEONE LIKE THAT TO TESTIFY.

28 THE COURT: HOW ABOUT PAY, WILL YOU BE PAID FOR THE

1 THREE MONTHS?

2 MISS MANZANO: I REALLY DON'T KNOW IF THEY WILL PAY  
3 ME FOR THE THREE MONTHS.

4 FROM WHAT I UNDERSTAND WHEN I FIRST RECEIVED THE  
5 NOTICE, THEY TOLD ME THEY WOULD PAY FOR MY JURY DUTY BUT  
6 I DON'T KNOW IF THEY WOULD GO THE WHOLE THREE MONTHS.

7 THE COURT: WHY DON'T YOU FIND THAT OUT?

8 MISS MANZANO: OKAY.

9 THE COURT: WOULD YOU DO THAT AND LET US KNOW?

10 MISS MANZANO: OKAY.

11 THE COURT: THANK YOU VERY MUCH.

12 (PROSPECTIVE JUROR MANZANO EXITS CHAMBERS.)

13 THE CLERK: THIS IS CHERIE THOMAS AGAIN.

14 MISS THOMAS: HE WOULD RATHER I DIDN'T.

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1 MR. WAPNER: AND THAT IS THE ONE WHO --

2 MISS THOMAS: THAT IS MY SUPERVISOR, YES.

3 MR. WAPNER: I DON'T KNOW IF THAT REALLY ANSWERS THE  
4 QUESTION.

5 DOES THAT MEAN, YES, HE WILL WRITE THE LETTER  
6 OR, NO, HE WON'T WRITE THE LETTER OR HE WILL WRITE IT BUT  
7 HE WILL GIVE YOU A HARD TIME?

8 MISS THOMAS: HE WOULD PROBABLY GIVE ME A HARD TIME.

9 I KNEW WHAT HE WOULD SAY. HE SAID THAT HE FEELS  
10 THAT I NEED TO BE BACK AT WORK BECAUSE I AM A ONE-PERSON  
11 OFFICE. ON THE OTHER HAND, HE WANTS ME TO DO MY CIVIC DUTY  
12 BUT HE WOULD RATHER I DIDN'T.

13 I SAID, "YOU WANT ME TO TELL THE JUDGE THAT?"

14 AND HE SAYS, "YES."

15 MR. BARENS: I WOULD EXCUSE HER.

16 THE COURT: ALL RIGHT, YOU ARE EXCUSED. THANK YOU VERY  
17 MUCH, WE WILL EXCUSE YOU, MRS. THOMAS. THANK YOU VERY MUCH  
18 FOR TRYING.

19 MISS THOMAS: YOU ARE WELCOME.

20 MR. MARISCAL: GOOD MORNING.

21 THE COURT: HELLO, GOOD MORNING.

22 MR. WAPNER: THIS MAN CAME WITH A LETTER.

23 MR. MARISCAL: YES.

24 THE COURT: WHAT IS YOUR NAME?

25 MR. MARISCAL: MOISES MARISCAL.

26 (WHEREUPON, A DOCUMENT WAS HANDED TO THE  
27 COURT BY MR. MARISCAL.)

28 THE COURT: THE LETTER IS FROM CALRECO; IS THAT YOUR

1 EMPLOYER?

2 MR. MARISCAL: CALRECO, UH-HUH.

3 THE COURT: (READING:)

4 "WE REQUEST THAT OUR EMPLOYEE, MOISES  
5 MARISCAL, NOT BE ASKED FOR JURY DUTY MORE THAN A  
6 TOTAL OF 30 DAYS. A MORE EXTENDED ABSENCE FROM  
7 WORK FOR MR. MARISCAL WOULD MAKE IT VERY DIFFICULT  
8 TO MAINTAIN CONTINUITY IN RESEARCH PROJECTS TO  
9 WHICH HE HAS BEEN ASSIGNED."

10 AND THAT IS SIGNED BY ROY KESTER, DIRECTOR OF  
11 ADMINISTRATION.

12 MR. WAPNER: DO YOU WANT TO MAKE ANY FURTHER INQUIRY  
13 ON THAT?

14 THE COURT: GO AHEAD AND ASK HIM.

15 MR. WAPNER: WHAT KIND OF RESEARCH PROJECTS ARE THEY  
16 TALKING ABOUT IN THE LETTER?

17 MR. MARISCAL: IT IS A RESEARCH LABORATORY ON NEW  
18 PRODUCTS AND STUFF LIKE THAT FOR CALRECO.

19 MR. WAPNER: WHAT DO YOU DO?

20 MR. MARISCAL: IT IS A MATTER OF TIME, WE HAVE STORAGE  
21 PRODUCTS AND STUFF LIKE THAT AND --

22 MR. WAPNER: OKAY. WHAT IS YOUR ACTUAL FUNCTION AT  
23 CALRECO?

24 MR. MARISCAL: I HELP MAKE NEW PRODUCTS FOR SCIENTISTS.  
25 THEY GIVE ME PROJECTS TO DO AND I WORK FOR SIX DIFFERENT  
26 SCIENTISTS AND THEY GIVE ME PROJECTS TO DO AND I JUST MAKE  
27 NEW PRODUCTS.

28 MR. WAPNER: I THINK WE ARE STILL A LITTLE BIT IN THE

1 DARK. MAYBE YOU SHOULD TELL US WHAT CALRECO IS AND WHAT KIND  
2 OF PRODUCT YOU ARE TALKING ABOUT.

3 MR. MARISCAL: I WORK IN THE PET FOOD DEPARTMENT. WE  
4 MAKE NEW PRODUCTS FOR PET FOODS.

5 THE COURT: THEY MAKE NEW PRODUCTS FOR WHAT?

6 MR. MARISCAL: PET FOODS LIKE DOG FOOD, CANNED FOOD  
7 FOR DOGS, CATS.

8 MR. WAPNER: SO IT IS A SITUATION WHERE SOMEONE GIVES  
9 YOU A FORMULA AND YOU ARE IN CHARGE OF MIXING IT UP?

10 MR. MARISCAL: UH-HUH, IN MAKING THE PRODUCT.

11 BUT WE ALSO HAVE STORAGE STUDIES AND STUFF LIKE  
12 THAT WHERE WE PUT STUFF AWAY.

13 THE COURT: THEY SAID THEY WOULDN'T GIVE HIM MORE THAN  
14 30 DAYS.

15 MR. WAPNER: I HAVE NO OBJECTION.

16 MR. BARENS: WHERE DO YOU LIVE?

17 MR. MARISCAL: IN VAN NUYS.

18 THE COURT: YOU GO BACK TO THE JURY ASSEMBLY AND TELL  
19 THEM YOU WILL BE AVAILABLE FOR 30 DAYS.

20 MR. MARISCAL: GREAT.

21 THE COURT: TELL THEM YOU ARE EXCUSED FROM THIS CASE,  
22 OKAY?

23 (PROSPECTIVE JUROR MARISCAL EXITS CHAMBERS.)  
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1 MR. WAPNER: ON THE RECORD, I GUESS WE DON'T NEED TO  
2 TAKE THE LETTER.

3 MR. MARISCAL: OKAY.

4 (PROSPECTIVE JUROR MARISCAL EXITED  
5 CHAMBERS.)

6 (PROSPECTIVE JUROR MANZANO ENTERED  
7 CHAMBERS.)

8 THE CLERK: THIS IS MARTHA MANZANO.

9 THE COURT: WHAT HAPPENED?

10 MS. MANZANO: I TALKED TO THE PERSONNEL DEPARTMENT.  
11 THEY SAID THE CITY IS OBLIGATED TO PAY ME IF I AM REQUESTED  
12 TO SERVE.

13 THE COURT: ALL RIGHT. YOU ARE GOING TO SERVE?

14 MS. MANZANO: PARDON ME?

15 THE COURT: YOU WILL SERVE?

16 MS. MANZANO: IF I AM ASKED TO SERVE, I BELIEVE I WILL  
17 HAVE TO.

18 THE COURT: ALL RIGHT. YOU MAY NOT. YOU MAY NOT EVEN  
19 BE CHOSEN AS A JUROR.

20 SO THERE IS A VERY GOOD CHANCE THAT YOU MAY NOT.  
21 AT ANY RATE, BUT THEN, YOU MAY. YOU WILL TAKE YOUR CHANCES.

22 ALL RIGHT. YOU COME BACK A WEEK FROM TODAY TO  
23 THE JURY ASSEMBLY ROOM AT 10:30. OKAY?

24 MS. MANZANO: THANK YOU.

25 THE COURT: WOULD YOU DO THAT?

26 MS. MANZANO: YES.

27 THE COURT: THANK YOU.

28 (PROSPECTIVE JUROR MANZANO EXITED CHAMBERS.)

4- 1 (PROSPECTIVE JUROR MC GURK ENTERED  
2 CHAMBERS.)

3 THE CLERK: THIS IS CAROL MC GURK.

4 THE COURT: GOOD MORNING. IS THAT MISS OR MRS.?

5 MS. MC GURK: PARDON ME?

6 THE COURT: IS IT MISS OR MRS.?

7 MS. MC GURK: IT IS MS.

8 THE COURT: MS. MC GURK? MS. IS NEITHER FISH NOR FOWL.  
9 I DON'T LIKE CALLING ANYBODY MS.

10 WHERE DO YOU LIVE, PLEASE?

11 MS. MC GURK: IN WESTCHESTER, LOS ANGELES.

12 THE COURT: UH-HUH. AND YOU WANT TO BE EXCUSED, DO  
13 YOU?

14 MS. MC GURK: YES I DO.

15 THE COURT: WHAT IS YOUR REASON?

16 MS. MC GURK: COMPANY POLICY WILL PAY ONLY TEN DAYS.

17 THE COURT: WHO DO YOU WORK FOR?

18 MS. MC GURK: A COMPANY CALLED LIGHT SIGNATURES. WE  
19 ARE A SUBSIDIARY OF TELECREDIT. IT IS TELECREDIT POLICY THAT  
20 WE FOLLOW.

21 IF A JUROR GETS ON A CASE AND IT IS EXTENDED A  
22 DAY OR TWO BEYOND THE TEN DAYS, THEY WILL GO THAT FAR BUT  
23 CERTAINLY NOT THIS LENGTH OF TIME.

24 THE COURT: ALL RIGHT.

25 MR. BARENS: NO OBJECTION.

26 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
27 BE EXCUSED.

28 GO TO THE JURY ASSEMBLY ROOM. TELL THEM THAT

1 YOU ARE AVAILABLE FOR OTHER CASES, BUT EXCUSED FROM THIS CASE.

2 MS. MC GURK: VERY GOOD.

3 (PROSPECTIVE JUROR MC GURK EXITED  
4 CHAMBERS.)

5 (PROSPECTIVE JUROR MERKIN ENTERED  
6 CHAMBERS.)

7 THE CLERK: THIS IS RONALD MERKIN.

8 THE COURT: GOOD MORNING, MR. MERKIN. WHERE DO YOU  
9 LIVE?

10 MR. MERKIN: WHERE DO I LIVE? RESEDA.

11 THE COURT: AND I UNDERSTAND THAT YOU WANT TO BE  
12 EXCUSED, DO YOU?

13 MR. MERKIN: YES. I SPOKE WITH MY EMPLOYER THIS MORNING.  
14 THEY INFORMED ME THAT THEY WILL ONLY PAY FOR 30 DAYS OF JURY  
15 DUTY.

16 AND WITH THAT IN MIND AND MY RECENT SEPARATION,  
17 I WOULD CLAIM FINANCIAL HARDSHIP.

18 THE COURT: AND WHO IS YOUR EMPLOYER?

19 MR. MERKIN: GROUP W CABLE.

20 THE COURT: ALL RIGHT.

21 MR. BARENS: NO OBJECTION.

22 MR. WAPNER: NO OBJECTION.

23 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED  
24 FROM THIS CASE.

25 GO BACK TO THE JURY ASSEMBLY ROOM. TELL THE CLERK  
26 THERE THAT YOU HAVE BEEN EXCUSED FROM THIS CASE BUT YOU ARE  
27 AVAILABLE FOR OTHER MATTERS. THANK YOU.

28 (PROSPECTIVE JUROR MERKIN EXITED CHAMBERS.)

4-  
1 (PROSPECTIVE JUROR NICKLESBURG ENTERED  
2 CHAMBERS.)

3 THE CLERK: THIS IS GERALD NICKELSBURG.

4 THE COURT: YES. MR. NICKELSBURG, WHERE DO YOU LIVE,  
5 PLEASE?

6 MR. NICKLESBURG: SORRY?

7 THE COURT: WHERE DO YOU LIVE?

8 MR. NICKLESBURG: WHERE DO I LIVE? CANOGA PARK.

9 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
10 FROM JURY DUTY IN THIS CASE, RIGHT?

11 MR. NICKLESBURG: THAT'S RIGHT.

12 THE COURT: WHAT IS YOUR REASON FOR IT?

13 MR. NICKLESBURG: FINANCIAL HARDSHIP, YOUR HONOR.

14 THE COURT: HOW?

15 MR. NICKLESBURG: I DERIVE A SUBSTANTIAL PORTION OF  
16 MY INCOME FROM INDEPENDENT CONSULTING WORK, INTERNATIONAL  
17 CONSULTATION.

18 THE COURT: WHAT KIND OF CONSULTING?

19 MR. NICKLESBURG: ECONOMIC CONSULTING.

20 THE COURT: FOR WHOM?

21 MR. NICKLESBURG: THE PROJECT I HAVE COMING UP IN  
22 DECEMBER IS WITH THE WORLD BANK IN GUATEMALA.

23 THE COURT: YOU DON'T HAVE ANY EMPLOYMENT OF ANY KIND?

24 MR. NICKLESBURG: I HAVE EMPLOYMENT WITH THE UNIVERSITY  
25 OF SOUTHERN CALIFORNIA. I AM CURRENTLY ON LEAVE.

26 IN JANUARY, I BEGIN TEACHING AGAIN. AND I AM  
27 UNDER CONTRACT FOR ONE SEMESTER.

28 MR. WAPNER: WHEN IN JANUARY DO YOU START?

4- 1 MR. NICKLESBURG: I START ON THE 9TH OF JANUARY. I  
2 WILL HAVE TO HIRE A SUBSTITUTE IF I AM NOT THERE.

3 MR. WAPNER: NO OBJECTION.

4 MR. BARENS: NO OBJECTION.

5 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
6 BE EXCUSED, MR. NICKLESBURG.

7 TELL THE JURY CLERK IN THE JURY ASSEMBLY ROOM  
8 WHEN YOU GO BACK THERE, THAT YOU ARE EXCUSED FROM SERVICE  
9 IN THIS CASE BUT YOU WILL BE AVAILABLE FOR THE NEXT TEN DAYS.

10 MR. NICKLESBURG: YES. THAT IS FINE.

11 THE COURT: YOU TELL HER THAT. THANK YOU.

12 (PROSPECTIVE JUROR NICKLESBURG EXITED  
13 CHAMBERS.)

14 (PROSPECTIVE JUROR O DONNELL ENTERED  
15 CHAMBERS.)

16 THE CLERK: THIS IS EDWARD O DONNELL.

17 THE COURT: JUST HAVE A SEAT, MR. O DONNELL.

18 MR. O DONNELL: YES, YOUR HONOR.

19 THE COURT: WHERE DO YOU LIVE, MR. O DONNELL?

20 MR. O DONNELL: I LIVE IN MAR VISTA.

21 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
22 JURY DUTY?

23 MR. O DONNELL: I DO, YOUR HONOR. AFTER 22 YEARS IN  
24 THE CLAIMS BUSINESS FOR AN INSURANCE COMPANY, I SUDDENLY  
25 DECIDED TO GO INTO SALES.

26 IT IS COMMISSION SALES. IT STARTS DECEMBER 1ST.  
27 IT IS GOING TO BE A HARDSHIP.

28 THE COURT: WHAT COMPANY IS THAT?

1 MR. O DONNELL: ALLSTATE INSURANCE. I THINK THAT I  
2 HAVE DONE BUSINESS WITH --

3 MR. BARENS: I KNOW MR. O DONNELL, YOUR HONOR. I KNOW  
4 HIM TELEPHONICALLY. IT IS NICE TO MEET YOU IN PERSON.

5 THE COURT: EXCUSE ME?

6 MR. BARENS: OF COURSE, I SEE THAT HE HAS BEEN RELEASED  
7 BY ALLSTATE.

8 MR. O DONNELL: NO. THEY HAVE NOT RELEASED ME, JUST  
9 INTO THEIR SALES.

10 MR. BARENS: I THOUGHT MAYBE YOU HAD GONE STRAIGHT.

11 THE COURT: ALL RIGHT WITH YOU?

12 MR. WAPNER: NO OBJECTION.

13 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
14 BE EXCUSED.

15 GO BACK TO THE JURY ASSEMBLY ROOM. TELL THE CLERK  
16 THERE THAT YOU HAVE BEEN EXCUSED FROM DUTY IN THIS CASE BUT  
17 YOU ARE AVAILABLE IN OTHER MATTERS.

18 MR. O DONNELL: ALL RIGHT. I WILL STILL BE AVAILABLE.

19 THE COURT: THANK YOU VERY MUCH.

20 (PROSPECTIVE JUROR O DONNELL EXITED  
21 CHAMBERS.)

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4B- 1 (PROSPECTIVE JUROR OSTI ENTERED CHAMBERS.)

2 THE CLERK: THIS IS JIMMIE OSTI.

3 THE COURT: MR. OSTI, WHERE DO YOU LIVE?

4 MR. OSTI: MAR VISTA.

5 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
6 FROM THIS CASE, IS THAT RIGHT?

7 MR. OSTI: RIGHT.

8 THE COURT: WHAT IS THE REASON?

9 MR. OSTI: ECONOMIC I GUESS AND THE COMPANY ONLY PAYS  
10 20 DAYS JURY DUTY.

11 THE COURT: WHAT COMPANY?

12 MR. OSTI: MC DONNELL DOUGLAS.

13 THE COURT: UH-HUH.

14 MR. WAPNER: IS THAT ON OUR LIST?

15 THE COURT: YES, I THINK SO.

16 MR. WAPNER: MR. OSTI, DO THEY EVER MAKE ANY EXCEPTIONS  
17 TO THE POLICY?

18 MR. OSTI: I HAVE BEEN WITH THEM 36 YEARS. I HAVE NEVER  
19 SEEN THEM CHANGE IT.

20 I HAVE SERVED TWICE AND CALLED SEVERAL TIMES BUT  
21 BEEN TURNED DOWN YEARS AGO, FOR BEING NEEDED ON THE JOB.

22 MR. WAPNER: OKAY.

23 THE CLERK: THANK YOU. YOU ARE EXCUSED, MR. OSTI.

24 YOU GO BACK TO THE JURY ASSEMBLY ROOM AND TELL  
25 THE CLERK THERE THAT YOU HAVE BEEN EXCUSED FROM THIS CASE  
26 BUT YOU ARE AVAILABLE FOR THE 20-DAY PERIOD. THANK YOU SIR.

27 (PROSPECTIVE JUROR OSTI EXITED CHAMBERS.)

28 (PROSPECTIVE JUROR PACE ENTERED CHAMBERS.)

1 THE CLERK: THIS IS MERRILLYN PACE.

2 THE COURT: PLEASE HAVE SEAT. MISS PACE, WHERE DO YOU  
3 LIVE?

4 MISS PACE: HERMOSA BEACH.

5 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
6 FROM JURY DUTY, IS THAT RIGHT?

7 MISS PACE: THAT WOULD BE FINE.

8 THE COURT: WHAT IS THE REASON?

9 MISS PACE: I HAVE AIRLINE TICKETS. I HAVE HAD THEM  
10 FOR SIX MONTHS TO SEE MY FAMILY.

11 IF I CHANGE IT ON THE TICKET, I WILL LOSE 50 PERCENT  
12 OF THE VALUE. THEN I WILL HAVE TO PAY THE SAME AMOUNT WHEN  
13 I MAKE A RESERVATION FOR LATER.

14 THE COURT: ALL RIGHT. YOU WILL BE EXCUSED. IS THAT  
15 ALL RIGHT WITH YOU?

16 MR. BARENS: QUITE SO.

17 THE COURT: YOU WILL BE EXCUSED FROM JURY DUTY IN THIS  
18 PARTICULAR CASE.

19 BUT HOW LONG WILL YOU BE AVAILABLE?

20 MISS PACE: UNTIL THE 21ST.

21 THE COURT: ALL RIGHT. YOU TELL THAT TO THE CLERK IN  
22 THE JURY ASSEMBLY ROOM. THANK YOU.

23 (PROSPECTIVE JUROR PACE EXITED CHAMBERS.)

24 (PROSPECTIVE JUROR PIERFAX ENTERED  
25 CHAMBERS.)

