

Thereupon JAMES J. SVEJDA, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR JAMES J. SVEJDA:

BY THE COURT:

Q Now, sir, will you just turn around there and will you speak
directly into this mike and see if we can make everybody
hear?

How do you pronounce your last name, please?

A Svejda.

Q Your name is James J. Svejda, S-v-e-j-d-a? ✓

A Yes, sir.

Q That is Bohemian?

A Yes, sir.

Q Will you speak distinctly, please?

You live at 3628 East 110th?

A Yes, sir.

Q That must be near Union somewhere?

A Yes, sir, it is.

Q And are you a married man, Mr. Svejda?

A No, sir.

Q A single man?

A Yes, sir.

Q Will you tell us who you live with?

A I live with my mother, a widow.

Q Your mother, a widow?

A Yes.

Q Anyone else living in the home with you?

A Not at the present time.

Q And how long is it since anyone has lived in the home with you and your mother?

A Oh, about a year and a half or two years, since my sister got married.

Q How long have you lived on 110th at that point?

A I think it will be about 28 years this October, around the 26th.

Q That's a long time, isn't it?

A Yes, sir.

Q What is your occupation, please?

A I am a mail carrier for the United States Post Office.

Q A what?

A Mail carrier.

Q Mail clerk of the United States Post Office. And are you located in Cleveland or are you a traveling clerk?

A I am not a clerk, your Honor. I am a carrier.

Q You are a mail carrier?

A Yes, sir.

Q In this city?

A Yes, sir.

Q And how long have you been in the postal service?

A About 12 years, sir.

Q I take it that you were here on Monday morning and heard all these good folks around the table here introduced?

A Yes, sir.

Q Do you know any of them?

A I know Mr. Kilroy there.

Q Mr. Kilroy?

A Yes, sir.

Q And how long have you known Mr. Kilroy? He is the Deputy Sheriff.

A Oh, exactly, I don't know, but about four years, I would say. Since I was -- about four years, I would say.

Q And how well do you know him? Are you social friends?

A No, we are not social friends, but we greet one another and comment on the weather and different things.

Q And does the fact that you know Mr. Kilroy at all make any difference to you in the matter of consideration of evidence and the arriving of judgment in this case, would it affect you at all?

A Well, I don't know, sir. I imagine that maybe -- it is no reflection on him but --

Q He has nothing to do, in fact, with this case, but would the fact that you know him have any bearing upon your judgment in this case?

A Could I say that maybe his presence might distract me at some

time in the testimony.

Q You what?

A Could I say that his presence maybe at some time may distract me when the testimony is given.

Q You mean you want us to take him out of the room?

A Oh, no.

Q Do you believe that his presence here and your acquaintance with him might have any bearing upon your judgment?

A No, not on my judgment, no.

Q Do you believe that you could listen to the evidence and the instructions of the Court about the law and disregard Mr. Kilroy entirely and decide the case entirely on the evidence and the instructions of the Court as to the law?

A I would try, sir, yes.

Q Sir?

A I would try.

Q Well, that is not quite sound enough. Could you do it?

A Yes, sir.

Q You could. Do you know the County Prosecuting Attorney, Mr. Frank T. Cullitan, or any member of his staff?

A No, sir, I don't.

Q Do you know the sheriff or any member of his staff, outside of Mr. Kilroy?

A No, sir.

Q Do you know the coroner, Dr. Gerber, or any member of his

staff?

A No, sir.

Q Have you or any members of your family, parents or any members of their family, ever been visited by violence at the hands -- or been attacked by any other person?

A No, sir.

Q Are there any members of your family at all who are members of any Police Department or any other law-enforcing agency?

A No, sir.

Q Do you know any of these good people?

A Well, I saw them --

Q Outside of seeing them here?

A No, sir.

Q None of them are related to you in any manner?

A No, sir.

Q Have you heard of this -- let me ask you this: Have you any objection to capital punishment in a proper case?

A Will you repeat that, please?

Q I want you to understand this. Have you any objection to capital punishment in a proper case?

MR. CORRIGAN: Object.

THE COURT: Overruled.

Q Now, I will try to clear it up for you if you don't understand the question.

If a jury, all 12 people, should agree that a man beyond

a reasonable doubt is guilty of first degree murder, and they do not recommend mercy, it would be the duty -- and if they return a verdict of murder in the first degree and say nothing more -- it would be the duty of the Judge, under the law of this state, to sentence that person to death in the electric chair.

My question is directed to finding if there was such a finding and the jurors did not feel they ought to recommend mercy and did not do so, could you join in a verdict, if you knew that the Judge must sentence the man to death?

MR. CORRIGAN: Object.

THE COURT: Overruled.

A No, sir, I don't believe I would.

Q You don't believe you would?

A No, sir.

Q So then you are opposed to capital punishment, do I understand that?

A Yes, sir.

Q How long have you been opposed to capital punishment?

A Well, I'd say about two years. The day that I was to report down to the preliminary examination as a juror, they asked me then and I told them with certain provisions.

Q You told them what?

A I told them -- when he asked me if I objected to capital punishment at that time, I says, "No, provided there were

certain provisions."

Q What do you mean by that?

A Well, to use the slang term, I would say that the person would have to be caught red-handed. I don't know if I make myself clear or not.

Q Oh, yes, I know what you mean. Even though you may have notions of your own, if the Court, the Trial Judge, was to give you certain rules of law as to the case in which capital punishment might result, could you follow those rules without regard to your own notions?

A No, sir, I don't think I could.

MR. DANACEAU: We challenge for
cause.

MR. MAHON: Challenge for cause.

THE COURT: You will be excused,
sir. Thank you.

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