

Thereupon JOHN R. KOSTUR, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR JOHN R. KOSTUR

By the Court:

Q What is your name, please?

A John R. Kostur. ✓

Q Where do you live?

A 936 Elbon Road, Cleveland Heights.

Q How long have you lived there?

A I have lived there 14 years.

Q What is your trade or occupation?

A I am a general foreman of a printing supply house.

Q Do you know the County prosecuting attorney or any member
of his staff, that is, Mr. Cullitan?

A No.

Q Do you have any members of your immediate family who are
members of any law-enforcing agency?

A No.

Q Either here or elsewhere?

A No.

Q Have you heard of this case before?

A Yes, I have heard it discussed. ✓

Q You have heard it discussed. Have you read newspapers or
any other media of reading matter?

A Yes, I have.

Q And heard of it by other means as well?

A Well, I have heard comments over the radio, and I have heard talks in groups. ✓

Q Have you formed an opinion as to the guilt or innocence of the accused in this case?

A I have formed an opinion. ✓

Q You have what?

A I have formed an opinion.

Q Is that opinion such that it could not be removed by reliable evidence or any evidence which you consider reliable?

A I'm afraid so. It cannot be changed.

Q You do not believe that evidence or the instructions of the Court as to the law could offset your opinion?

A That is correct.

Q Have you any objections on religious grounds or any other to capital punishment?

MR. CORRIGAN: Object.

MR. GARMONE: Object at this time
on the basis of this prospective juror's answers.

I would like to --

THE COURT: Well, I don't know.

Wait a minute.

MR. GARMONE: I would like to challenge
him for cause.

THE COURT: All right. The Court will withdraw that question.

MR. GARMONE: And I would like a ruling on my challenging for cause at this time based on the questions that were put to this prospective juror by the Court.

By the Court:

Q Are you satisfied that you could not listen to evidence in this case and the instructions of the Court as to the law applicable to this case on the basis of that evidence, and be guided by those as against the opinion that you now have?

A I'm afraid so.

Q Well, you are afraid. I wouldn't be afraid. Is it so or isn't it so?

A It is so.

THE COURT: Any question about excusing the gentleman?

You will be excused, sir. Thank you.

(Prospective Juror John R. Kostur excused.)

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