26 THE CLERK: THIS IS YVETTE PIERFAX.

27 THE COURT: PLEASE SIT DOWN.

28 THE CLERK: SHE USED TO BE SAYERS. BUT SHE IS NEWLY



1 MARRIED.

2 THE COURT: YOUR NAME USED TO BE SAYERS, IS THAT IT?

3 MRS. PIERFAX: YES.

4 THE COURT: WHERE DO YOU LIVE?

5 MRS. PIERFAX: WEST LOS ANGELES, THE PICO/FAIRFAX AREA.

6 THE COURT: OKAY. PICO AND FAIRFAX?

7 MRS. PIERFAX: YES.

8 THE COURT: THAT IS NOT WEST LOS ANGELES, IS IT?

9 MRS. PIERFAX: YES. THAT IS WHAT I AM TOLD.

10 THE COURT: WELL, AT ANY RATE, I UNDERSTAND THAT YOU  
11 WANT TO BE EXCUSED, DO YOU?

12 MRS. PIERFAX: YES.

13 THE COURT: WHAT IS THE REASON?

14 MRS. PIERFAX: MY JOB ONLY PAYS FOR TEN DAYS. IT IS  
15 AIRESEARCH.

16 THE COURT: YOU WORK FOR AIRESEARCH?

17 MRS. PIERFAX: YES.

18 THE COURT: AND THEY WON'T PERMIT YOU TO STAY THERE  
19 LONGER, IS THAT IT?

20 MRS. PIERFAX: THAT IS WHAT THE INSTRUCTIONS SAY.

21 THE COURT: ALL RIGHT.

22 MR. BARENS: NO OBJECTION.

23 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED,  
24 MRS. PIERFAX.

25 HOWEVER, PLEASE TELL THE JURY CLERK WHEN YOU GO  
26 BACK TO THE JURY ASSEMBLY ROOM THAT YOU ARE AVAILABLE FOR  
27 SHORT CASES. YOU ARE EXCUSED FROM THIS CASE.

28 MRS. PIERFAX: THANK YOU.

1 (PROSPECTIVE JUROR PIERFAX EXITED  
2 CHAMBERS.)

3 (PROSPECTIVE JUROR RIEVES ENTERED  
4 CHAMBERS.)

5 THE CLERK: THIS IS VIRGINA RIEVES.

6 THE COURT: IS IT MRS.?

7 MISS RIEVES: MISS.

8 THE COURT: MISS RIEVES, WHERE DO YOU LIVE?

9 MISS RIEVES: SANTA MONICA.

10 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
11 JURY DUTY IN THIS CASE?

12 MISS RIEVES: THAT'S RIGHT.

13 THE COURT: WHAT IS YOUR REASON?

14 MISS RIEVES: I AM A LICENSED VOCATIONAL NURSE. I WORK  
15 IN A CLINIC IN AN ADMISSIONS SETTING. I AM THE ONLY NURSE  
16 THERE RIGHT NOW.

17 SO IT IS SOMEWHAT OF A HARDSHIP FOR ME TO BE ON  
18 JURY DUTY EVEN FOR THREE WEEKS. AND I SPOKE TO MY SUPERVISOR  
19 THIS MORNING.

20 SHE SAID IT DEFINITELY WOULD BE A HARDSHIP TO  
21 PROVIDE STAFF IN MY ABSENCE FOR THREE MONTHS.

22 THE COURT: ALL RIGHT.

23 MR. WAPNER: MAY I INQUIRE? WHEN YOU SAY IT IS A  
24 HARDSHIP FOR YOU ON THE THREE WEEKS, ARE YOU TALKING ABOUT  
25 YOU PERSONALLY, ECONOMICALLY OR BECAUSE OF YOUR JOB?

26 MISS RIEVES: BECAUSE OF MY JOB. BECAUSE OF THE  
27 SHORTAGE OF STAFF. SHE HAS TO REPLACE ME.

28 THE COURT: WHAT IS THEIR POLICY WITH RESPECT TO THE

1 LENGTH OF TIME THEY PERMIT YOU TO BE ON JURY DUTY?

2 MISS RIEVES: THERE IS NO DEFINITE POLICY.

3 THE COURT: UH-HUH.

4 MISS RIEVES: SHE WAS ANTICIPATING A MAXIMUM OF THREE  
5 WEEKS.

6 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU CAN  
7 GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK THERE YOU  
8 HAVE BEEN EXCUSED FROM JURY DUTY IN THIS CASE. YOU CAN SERVE  
9 ON OTHER CASES FOR A LESSER PERIOD.

10 (PROSPECTIVE JUROR RIEVES EXITED  
11 CHAMBERS.)

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1 THE CLERK: THIS IS MARSHALL RAGLAND.

2 IF YOU WOULD LIKE TO HAVE A SEAT HERE, PLEASE.

3 MR. RAGLAND: THANK YOU.

4 THE COURT: HELLO, MR. RAGLAND.

5 MR. RAGLAND: GOOD MORNING, SIR.

6 THE COURT: WHERE DO YOU LIVE?

7 MR. RAGLAND: I LIVE IN HAWTHORNE.

8 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
9 JURY DUTY IN THIS CASE.

10 MR. RAGLAND: NOT MERELY FOR MYSELF BUT MY WIFE IS A  
11 CANCER VICTIM. SHE HAS HAD HER BREAST REMOVED AND IT HAS  
12 GONE INTO THE LYMPH SYSTEM AND AS A RESULT OF ALL OF THIS,  
13 SHE HAS DEVELOPED A PANIC -- WHAT DO THEY CALL IT? MANIC  
14 DEPRESSIVE CONDITION. SHE HAS TO SEE THE PSYCHIATRIST ABOUT  
15 EVERY TWO OR THREE WEEKS AND, OF COURSE, THEY WON'T LET HER  
16 DRIVE A CAR ANYMORE. SHE HAS TO DEPEND UPON ME.

17 THE COURT: ALL RIGHT. YOU WANT TO BE EXCUSED FROM  
18 JURY DUTY ALTOGETHER, YOU MEAN?

19 MR. RAGLAND: NO, NO.

20 SHE CAN GET ALONG LIKE ONE OR TWO DAYS OR SOMETHING  
21 OF THAT SORT. SO IN OTHER WORDS, CASES THAT WOULD ONLY BE  
22 A SHORT TIME.

23 THE COURT: A FEW DAYS?

24 MR. RAGLAND: A SHORT TIME, YES, WE CAN HANDLE.

25 THE COURT: ALL RIGHT, YOU GO BACK TO THE JURY ASSEMBLY  
26 ROOM AND TELL THE CLERK THERE YOU HAVE BEEN EXCUSED FROM  
27 JURY DUTY IN THIS CASE.

28 MR. RAGLAND: ALL RIGHT.

1 THE COURT: AND YOU WILL SERVE FOR SHORT PERIODS IN  
2 OTHER CASES.

3 MR. RAGLAND: ALL RIGHT, THANK YOU, SIR.

4 THE COURT: THANK YOU VERY MUCH.

5 (PROSPECTIVE JUROR RAGLAND EXITS CHAMBERS.)

6 THE CLERK: THIS IS ERIC ROSSER.

7 JUST HAVE A SEAT, PLEASE.

8 THE COURT: MR. ROSSER, WHERE DO YOU LIVE?

9 MR. ROSSER: IN LOS ANGELES.

10 THE COURT: WHERE?

11 MR. ROSSER: FLORENCE AND VAN NESS.

12 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
13 JURY DUTY?

14 MR. ROSSER: WELL, I CAN'T STAY THREE MONTHS.

15 THE COURT: HOW LONG?

16 MR. ROSSER: THEY ONLY GIVE US 21 DAYS.

17 THE COURT: WHOM DO YOU WORK FOR?

18 MR. ROSSER: HUGHES AIRCRAFT, GENERAL MOTORS NOW.

19 THE COURT: THAT IS 22 DAYS THAT THEY LET YOU STAY?

20 MR. ROSSER: THAT IS WHAT THEY TOLD ME.

21 THE COURT: SURELY. IS IT ALL RIGHT TO EXCUSE HIM?

22 MR. BARENS: EXCUSED.

23 THE COURT: ALL RIGHT, THANK YOU. WE WILL EXCUSE YOU,  
24 MR. ROSSER. YOU GO BACK TO THE JURY ASSEMBLY ROOM AND TELL  
25 THE CLERK THERE YOU ARE EXCUSED FROM THIS CASE BUT YOU ARE  
26 AVAILABLE IN OTHER CASES WHERE JURY DUTY WON'T EXTEND MORE  
27 THAN 20 DAYS, ALL RIGHT?

28 MR. ROSSER: OKAY. THANK YOU.

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1 (PROSPECTIVE JUROR ROSSER EXITS CHAMBERS.)

2 MR. BARENS: I GET IMPRESSED WITH WHAT MAJOR EMPLOYERS  
3 THESE AEROSPACE COMPANIES ARE. IT IS VERY IMPRESSIVE.

4 THE CLERK: TERRY RUGGLES.

5 THE COURT: GOOD MORNING, MR. RUGGLES.

6 MR. RUGGLES: GOOD MORNING, YOUR HONOR.

7 THE COURT: WHERE DO YOU LIVE?

8 MR. RUGGLES: I LIVE IN MANHATTAN BEACH.

9 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
10 JURY DUTY.

11 MR. RUGGLES: YES, I DO.

12 THE COURT: WHAT IS YOUR REASON?

13 MR. RUGGLES: I BOUGHT A BUSINESS IN REDDING, CALIFORNIA,  
14 AND I PLAN ON MOVING THERE IN JANUARY.

15 THE COURT: ALL RIGHT. ANY QUESTIONS?

16 MR. WAPNER: WHEN DO YOU TAKE OVER THE BUSINESS IN  
17 JANUARY?

18 MR. RUGGLES: THE BUSINESS IS STARTED RIGHT NOW. I  
19 HAVE A PARTNER UP THERE THAT IS RUNNING IT RIGHT NOW.

20 THE COURT: YOU WILL BE AVAILABLE FOR SOME SHORT PERIOD  
21 FOR JURY DUTY ON SOME OTHER CASE, WILL YOU?

22 MR. RUGGLES: YES.

23 MR. WAPNER: OKAY, I HAVE NO OBJECTION.

24 THE COURT: IS THAT ALL RIGHT?

25 MR. WAPNER: I HAVE NO OBJECTION.

26 THE COURT: YOU GO BACK TO THE JURY ASSEMBLY ROOM AND  
27 TELL THE CLERK THERE YOU WILL BE AVAILABLE IN OTHER CASES  
28 BUT YOU WILL BE EXCUSED FROM THIS ONE.

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1 MR. RUGGLES: THANK YOU.

2 (PROSPECTIVE JUROR RUGGLES EXITS CHAMBERS.)

3 THE CLERK: THIS IS DONALD RYMAL.

4 THE COURT: ALL RIGHT, MR. RYMAL, WHERE DO YOU LIVE?

5 MR. RYMAL: I LIVE IN CANOGA PARK.

6 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
7 JURY DUTY IN THIS CASE.

8 MR. RYMAL: YES, SIR.

9 THE COURT: WHAT IS YOUR REASON FOR IT?

10 MR. RYMAL: WELL, FINANCIALLY, I WON'T BE ABLE TO HANDLE  
11 IT.

12 THE COURT: HOW DO YOU MEAN THAT?

13 MR. RYMAL: AND THE COMPANY -- WELL, IT JUST PLACES  
14 TOO MUCH OF A BURDEN ON ME.

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1 THE COURT: HOW DO YOU MEAN THAT?

2 MR. RYMAL: WELL, I MEAN THAT BY ALL OF THE COMMITMENTS  
3 I HAVE.

4 THE COURT: YOU MEAN YOUR EMPLOYER WON'T PAY YOU?

5 MR. RYMAL: THAT'S RIGHT.

6 THE COURT: WHOM DO YOU WORK FOR?

7 MR. RYMAL: GREAT WESTERN SAVINGS.

8 THE COURT: WHAT IS THE MAXIMUM PERIOD THEY ALLOW YOU?

9 MR. RYMAL: TEN DAYS.

10 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, MR. RYMAL.

11 MR. RYMAL: ALL RIGHT.

12 THE COURT: YOU ARE EXCUSED.

13 MR. RYMAL: THANK YOU.

14 THE COURT: TELL THE JURY CLERK THAT YOU ARE AVAILABLE,  
15 HOWEVER, FOR A SHORTER PERIOD OF TIME.

16 MR. RYMAL: YES.

17 THE COURT: AND THAT YOU ARE EXCUSED FROM THIS CASE.

18 MR. RYMAL: ALL RIGHT, THANK YOU.

19 (PROSPECTIVE JUROR RYMAL EXITS CHAMBERS.)

20 THE CLERK: THIS IS DEAN SAKAIDA.

21 THE COURT: MR. SAKAIDA, I UNDERSTAND YOU WANT TO BE  
22 EXCUSED FROM JURY DUTY, DO YOU?

23 MR. SAKAIDA: YES.

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

25 MR. SAKAIDA: MULHOLLAND DRIVE -- WOODLAND HILLS.

26 THE COURT: WHERE, WOODLAND HILLS?

27 MR. SAKAIDA: WOODLAND HILLS.

28 THE COURT: WHAT IS YOUR REASON FOR WANTING TO BE



1 EXCUSED?

2 MR. SAKAIDA: WELL, I AM UNEMPLOYED AND TO SPEND THREE  
3 MONTHS WITHOUT LOOKING FOR A JOB, IT WOULD BE A BIT HARD.

4 I COULD SPEND TEN, THREE WEEKS, YOU KNOW, NOT LOOKING BUT --

5 THE COURT: DO YOU HAVE ANY PROSPECTS FOR A JOB?

6 MR. SAKAIDA: RIGHT NOW I HAVE GOT THREE APPLICATIONS  
7 OUT, ONE WITH THE D.W.P. AND I AM ON THEIR LIST AND ONE WITH  
8 LODGICON AND THEN ONE IS A PART-TIME JOB AT A BOOK STORE.

9 THE COURT: IS THERE A CHANCE YOU MIGHT GET ONE OF THOSE  
10 WITHIN THAT THREE-MONTH PERIOD?

11 MR. SAKAIDA: MAYBE.

12 WITH THE D.W.P. I AM ONLY ON THE LIST SO I'M JUST  
13 WAITING FOR AN OPENING AND THAT I ALSO WOULD BE APPLYING AT  
14 SOME OTHER PLACES, HUGHES, ROCKWELL, STUFF LIKE THAT.

15 MR. WAPNER: I HAVE NO OBJECTION.

16 THE COURT: ALL RIGHT?

17 MR. BARENS: NO OBJECTION.

18 THE COURT: ALL RIGHT, YOU WILL BE EXCUSED AND GO BACK  
19 TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK THAT IN THIS  
20 CASE YOU WILL BE EXCUSED BUT YOU WILL BE ABLE TO SERVE TEN  
21 DAYS OR TWO WEEKS ON SOME OTHER MATTER, IS THAT ALL RIGHT?

22 MR. SAKAIDA: YES. THANK YOU.

23 (PROSPECTIVE JUROR SAKAIDA EXITS CHAMBERS.)

24 MR. WAPNER: WERE YOU HERE WHEN WE EXCUSED SOMEBODY  
25 WITH THE SAME EXCUSE YESTERDAY?

26 MR. BARENS: YES, I WAS HERE.

27 MR. WAPNER: I JUST WONDERED IF YOU HAD LEFT AT THAT  
28 POINT OR NOT.

1 THE CLERK: THIS IS AGNES SERRA.

2 THE COURT: IS THAT MRS. SERRA?

3 MRS. SERRA: YES.

4 THE COURT: WHERE DO YOU LIVE?

5 MRS. SERRA: I LIVE IN REDONDO BEACH.

6 THE COURT: WHERE?

7 MRS. SERRA: REDONDO BEACH, A LONG WAYS.

8 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
9 JURY DUTY?

10 MRS. SERRA: YES.

11 THE COURT: WHAT IS YOUR REASON?

12 MRS. SERRA: I WORK IN DEFENSE AND SINCE THE CUT-BACK,  
13 THERE IS JUST NO ONE THERE TO DO THE WORK. I MANAGED TO GET  
14 AWAY FOR TEN DAYS BUT THREE MONTHS WOULD BE A BIT MUCH.

15 SECONDLY, MY HUSBAND IS NOT WELL AND I WORK NEAR  
16 MY HOME AND I LIVE IN REDONDO AND I WORK IN REDONDO AND HE  
17 HAS A HEART PROBLEM AND HE HAS ALSO HAD SURGERY SO I AM  
18 CLOSE-BY IF HE NEEDS ME.

19 THE COURT: IS THAT ALL RIGHT TO EXCUSE HER?

20 MR. BARENS: NO OBJECTION.

21 THE COURT: WE WILL EXCUSE YOU.

22 MR. WAPNER: I HAVE NO OBJECTION.

23 MRS. SERRA: OKAY.

24 THE COURT: YOU GO BACK TO THE JURY ASSEMBLY ROOM AND  
25 TELL THEM YOU ARE EXCUSED FROM THIS CASE.

26 MRS. SERRA: OKAY.

27 THE COURT: BUT YOU CAN SERVE SOME SHORTER PERIOD ON  
28 SOME OTHER MATTERS, ALL RIGHT?

1 MRS. SERRA: SURE.

2 THE COURT: THANK YOU VERY MUCH.

3 (PROSPECTIVE JUROR SERRA EXITS CHAMBERS.)

4 THE COURT: DAVID SHINN, HE IS A LAWYER.

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1 THE CLERK: THIS IS DAVID SHINN.

2 MR. SHINN: YES.

3 THE COURT: THERE IS A DAVID SHINN WHO IS A LAWYER.

4 YOU ARE NOT RELATED TO HIM, ARE YOU?

5 MR. SHINN: NO.

6 THE COURT: WHERE DO YOU LIVE?

7 MR. SHINN: NORTH HOLLYWOOD.

8 THE COURT: HOLLYWOOD?

9 MR. SHINN: NORTH HOLLYWOOD.

10 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM

11 JURY DUTY.

12 MR. SHINN: WELL, I AM STILL ON PROBATION AT MY WORK.

13 THE COURT: I SEE. WHERE DO YOU WORK?

14 MR. SHINN: CITY OF LOS ANGELES.

15 THE COURT: CITY OF LOS ANGELES?

16 MR. SHINN: YEAH, RECREATION DEPARTMENT.

17 THE COURT: YOU MEAN BY BEING ON PROBATION, YOU MEAN

18 YOU LOSE YOUR PROBATIONARY STATUS IF YOU ARE GONE FOR MORE

19 THAN THREE MONTHS?

20 MR. SHINN: I DON'T KNOW WHAT WOULD HAPPEN. I AM STILL

21 ON IT. I AM SERVING A SIX-MONTH PROBATION PERIOD.

22 THE COURT: WHAT KIND OF WORK DO YOU DO?

23 MR. SHINN: I AM ON THE PAVEMENT CREW.

24 THE COURT: PAVEMENT CREW?

25 MR. SHINN: YES.

26 THE COURT: WHAT DO YOU WEAR THOSE GLOVES FOR?

27 MR. SHINN: I RODE MY MOTORCYCLE TODAY.

28 THE COURT: OH, I GET IT.

1 MR. WAPNER: I HAVE NO OBJECTION.

2 MR. BARENS: NO OBJECTION, YOUR HONOR.

3 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED,  
4 MR. SHINN. GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK  
5 THERE YOU HAVE BEEN EXCUSED FROM JURY DUTY IN THIS CASE AND  
6 WILL BE AVAILABLE FOR SHORT PERIODS OF TIME IN OTHER MATTERS  
7 THAT MIGHT COME UP.

8 MR. SHINN: OKAY.

9 THE COURT: THANK YOU VERY MUCH.

10 (PROSPECTIVE JUROR EXITED CHAMBERS.)

11 THE CLERK: THIS IS MARY SPAGNOLETTI.

12 THE COURT: MRS. SPAGNOLETTI, THE G ISN'T PRONOUNCED,  
13 IS IT?

14 MRS. SPAGNOLETTI: TRADITIONALLY IT IS NOT SUPPOSED  
15 TO BE.

16 THE COURT: IT IS SPAGNOLETTI.

17 IS THAT MISS?

18 MRS. SPAGNOLETTI: MRS.

19 THE COURT: MRS. SPAGNOLETTI, WHERE DO YOU LIVE?

20 MRS. SPAGNOLETTI: TORRANCE.

21 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
22 JURY DUTY IN THIS CASE. WHAT IS YOUR REASON FOR IT?

23 MRS. SPAGNOLETTI: ECONOMIC, FINANCIAL HARDSHIP.

24 THE COURT: PARDON ME?

25 MRS. SPAGNOLETTI: FINANCIAL. MY COMPANY ONLY PAYS  
26 22 DAYS.

27 THE COURT: WHAT IS THE FINANCIAL DIFFICULTY, YOUR  
28 COMPANY?

1 MRS. SPAGNOLETTI: YES.

2 THE COURT: WHICH COMPANY DO YOU WORK FOR?

3 MRS. SPAGNOLETTI: HUGHES AIRCRAFT.

4 THE COURT: OH, YES. ALL RIGHT?

5 MR. BARENS: NO OBJECTION.

6 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU MAY  
7 BE EXCUSED. YOU GO TO THE JURY ASSEMBLY ROOM AND TELL THE  
8 CLERK -- MADAM, YOU HAVE BEEN EXCUSED FROM THIS CASE BUT YOU  
9 WILL SERVE YOUR USUAL TIME, ALL RIGHT?

10 (PROSPECTIVE JUROR EXITED CHAMBERS.)

11 MR. BARENS: THE LADY SEEMED UPSET ABOUT SOMETHING.

12 THE CLERK: THIS IS JOHN STEEN.

13 MR. STEEN: GOOD MORNING.

14 THE COURT: MR. STEEN, WHERE DO YOU LIVE?

15 MR. STEEN: LOS ANGELES.

16 THE COURT: WHERE?

17 MR. STEEN: SOUTH CENTRAL LOS ANGELES.

18 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
19 JURY DUTY IN THIS CASE.

20 MR. STEEN: FROM THIS PARTICULAR CASE.

21 THE COURT: WHY IS THAT?

22 MR. STEEN: I HAVE A VACATION SCHEDULED FOR THE 21ST  
23 AND I BOUGHT MY TICKETS. I HAVE MADE RESERVATIONS AND I GOT  
24 IT ON A BARGAIN BASIS AND IF I DON'T MAKE THAT, I LOSE HALF  
25 OF THE PRICE OF IT.

26 THE COURT: WE WOULDN'T WANT YOU TO DO THAT, MR. STEEN.

27 MR. STEEN: THANK YOU VERY MUCH.

28 THE COURT: SO WE WILL EXCUSE YOU. YOU GO BACK TO THE

1 JURY ASSEMBLY ROOM AND TELL THEM YOU ARE EXCUSED FROM THIS  
2 CASE BUT CAN SERVE FOR A SHORT PERIOD OF TIME ON OTHER CASES.

3 MR. STEEN: SURE, I CAN SERVE UNTIL THE 20TH.

4 THE COURT: ALL RIGHT, UNTIL YOUR TIME IS UP. THANK  
5 YOU VERY MUCH.

6 (PROSPECTIVE JUROR EXITED CHAMBERS.)

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1 MR. WAPNER: WHAT DAY DID WE DECIDE WE WERE GOING TO  
2 TAKE THE BREAK FOR CHRISTMAS?

3 MR. BARENS: THE DAY PRIOR TO CHRISTMAS, TO THE 5TH  
4 OF JANUARY. I THINK THAT THE CLERK SAID THAT WAS THE FIRST  
5 MONDAY.

6 MR. WAPNER: WE'LL NOT BE IN SESSION ON THE 24TH?

7 MR. BARENS: THAT'S CORRECT.

8 (PROSPECTIVE JUROR STRONACH ENTERS CHAMBERS.)

9 THE CLERK: THIS IS WILLIAM STRONACH.

10 THE COURT: WILLIAM STRONACH?

11 MR. STRONACH: YES.

12 THE COURT: ALL RIGHT. MR. STRONACH, WHERE DO YOU LIVE?

13 MR. STRONACH: IN ENCINO.

14 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
15 JURY DUTY?

16 MR. STRONACH: YES.

17 THE COURT: WHAT IS YOUR REASON?

18 MR. STRONACH: WELL, I WORK HOURLY. I GET NO COMPENSATION  
19 IF I DON'T WORK.

20 THE COURT: WHERE DO YOU WORK?

21 MR. STRONACH: BANK OF AMERICA. I AM RETIRED FROM THE  
22 BANK FIVE YEARS AGO.

23 THE COURT: DON'T THEY GIVE YOU TIME OFF FOR JURY DUTY?

24 MR. STRONACH: A REGULAR EMPLOYEE, THEY DO. BUT HOURLY,  
25 THEY DON'T.

26 THE COURT: I SEE. THEN IT WOULD BE A FINANCIAL HARD-  
27 SHIP TO YOU?

28 MR. STRONACH: YES, SIR.



A-2

1 THE COURT: ALL RIGHT. THANK YOU. YOU WILL BE EXCUSED.  
2 YOU DON'T WANT TO BE EXCUSED ALTOGETHER, JUST FOR THIS  
3 PARTICULAR CASE?

4 MR. STRONACH: NO. I WILL DO THE REGULAR THING.

5 THE COURT: ALL RIGHT. YOU TELL THE JURY ASSEMBLY CLERK  
6 THAT YOU ARE EXCUSED FROM THIS CASE BUT YOU ARE AVAILABLE  
7 ON OTHER MATTERS.

8 MR. STRONACH: THANK YOU.

9 (PROSPECTIVE JUROR STRONACH EXITS CHAMBERS.)

10 (PROSPECTIVE JUROR TIDEMANSON ENTERS CHAMBERS.)

11 THE CLERK: THIS IS WILLIAM TIDEMANSON.

12 THE COURT: GOOD MORNING. MR. TIDEMANSON?

13 MR. TIDEMANSON: TIDEMANSON, YES.

14 THE COURT: WHERE DO YOU LIVE?

15 MR. TIDEMANSON: CANOGA PARK.

16 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
17 FROM JURY DUTY IN THIS CASE?

18 MR. TIDEMANSON: YES.

19 THE COURT: WHAT IS YOUR REASON?

20 MR. TIDEMANSON: THE COMPANY ONLY PAYS FOR 20 DAYS OF  
21 JURY DUTY.

22 THE COURT: WHAT COMPANY?

23 MR. TIDEMANSON: EATON CORPORATION.

24 THE COURT: AND THEY DON'T PERMIT IT ANY LONGER THAN  
25 THAT?

26 MR. TIDEMANSON: NO.

27 THE COURT: ALL RIGHT.

28 MR. BARENS: NO OBJECTION.

1 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.  
2 GO TO THE JURY ASSEMBLY ROOM. TELL THE CLERK  
3 THERE THAT YOU ARE EXCUSED FROM JURY DUTY IN THIS CASE BUT  
4 YOU WILL BE AVAILABLE FOR THE TIME YOU ARE PERMITTED SERVICE.

5 MR. TIDEMANSON: OKAY. THANK YOU.

6 (PROSPECTIVE JUROR TIDEMANSON EXITS CHAMBERS.)

7 (PROSPECTIVE JUROR MARGARET THOMAS ENTERS  
8 CHAMBERS.)

9 THE CLERK: THIS IS MARGARET THOMAS.

10 THE COURT: GOOD MORNING. IS IT MISS THOMAS?

11 MISS THOMAS: YES.

12 THE COURT: WHERE DO YOU LIVE?

13 MISS THOMAS: I LIVE IN PACIFIC PALISADES.

14 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
15 JURY DUTY?

16 MISS THOMAS: THAT'S CORRECT.

17 THE COURT: WHAT IS YOUR REASON?

18 MISS THOMAS: MY EMPLOYER WILL PAY TEN DAYS ONLY.

19 THE COURT: WHO IS YOUR EMPLOYER?

20 MISS THOMAS: RAND CORPORATION.

21 THE COURT: RAND?

22 MISS THOMAS: YES.

23 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. GO BACK  
24 TO THE JURY ASSEMBLY ROOM. TELL THE CLERK THERE THAT YOU  
25 ARE EXCUSED FROM JURY DUTY IN THIS CASE BUT YOU ARE AVAILABLE  
26 FOR THAT TEN-DAY PERIOD.

27 MISS THOMAS: THANK YOU.

28 (PROSPECTIVE JUROR THOMAS EXITS CHAMBERS.)

1 (PROSPECTIV JUROR TOTH ENDERS CHAMBERS.)

2 THE CLERK: THIS IS ADELE TOTH.

3 THE COURT: GOOD MORNING.

4 MISS TOTH: GOOD MORNING EVERYBODY.

5 MR. WAPNER: GOOD MORNING.

6 THE COURT: MISS TOTH?

7 MISS TOTH: YES.

8 THE COURT: WHERE DO YOU LIVE?

9 MISS TOTH: PACIFIC PALISADES.

10 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
11 JURY DUTY?

12 MISS TOTH: YES.

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1 THE COURT: WHAT IS YOUR REASON?

2 MISS TOTH: THE RAND CORPORATION WON'T ALLOW THAT LONG  
3 OF A TIME.

4 THE COURT: WE JUST HAD SOMEBODY FROM RAND.

5 MISS TOTH: WHO ELSE WAS HERE FROM RAND?

6 THE COURT: MISS THOMAS. THANK YOU. YOU WILL BE EXCUSED.

7 MISS TOTH: YOU ARE WELCOME.

8 (PROSPECTIVE JUROR TOTH EXITS CHAMBERS.)

9 (PROSPECTIVE JUROR TRAVIS ENTERS CHAMBERS.)

10 THE CLERK: THIS IS KATHERINE TRAVIS.

11 THE COURT: GOOD MORNING MISS TRAVIS.

12 MISS TRAVIS: YES. I AM A LITTLE NERVOUS.

13 THE COURT: DON'T BE NERVOUS. WHERE DO YOU LIVE?

14 MISS TRAVIS: MARINA DEL REY.

15 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
16 JURY DUTY?

17 MISS TRAVIS: YES, YOUR HONOR.

18 THE COURT: WHAT IS YOUR REASON?

19 MISS TRAVIS: WELL, WE HAVE TWO HOUSES IN LONG BEACH.

20 THE COURT: TWO WHAT?

21 MISS TRAVIS: TWO HOUSES. WE HAVE TWO HOUSES IN LONG  
22 BEACH THAT WE RENT OUT. THEY WILL BE VACANT THE 1ST OF  
23 DECEMBER. WE HAVE GOT TO COMPLETELY OVERHAUL THEM.

24 WE HAVE GOT TO THROW THE RUGS OUT AND EVERYTHING.  
25 THE TENANTS RUINED IT. THEN ON DECEMBER 15, MY DAUGHTER IS  
26 COMING FROM CONNECTICUT WITH A NEW BABY. I WILL HAVE TO TAKE  
27 CARE OF THE BABY.

28 THE COURT: WHERE IN CONNECTICUT?

1           MISS TRAVIS: HARTFORD, WEST HARTFORD, CONNECTICUT.  
2 I AM JUST SO NERVOUS.

3           THE COURT: WE ARE GOING TO EXCUSE YOU. DON'T WORRY.

4           MISS TRAVIS: YES.

5           MR. BARENS: I WOULD WANT TO KEEP HER. IT SEEMS LIKE  
6 THESE ARE NON-ECONOMIC ISSUES.

7           THE COURT: IT IS ECONOMIC. SHE HAS TO TAKE CARE OF  
8 THE HOUSE.

9           MISS TRAVIS: WE DO ALL OF THE WORK ON THE HOUSES.

10          MR. BARENS: WELL, THAT IS --

11          MISS TRAVIS: MY HUSBAND AND I. I HAVE A SON THAT HELPS  
12 US. BUT WE DO ALL THE WORK.

13          MR. BARENS: OKAY.

14          MR. WAPNER: IS THIS RENTAL PROPERTY YOUR PRIMARY SOURCE  
15 OF INCOME?

16          MISS TRAVIS: MOSTLY, YES. MY HUSBAND HAS A SMALL  
17 PENSION. BUT THE RENTAL IS OUR MAIN INCOME.

18          THE COURT: HOW LONG DO YOU THINK THAT YOU CAN BE ON  
19 DUTY FOR, TEN DAYS OR SOMETHING LIKE THAT?

20          MISS TRAVIS: YES. I POSTPONED IT FOR THE SECOND TIME  
21 BECAUSE OF ILLNESS.

22          THE COURT: BUT YOU CAN SERVE THE REST OF THE MONTH?

23          MISS TRAVIS: YES.

24          THE COURT: I WILL TELL YOU WHAT YOU DO THEN, MISS TRAVIS.  
25 TELL THE JURY CLERK IN THE JURY ASSEMBLY ROOM THAT YOU ARE  
26 AVAILABLE TO THE END OF THE MONTH.

27                        YOU ARE EXCUSED FROM THIS CASE.

28          MISS TRAVIS: THANK YOU VERY MUCH.

1                   YOU KNOW, I WAS VERY NERVOUS. I JUST THOUGHT  
2 IT MIGHT HAVE BEEN A MURDER TRIAL OR SOMETHING. I WOULD BE  
3 AFRAID TO DO THAT.

4                   THE COURT: ALL RIGHT.

5                   MISS TRAVIS: YES. THANK YOU.

6                   (PROSPECTIVE JUROR TRAVIS EXITS CHAMBERS.)  
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1 MISS VANASCH: OKAY. THANK YOU VERY MUCH.

2 (PROSPECTIVE JUROR VANASCH EXITED  
3 CHAMBERS.)

4 (PROSPECTIVE JUROR VANDERKLEY ENTERED  
5 CHAMBERS.)

6 THE CLERK: THIS IS PETER VANDERKLEY. HAVE A SEAT,  
7 SIR.

8 THE COURT: MR. VANDERKLEY, WHERE DO YOU LIVE?

9 MR. VANDERKLEY: I LIVE IN LAWDALE.

10 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
11 FROM JURY DUTY IN THIS CASE?

12 MR. VANDERKLEY: THAT'S CORRECT.

13 THE COURT: WHAT IS YOUR REASON FOR IT?

14 MR. VANDERKLEY: WELL, I WORK FOR HUGHES AIRCRAFT COMPANY.

15 THE COURT: ALL RIGHT.

16 MR. WAPNER: SAY NO MORE.

17 THE COURT: ALL RIGHT. THAT IS 22 DAYS. GO BACK TO  
18 THE JURY ASSEMBLY ROOM AND TELL THEM YOU HAVE BEEN EXCUSED  
19 FROM THIS CASE BUT YOU WILL SERVE FOR THE USUAL TIME THAT  
20 YOU HAVE.

21 MR. VANDERKLEY: YES. THANK YOU, YOUR HONOR.

22 THE COURT: THANK YOU.

23 (PROSPECTIVE JUROR VANDERKLEY EXITED  
24 CHAMBERS.)

25 (PROSPECTIVE JUROR WALLACE ENTERED  
26 CHAMBERS.)

27 THE CLERK: THIS IS CHARLES WALLACE.

28 THE COURT: CHARLES WALLACE, WHERE DO YOU LIVE?

1 MR. WALLACE: MAR VISTA.

2 THE COURT: YOU WANT TO BE EXCUSED FROM JURY DUTY IN  
3 THIS CASE?

4 MR. WALLACE: YES.

5 THE COURT: WHAT IS YOUR REASON FOR IT?

6 MR. WALLACE: I WOULDN'T WANT TO LOSE THE INCOME. I  
7 HAVE SOME CONCERNS ABOUT LOSING MY JOB.

8 THE COURT: WHERE DO YOU WORK?

9 MR. WALLACE: HUGHES AIRCRAFT.

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

12 GO BACK TO THE JURY ASSEMBLY ROOM. TELL THEM  
13 THAT YOU ARE EXCUSED FROM THIS CASE BUT YOU WILL SERVE THE  
14 USUAL PERIOD FOR HUGHES, WHICH IS 22 DAYS.

15 MR. WALLACE: THANK YOU.

16 (PROSPECTIVE JUROR WALLACE EXITED  
17 CHAMBERS.)

18 (PROSPECTIVE JUROR WARD ENTERED CHAMBERS.)

19 THE CLERK: THIS IS HELEN WARD.

20 THE COURT: MISS WARD?

21 MISS WARD: YES.

22 THE COURT: MISS WARD, WHERE DO YOU LIVE?

23 MISS WARD: VAN NUYS.

24 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
25 JURY DUTY?

26 MISS WARD: YES.

27 THE COURT: WHAT IS THE NAME OF YOUR BOOK THERE?

28 MISS WARD: ANYTHING COULD HAPPEN.



1 THE COURT: WHAT IS YOUR REASON?

2 MISS WARD: FINANCIAL AND MEDICAL.

3 THE COURT: WHAT IS YOUR FINANCIAL REASON?

4 MISS WARD: THEY WILL PAY ME TEN DAYS. I CALLED THIS  
5 MORNING.

6 THE COURT: WHAT IS YOUR COMPANY?

7 MISS WARD: SHIELD HEALTH CARE.

8 THE COURT: AND THE MEDICAL REASON?

9 MISS WARD: I AM ON INSULIN, DIABETIC.

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

12 GO BACK TO THE JURY ASSEMBLY ROOM. TELL THEM  
13 YOU ARE EXCUSED FROM THIS CASE AND YOU CAN SERVE FOR TEN DAYS.

14 MISS WARD: THANK YOU.

15 (PROSPECTIVE JUROR WARD EXITED CHAMBERS.)

16 (PROSPECTIVE JUROR WATSON ENTERED  
17 CHAMBERS.)

18 THE CLERK: THIS IS AILENE WATSON.

19 THE COURT: HAVE A SEAT, PLEASE. IS THAT MRS. WATSON?

20 MRS. WATSON: MRS.

21 THE COURT: WHERE DO YOU LIVE?

22 MRS. WATSON: MANHATTAN BEACH.

23 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
24 JURY DUTY IN THIS CASE?

25 MRS. WATSON: YES.

26 THE COURT: WHAT IS YOUR REASON FOR IT?

27 MRS. WATSON: I AM SELF-EMPLOYED. IT WOULD BE A  
28 HARDSHIP.

B-  
1 THE COURT: WHAT IS YOUR EMPLOYMENT?

2 MRS. WATSON: I AM AN ACTRESS. I PROBABLY WOULD LOSE  
3 AN AGENT OR LOSE LOTS OF JOBS BECAUSE OF IT.

4 MR. WAPNER: NO OBJECTION.

5 THE COURT: ANY OBJECTION?

6 MR. BARENS: NO OBJECTION.

7 THE COURT: THANK YOU. GO BACK TO THE JURY ASSEMBLY  
8 ROOM. TELL THEM YOU ARE EXCUSED FROM JURY DUTY IN THIS CASE  
9 BUT YOU MIGHT BE AVAILABLE FOR SHORTER PERIODS. WOULD YOU?

10 MRS. WATSON: FINE. THANK YOU.

11 (PROSPECTIVE JUROR WATSON EXITED  
12 CHAMBERS.)

13 (PROSPECTIVE JUROR WAUGH ENTERED  
14 CHAMBERS.)

15 THE CLERK: THIS IS DOROTHY WAUGH.

16 THE COURT: IS IT MISS WAUGH?

17 MISS WAUGH: YES.

18 THE COURT: GOOD MORNING.

19 MISS WAUGH: GOOD MORNING.

20 THE COURT: WHERE DO YOU LIVE?

21 MISS WAUGH: INGLEWOOD.

22 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
23 JURY DUTY IN THIS CASE?

24 MISS WAUGH: YES I DO.

25 THE COURT: WHAT IS YOUR REASON?

26 MISS WAUGH: WELL, YESTERDAY I DIDN'T KNOW HOW LONG  
27 MY SCHOOL DISTRICT PAID FOR.

28 THE COURT: YOU ARE A SCHOOLTEACHER?

1 MISS WAUGH: YES.

2 THE COURT: WHAT DID YOU FIND OUT?

3 MISS WAUGH: THAT THEY PAY AS LONG AS YOU NEED ME.

4 THE COURT: WELL, THEN YOU WILL BE AVAILABLE, WON'T  
5 YOU?

6 MISS WAUGH: YES. BUT I WOULD RATHER NOT BE GONE FROM  
7 MY CLASS SO LONG.

8 MR. BARENS: WHAT GRADE DO YOU TEACH?

9 MISS WAUGH: KINDERGARTEN.

10 MR. BARENS: WELL, WILL THEY BE ABLE TO HAVE ONE TEACHER  
11 REPLACE YOU OR WILL THEY NEED A WHOLE BUNCH OF DIFFERENT  
12 SUBSTITUTES EVERY DAY?

13 MISS WAUGH: THAT IS A POSSIBILITY. I DON'T FEEL THAT  
14 I WOULD EVEN KNOW MY CLASS WHEN I GOT BACK.

15 THE COURT: WE WOULD LIKE TO HAVE YOU AS A JUROR.

16 MISS WAUGH: I AM WILLING, YOU KNOW. I AM WILLING.

17 MR. BARENS: LET'S HAVE HER STAY, YOUR HONOR.

18 MR. WAPNER: I THINK FOR CONSISTENCY, WE TOLD THE FIRST  
19 OR THE SECOND PERSON THAT WE TALKED TO, MS. AGSAOAY, THAT  
20 SHE WOULD STAY. IT WAS THE SAME SITUATION.

21 MR. BARENS: I THINK WE SHOULD BE CONSISTENT ON THAT.  
22 WE WON'T EXCUSE HER.

23 THE COURT: ALL RIGHT. WE ARE DELIGHTED TO HAVE YOU.  
24 IT MAY VERY WELL BE THAT YOU MAY NOT BE SELECTED. YOU MAY  
25 JUST BE IN THE PANEL.

26 THEN YOU COULD GO BACK TO YOUR JOB. BUT YOU ARE  
27 ELIGIBLE LEGALLY TO BE A PROSPECTIVE JUROR IN THIS CASE.

28 SO, WE WILL LET YOU STAY ON THE PANEL. COME

1 BACK A WEEK FROM TODAY TO THE JURY ASSEMBLY ROOM. THAT IS,  
2 A WEEK FROM THURSDAY. COME BACK A WEEK FROM TODAY. GO TO  
3 THE JURY ASSEMBLY ROOM AT 10:30 IN THE MORNING.

4 MISS WAUGH: THANK YOU VERY MUCH.

5 (PROSPECTIVE JUROR WAUGH EXITED  
6 CHAMBERS.)

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1 THE COURT: ALL RIGHT, OSCAR WEINSTEIN.

2 THE CLERK: THIS IS OSCAR WEINSTEIN.

3 MR. WEINSTEIN: GOOD MORNING.

4 THE COURT: GOOD MORNING, MR. WEINSTEIN. WHERE DO YOU  
5 LIVE?

6 MR. WEINSTEIN: IN SOUTH REDONDO, THIS SIDE OF PALOS  
7 VERDES.

8 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
9 JURY DUTY?

10 MR. WEINSTEIN: THAT IS CORRECT, FOR THIS PARTICULAR  
11 TRIAL.

12 THE COURT: WHAT IS THE REASON?

13 MR. WEINSTEIN: PRIMARILY ECONOMIC. THE COMPANY I WORK  
14 FOR, HUGHES AIRCRAFT, WILL NOT PAY FOR MORE THAN 22 DAYS AND  
15 I CALLED UP THIS MORNING TO SEE IF THERE WAS ANY EXCEPTIONS  
16 AND THEY SAID NONE.

17 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, MR.  
18 WEINSTEIN, YOU GO BACK TO THE JURY ASSEMBLY ROOM AND TELL  
19 THE JURY CLERK YOU ARE EXCUSED FROM JURY DUTY IN THIS CASE  
20 BUT YOU ARE AVAILABLE IN OTHER MATTERS, ALL RIGHT?

21 MR. WEINSTEIN: THANK YOU VERY MUCH.

22 (PROSPECTIVE JUROR WEINSTEIN EXITS CHAMBERS.)

23 THE CLERK: THIS IS DON WETTERSTROM.

24 JUST HAVE A SEAT THERE, PLEASE NOW MR. WETTERSTROM.

25 THE COURT: MR. WETTERSTROM, WHERE DO YOU LIVE?

26 MR. WETERSTROM: I LIVE IN VENICE.

27 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
28 JURY DUTY IN THIS CASE.

1 MR. WETTERSTROM: YES, YOUR HONOR.

2 THE COURT: WHAT IS YOUR REASON FOR IT?

3 MR. WETTERSTROM: MY COMPANY, MARINA CITY CLUB, ALLOWS  
4 TEN DAYS.

5 THE COURT: WHICH COMPANY? MARINA CITY CLUB?

6 MR. WETTERSTROM: MARINA CITY CLUB, YES, SIR.

7 THE COURT: ALL RIGHT.

8 MR. WAPNER: I HAVE NO OBJECTION.

9 MR. BARENS: NO OBJECTION.

10 THE COURT: THANK YOU VERY MUCH. YOU GO BACK TO THE  
11 JURY ASSEMBLY ROOM AND TELL THE JURY CLERK THERE THAT YOU  
12 ARE EXCUSED FROM THIS CASE BUT YOU ARE AVAILLABLE UP TO A  
13 TEN-DAY PERIOD, ALL RIGHT?

14 MR. WETTERSTROM: YES, YOUR HONOR. THANK YOU.

15 (PROSPECTIVE JUROR WETTERSTROM EXITS CHAMBERS.)

16 MR. BARENS: I THINK THIS PROCEDURE WORKED OUT NICELY.

17 THE COURT: I THINK SO, TOO, DESPITE YOUR MISGIVINGS  
18 ABOUT IT.

19 MR. WAPNER: I ONLY HAD MISGIVINGS ABOUT THE LOCATION.

20 I DON'T THINK IT WOULD HAVE TAKEN ANY LONGER IN THE COURTROOM.  
21 THE CLERK: THIS IS DONALD WIDELL.

22 THIS IS THE LAST MAN, YOUR HONOR. EVERYBODY ON  
23 OUR LIST IS GOING TO COME BACK NOVEMBER 13TH.

24 THE COURT: THIS IS WHAT?

25 THE CLERK: THIS IS THE LAST PERSON ON THE LIST. EVERY-  
26 BODY ELSE IS COMING BACK NOVEMBER 13TH.

27 THE COURT: THAT IS A WEEK FROM FRIDAY.

28 THE CLERK: YES.

1 THE COURT: ALL RIGHT, MR. WIDELL, LAST BUT NOT LEAST.

2 MR. WIDELL: RIGHT, YES.

3 THE COURT: WHERE DO YOU LIVE?

4 MR. WIDELL: I LIVE IN ENCINO.

5 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
6 JURY DUTY IN THIS CASE.

7 MR. WIDELL: YES, FOR THE LONG TERM, FOR THE THREE MONTHS.

8 I AM IN THE INSURANCE BUSINESS, SELF-EMPLOYED  
9 AND I HAVE A NUMBER OF AGENCIES THAT I SUPERVISE AND TRAVEL  
10 ALL OF THE TIME AND SO FOR THREE MONTHS IT WOULD BE --

11 THE COURT: AN ECONOMIC HARDSHIP FOR YOU?

12 MR. WIDELL: YES, DEFINITELY, YES.

13 MR. BARENS: I HAVE NO OBJECTION.

14 MR. WAPNER: I HAVE NO OBJECTION.

15 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, MR. WIDELL,  
16 YOU ARE EXCUSED.

17 MR. WIDELL: THANK YOU.

18 THE COURT: YOU GO BACK TO THE JURY ASSEMBLY ROOM AND  
19 TELL THE CLERK THERE YOU ARE EXCUSED FROM THIS CASE BUT YOU  
20 WILL BE ABLE TO SERVE FOR A MUCH SHORTER PERIOD OF TIME.

21 MR. WIDELL: ALL RIGHT, THANK YOU.

22 THE COURT: THANK YOU. ALL RIGHT.

23 (PROSPECTIVE JUROR WIDELL EXITS CHAMBERS.)

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1 MR. BARENS: WELL, I PRESUME, YOUR HONOR, THAT THAT  
2 TAKES CARE OF TODAY AND WE SHOULD JUST RECONVENE MONDAY FOR  
3 OUR LIVESAY HEARING. I HAVE NO OTHER BUSINESS FOR THE COURT  
4 TODAY.

5 THE COURT: ALL RIGHT. I THINK HAVING GOTTEN THE SAME  
6 THING FROM THESE PEOPLE ABOUT THE AREA IT INDICATES IT IS  
7 CERTAINLY A 20-MILE RADIUS THEY HAVE BEEN CALLED FROM.

8 MR. BARENS: I AM GOING TO BE DISCUSSING THE ONGOING  
9 NEED FOR THE ARCE HEARING WITH MR. CHIER AND ALSO ADVISE YOUR  
10 HONOR ON MONDAY MORNING.

11 I WISH TO REMIND YOUR HONOR, RESPECTFULLY, OF  
12 MY REQUEST THAT YOUR HONOR IDENTIFY FROM THE QUESTIONNAIRE  
13 THE QUESTIONS YOU MIGHT HAVE EXCEPTION TO ON WEDNESDAY.

14 THE COURT: YES. AS A MATTER OF FACT, I WILL DO THAT  
15 BEFORE MONDAY.

16 MR. BARENS: IF YOU WOULD, THANK YOU, YOUR HONOR.

17 THE COURT: YES. IN OTHER WORDS, IT WILL BE LIKE A  
18 GUIDELINE TO YOU AS TO WHAT YOU CAN ASK THE PROSPECTIVE JURORS,  
19 IS THAT THE IDEA?

20 MR. BARENS: IT IS. AND ALSO, YOUR HONOR, IT WOULD  
21 GIVE US AN OPPORTUNITY TO DISCUSS WITH YOUR HONOR ANY  
22 DIFFERENCES OF OPINION WE MIGHT HAVE WITH THE COURT.

23 THE COURT: ALL RIGHT, THAT IS A VERY GOOD IDEA.

24 MR. BARENS: IN AN ATTEMPT TO RESOLVE THEM.

25 THE COURT: SO WE DON'T HAVE TO WASTE TIME ON VOIR DIRE  
26 BY GOING UP TO THE BENCH AND TALKING ABOUT IT.

27 MR. BARENS: THAT IS SO, YOUR HONOR.

28 THE COURT: HOW ABOUT THE PROPORTIONALITY THING?



A-2  
1 MR. BARENS: I HAVEN'T HAD THESE SEVERAL PAGES LONG.

2 THE COURT: OFF THE RECORD -- DO YOU WANT IT OFF THE  
3 RECORD OR ON THE RECORD DISCUSSION ON PROPORTIONALITY?

4 MR. WAPNER: WE HAVE TO BE ON THE RECORD ON EVERYTHING  
5 BY THE PENAL CODE.

6 THE COURT: ALL RIGHT, GO AHEAD. WHAT IS THIS CASE  
7 OF RIOS V. SUPERIOR COURT, WHAT IS YOUR POSITION ON RIOS?

8 MR. WAPNER: I HAVEN'T HAD A CHANCE TO READ THE WHOLE  
9 CASE BUT I THINK IT SETS OUT THE GUIDELINES THE APPELLATE  
10 COURT USES IN SETTING FORTH THE PROPORTIONALITY ISSUE AND  
11 BASICALLY, THE CRUEL AND UNUSUAL PUNISHMENT PROVISIONS IN  
12 THE CONSTITUTION AND THEN APPLYING THAT UNDER THAT SECTION,  
13 WHICH IS APPARENTLY WHETHER OR NOT IT WAS AN ARBITRARY AND  
14 CAPRICIOUS DECISION IN THAT PARTICULAR CASE. IN OTHER WORDS,  
15 DID MR. LIVESAY SINGLE OUT THIS CASE AND MAKE AN ARBITRARY  
16 AND CAPRICIOUS DECISION WITHOUT REGARD TO THE OTHER CASES?

17 THE COURT: THERE IS A SAYING THAT "COMPARISONS ARE  
18 ODIOUS." IT SEEMS TO ME IT IS ALMOST IMPOSSIBLE TO MAKE  
19 COMPARISONS BETWEEN DIFFERENT KINDS OF CASES. THE FACTS ARE  
20 SO PECULIAR TO THAT ONE CASE, TO SAY IT CAN BE RELATED TO  
21 ANOTHER CASE WHERE THE FACTS ARE COMPLETELY DIFFERENT AND  
22 SAY THAT THE PROPORTIONALITY QUESTION IS THE SAME, TO ME,  
23 IS INEXPLICABLE. HOWEVER, SINCE IT IS PART OF THE LAW I AM  
24 PERFECTLY WILLING TO EXPLORE IT. AS A MATTER OF FACT, I HAVE  
25 NO CHOICE ABOUT IT.

26 MR. BARENS: AGAIN, I WOULD AGREE WITH YOUR HONOR THAT  
27 THE COURT APPEARS -- AGAIN, I AM ONLY GIVING THIS A CURSORY  
28 REVIEW BUT THE COURT APPEARS TO BE CITING THREE CASES THAT

1 ARE REFERRED TO BY MR. LIVESAY AND THAT DISCRIMINATES FROM  
2 THE CASE AT THE BENCH.

3 THE COURT: THAT DISCRIMINATES, YOU SAID?

4 MR. BARENS: IT DIFFERENTIATES.

5 THE COURT: IT DISTINGUISHES.

6 MR. BARENS: IT DIFFERENTIATES FROM THIS CASE.

7 THE FIRST HALF OF THIS CASE, WHICH IS ALL I HAVE  
8 LOOKED AT SO FAR, YOUR HONOR, GOES INTO WHETHER OR NOT THERE  
9 WAS SOME ENFORCIBLE CONTRACTUAL AGREEMENT BETWEEN THE PEOPLE  
10 AND THE DEFENDANT AS FAR AS A PLEA BARGAIN THAT WAS ENTERED.

11 MR. WAPNER: IT WASN'T A PLEA BARGAIN.

12 AS I EXPLAINED, IN THAT PARTICULAR CASE AND THE  
13 REASON I CITED IT IS BECAUSE IT WAS GIVEN TO ME BY MR. LIVESAY  
14 AND IT IS THE ONLY CASE THAT I KNOW OF THAT IS REPORTED ON  
15 THIS PARTICULAR ISSUE, BUT ONE OF THE DISTINGUISHING FACTORS  
16 IS THAT IN THAT PARTICULAR CASE, ORIGINALLY MR. LIVESAY MADE  
17 A DECISION NOT TO SEEK THE DEATH PENALTY. THERE WAS A CHANGE  
18 IN CIRCUMSTANCES AND THEN A CHANGE IN THE DECISION AND IT  
19 WAS DECIDED TO SEEK THE DEATH PENALTY AND THERE IS APPARENTLY  
20 SOME DISCUSSION IN THERE AS TO WHETHER OR NOT IN FACT THE  
21 CIRCUMSTANCES HAD CHANGED, DID THE DISTRICT ATTORNEY'S OFFICE  
22 KNOW AHEAD OF TIME, AND APPARENTLY, ACCORDING TO MR. BARENS'  
23 READING OF THIS -- AND I REALLY HAVEN'T LOOKED AT IT VERY  
24 THOROUGHLY -- WHETHER OR NOT THE DISTRICT ATTORNEY'S OFFICE,  
25 IN ESSENCE, COULD BE ESTOPPED FROM CHANGING THEIR MIND.

26 THE COURT: THAT IS NOT INVOLVED IN HERE OBVIOUSLY.

27 MR. WAPNER: THAT PART OF IT IS NOT INVOLVED IN THIS  
28 CASE.

1 THE ONLY REASON I AM GIVING THIS CASE TO COUNSEL  
2 AND THE COURT IS BECAUSE, AS I UNDERSTAND IT, IT SHOULD SET  
3 OUT THE STANDARD, AT LEAST GIVE US SOME GUIDELINES FOR WHAT  
4 WE ARE DOING AT THIS HEARING, WHAT STANDARDS TO APPLY ONCE  
5 WE HEAR MR. LIVESAY TESTIFY.

6 THE COURT: WELL, YOU CAN TAKE THIS AT YOUR LEISURE  
7 AND YOU CAN READ IT. THE CITATION IS THERE AND I WILL READ  
8 IT.

9 MR. BARENS: RIGHT.

10 WOULD YOU HAPPEN TO HAVE A COPY OF THIS WITH YOU  
11 AVAILABLE, FRED?

12 MR. WAPNER: A COPY OF THE DECISION?

13 MR. BARENS: YES.

14 THE COURT: YOU DIDN'T PHOTOSTAT IT?

15 MR. WAPNER: WHEN WE GET DONE, I WILL TALK TO YOU ABOUT  
16 IT.

17 MR. BARENS: OKAY. IF YOU JUST HAD ONE DOWN THERE AND  
18 WILL GIVE ME ACCESS TO IT.

19 THE COURT: I WILL READ IT IN THE MEANTIME.

20 MR. WAPNER: I THINK WE SHOULD DISCUSS ONE OTHER THING.

21 THE COURT: YES.

22 MR. WAPNER: MAYBE WE CAN GO OVER OUR LISTS. I WAS  
23 TRYING TO COUNT AS WE WERE DISCUSSING OTHER ISSUES HOW MANY  
24 PEOPLE WE HAVE LEFT AND I THOUGHT I COUNTED 54.

25 MR. BARENS: I COULDN'T DO THAT BECAUSE I DIDN'T TRACK  
26 THE COUNT ON MY SHEET FOR THE PERIOD OF TIME I WASN'T HERE  
27 AND I DIDN'T MATCH MY LIST WITH MR. CHIER YESTERDAY.

28 THE COURT: WHAT WAS THIS DAMERELL, D-A-M-E-R-E-L-L,

1 MICHAEL? I HAVE A QUESTION MARK NEXT TO HIM. HAVE YOU GOT  
2 HIM AS BEING LEFT?

3 MR. BARENS: HE WAS RETAINED AND HE LIVES IN SANTA MONICA.

4 THE COURT: HE WAS RETAINED, ALL RIGHT.

5 MR. WAPNER: HE WAS THE ONE WHO CHECKED WITH HIS  
6 EMPLOYER AND HE CAME BACK.

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1 THE COURT: ALL RIGHT.

2 MR. WAPNER: WHAT DID WE DO WITH MISS HYRA?

3 MR. BARENS: I WAS NOT HERE FOR HER.

4 THE COURT: HOW MANY DID YOU SAY WE HAVE?

5 MR. WAPNER: I THOUGHT I COUNTED 54.

6 THE COURT: I GOT 77.

7 THE BAILIFF: I WILL GET IT FROM THE CLERK.

8 THE COURT: WHAT IS THERE SOME QUESTION ABOUT? WHAT  
9 NAME?

10 MR. BARENS: IT IS IN THE MIDDLE OF THE RIGHT COLUMN.

11 MR. WAPNER: HYRA, H-Y-R-A.

12 MR. BARENS: THAT IS TWO-THIRDS DOWN THE WAY.

13 THE COURT: THAT WAS EXCUSED. I THOUGHT THAT SHE HAD  
14 BEEN EXCUSED.

15 MR. WAPNER: I AM SURE THE CLERK HAS A LIST.

16 THE COURT: BUT SHE IS NOT IN THERE TO KNOW WAS EXCUSED.

17 MR. WAPNER: WELL, SHE PROBABLY ASKED THEM ON THE WAY  
18 OUT.

19 MR. BARENS: WELL, DO YOU WANT TO GO ON ON THE LIST?  
20 WE HAVE GOT ACERET, ALLEN, BONNER, AND --

21 MR. WAPNER: ANDERSON.

22 MR. BARENS: ANDERSON WAS EXCUSED. THEN WE HAVE BONNER,  
23 BROOKS AND -- BROOKS WAS EXCUSED.

24 THE COURT: I DIDN'T CROSS HIM OUT.

25 CAPLAN AND --

26 MR. BARENS: CAMPBELL WAS EXCUSED.

27 THE COURT: BARBARA CAMPBELL. I DON'T KNOW WHY I DIDN'T  
28 CROSS THEM OUT. THAT IS CAPLAN, COCHRAN, CONGER --

1 MR. BARENS: THEN CRUZ WOULD BE THE NEXT, I BELIEVE.

2 THE COURT: YES, CRUZ.

3 MR. WAPNER: I DIDN'T HAVE CRUZ AS BEING EXCUSED.

4 THE BAILIFF: WE HAVE 68.

5 THE COURT: CRUZ?

6 MR. BARENS: IS IT NECESSARY TO -- I DON'T THINK WE  
7 NEED THIS ON THE RECORD.

8 (OFF THE RECORD COLLOQUY.)

9 MR. WAPNER: WE NEED MORE PEOPLE.

10 THE COURT: WE HAVE 68, YOU SAY?

11 THE BAILIFF: WE COUNTED. WE COUNTED THE LITTLE TICKETS  
12 THAT WE HAVE LEFT. IT IS 68.

13 THE COURT: HOW DID YOU KNOW WHEN THEY CAME OUT WHETHER  
14 THEY WERE EXCUSED?

15 THE BAILIFF: WELL, IF THEY WERE EXCUSED, THEY WERE  
16 GIVEN A TICKET BACK TO TAKE TO THE JURY ASSEMBLY ROOM.

17 THE COURT: I SEE.

18 THE BAILIFF: WE KEPT THE LITTLE TICKETS OF THE PEOPLE  
19 THAT WERE NOT EXCUSED. WE HAVE 68 TICKETS LEFT.

20 THE COURT: ALL RIGHT. I AM ASSUMING THERE IS 68.

21 THE BAILIFF: I WILL DOUBLECHECK THAT COUNT AND THE  
22 ONES HERE.

23 THE COURT: WELL, WE ARE GOING OVER IT NOW.

24 (OFF THE RECORD COLLOQUY.)

25 MR. WAPNER: IN ANY EVENT, WE ARE GOING TO NEED MORE  
26 PEOPLE THAN WE HAVE, IF WE HAVE 26 CHALLENGES EACH PLUS THE  
27 12 THAT ARE IN THE BOX.

28 THE COURT: THEN YOU ARE GOING TO HAVE SOME DEATH

8-3  
1 QUALIFYING.

2 MR. WAPNER: WE ARE GOING TO LOSE SOME ON THAT. I THINK  
3 WE PROBABLY NEED AT LEAST 90 TO START WITH.

4 MR. BARENS: I WOULDN'T DISAGREE WITH THAT.

5 MR. WAPNER: IF WE HAVE 68, WE HAVE TO NOW EXAMINE MORE  
6 FOR HARDSHIP.

7 THE COURT: YES. THE FIGURE WAS JUST ABOUT HALF, WASN'T  
8 IT? HALF HAVE BEEN EXCUSED FOR HARDSHIP.

9 MR. WAPNER: WE LOST A LITTLE MORE THAN HALF.

10 THE COURT: WE NEED ABOUT 90 MORE JURORS.

11 THE CLERK: DO YOU WANT ME TO CALL THE CLERK AND SEE  
12 HOW MANY ARE AVAILABLE?

13 THE COURT: YES.

14 MR. WAPNER: DO YOU THINK WE NEED 90 MORE?

15 THE CLERK: WE ARE TALKING ABOUT TODAY, RIGHT?

16 THE COURT: WHENEVER WE CAN GET THEM. HOW MANY DID  
17 YOU SAY?

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1 MR. WAPNER: I THINK WE NEED TO START THE VOIR DIRE  
2 AND GO ALL THE WAY THROUGH AT LEAST 90, MAYBE A HUNDRED,  
3 TOGETHER.

4 MR. BARENS: YOU MEAN TO START YOUR HOVEY VOIR DIRE?

5 MR. WAPNER: WELL, THE WHOLE THING, RIGHT.

6 MR. BARENS: OKAY.

7 THE COURT: HOW MANY DO YOU WANT NOW?

8 MR. WAPNER: WELL, IF WE HAVE 68 NOW, THAT MEANS WE  
9 NEED PROBABLY 30, LET'S SAY 30 MORE IF WE LOSE SOME.

10 MR. BARENS: WE NEED 60 MORE.

11 MR. WAPNER: AT LEAST 60, 70 MORE.

12 MR. BARENS: 60 OR 70, WE NEED THAT NUMBER AT PRESENT  
13 TO TRY TO GET 30, 35 MORE.

14 THE COURT: THAT'S RIGHT. I HAVE NEVER KNOWN A CASE  
15 WHERE WE USED ALL 26 PEREMPTORIES ON BOTH SIDES.

16 MR. WAPNER: I DON'T ANTICIPATE THAT.

17 MR. BARENS: WELL, CERTAINLY, IF WE ARE SUCCESSFUL WITH  
18 THE LIVESAY HEARING, IT WILL GREATLY REDUCE THE TIME IT WOULD  
19 TAKE TO VOIR DIRE THE JURY.

20 THE COURT: SURE.

21 OFF THE RECORD.

22 (UNREPORTED COLLOQUY BETWEEN THE COURT  
23 AND COUNSEL.)

24 MR. BARENS: WELL, WE ARE GOING TO FILE A SUPPLEMENT  
25 TO OUR ORIGINAL MOTION.

26 THE COURT: THE LIVESAY MOTION?

27 MR. BARENS: YES, YOUR HONOR.

28 THE COURT: I WANT TO LOOK AT IT IN ADVANCE.



1 MR. BARENS: OFF THE RECORD.

2 (UNREPORTED COLLOQUY BETWEEN THE COURT  
3 AND COUNSEL.)

4 THE CLERK: THE JURY CLERK IS GOING TO CALL ME BACK.  
5 SHE HAS NO JURORS NOW THAT WE HAVE NOT ALREADY PROCESSED.  
6 SHE HAS A NUMBER OF PEOPLE AT HOME THAT ARE GOING TO BE  
7 AVAILABLE THAT THEY COULD CALL IN FOR THE AFTERNOON IF YOU  
8 WANT AND SHE IS GOING TO CALL BACK AND GIVE ME THAT NUMBER.

9 MR. BARENS: MR. CHIER IS GOING TO BE HERE AT 1:45 AS  
10 IT IS AND CERTAINLY, IF YOU COULD GET ANYWHERE ON THAT THIS  
11 AFTERNOON, I WOULD APPRECIATE IT.

12 THE COURT: WELL, EVEN IF SHE SENDS IN 20 OR 30 --

13 MR. BARENS: AND SINCE I HAVE PAID MR. CHIER FOR THE  
14 DAY.

15 THE COURT: YOU RECOMMENDED HIM TO JUDGE THOMAS?

16 MR. BARENS: QUITE SO, YOUR HONOR.

17 THE COURT: WE DON'T FIND ANY MINUTE ORDER WHERE HE  
18 HAS BEEN APPOINTED.

19 MR. BARENS: WE HAVE A COURT STAMPED ORDER, YOUR HONOR.  
20 I DON'T HAVE IT WITH ME BUT I REPRESENT WE HAVE ONE.

21 THE CLERK: A NEW DEVELOPMENT, YOUR HONOR. THAT WAS  
22 THE JURY CLERK ON THE PHONE. SHE SAID DEPARTMENT G JUST  
23 SELECTED THEIR JURY AND THEY SENT BACK 21 THAT ARE AVAILABLE  
24 FOR US THIS AFTERNOON AT 2 O'CLOCK.

25 THE COURT: HOW MANY MORE CAN SHE GET?

26 THE CLERK: THAT FIGURE, I DON'T HAVE.

27 DO YOU WANT IT FOR THIS AFTERNOON?

28 THE COURT: SURE.

1 THE CLERK: YOU WANT AS MANY AS YOU CAN GET THIS  
2 AFTERNOON?

3 THE COURT: YES.

4 THE CLERK: THEY WILL BE CALLED IN.

5 THE COURT: ALL RIGHT.

6 MR. BARENS: I SAW JUDGE THOMAS' ORDER, YOUR HONOR,  
7 ALL OF THE DOCUMENTS, ALL OF THE CONFORMED COPIES ARE BACK  
8 AT MY OFFICE AND I RECALL SEEING THAT WHEN IT CAME IN THAT  
9 DAY.

10 THE COURT: ALL RIGHT, I WILL TELL THE CLERK TO LOOK  
11 AGAIN.

12 MR. WAPNER: SHALL WE RECONVENE AT 1:45 OR 1:30?

13 THE COURT: ANY TIME YOU WANT.

14 MR. BARENS: AT 1:45. I DIDN'T TELL RICHARD TO BE HERE  
15 UNTIL 1:45.

16 THE COURT: ALL RIGHT, MAKE IT 1:45.

17 I WILL BE READY ON MONDAY ON YOUR VOIR DIRE  
18 QUESTIONS.

19 MR. BARENS: THANK YOU, JUDGE.

20 THE COURT: ALL RIGHT.

21 (AT 11:55 A.M. A RECESS WAS TAKEN  
22 UNTIL 1:45 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; THURSDAY, NOVEMBER 6, 1986; 2:17 P.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE  
4 EXCEPT MR. BARENS IS NOT PRESENT.)

5  
6 (THE FOLLOWING PROCEEDINGS WERE HELD  
7 AT THE BENCH:)

8 MR. WAPNER: THE CLERK MADE A VERY VALID POINT JUST  
9 BEFORE YOU CAME OUT, WHICH IS THAT PERHAPS WE SHOULD HAVE  
10 ADMONISHED THE LAST GROUP NOT TO READ ANYTHING OR TO LISTEN  
11 TO ANYTHING ABOUT THE CASE.

12 BUT AS I DISCUSSED WITH MR. CHIER, SINCE WE  
13 DIDN'T STATE IT TO THE LAST GROUP, WE SHOULDN'T HAVE ONE GROUP  
14 THAT WAS TOLD ONE THING AND ONE GROUP THAT WAS TOLD SOMETHING  
15 ELSE.

16 IN ORDER TO ATTEMPT TO INFLUENCE THEM AS MUCH  
17 AS POSSIBLE, I THINK THAT WE SHOULD GIVE THOSE JURORS THE  
18 INTRODUCTION ABOUT THE CASE. IF YOU JUST DON'T GIVE THE  
19 DEFENDANT'S NAME, IF YOU JUST SAY THAT WE ARE HERE TO TRY  
20 A SERIOUS FELONY CASE LIKE YOU SAID BEFORE, THAT MIGHT BE  
21 HELPFUL.

22 THE COURT: ALL RIGHT.

23 MR. WAPNER: IS THAT ACCEPTABLE?

24 MR. CHIER: IT IS ABOUT THE MOST PROPHYLACTIC THING  
25 THAT WE CAN DO AT THIS POINT.

26 MR. WAPNER: THANK YOU.

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

1 (WHEREUPON, THE FOLLOWING PROCEEDINGS  
2 WERE HELD IN OPEN COURT WITHIN THE  
3 PRESENCE AND HEARING OF THE PROSPECTIVE  
4 JURORS:)

5 THE COURT: THE RECORD WILL INDICATE THE PRESENCE OF  
6 THE DEFENDANT AND COUNSEL.

7 GOOD AFTERNOON, LADIES AND GENTLEMEN, WE HAVE  
8 BEEN THE LAST FEW DAYS IN THE PROCESS OF PICKING OR QUALIFYING  
9 JURORS IN A VERY SERIOUS FELONY CASE. IT IS ANTICIPATED THAT  
10 THIS CASE WILL TAKE ABOUT THREE MONTHS TO TRY. NOW, MY  
11 QUESTION TO ALL OF YOU IS: WHO AMONG YOU FEELS THAT YOU  
12 CANNOT SIT FOR A PERIOD OF THREE MONTHS ON THIS CASE?

13 AND JUST RAISE YOUR HANDS, IF YOU WILL, PLEASE.

14 (WHEREUPON, THE PROSPECTIVE JURORS  
15 IN THE AUDIENCE RAISED THEIR HANDS.)

16 THE COURT: EVERYBODY?

17 MR. CHIER: WHY DON'T WE HAVE A SHOW OF HANDS OF THOSE  
18 WHO CAN SERVE?

19 THE COURT: WHO CAN SERVE?

20 ALL RIGHT, WE HAVE ONE. AS FOR YOU, I WILL ASK  
21 YOU TO COME BACK TO THE JURY ASSEMBLY ROOM A WEEK FROM TODAY  
22 AT 10:30 IN THE MORNING.

23 THE BAILIFF: WHAT IS YOUR NAME, SIR?

24 THE COURT: WHAT IS YOUR NAME, PLEASE?

25 MR. NELSON: NORMAN NELSON.

26 THE COURT: ALL RIGHT, MR. NELSON, THERE IS NO SENSE  
27 IN YOUR WAITING AROUND HERE BECAUSE YOU ARE GOING TO BE ON  
28 THE PANEL.

1 MR. NELSON: OKAY.

2 THE COURT: SO YOU REPORT TO THE JURY ASSEMBLY ROOM  
3 A WEEK FROM TODAY AT 10:30.

4 MR. NELSON: ALL RIGHT. THANK YOU, YOUR HONOR.

5 THE COURT: AS FOR THE REMAINING JURORS, I WILL CALL  
6 YOU IN ONE AT A TIME AND PUT ON THE RECORD YOUR REASONS AS  
7 TO WHY YOU FEEL YOU CANNOT SERVE IN THIS CASE IF YOU ARE  
8 OTHERWISE QUALIFIED.

9 MR. WAPNER: YOUR HONOR, PERHAPS WHILE WE ARE DOING  
10 THE QUESTIONING OF THOSE PEOPLE ONE AT A TIME, IF THERE IS  
11 ANYONE IN THE GROUP WHO IS NOT CERTAIN ABOUT THEIR EMPLOYER'S  
12 POLICY REGARDING THE PAYMENT.

13 THE COURT: I CAN ASK THEM ONE AT A TIME TO DO IT WHILE  
14 THEY ARE THERE. WE DON'T HAVE TO DO IT THAT WAY.

15 SWEAR THE JURY, PLEASE.

16 THE CLERK: IF YOU WOULD ALL PLEASE STAND TO BE SWORN,  
17 ALL OF THE PROSPECTIVE JURORS STAND.

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

22 (WHEREUPON, THE PROSPECTIVE JURORS  
23 ANSWERED AFFIRMATIVELY IN CHORUS.)

24 (WHEREUPON, MR. NELSON LEFT THE  
25 COURTROOM.)

26 THE COURT: ALL RIGHT, WE WILL HAVE MARLENE ASHMAN COME  
27 IN FIRST.

28 WE WILL TAKE THEM ALL IN ALPHABETICAL ORDER.

1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN CHAMBERS:)

3 (PROSPECTIVE JUROR ASHMAN ENTERED  
4 CHAMBERS.)

5 THE CLERK: THIS IS MARLENE ASHMAN.

6 MR. WAPNER: BEFORE WE BRING IN THE NEXT PERSON, CAN  
7 I JUST HAVE A MOMENT TO TELL YOU SOMETHING ABOUT THE PANEL?

8 THE COURT: YES.

9 MISS ASHMAN, WHERE DO YOU LIVE?

10 MISS ASHMAN: SANTA MONICA.

11 THE COURT: I THINK YOU INDICATED THAT YOU WANTED TO  
12 BE EXCUSED FROM JURY DUTY. IS THERE A REASON FOR IT, IN THIS  
13 CASE?

14 MISS ASHMAN: IN THIS CASE, THERE ARE SEVERAL REASONS.  
15 FOR ONE THING, I WORK PART-TIME. I AM NOT COMPENSATED IF  
16 I DON'T WORK.

17 THE COURT: WHERE DO YOU WORK?

18 MISS ASHMAN: CRUTCHFIELD INVESTIGATIONS. THAT IS A  
19 PART OF THE SECOND REASON. I AM AN INVESTIGATOR.

20 I ALSO AM A RETIRED POLICE OFFICER. AND MY  
21 HUSBAND --

22 THE COURT: YOU ARE ONE OF OUR PROSPECTIVE JURORS AND --

23 MISS ASHMAN: MY HUSBAND WAS A POLICE OFFICER. AND  
24 I FEEL THAT I WOULD PROBABLY EVENTUALLY BE DISQUALIFIED.

25 THE COURT: DO YOU THINK IT WOULD BE AN ECONOMIC  
26 HARDSHIP WERE YOU TO SERVE?

27 MISS ASHMAN: YES. I WOULDN'T BE PAID AT ALL IF I DIDN'T  
28 WORK. I ONLY WORK PART-TIME BUT I WOULDN'T BE PAID AT ALL.

1                    PLUS, I AM SUPPOSED TO GO OUT OF TOWN ON THE 21ST  
2 FOR A WEEK.

3                    THE COURT: ALL RIGHT.

4                    MR. CHIERS: I HAVE NO OBJECTION.

5                    THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
6 BE DISMISSED.

7                    PLEASE GO BACK TO THE JURY ASSEMBLY ROOM. MAKE  
8 YOURSELF AVAILABLE THERE FOR SOME OTHER CASE. TELL THEM THAT  
9 I EXCUSED YOU FROM THIS CASE.

10                    MISS ASHMAN: ALL RIGHT.

11                    (PROSPECTIVE JUROR ASHMAN EXITED  
12 CHAMBERS.)

13                    MR. WAPNER: THERE IS ONE PERSON IN THIS GROUP THAT  
14 I RECOGNIZE. I DON'T KNOW THE PERSON'S NAME, TO BE HONEST.

15                    I DON'T KNOW WHERE I KNOW HIM FROM, MAYBE JUST  
16 FROM SEEING HIM AROUND SANTA MONICA OR MAYBE WHEN I USED TO  
17 RIDE THE BUS WHEN I USED TO TAKE THE BUS DOWNTOWN. I DON'T  
18 KNOW.

19                    IT IS A GENTLEMAN WEARING A PURPLE SHIRT WITH  
20 DARK HAIR AND A BEARD.

21                    THE COURT: WELL, WE'LL SEE. IF HE DOESN'T QUALIFY,  
22 WE WON'T HAVE TO ASK HIM.

23                    MR. WAPNER: I WANTED TO LET YOU KNOW ABOUT THAT.

24                    THE COURT: ALL RIGHT. FINE. THANK YOU.

25                    (PROSPECTIVE JUROR ALLEN ENTERED  
26 CHAMBERS.)

27                    THE CLERK: THIS IS CLIFFORD ALLEN.

28                    THE COURT: MR. ALLEN, WHERE DO YOU LIVE?

1 MR. ALLEN: IN LADERA HEIGHTS SECTION OF LOS ANGELES  
2 AND IN PALM SPRINGS.

3 THE COURT: YES. YOU HAVE INDICATED THAT YOU WANT TO  
4 BE EXCUSED FROM JURY DUTY IN THIS CASE. WILL YOU TELL US  
5 WHY?

6 MR. ALLEN: ONLY BECAUSE OF THE LENGTH OF THE CASE.

7 THE COURT: PARDON ME?

8 MR. ALLEN: YES.

9 THE COURT: HOW WILL THAT AFFECT YOU? ARE YOU WORKING  
10 SOMEWHERE? IS THAT IT?

11 MR. ALLEN: NO. I AM PRESIDENT OF THE LOS ANGELES  
12 TEACHER'S CREDIT ASSOCIATION, CREDIT UNION.

13 THEY ARE HAVING THEIR ANNUAL MEETING, TO WHICH  
14 I AM A DELEGATE, THURSDAY, NOVEMBER 20TH. IT RUNS THROUGH  
15 THE 23RD.

16 I HAVE PREPAID TICKETS THAT ARE NONCANCELABLE  
17 TO HAWAII ALSO --

18 THE COURT: ALL RIGHT. YOU DON'T HAVE TO GO ANY FURTHER.  
19 WE WILL EXCUSE YOU.

20 MR. ALLEN: THANK YOU VERY MUCH.

21 THE COURT: WHEN YOU GO TO THE JURY ASSEMBLY ROOM, TELL  
22 THE JURY CLERK THAT YOU HAVE BEEN EXCUSED FROM THIS CASE BUT  
23 YOU MIGHT BE AVAILABLE FOR SOME OTHER MATTER.

24 MR. ALLEN: THANK YOU.

25 THE COURT: THANK YOU VERY MUCH.

26 (PROSPECTIVE JUROR ALLEN EXITED  
27 CHAMBERS.)

28 (PROSPECTIVE JUROR BOKRAS ENTERED CHAMBERS.)



1 THE CLERK: THIS IS EUGENE BOKRAS.

2 THE COURT: MR. BOKRAS, IS THAT YOUR NAME?

3 MR. BOKRAS: THAT'S RIGHT.

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

5 MR. BOKRAS: MARINA DEL REY.

6 THE COURT: YOU HAVE INDICATED THAT YOU WOULD LIKE TO  
7 BE EXCUSED FROM JURY DUTY?

8 MR. BOKRAS: THIS IS MY THIRD WEEK. I THINK I WILL  
9 BE EXCUSED PROBABLY ON MONDAY, AT THE LATEST.

10 I AM SUPPOSED TO BE LOOKING FOR WORK.

11 THE COURT: YOU MEAN IT WOULD BE AN ECONOMIC HARDSHIP  
12 IF YOU WERE TO STAY?

13 MR. BOKRAS: YES.

14 THE COURT: ALL RIGHT. WE'LL EXCUSE YOU.

15 TELL THE JURY CLERK IN THE JURY ASSEMBLY ROOM  
16 THAT YOU ARE EXCUSED FROM THIS CASE AND YOU WILL BE AVAILABLE  
17 FOR SOME OTHER MATTER.

18 MR. BOKRAS: ALL RIGHT.

19 THE COURT: THANK YOU.

20 (PROSPECTIVE JUROR BOKRAS EXITED  
21 CHAMBERS.)

22 MR. CHIER: IF MR. ARCE CAN BRING IN AN EMERGENCY PANEL,  
23 IT WOULD OBTAIN THE MOTION TO QUASH. THE EMERGENCY PANELS  
24 ARE DRAWN FROM EVERYWHERE. IT IS DIFFICULT THEN TO MAKE AN  
25 ARGUMENT THAT IT IS NOT --

26 MR. WAPNER: WELL, THAT IS UP TO THE DEFENSE.

27 (PROSPECTIVE JUROR CRILLEY ENTERED  
28 CHAMBERS.)

1 THE CLERK: THIS IS MARY CRILLEY.

2 THE COURT: MRS. CRILLEY, WE HAD YOU BEFORE?

3 MRS. CRILLEY: YES. I WAS HERE AS NUMBER ONE.

4 THE COURT: YOU WERE NUMBER ONE IF I REMEMBER CORRECTLY?

5 MRS. CRILLEY: YES I WAS.

6 THE COURT: WHERE DO YOU LIVE?

7 MRS. CRILLEY: I LIVE IN WOODLAND HILLS.

8 THE COURT: AND WHAT IS YOUR REASON FOR WANTING TO BE  
9 EXCUSED?

10 MRS. CRILLEY: MY EMPLOYER WILL VERY STRONGLY OBJECT  
11 TO MY BEING GONE FOR THREE MONTHS.

12 THE COURT: WHERE DO YOU WORK?

13 MRS. CRILLEY: FOR THE RTD DOWNTOWN.

14 THE COURT: YES. THANK YOU VERY MUCH, MRS. CRILLEY.  
15 YOU ARE EXCUSED.

16 (PROSPECTIVE JUROR CRILLEY EXITED  
17 CHAMBERS.)

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1 THE COURT: GET NANCY CONTILLI AND FIND OUT WHETHER  
2 OR NOT WE CAN GET MORE JURORS.

3 THE CLERK: THEY CAN CALL THEM FOR TOMORROW, TOO. THEY  
4 HAVE A LARGE PANEL THAT WAS CALLED DOWN MONDAY.

5 THE COURT: WILL YOU TELL THEM TO GET 90 OF THEM?

6 THE CLERK: YES, THEY WILL DO IT.

7 DO YOU WANT THAT FOR MONDAY?

8 THE COURT: YES.

9 THE CLERK: WITH MR. LIVESAY COMING?

10 MR. WAPNER: OH, THAT IS RIGHT.

11 THE COURT: HOW ABOUT TOMORROW?

12 THE CLERK: TOMORROW IS FRIDAY.

13 THE COURT: CAN THEY GET THEM IN HERE TOMORROW?

14 THE CLERK: SHE TOLD ME OVER THE PHONE SHE COULD.

15 THE COURT: GO AHEAD AND GET THEM IN TOMORROW.

16 MR. WAPNER: I THOUGHT WE WEREN'T GOING TO BE IN SESSION  
17 ON FRIDAYS?

18 THE COURT: WELL, WE HAVE TO GET THE JURORS TOGETHER.

19 MR. CHIER: I THINK SOME OF US SORT OF RELIED ON --

20 THE COURT: RELIED ON WHAT?

21 MR. CHIER: RELIED ON THE FACT THAT WE WEREN'T GOING  
22 TO BE HERE.

23 THE COURT: TOMORROW, YOU MEAN?

24 MR. CHIER: YES. I HAVE SCHEDULED APPEARANCES TOMORROW.

25 THE COURT: I THOUGHT WE COULD GET ALL THE JURORS ALL  
26 FIXED FOR MONDAY.

27 GET THEM FOR MONDAY THEN.

28 MR. WAPNER: IF WE ARE GOING TO GET THEM FOR MONDAY,

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1 THAT IS FINE WITH ME.

2 MR. CHIER: WE SHOULD HAVE MR. LIVESAY ON WEDNESDAY.

3 MR. WAPNER: THEN I WILL TELL MR. LIVESAY TO BE ON  
4 WEDNESDAY, WHICH WOULD PROBABLY ACCOMMODATE HIS SCHEDULE.

5 THE COURT: TUESDAY IS A HOLIDAY?

6 MR. WAPNER: TUESDAY IS A COURT HOLIDAY.

7 THE COURT: ALL RIGHT, FINE, LET'S DO THAT, GET THEM  
8 IN HERE FOR MONDAY.

9 MR. WAPNER: HAVE THE JURORS HERE ON MONDAY AND HAVE  
10 MR. LIVESAY HERE ON WEDNESDAY?

11 THE COURT: HOW MANY DO YOU THINK WE NEED? SHOULD WE  
12 GET 90 IN?

13 MR. WAPNER: I THINK WE PROBABLY SHOULD GET AS MANY  
14 AS WE CAN. IF WE ARE NOW LOSING OR HAVE THE POTENTIAL OF  
15 LOSING 30 OUT OF 31, THEN IF WE CAN GET 100 OR 150.

16 THE COURT: YOU SEE, ALL OF THESE HAVE ALREADY SERVED.

17 MR. WAPNER: WE ARE GOING TO GET A NEW GROUP THEN --

18 THE COURT: GET AS MANY AS YOU CAN.

19 THE CLERK: OKAY, ALL RIGHT.

20 THE COURT: SEND IN YOUR NEXT ONE.

21 THE CLERK: ARE YOU READY FOR THE NEXT PERSON?

22 MR. WAPNER: CAN WE JUST HAVE ONE MOMENT?

23 THE CLERK: YES.

24 MR. WAPNER: IF WE ARE GOING TO HAVE A NEW GROUP ON  
25 MONDAY AND MR. LIVESAY ON WEDNESDAY, SHOULD I -- I HAVE A  
26 PHONE CALL IN TO MR. ARCE -- IN TERMS OF WHEN HE SHOULD BE  
27 HERE, SHOULD I TELL HIM TO BE HERE ON THURSDAY?

28 THE COURT: IT MAY NOT BE NECESSARY TO HAVE ARCE HERE.

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1 MR. CHIER: IF THEY PULL AN EMERGENCY PANEL, FRED, THAT  
2 ABSOLUTELY SCRATCHES ANY KIND OF MOTION TO QUASH THE PANEL  
3 BECAUSE THE PANEL IS ABOUT AS VARIGATED AS YOU COULD WANT.

4 THE COURT: SO FAR, WE HAVE HAD JURORS COMING FROM WITHIN  
5 THE 20-MILE RADIUS.

6 MR. CHIER: WELL, THERE HAS NEVER BEEN A DEFINITION  
7 THAT THE 20-MILE RADIUS IS THE COMMUNITY.

8 THE COMMUNITY COULD BE THE COUNTY OR IT COULD  
9 BE --

10 THE COURT: WELL, THEN LET THE SUPREME COURT TELL US, LET A  
11 NEW SUPREME COURT TELL US THAT THE 20-MILE RADIUS IS NOT A  
12 FAIR REPRESENTATION. IN THE MEANTIME, I WILL ASSUME THAT  
13 IT IS.

14 MR. CHIER: BUT THIS PANEL THAT WAS HERE JUST NOW LOOKS  
15 LIKE THE CLOSE-IN PANEL.

16 THE COURT: LET'S SEE WHAT IT IS.

17 IT WILL BE ACADEMIC BECAUSE ALL OF THEM ARE GOING  
18 TO BE EXCUSED PROBABLY, ANYWAY.

19 THIS MORNING, TOO, WE HAD A REPRESENTATIVE GROUP,  
20 THEY CAME FROM ALL AROUND.

21 MR. CHIER: DID THEY?

22 THE COURT: YOU WEREN'T HERE BUT IT IS TRUE.

23 THE CLERK: THIS IS CAROLYN DANIELS.

24 HAVE A SEAT HERE, PLEASE.

25 THE COURT: HELLO, MRS. DANIELS.

26 MISS DANIELS: HELLO.

27 THE COURT: MISS DANIELS, IS IT?

28 MISS DANIELS: YES.

1 THE COURT: WHERE DO YOU LIVE?

2 MISS DANIELS: TORRANCE.

3 THE COURT: DO YOU HAVE ANY REASON WHY YOU DON'T WANT  
4 TO SERVE AS A JUROR ON THIS CASE?

5 MISS DANIELS: IT IS NOT THAT I DON'T WANT TO.

6 MY COMPANY'S POLICY IS TO PAY FOR TEN DAYS OF  
7 JURY DUTY AS THIS IS MY SECOND DAY AND I FIND IT TO BE A  
8 FINANCIAL HARDSHIP FOR ME IF I WERE TO --

9 THE COURT: WHO IS YOUR EMPLOYER?

10 MISS DANIELS: TRANSAMERICA LIFE COMPANIES.

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1 THE COURT: ALL RIGHT, ANY QUESTIONS?

2 MR. WAPNER: JUST BRIEFLY.

3 DO THEY MAKE ANY DEVIATION FROM THAT POLICY, DO  
4 YOU KNOW?

5 MISS DANIELS: I AM NOT SURE. REALLY, I DON'T KNOW.

6 THE COURT: DO YOU THINK THEY WOULD LET YOU STAY ON  
7 FOR 90 DAYS AND PAY YOU FOR IT?

8 MISS DANIELS: NO, NO.

9 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

10 MR. WAPNER: ALL RIGHT.

11 THE COURT: YOU WILL BE EXCUSED. YOU TELL THE JURY  
12 ASSEMBLY CLERK WHEN YOU GO IN THERE THAT I HAVE EXCUSED YOU  
13 FROM THIS CASE BUT YOU CAN BE ELIGIBLE FOR SOME OTHER CASES  
14 THAT DON'T LAST AS LONG.

15 MISS DANIELS: OKAY, THANK YOU.

16 (PROSPECTIVE JUROR DANIELS EXITS CHAMBERS.)

17 MR. CHIER: DID YOU MAKE A NOTE THIS MORNING, MR.  
18 HUNT, WHERE IN THE COMMUNITY THE OTHER JURORS LIVED?

19 MR. WAPNER: I HAVE THAT FOR YOU.

20 THE COURT: WHAT'S HIS NAME DID IT, TOO.

21 MR. CHIER: DID HE?

22 THE COURT: YES, HE DID, MR. BARENS DID.

23 (PROSPECTIVE JUROR DICKTER ENTERS CHAMBERS.)

24 THE CLERK: THIS IS DAVID DICKTER.

25 THE COURT: ALL RIGHT, MR. DICKTER, WHERE DO YOU LIVE?

26 MR. DICKTER: IN LOS ANGELES.

27 THE COURT: WHAT PART OF LOS ANGELES?

28 MR. DICKTER: BETWEEN ROBERTSON AND OLYMPIC BOULEVARDS.

1 THE COURT: BETWEEN ROBERTSON AND?

2 MR. DICKTER: ROBERTSON, IT IS IN LOS ANGELES.

3 THE COURT: YOU MEAN AROUND ROBERTSON AND OLYMPIC, IS  
4 THAT IT?

5 MR. DICKTER: RIGHT, RIGHT.

6 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED  
7 ON THIS CASE, WHAT IS YOUR REASON FOR IT?

8 MR. DICKTER: TOMORROW IS MY THIRD WEEK. NEXT WEEK,  
9 I HAV A BIG COMPUTER CONVENTION THAT I HAVE TO ATTEND. I  
10 HAVE MY OWN BUSINESS. IT IS A TWO-MAN OPERATION.

11 THE COURT: IT WILL BE AN ECONOMIC HARDSHIP FOR YOU  
12 IF YOU WERE TO SERVE?

13 MR. DICKTER: YES.

14 MR. WAPNER: I HAVE NO OBJECTION.

15 MR. CHIER: NO OBJECTION.

16 THE COURT: UNLESS I HEAR TO THE CONTRARY -- ANY  
17 QUESTIONS?

18 MR. WAPNER: NO.

19 MR. CHIER: I JUST WANT TO KNOW WHAT BUSINESS HE IS  
20 IN.

21 MR. DICKTER: COMPUTERS.

22 MR. CHIER: DOING WHAT, A PROGRAMMER?

23 MR. DICKTER: NO. I IMPORT PARTS FROM THE ORIENT AND  
24 THE BIGGEST SHOW IN THE COUNTRY IS SET FOR NEXT WEEK IN LAS VEGAS.

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

27 (PROSPECTIVE JUROR DICKTER EXITS CHAMBERS.)

28 (PROSPECTIVE JUROR ELLNER ENTERS CHAMBERS.)



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1 THE CLERK: THIS IS CYNTHIA ELLNER.

2 THE COURT: ALL RIGHT, IS THAT MISS ELLNER?

3 MRS. ELLNER: MRS.

4 THE COURT: MRS. ELLNER?

5 MRS. ELLNER: YES.

6 THE COURT: WHERE DO YOU LIVE?

7 MRS. ELLNER: WHERE DO I LIVE? LOS ANGELES.

8 THE COURT: WHAT PART OF LOS ANGELES?

9 MRS. ELLNER: WEST LOS ANGELES.

10 THE COURT: IT IS A BIG CITY.

11 MRS. ELLNER: WEST.

12 THE COURT: ALL RIGHT, THANK YOU.

13 YOU HAVE INDICATED YOU WANTED TO BE EXCUSED FOR  
14 SOME REASON.

15 MRS. ELLNER: YES.

16 THE COURT: WHAT IS THE REASON?

17 MRS. ELLNER: MY EMPLOYER PAYS FOR TEN DAYS OF JURY  
18 SERVICE.

19 THE COURT: TEN DAYS? WHOM DO YOU WORK FOR?

20 MRS. ELLNER: SANWA BANK OF CALIFORNIA.

21 THE COURT: THAT IS THEIR POLICY, THEY WON'T LET YOU  
22 STAY ANY LONGER THAN THAT?

23 MRS. ELLNER: THAT IS MY UNDERSTANDING.

24 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

25 (PROSPECTIVE JURORS ELLNER EXITS CHAMBERS.)

26 MR. WAPNER: WE HAVE NOT SO FAR DONE ANY CHECKING WITH  
27 ANY OF THESE PEOPLE'S EMPLOYERS TO SEE IF THERE ARE ANY  
28 EXTENSIONS.

1 THE COURT: THEY ARE UNDER OATH. DO YOU WANT TO TRY  
2 THEM FOR PERJURY IF THEY DON'T TELL THE TRUTH?

3 MR. WAPNER: NO, THAT IS NOT WHAT I HAD IN MIND.

4 THE COURT: I DON'T KNOW WHAT YOU HAD IN MIND.  
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1 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

2 THE CLERK: THIS IS MRS. SADIE ESPAR.

3 THE COURT: IS THAT MRS. ESPAR?

4 MRS. ESPAR: YES.

5 THE COURT: WHERE DO YOU LIVE, MRS. ESPAR?

6 MRS. ESPAR: IN MARINA DEL REY.

7 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED,  
8 DO YOU?

9 MRS. ESPAR: YES.

10 THE COURT: WHAT IS YOUR REASON FOR IT?

11 MRS. ESPAR: ALL RIGHT. WE HAVE AIRLINE TICKETS, HOTELS  
12 AND EVERYTHING ARRANGED FOR NOVEMBER 12TH.

13 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL  
14 BE EXCUSED.

15 NOVEMBER 12TH, YOU SAY?

16 MRS. ESPAR: YES.

17 THE COURT: THEN YOU ONLY HAVE A COUPLE OF FEW DAYS  
18 LEFT?

19 MRS. ESPAR: TOMORROW IS MY LAST DAY OF THE THREE WEEKS.

20 THE COURT: ALL RIGHT, YOU WILL BE EXCUSED. YOU MAY  
21 GO TO THE JURY ASSEMBLY ROOM --

22 MR. CHIER: WHERE ARE YOU GOING?

23 THE COURT: WAIT A MINUTE. TELL THEM IN THE JURY  
24 ASSEMBLY ROOM THAT YOU ARE EXCUSED FROM FURTHER DUTY AS A  
25 JUROR.

26 MRS. ESPAR: OH, COMPLETELY?

27 THE COURT: YES.

28 MRS. ESPAR: OH, THAT IS LOVELY. THANK YOU VERY MUCH.

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1 THE COURT: BECAUSE THIS IS NOW THE 6TH TODAY AND YOU  
2 ONLY HAVE ONE OR TWO DAYS LEFT.

3 MRS. ESPAR: RIGHT, ONE DAY LEFT.

4 THE COURT: ALL RIGHT. WHAT DID YOU WANT?

5 MR. CHIER: I WAS JUST WONDERING WHERE SHE WAS GOING.

6 MRS. ESPAR: TO NEW YORK. IT IS MY BIRTHDAY AND MY  
7 HUSBAND IS TAKING ME TO THE METROPOLITAN.

8 THE COURT: CONGRATULATIONS AND THANK YOU VERY MUCH.

9 MRS. ESPAR: THANK YOU VERY MUCH.

10 (PROSPECTIVE JUROR EXITED CHAMBERS.)

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1 (PROSPECTIVE JUROR GELLER ENTERED  
2 CHAMBERS.)

3 THE CLERK: THIS IS GARY GELLER.

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

5 MR. GELLER: IN SANTA MONICA.

6 THE COURT: SANTA MONICA?

7 MR. GELLER: YES.

8 THE COURT: YOU HAVE INDICATED YOU WANTED TO BE EXCUSED  
9 FROM SERVING AS A JUROR IN THIS CASE?

10 MR. GELLER: YES.

11 THE COURT: WHAT IS YOUR REASON FOR IT?

12 MR. GELLER: I AM EMPLOYED BY SANTA MONICA COLLEGE.  
13 AND I AM A DEPARTMENT CHAIRPERSON.

14 AND BASICALLY THERE IS NO PERSON WHO CAN FUNCTION.  
15 I AM NONTEACHING STAFF. I MANAGE THE MEDIA CENTER.

16 THERE IS NO ONE WHO REALLY HAS ANY TRAINING WHO  
17 CAN SUBSTITUTE FOR ME.

18 WE ARE EXTREMELY UNDERSTAFFED AS A DEPARTMENT.  
19 AND IN JUST THE TWO DAYS I HAVE BEEN SERVING ALL RIGHT, I  
20 HAVE NOTICED THAT THERE HAVE BEEN SOME CONSIDERABLE ERRORS  
21 AND PROBLEMS THAT HAVE ARISEN, THAT HAVE NOT BEEN RESOLVED  
22 IN MY ABSENCE.

23 I FEAR THAT ABSOLUTE MAYHEM WILL RESULT FROM MY  
24 BEING GONE ON AN EXTENDED LEAVE.

25 THE COURT: ANY QUESTIONS?

26 MR. WAPNER: NO OBJECTION.

27 THE COURT: ANY OBJECTIONS?

28 MR. CHIER: NO, YOUR HONOR.

4A-7  
1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
2 BE EXCUSED.

3 AS A MATTER OF FACT, YOU WOULD RATHER NOT SERVE  
4 AT ALL ON A JURY, ISN'T THAT CORRECT, BECAUSE OF YOUR  
5 CIRCUMSTANCE?

6 MR. GELLER: IF POSSIBLE, YES.

7 THE COURT: ALL RIGHT. I WILL EXCUSE ME.

8 TELL THE JURY CLERK THAT I HAVE EXCUSED YOU FROM  
9 FURTHER DUTY.

10 MR. GELLER: YES. THANK YOU VERY MUCH, YOUR HONOR.

11 THE COURT: YOU ARE WELCOME.

12 (PROSPECTIVE JUROR GELLER EXITED  
13 CHAMBERS.)

14 (PROSPECTIVE JUROR GOOLEY ENTERED  
15 CHAMBERS.)

16 THE CLERK: THIS IS RUTH GOOLEY, NOT TO BE CONFUSED  
17 WITH MARJORIE GOOLEY.

18 THE COURT: DO YOU KNOW MARJORIE GOOLEY?

19 MISS GOOLEY: NO. I DON'T KNOW WHO IT IS.

20 THE COURT: WHERE DO YOU LIVE?

21 MISS GOOLEY: I LIVE IN PLAY DEL REY.

22 THE COURT: AND YOU WANT TO BE EXCUSED FROM JURY DUTY?

23 MISS GOOLEY: YES.

24 THE COURT: FOR WHAT REASON?

25 MISS GOOLEY: I AM UNEMPLOYED. I HAVE NO MONEY.

26 I AM ON THE SUBSTITUTE LIST FOR L.A. CITY SCHOOLS.  
27 AS SOON AS THEY CALL ME, I WILL HAVE AN INCOME.

28 THE COURT: IT WILL BE A HARDSHIP FOR YOU IF YOU WERE

14A - 1 TO SERVE THREE MONTHS? YOU WOULDN'T HAVE ANY MEANS OF INCOME,  
2 IS THAT RIGHT?

3 MISS GOOLEY: YES.

4 MR. CHIER: COULD I ASK WHETHER IT WOULD MAKE A DIFFERENCE  
5 IF THE JURY FEES WERE DIFFERENT?

6 THE COURT: NO. ALL RIGHT.

7 MISS GOOLEY: PARDON ME?

8 THE COURT: YOU WILL BE EXCUSED. THANK YOU VERY MUCH.

9 (PROSPECTIVE JUROR GOOLEY EXITED  
10 CHAMBERS.)

11 THE COURT: I TOLD YOU THAT I DON'T LIKE THAT QUESTION  
12 IN THE FIRST PLACE.

13 MR. CHIER: I UNDERSTAND THAT, YOUR HONOR. BUT I THINK  
14 THAT WE ARE ENTITLED TO ASK IT. THEY ARE A COGNIZABLE GROUP.

15 THE COURT: YOU ARE NOT ENTITLED TO THAT AT ALL.

16 MR. CHIER: IT IS A COGNIZABLE GROUP. POOR PEOPLE --

17 THE COURT: THAT IS A MATTER FOR THE LEGISLATURE, NOT  
18 FOR YOU TO DETERMINE WHETHER OR NOT IF THEY GOT MORE MONEY  
19 THEY WOULD BE ABLE TO STAY. THAT IS ALL THEORETICAL, IN ANY  
20 EVENT.

21 HOW MUCH MORE MONEY?

22 MR. CHIER: THE FEDERAL PEOPLE PAY \$30 A DAY.

23 (PROSPECTIVE JUROR GILBERT ENTERED  
24 CHAMBERS.)

25 THE CLERK: THIS IS ELISHA GILBERT.

26 THE COURT: ELISHA GILBERT?

27 MR. GILBERT: I AM IN A SIX-MONTH PROGRAM AT CONTROL  
28 DATA. I START NOVEMBER 17 --

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1 THE COURT: FIRST OF ALL, WHERE DO YOU LIVE?

2 MR. GILBERT: IN WESTWOOD, 616 VETERAN AVENUE, NUMBER  
3 113.

4 THE COURT: SURE. YOU HAVE INDICATED THAT YOU WANT  
5 TO BE EXCUSED FROM JURY DUTY, IS THAT RIGHT?

6 MR. GILBERT: YOU MEAN --

7 THE COURT: JUST IN THIS CASE?

8 MR. GILBERT: YES. BECAUSE FOR THREE MONTHS I HAVE  
9 BEEN ENROLLED IN A COURSE AT CONTROL DATA INSTITUTE, A SIX-  
10 MONTH COURSE.

11 AND IT IS IN OFFICE TECHNOLOGY. I START THE 17TH  
12 OF NOVEMBER.

13 THE COURT: YOU DON'T WANT TO POSTPONE IT, IS THAT RIGHT?

14 MR. GILBERT: YES. THAT'S RIGHT.

15 THE COURT: ALL RIGHT.

16 MR. CHIER: IS THIS PREPAID?

17 MR. GILBERT: WELL, I AM GETTING FINANCIAL AID FROM  
18 IT.

19 MR. CHIER: WOULD YOU LOSE THAT IF YOU WERE TO SERVE  
20 ON THE JURY?

21 MR. GILBERT: WELL, I HAVE NOT ASKED THEM ANYTHING LIKE  
22 THAT.

23 MR. CHIER: NO OBJECTION, YOUR HONOR.

24 THE COURT: ALL RIGHT.

25 MR. WAPNER: NO OBJECTION.

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

27 YOU WILL BE EXCUSED. GO TO THE JURY ASSEMBLY  
28 ROOM AND TELL THEM YOU HAVE BEEN EXCUSED FROM THIS CASE. IF



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1 THERE IS SOME OTHER CASE ON WHICH THEY WANT TO KEEP YOU FOR  
2 A FEW DAYS, THEY MAY DO SO. THANK YOU.

3 MR. GILBERT: THANK YOU.

4 (PROSPECTIVE JUROR GILBERT EXITED  
5 CHAMBERS.)

6 (PROSPECTIVE JUROR GRAGG-WILLIAMS  
7 ENTERED CHAMBERS.)

8 THE CLERK: THIS IS RENE GRAGG-WILLIAMS.

9 THE COURT: IS IT MRS. WILLIAMS?

10 MRS. WILLIAMS: YES.

11 THE COURT: WHERE DO YOU LIVE, MRS. WILLIAMS?

12 MRS. WILLIAMS: PARDON ME?

13 THE COURT: WHERE DO YOU LIVE?

14 MRS. WILLIAMS: I LIVE IN THE BALDWIN HILLS AREA.

15 THE COURT: YES. YOU HAVE INDICATED THAT YOU WANTED  
16 TO BE EXCUSED FROM THIS CASE FOR SOME REASON?

17 MRS. WILLIAMS: YES. I WORK FOR SECURITY PACIFIC  
18 NATIONAL BANK AS A TEMPORARY EMPLOYEE. SO I DON'T GET PAID  
19 FOR ANY OF THE TIME THAT I SERVE ON JURY DUTY.

20 THE COURT: AND YOU NEED THE MONEY, DON'T YOU?

21 MRS. WILLIAMS: YES.

22 THE COURT: YOU WANT TO BE EXCUSED, IS THAT RIGHT?

23 MRS. WILLIAMS: YES.

24 THE COURT: ALL RIGHT.

25 MR. WAPNER: NO OBJECTION.

26 MR. CHIER: NO OBJECTION.

27 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
28 BE EXCUSED.

A 1 GO TO THE JURY ASSEMBLY ROOM AND TELL THEM THAT  
2 YOU HAVE BEEN EXCUSED IN THIS CASE.

3 MRS. WILLIAMS: OKAY.

4 THE COURT: THANK YOU.

5 (PROSPECTIVE JUROR WILLIAMS EXITED  
6 CHAMBERS.)

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1 (PROSPECTIVE JUROR HAWES ENTERED  
2 CHAMBERS.)

3 THE CLERK: THIS IS HELEN HAWES.

4 THE COURT: MISS HAWES?

5 MISS HAWES: YES.

6 THE COURT: MISS HAWES, WHERE DO YOU LIVE?

7 MISS HAWES: I LIVE IN WESTLAKE VILLAGE.

8 THE COURT: IT IS QUITE A DISTANCE FROM HERE?

9 MISS HAWES: YES IT IS.

10 THE COURT: HOW MANY MILES?

11 MISS HAWES: IT IS 37 MILES.

12 THE COURT: YOU HAVE INDICATED THAT YOU WANT TO BE  
13 EXCUSED FROM JURY DUTY HERE?

14 MISS HAWES: YES.

15 THE COURT: PLEASE EXPLAIN.

16 MISS HAWES: I WILL GIVE YOU THE BACKGROUND ON IT.

17 I WAS FIRST SUMMONED FOR JURY DUTY LAST FEBRUARY. AND I WROTE  
18 IN AND ASKED FOR A POSTPONEMENT BECAUSE I HAD RECENTLY BEEN  
19 APPOINTED BY THE COURT IN THE STATE OF LOUISIANA AS  
20 ADMINISTRATRIX OF A SUCCESSION.

21 I HAD THOUGHT THAT THE PROBATE WAS GOING TO CLOSE  
22 APPROXIMATELY OCTOBER. SO THEY PUT ME DOWN FOR A CALL ON  
23 THE 10TH OF OCTOBER.

24 IN AUGUST, I WENT TO THE JURY COMMISSIONER WHEN  
25 I KNEW THAT THERE WAS NO WAY IT WAS NEAR CLOSING, BECAUSE  
26 OF PROBLEMS WHICH WE DISCOVERED ALONG THE WAY.

27 I HAD ASKED FOR A SIX-MONTH POSTPONEMENT.

28 THE JURY COMMISSIONER EXPLAINED THAT THAT WAS

1 NOT POSSIBLE BECAUSE UNDER THE LAW, I HAD TO SERVE BEFORE --  
2 I BELIEVE IT WAS THE END OF FEBRUARY. I SAID THAT I WOULD  
3 TRY TO DO IT IN OCTOBER AND ARRANGE MY SCHEDULE SO THAT I  
4 COULD.

5 FOR THE LAST YEAR, I HAVE SPENT ANYWHERE FROM  
6 ONE TO THREE WEEKS A MONTH IN NEW ORLEANS, WORKING AS A  
7 HANDS-ON MANAGER OF THE ESTATE, AS WELL AS ADMINISTRATOR.

8 I SELECTED OCTOBER BECAUSE MY DROP-DEAD DATE FOR  
9 ESTATE TAXES FOR BOTH FEDERAL AND STATE ARE DUE THE BEGINNING  
10 OF FEBRUARY. I KNEW THAT I WOULD BE TIED UP THE ENTIRE MONTH  
11 OF JANUARY.

12 THIS IS MY 9TH DAY OF SERVICE. IT IS MY FOURTH  
13 TOUR AS A JUROR IN THE LAST 30 YEARS. SO I AM NOT TRYING  
14 TO EVADE MY RESPONSIBILITY.

15 BUT I FEEL VERY KEENLY.

16 THE COURT: WE DON'T THINK THAT YOU ARE.

17 MISS HAWES: NO. BUT AS IT IS, MY FISCAL YEAR FOR THE  
18 ESTATE FOR INCOME TAX RETURNS HAS JUST CLOSED.

19 I HAVE APPOINTMENTS NEXT WEEK WITH MY ATTORNEY  
20 AND THE FOLLOWING WEEK WITH THE ACCOUNTANTS, SO THAT I CAN  
21 GET THE FIGURES TO THEM TO MAKE A TIMELY RETURN.

22 AND I REALLY DO FEEL THAT MY FIRST PRIORITY IS  
23 GETTING THIS ESTATE SETTLED.

24 THE COURT: ANY QUESTIONS?

25 MR. CHIER: NO.

26 MR. WAPNER: NO OBJECTION.

27 THE COURT: ALL RIGHT. THANK YOU.

28 YOU WILL BE EXCUSED. GO TO THE JURY ASSEMBLY

1 ROOM AND TELL THEM THAT YOU ARE EXCUSED FROM THIS CASE.

2 MISS HAWES: THANK YOU VERY MUCH.

3 (PROSPECTIVE JUROR HAWES EXITS CHAMBERS.)

4 (PROSPECTIVE JUROR HOUY ENTERED CHAMBERS.)

5 THE CLERK: THIS IS LE ROY HOUY.

6 THE COURT: GOOD AFTERNOON, MR. HOUY.

7 MR. HOUY: GOOD AFTERNOON.

8 THE COURT: WHERE DO YOU LIVE?

9 MR. HOUY: IN PACIFIC PALISADES.

10 THE COURT: AND YOU HAVE INDICATED THAT YOU WANT TO  
11 BE EXCUSED FROM JURY DUTY IN THIS CASE? WHAT IS YOUR REASON  
12 FOR THAT?

13 MR. HOUY: WELL, I AM GAINFULLY EMPLOYED AS AN  
14 APARTMENT MANAGER AND SUPERINTENDENT OF A LARGE CONDOMINIUM.

15 TOMORROW IS THE END OF MY THREE WEEK DUTY. AND  
16 I GET NO COMPENSATION FROM EITHER THE APARTMENT OR THE  
17 CONDOMINIUM FOR THE PAST THREE WEEKS. I HAVE HAD NONE WHILE  
18 I HAVE BEEN ON DUTY.

19 THE COURT: IT WOULD BE AN ECONOMIC HARDSHIP FOR YOU  
20 TO STAY?

21 MR. HOUY: YES IT WOULD. CERTAINLY SO, SIR.

22 THE COURT: ALL RIGHT. ANY QUESTIONS?

23 MR. CHIER: NO OBJECTION.

24 MR. WAPNER: NO OBJECTION.

25 THE COURT: OKAY. YOU WILL BE EXCUSED.

26 TELL THE JURY CLERK THAT YOU ARE EXCUSED.

27 MR. HOUY: THANK YOU, SIR.

28 (PROSPECTIVE JUROR HOUY EXITED CHAMBERS.)

1 (PROSPECTIVE JUROR LARSON ENTERED  
2 CHAMBERS.)

3 THE CLERK: THIS IS LOLA LARSON.

4 THE COURT: IS THAT MRS. LARSON?

5 MRS. LARSON: MRS.

6 THE COURT: WHERE DO YOU LIVE?

7 MRS. LARSON: I AM IN WOODLAND HILLS. BUT MAY I  
8 INTERRUPT --

9 THE COURT: WHERE DO YOU LIVE?

10 MRS. LARSON: WOODLAND HILLS.

11 THE COURT: YES?

12 MRS. LARSON: I HAVE A SIGNIFICANT HEARING LOSS. AND  
13 SHE SUGGESTED THAT I COME IN ANY WAY. AND SHE SAID THAT A  
14 PHONE CALL TO MY DOCTOR WAS NOT ENOUGH.

15 SHE SAID I WOULD HAVE TO GET A LETTER.

16 THE COURT: ALL RIGHT. WE WILL EXCUSE YOU.

17 MRS. LARSON: THANK YOU.

18 (PROSPECTIVE JUROR LARSON EXITED  
19 CHAMBERS.)

20 (PROSPECTIVE JUROR LATHAM ENTERED  
21 CHAMBERS.)

22 THE CLERK: THIS IS MOSELEE LATHAM.

23 THE COURT: GOOD AFTERNOON. YOU HAVE AN UNUSUAL FIRST  
24 NAME, HAVE YOU NOT?

25 MR. LATHAM: YES.

26 THE COURT: WHERE DO YOU LIVE, SIR?

27 MR. LATHAM: IN VENICE.

28 THE COURT: YOU HAVE INDICATED THAT YOU WANT TO BE

1 EXCUSED FROM JURY SERVICE IN THIS CASE. WHAT IS YOUR REASON?

2 MR. LATHAM: WELL, MY COMPANY ONLY PAYS FOR 30 DAYS.  
3 AND WE HAVE PLANE TICKETS TO GO TO OREGON ON THE 24TH. THOSE  
4 ARE TWO REASONS.

5 THE COURT: WHAT IS YOUR COMPANY, SIR? WHO DO YOU WORK  
6 FOR?

7 MR. LATHAM: MC DONNELL DOUGLAS HELICOPTERS.

8 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
9 BE EXCUSED.

10 WHEN I HAVE INDICATED THAT THEY ARE EXCUSED, THAT  
11 WILL BE UNLESS THERE IS ANY REASON NOT TO EXCUSE THEM. IF  
12 THERE, LET ME KNOW.

13 MR. WAPNER: YES.

14 (PROSPECTIVE JUROR LATHAM EXITED  
15 CHAMBERS.)

16 (PROSPECTIVE JUROR LAWSON ENTERED  
17 CHAMBERS.)

18 THE CLERK: THIS IS ALMEDA LAWSON.

19 THE COURT: IS IT MISS OR MRS.?

20 MS. LAWSON: IT IS MS.

21 THE COURT: MS.? I DON'T LIKE CALLING PEOPLE MS.  
22 WHAT DOES IT MEAN?

23 MS. LAWSON: IT MEANS I AM NOT MARRIED ANY MORE.

24 THE COURT: ALL RIGHT. WHERE DO YOU LIVE, PLEASE?

25 MS. LAWSON: I LIVE IN SANTA MONICA.

26 THE COURT: AND YOU DESIRE TO BE EXCUSED IN THIS CASE  
27 FROM SERVICE?

28 MS. LAWSON: YES.

1 THE COURT: WHAT IS YOUR REASON?

2 MS. LAWSON: WELL, I HAVE A TICKET TO SEE MY DAUGHTER  
3 ON THE 10TH OF DECEMBER. I HAVE NOT SEEN HER FOR A YEAR.

4 BUT THE OTHER THING IS, MY WHOLE FAMILY ARE  
5 POLICEMEN.

6 THE COURT: WHAT?

7 MS. LAWSON: MY WHOLE FAMILY ARE POLICEMEN IN CHICAGO.  
8 I DON'T KNOW WHAT THIS CASE IS. BUT IT SOUNDED LIKE IT IS  
9 SERIOUS.

10 THE COURT: AND YOU WOULD RATHER NOT SERVE AS A JUROR?

11 MS. LAWSON: YES. I HAVE QUALMS ABOUT THAT.

12 THE COURT: ALL RIGHT.

13 MR. WAPNER: CAN I INQUIRE BRIEFLY ABOUT THE PLANE  
14 TICKET? TELL US ABOUT THE PLANE TICKET.

15 MS. LAWSON: YES.

16 MR. WAPNER: IT IS A PREPAID TICKET WHERE YOU ARE GOING  
17 TO LOSE MONEY IF YOU DON'T GO?

18 MS. LAWSON: YES, SURE.

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

21 (PROSPECTIVE JUROR LAWSON EXITED  
22 CHAMBERS.)

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(PROSPECTIVE JUROR LEHMAN ENTERS CHAMBERS.)

THE CLERK: WOULD YOU COME IN, PLEASE?

CYMA LEHMAN.

MRS. LEHMAN: HERE.

THE CLERK: YES, THANK YOU.

THE COURT: WHERE DO YOU LIVE, MRS. LEHMAN?

MRS. LEHMAN: IN THE VALLEY, IN THE SAN FERNANDO VALLEY.

THE COURT: YOU HAVE INDICATED THAT YOU WANT TO BE  
EXCUSED FROM JURY DUTY IN THIS CASE?

MRS. LEHMAN: YES.

THE COURT: WHAT IS YOUR REASON FOR IT?

MRS. LEHMAN: WELL, MY REASON IS THAT THIS IS MY LAST  
WEEK. MY DAUGHTER JUST STARTED A BUSINESS THAT I HAVE TO  
HELP HER WITH AND THE REASON FOR THIS PARTICULAR CASE IS THAT  
MY DAUGHTERS ARE FRIENDS WITH SOME OF THE PEOPLE INVOLVED.

THE COURT: WHO IS INVOLVED, WHAT FRIENDS?

MRS. LEHMAN: EVAN.

THE COURT: WHO?

MRS. LEHMAN: EVAN.

MR. WAPNER: EVAN ICKER?

MRS. LEHMAN: UH-HUH.

MR. WAPNER: THAT IS SUFFICIENT.

MRS. LEHMAN: I AM VERY AWARE OF THIS CASE.

MR. CHIER: ARE THE REST OF THE JURORS AWARE OF THIS  
CASE?

MRS. LEHMAN: OF WHAT THE CASE IS?

MR. CHIER: YES.

MRS. LEHMAN: THAT, I DON'T KNOW.

5-2

1 MR. CHIER: IS THERE TALK AMONG SOME OF THE JURORS ABOUT  
2 IT?

3 MRS. LEHMAN: I DON'T KNOW IF YOU ARE AWARE OF IT BUT  
4 THE PANEL THAT IS SITTING THERE, ARE ALL OF THE PEOPLE THAT  
5 WERE EXCUSED FROM THE LAST COURTROOM FOR A THREE-WEEK TRIAL.

6 THE COURT: OH, IS THAT IT? WE ARE JUST WASTING OUR  
7 TIME?

8 MRS. LEHMAN: YES.

9 I AM SURPRISED THAT NO ONE SAID ANYTHING.

10 THE COURT: NOBODY DID.

11 MRS. LEHMAN: NOT THAT THAT MEANS ANYTHING.

12 MR. WAPNER: LET ME JUST INQUIRE BRIEFLY.

13 THERE WEREN'T 30 JURORS SITTING THERE FOR THREE  
14 WEEKS?

15 MRS. LEHMAN: THERE WERE 23 JURORS EXCUSED ON THE PANEL  
16 I WAS ON BEFORE LUNCH. OF THE 23 JURORS, I THINK THOSE ARE  
17 ALL SITTING OUT THERE NOW.

18 MR. WAPNER: WHEN YOU SAY THEY WERE EXCUSED, THEY WEREN'T  
19 SITTING ON A THREE-WEEK TRIAL, BUT THEY WERE ASKED IF THEY  
20 COULD SIT ON A THREE-WEEK TRIAL?

21 MRS. LEHMAN: THEY WERE ALL EXCUSED FOR VARIOUS REASONS.

22 MR. WAPNER: MOSTLY HAVING TO DO WITH THE FACT THAT  
23 YOU COULDN'T SIT FOR THREE WEEKS?

24 MRS. LEHMAN: OPERATIONS, TRAVEL TICKETS, OTHER  
25 COMMITMENTS.

26 MR. CHIER: WHAT CASE DO YOU BELIEVE THIS TO BE?

27 MRS. LEHMAN: THE HUNT CASE.

28 MR. CHIER: HOW DID YOU KNOW THAT?

1 MRS. LEHMAN: HOW DID I KNOW THAT?

2 MR. CHIER: RIGHT.

3 MRS. LEHMAN: WELL, I SAW THE TV CAMERAS HERE ON  
4 MONDAY AND I AM VERY AWARE OF WHAT IS GOING ON WITH IT. I  
5 HAVE READ --

6 THE COURT: DON'T TALK ABOUT IT WITH ANYBODY ELSE, WILL  
7 YOU, PLEASE?

8 MRS. LEHMAN: OKAY, OKAY.

9 (PROSPECTIVE JUROR LEHMAN EXITS CHAMBERS.)

10 MR. WAPNER: THAT IS AN ABERRATION.

11 MR. CHIER: THE FACT THAT SHE IS FRIENDLY WITH EVAN  
12 DICKER IS AN ABERRATION.

13 THE FACT IS THERE HAS PROBABLY BEEN SOME  
14 SPECULATION ABOUT WHAT THE CASE IS EVIDENTLY.

15 (PROSPECTIVE JUROR MOTTA ENTERS CHAMBERS.)

16 THE CLERK: THIS IS GABRIEL MOTTA.

17 THE COURT: YES, WE KNOW MISS MOTTA.

18 YOU HAVE INDICATED YOU WANT TO BE EXCUSED, MISS  
19 MOTTA?

20 MISS MOTTA: YES.

21 THE COURT: INCIDENTALY, WHERE DO YOU LIVE?

22 MISS MOTTA: EL SEGUNDO.

23 THE COURT: ALL RIGHT. WHAT IS YOUR REASON?

24 MISS MOTTA: I ONLY GET PAID FOR TEN DAYS OF JURY  
25 DUTY.

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

28 MISS MOTTA: OKAY. THANK YOU.

5-4

1 (PROSPECTIVE JUROR MOTTA EXITS CHAMBERS.)

2 (PROSPECTIVE JUROR RIEDEL ENTERS CHAMBERS.)

3 THE CLERK: THIS IS ROBERT RIEDEL.

4 IF YOU WOULD HAVE A SEAT HERE, PLEASE.

5 THE COURT: NORMAN NELSON IS THE ONE THAT IS COMING  
6 BACK NEXT WEEK?

7 MR. CHIER: YES.

8 THE COURT: MR. RIEDEL, WHERE DO YOU LIVE, PLEASE?

9 MR. RIEDEL: PARDON ME?

10 THE COURT: WHERE DO YOU LIVE?

11 MR. RIEDEL: I LIVE IN MANHATTAN BEACH.

12 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED  
13 FROM JURY DUTY IN THIS PARTICULAR CASE AND WHAT IS YOUR REASON  
14 FOR IT?

15 MR. RIEDEL: WELL, THE COMPANY I WORK FOR JUST WENT  
16 THROUGH A MAJOR INTERNAL RESTRUCTURING AND OUT OF IT, I WAS  
17 PROMOTED DISTRICT MANAGER AND IT IS MY RESPONSIBILITY TO PUT  
18 TOGETHER THIS SECTION OF THE SOUTHWESTERN PART OF THE COUNTRY  
19 HERE. THIS IS A REALLY BAD TIME FOR ME TO BE GONE BECAUSE  
20 THINGS ARE REALLY IN KIND OF A STATE OF CHAOS.

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

22 MR. RIEDEL: THANK YOU.

23 (PROSPECTIVE JUROR RIEDEL EXITS CHAMBERS.)

24 MR. CHIER: INTERESTING HOW MANY AMERICAN BUSINESSES  
25 ARE IN A STATE OF CHAOS.

26 (PROSPECTIVE JUROR ROBBINS ENTERS CHAMBERS.)

27 THE CLERK: THIS IS JULIANNA ROBBINS.

28 IF YOU WILL HAVE A SEAT THERE, PLEASE.

5-5

1 THE COURT: IS THAT MISS ROBBINS?

2 MRS. ROBBINS: MRS.

3 THE COURT: MRS.?

4 MRS. ROBBINS: UH-HUH.

5 THE COURT: MRS. ROBBINS, WHERE DO YOU LIVE?

6 MRS. ROBBINS: PACIFIC PALISADES.

7 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED

8 FROM JURY DUTY HERE. WHAT IS YOUR REASON FOR IT?

9 MRS. ROBBINS: MY HUSBAND AND I ARE IN BUSINESS TOGETHER  
10 AND I AM THE ONLY EMPLOYEE AND IT WOULD BE A HARDSHIP FINDING  
11 SOMEONE TO REPLACE ME FOR THAT PERIOD OF TIME.

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1 THE COURT: THANK YOU. YOU WILL BE EXCUSED.

2 MRS. ROBBINS: THANK YOU.

3 (PROSPECTIVE JUROR ROBBINS EXITS CHAMBERS.)

4 THE COURT: AGAIN, AN EXERCISE IN FUTILITY.

5A  
5 (PROSPECTIVE JUROR SACKS ENTERS CHAMBERS.)

6 THE CLERK: SHERLY SACKS.

7 THE COURT: IS THAT MRS. SACKS?

8 MRS. SACKS: YES, IT IS.

9 THE COURT: MRS. SACKS, WHERE DO YOU LIVE?

10 MRS. SACKS: WEST L.A.

11 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED  
12 FROM JURY DUTY IN THIS CASE.

13 MRS. SACKS: YES.

14 TODAY IS MY EIGHTH DAY AND THE END OF THREE WEEKS.

15 THE COURT: YOU ARE EMPLOYED, ARE YOU?

16 MRS. SACKS: NO, NOT AT THIS TIME. I AM ON SICK LEAVE  
17 FROM MY JOB. I WILL BE HAVING SURGERY PROBABLY IN JANUARY.

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

20 MRS. SACKS: I AM SORRY. I WOULD HAVE LIKED TO HAVE  
21 DONE IT.

22 THE COURT: WE WOULD HAVE LIKED TO HAVE HAD YOU ON,  
23 TOO.

24 (PROSPECTIVE JUROR SACKS EXITS CHAMBERS.)

25 (PROSPECTIVE JUROR SCHWARTZ ENTERS CHAMBERS.)

26 THE CLERK: THIS IS ALLEN SCHWARTZ.

27 HAV A SEAT HERE, PLEASE.

28 MR. SCHWARTZ: YES.

1 THE COURT: MR. SCHWARTZ, WHERE DO YOU LIVE?

2 MR. SCHWARTZ: BRENTWOOD.

3 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED  
4 FROM JURY DUTY IN THIS CASE?

5 MR. SCHWARTZ: YES, YOUR HONOR.

6 THE COURT: STATE YOUR REASONS, PLEASE.

7 MR. SCHWARTZ: WELL, SEVERAL REASONS.

8 WELL, TOMORROW WOULD NORMALLY BE MY LAST DAY OF  
9 JURY DUTY AND THAT IN AND BY ITSELF IS NOT ENOUGH OF A REASON  
10 BECAUSE YOU HAVE A CIVIL OBLIGATION.

11 HOWEVER, I THINK MY SITUATION IS SOMEWHAT UNIQUE  
12 INASMUCH AS I AM EMPLOYED BY THE LOS ANGELES SCHOOL DISTRICT.  
13 I WORK ON A PER DIEM BASIS SO ALL OF THESE DAYS THAT I HAVE  
14 BEEN OUT I HAVE NOT BEEN PAID. THAT IS OKAY BECAUSE, YOU  
15 KNOW, I SHOULD DO MY JURY DUTY.

16 BUT IT IS NOT EVEN A QUESTION OF BEING OUT FOR  
17 THE THREE MONTHS BUT UNLESS I WORK A CERTAIN AMOUNT OF DAYS,  
18 DAYS IN NOVEMBER, DECEMBER AND JANUARY, IN THOSE MONTHS I  
19 LOSE ALL OF MY FRINGE BENEFITS. I LOSE MY INSURANCE, MY  
20 HOSPITALIZATION, ALL OF THESE THINGS AND I THINK THAT IT WOULD  
21 BE RATHER --

22 THE COURT: I THINK SO, TOO.

23 MR. SCHWARTZ: -- UNFAIR.

24 THE COURT: THANK YOU VERY MUCH. WE WILL EXCUSE YOU.

25 MR. SCHWARTZ: THANK YOU, SIR. I APPRECIATE IT.

26 MR. WAPNER: THANK YOU.

27 MR. SCHWARTZ: THANK YOU, GENTLEMEN.

28 (PROSPECTIVE JUROR SCHWARTZ EXITS CHAMBERS.)

1 THE COURT: WELL, WE HAVE SAVED ONE OUT OF ALL OF THEM.

2 (PROSPECTIVE JUROR TREZONA ENTERS CHAMBERS.)

3 THE CLERK: THIS IS JEANNE TREZONA.

4 THE COURT: IS THAT MRS. TREZONA?

5 MISS TREZONA: NO, IT IS MISS.

6 THE COURT: WHERE DO YOU LIVE?

7 MISS TREZONA: I LIVE IN SANTA MONICA.

8 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED  
9 FROM JURY DUTY IN THIS CASE. WHAT IS YOUR REASON?

10 MISS TREZONA: I AM A CPA AND I AM A CONTROLLER FOR  
11 FIRST INTERSTATE MORTGAGE COMPANY AND THE YEAR AT YEAR END  
12 IT IS AN IMPOSSIBLE TIME FOR ME TO BE AWAY. I HAVE AUDITORS  
13 AND IT IS A BUSY YEAR FOR FIRST INTERSTATE AND MORTGAGE BANKING  
14 IS HAVING A BUSY YEAR. I DON'T EVEN LET PEOPLE TAKE  
15 VACATION IN DECEMBER, IT IS JUST TOO BUSY.

16 TEN DAYS IS A HARDSHIP AND THREE MONTHS WOULD  
17 BE IMPOSSIBLE.

18 THE COURT: HOW LONG HAVE YOU SERVED ALREADY?

19 MISS TREZONA: THIS IS MY SECOND DAY.

20 THE COURT: ANY QUESTIONS?

21 MR. CHIER: NO QUESTIONS.

22 MR. WAPNER: NO QUESTIONS.

23 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.

24 GO BACK TO THE JURY ASSEMBLY ROOM AND TELL THEM  
25 YOU CAN SERVE THE REST OF THE TEN DAYS.

26 MISS TREZONA: I WILL DO THE REST. THANK YOU.

27 THE COURT: TELL THEM YOU ARE EXCUSED IN THIS CASE.

28 (PROSPECTIVE JUROR TREZONA EXITS CHAMBERS.)



1 (PROSPECTIVE JUROR VIAULT ENTERS CHAMBERS.)

2 THE CLERK: THIS IS MADELINE VIAULT.

3 THE COURT: IS THAT MISS VIAULT?

4 MRS. VIAULT: MRS.

5 THE COURT: MRS. VIAULT, WHERE DO YOU LIVE?

6 MRS. VIAULT: I LIVE IN HERMOSA BEACH.

7 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
8 JURY DUTY ON THIS CASE.

9 MRS. VIAULT: I TEACH KINDERGARTEN IN HERMOSA BEACH  
10 CITY SCHOOLS AND I AM PILOTING A PROGRAM IN THE BEGINNING  
11 OF AN EXTENDED DAY CARE KINDERGARTEN AND TO BE GONE FROM THE  
12 CHILDREN FOR THE THREE MONTHS WHEN THERE IS NO ONE ELSE  
13 WHO HAS DONE THIS PARTICULAR PROGRAM WOULD BE DIFFICULT.

14 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. RELUCTANTLY,  
15 WE ARE GOING TO EXCUSE YOU.

16 MRS. VIAULT: THANK YOU.

17 THE COURT: WE WOULD LIKE TO HAVE YOU AS A JUROR.

18 MRS. VIAULT: I AM SORRY I CAN'T HELP YOU OUT.

19 (PROSPECTIVE JUROR VIAULT EXITS CHAMBERS.)

20 THE CLERK: THIS IS SHARON WESTER.

21 THE COURT: YOU SPELL YOUR NAME --

22 MRS. WESTER: THE LAST NAME?

23 THE COURT: -- S-H-A-R --

24 MRS. WESTER: O-N.

25 THE COURT: WE HAVE A MISTAKE HERE ON THE LIST.

26 IS THAT MISS?

27 MRS. WESTER: MRS.

28 THE COURT: MRS.?

1 MRS. WESTER: YES.

2 THE COURT: ALL RIGHT, MRS. WESTER, WHERE DO YOU LIVE?

3 MRS. WESTER: I LIVE IN PLAYA DEL REY.

4 THE COURT: YOU HAVE INDICATED THAT YOU WOULD LIKE TO  
5 BE EXCUSED FROM JURY DUTY IN THIS CASE?

6 MRS. WESTER: YES.

7 THE COURT: WHAT IS YOUR REASON?

8 MRS. WESTER: I AM A SUPERVISOR FOR WESTERN AIRLINES  
9 AND WE ARE CURRENTLY IN THE PROCESS OF MERGING WITH DELTA  
10 AIRLINES AND I HAVE A LOT OF WORK TO DO AND A LOT OF DEADLINES  
11 IN THE NEXT COUPLE OF WEEKS.

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

14 (PROSPECTIVE JUROR WESTER EXITS CHAMBERS.)  
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1 (PROSPECTIVE JUROR WILEN ENTERED  
2 CHAMBERS.)

3 THE CLERK: THIS IS MITCHELL WILEN.

4 THE COURT: ALL RIGHT MR. WILEN, WHERE DO YOU LIVE,  
5 PLEASE?

6 MR. WILEN: IN MARINA DEL REY.

7 THE COURT: AND YOU HAVE INDICATED THAT YOU WANT TO  
8 BE EXCUSED FROM JURY DUTY. WILL YOU TELL US THE REASON?

9 MR. WILEN: YES. MY WORK ONLY PAYS ME FOR FIVE DAYS.

10 THE COURT: WHO DO YOU WORK FOR?

11 MR. WILEN: FOR NATIONAL SCREEN SERVICE.

12 THE COURT: AND THEY WON'T EXTEND IT, WILL THEY?

13 MR. WILEN: NO.

14 THE COURT: IT WOULD BE AN ECONOMIC HARDSHIP FOR YOU  
15 IF YOU WEREN'T PAID?

16 MR. WILEN: PARTICULARLY FOR THREE MONTHS.

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

19 (PROSPECTIVE JUROR WILEN EXITED  
20 CHAMBERS.)

21 (PROSPECTIVE JUROR YAN ENTERED CHAMBERS.)

22 THE CLERK: THIS IS LORETIA YAN.

23 THE COURT: HAVE A SEAT.

24 MISS YAN: THANK YOU.

25 THE COURT: MISS YAN, IS THAT IT?

26 MISS YAN: UH-HUH.

27 THE COURT: MISS YAN, WHERE DO YOU LIVE?

28 MISS YAN: WEST LOS ANGELES.

6-?  
1 THE COURT: AND YOU INDICATED THAT YOU WANTED TO BE  
2 EXCUSED FROM JURY DUTY?

3 MISS YAN: YES. IT TAKES TOO LONG. I CANNOT AFFORD  
4 IT.

5 THE COURT: YOU CAN'T WHAT?

6 MISS YAN: I CANNOT AFORD TO BE AWAY SO LONG.

7 THE COURT: WHERE DO YOU WORK?

8 MISS YAN: I WORK FOR THREE HOSPITALS.

9 THE COURT: YOU MEAN INDEPENDENTLY AS AN INDEPENDENT  
10 CONTRACTOR?

11 MISS YAN: I WORK FULL TIME FOR UCLA AND PART-TIME FOR  
12 TWO OTHER HOSPITALS.

13 SO, IT IS ALREADY HARD TO GET AWAY FOR TWO WEEKS  
14 ALREADY.

15 AND UCLA PAYS FOR TEN DAYS. THE OTHER TWO  
16 HOSPITALS DON'T PAY.

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

19 MISS YAN: THANK YOU.

20 (PROSPECTIVE JUROR YAN EXITED CHAMBERS.)

21 (PROSPECTIVE JUROR ZIMMERMAN ENTERED  
22 CHAMBERS.)

23 THE CLERK: THIS IS GARY ZIMMERMAN.

24 THE COURT: MR. ZIMMERMAN, WHERE DO YOU LIVE?

25 MR. ZIMMERMAN: I LIVE IN SANTA MONICA.

26 THE COURT: HAVE YOU EVER SEEN THIS GENTLEMAN BEFORE?

27 MR. ZIMMERMAN: YES I HAVE.

28 THE COURT: DO YOU KNOW HIM?

6-2  
1 MR. ZIMMERMAN: HE WAS THE PROSECUTOR IN A CASE THAT  
2 INVOLVED A FRIEND OF MINE.

3 THE COURT: YOU MEAN THE DEFENDANT WAS A FRIEND OF YOURS?

4 MR. ZIMMERMAN: NO.

5 THE COURT: THE VICTIM?

6 MR. ZIMMERMAN: THE VICTIM WAS A FRIEND OF MINE.

7 MR. WAPNER: IT WAS A CASE DOWN ON COAST HIGHWAY.

8 MR. ZIMMERMAN: YES.

9 MR. WAPNER: THERE WAS A VEHICULAR MANSLAUGHTER CASE  
10 THAT OCCURRED DURING THE OLYMPICS OF A COUPLE.

11 SHE WAS FROM HERE AND HER FRIEND CAME FROM GREECE.

12 MR. ZIMMERMAN: SHE WAS FROM GREECE ORIGINALLY, ATTENDING  
13 UCLA FILM SCHOOL. SHE HAD BEEN A TRANSLATOR FOR THE OLYMPICS.  
14 SHE WAS KILLED.

15 THE COURT: WHO DO YOU WORK FOR?

16 MR. ZIMMERMAN: UCLA.

17 THE COURT: AND IT WOULD BE AN ECONOMIC HARDSHIP FOR  
18 YOU TO SERVE ON JURY DUTY?

19 MR. ZIMMERMAN: NO. IT WOULD NOT BE AN ECONOMIC  
20 HARDSHIP, PER SE. IT WOULD BE HARD FOR ME BECAUSE I AM IN  
21 THE PROCESS OF APPLYING TO MEDICAL SCHOOL.

22 I AM JUST AT THAT POINT WHERE MEDICAL SCHOOL  
23 INTERVIEWS ARE BEING SCHEDULED FOR ME.

24 AND ALMOST DAILY IN THE MAIL, I AM GETTING  
25 NOTIFICATIONS OF INTERVIEWS. I HAVE ONE SCHEDULED FOR THE  
26 24TH.

27 THE COURT: AND YOU WON'T INTERRUPT YOUR QUEST FOR  
28 MEDICAL TRAINING?

5-4  
1 MR. ZIMMERMAN: NO.

2 THE COURT: ALL RIGHT.

3 MR. WAPNER: IT IS AN ECONOMIC HARDSHIP, BUT JUST NOT  
4 IMMEDIATE?

5 MR. ZIMMERMAN: YES, KIND OF.

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

8 MR. WAPNER: IT WAS GOOD TO SEE YOU AGAIN.

9 MR. ZIMMERMAN: THANK YOU VERY MUCH.

10 (PROSPECTIVE JUROR ZIMMERMAN EXITED  
11 CHAMBERS.)

12 MR. WAPNER: ZERO FOR 29.

13 MR. CHIER: WHO DID WE SAFE?

14 MR. WAPNER: IT WAS NELSON. IT WAS NORMAN NELSON.  
15 HE WAS THE ONE WHO SAID HE WOULDN'T HAVE A PROBLEM AND HE  
16 LEFT.

17 MR. CHIER: OKAY. THAT'S RIGHT.

18 THE COURT: WE TOLD HIM TO COME BACK A WEEK FROM  
19 THURSDAY.

20 MR. WAPNER: SO, WE'LL GET THE NEXT GROUP IN MONDAY.  
21 WE'LL HAVE MR. LIVESAY ON WEDNESDAY.

22 I ASSUME THAT COUNSEL WILL INFORM ME ON MONDAY  
23 WHETHER I'M SUPPOSED TO HAVE MR. ARCE HERE ON THURSDAY.

24 MR. CHIER: YES. WE'LL GET THAT STUFF TO YOU TOMORROW.

25 MR. WAPNER: THANK YOU.

26 THE COURT: I THINK IT IS PRETTY CLEAR THAT WE HAVE  
27 A CROSS SECTION WITHIN A RADIUS OF 20 MILES.

28 MR. CHIER: THIS IS NOT SO CLEAR, JUDGE.

1 MR. WAPNER: THIS WAS NOT AS CLEAR AS THE REST OF THEM.

2 THE CLERK: THERE IS ONE MORE OVER IN THE JURY ROOM  
3 THAT WAS CALLED AT NOON AND CAME.

4 SHE WASN'T A PART OF THE GROUP THAT WAS SWORN.

5 MR. WAPNER: I THINK THAT WE SHOULD HAVE HER INSTEAD  
6 OF EVERYBODY GETTING UP AND GOING OUT INTO THE COURTROOM,  
7 WHY DON'T WE BRING HER IN. YOU CAN SWEAR HER HERE.

8 THE CLERK: EVERYBODY ELSE HAS LEFT. THERE IS JUST  
9 THIS ONE PERSON.

10 THE COURT: HAVE THE ONE PERSON COME IN.

11 MR. WAPNER: WHY DON'T YOU SPEND TIME TONIGHT READING  
12 THAT? IT IS NOT TOO FASCINATING.

13 (PROSPECTIVE JUROR CATHRYN WOODS  
14 ENTERED CHAMBERS.)

15 THE COURT: PLEASE SWEAR HER IN.

16 THE CLERK: PLEASE RAISE YOUR RIGHT HAND TO BE SWORN.

17 YOU DO SOLEMNLY SWEAR THAT YOU WILL WELL AND  
18 TRULY ANSWER SUCH QUESTIONS AS MAY BE ASKED OF YOU TOUCHING  
19 UPON YOUR QUALIFICATIONS TO ACT AS A TRIAL JUROR IN THE CAUSE  
20 NOW PENDING BEFORE THIS COURT, SO HELP YOU GOD?

21 MISS WOODS: I DO.

22 THE CLERK: PLEASE BE SEATED, MISS WOODS.

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1 THE COURT: MISS WOODS, WHERE DO YOU LIVE?

2 MISS WOODS: IN INGLEWOOD, CALIFORNIA.

3 THE COURT: YOU KNOW THAT THIS CASE WILL TAKE ABOUT  
4 THREE MONTHS TO TRY, DON'T YOU?

5 MISS WOODS: NO, I DIDN'T KNOW THAT.

6 THE COURT: WELL, YOU KNOW IT NOW.

7 DO YOU THINK YOU WOULD BE ABLE TO STAY FOR THAT  
8 PARTICULAR PERIOD?

9 MISS WOODS: THAT DEPENDS UPON MY JOB.

10 THE COURT: WHAT IS YOUR JOB?

11 MISS WOODS: I WORK FOR GARRETT AIRESEARCH.

12 THE COURT: HOW MUCH TIME DO THEY ALLOW YOU FOR JURY  
13 DUTY?

14 MISS WOODS: WELL, THE ONLY THING I HAD ON MY SHEET  
15 WAS A MINIMUM OF TEN DAYS.

16 THE COURT: THE MAXIMUM, YOU MEAN, OR MINIMUM?

17 MISS WOODS: MAXIMUM? IT COULD BE.

18 THE COURT: THE MOST?

19 MISS WOODS: YES, IT WAS TEN DAYS, SO I AM NOT SURE  
20 HOW THEY WOULD REACT TO THAT.

21 MR. CHIER: DO YOU HAVE IT IN THE BOOK?

22 THE COURT: WHAT IS THE NAME OF THAT COMPANY?

23 MISS WOODS: GARRETT AIRESEARCH.

24 THE COURT: GARRETT IS PROBABLY HERE IN THIS BOOKLET.  
25 YES, GARRETT AIRESEARCH, IS THAT RIGHT?

26 MISS WOODS: YES.

27 THE COURT: TEN DAYS MAXIMUM.

28 ALL RIGHT, THANK YOU VERY MUCH. YOU WILL BE



7-?  
1 EXCUSED. THANK YOU.

2 MISS WOODS: OKAY.

3 THE COURT: YOU GO TO THE JURY ASSEMBLY ROOM AND TELL  
4 THEM YOU ARE AVAILABLE FOR TEN DAYS BUT YOU ARE EXCUSED FROM  
5 THIS CASE.

6 MISS WOODS: OKAY, GOOD.

7 (PROSPECTIVE JUROR EXITED CHAMBERS.)

8 MR. WAPNER: WE ARE BACK ON MONDAY WITH THE NEXT PANEL  
9 OF A HUNDRED OR HOWEVER MANY THEY ARE GOING TO HAVE FOR US?

10 THE COURT: I TOLD MR. BARENS I WOULD GO OVER THOSE  
11 QUESTIONS THAT YOU WANTED TO HAVE THE JURY ANSWER IN WRITING  
12 AND I WILL INDICATE WHICH I THINK THAT YOU COULD ASK ON THE  
13 ORAL VOIR DIRE AND TELL HIM ABOUT IT ON MONDAY.

14 MR. WAPNER: THANK YOU.

15 MR. CHIER: ARE YOU SAYING YOU WON'T PERMIT THOSE  
16 QUESTIONS TO BE ASKED ON ORAL VOIR DIRE?

17 THE COURT: I DIDN'T SAY THAT.

18 I SAID I WILL GO OVER THEM AND I WILL SEE WHICH  
19 ONES COULD BE ASKED ON ORAL VOIR DIRE.

20 MR. CHIER: YOU SAY SOME OF THEM ARE NOT PERMISSIBLE?

21 THE COURT: ABSOLUTELY. YOU DON'T ASK IF THEY WERE  
22 ON A JURY HOW THEY VOTED, "HOW DID YOU VOTE?"

23 MR. CHIER: HOW ABOUT RELIGION?

24 THE COURT: RELIGION HAS NOTHING TO DO WITH THE  
25 QUALIFICATION OF A JUROR.

26 MR. CHIER: HOW ABOUT INCOME?

27 THE COURT: INCOME, I DON'T THINK IT HAS ANYTHING TO  
28 DO WITH THE QUALIFICATION OF A JUROR.

1 MR. WAPNER: IN ANY EVENT, THE JUDGE HAS INDICATED HE  
2 WILL TELL US ON MONDAY WHICH QUESTIONS WE CAN ASK.

3 ARE WE IN RECESS, YOUR HONOR?

4 THE COURT: YES.

5 MR. WAPNER: THANK YOU.

6 (AT 3:15 P.M. AN ADJOURNMENT WAS TAKEN  
7 UNTIL MONDAY, NOVEMBER 10, 1986, AT  
8 10:30 A.M.)

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