

Friday Morning Session, 9:15 a.m., October 28, 1966

(Thereupon the entire panel of prospective jurors was brought into the courtroom.)

THE COURT: Good morning, ladies and gentlemen. We are still in the process of empaneling the jury in connection with this matter, as each of you know.

Before excusing those jurors who are not seated in the jury box waiting to be called as prospective jurors in connection with this matter, the Court again instructs you and admonishes you that you shall not discuss this case, or what little you know of it, amongst yourselves.

You shall not permit anyone else to discuss it with you, nor shall you permit yourselves to overhear anything that relates to this case, by any means of communication.

Now, Mr. Patrick, or Mr. Reed, will you escort from the room those people who have not been seated in the jury box.

(Thereupon the members of the prospective jury panel, except those previously seated, were escorted from the courtroom.)

THE COURT: Gentlemen, I believe the option is with the State of Ohio.

MR. CORRIGAN: May it please the Court, the State is satisfied with the jury as it is presently constituted.

THE COURT: The option, gentlemen, is now with the defense.

MR. BAILEY: May we have a moment, your Honor?

THE COURT: You may have as much time as you deem necessary, Counselor.

Ladies and gentlemen of the panel, and ladies and gentlemen in the room, while Counselors are conferring, you may visit with yourselves if you choose.

MR. SHERMAN: If the Court please, the defense will challenge Juror number ten, Mr. Popiel.

THE COURT: Mr. Popiel, you will be excused from further service as a prospective juror in this cause, and each of us who is participating and has participated in this proceeding wishes to express to you our gratitude for your willingness to serve as a juror if selected in this case.

But before excusing you from the room, sir, the Court is obliged by law to instruct you that you shall not discuss this case or what little you have heard of it, or what little you know of it, even with members of your family.

Do you understand that, sir?

MR. POPIEL: Yes, sir.

THE COURT: You shall not permit anyone else to discuss it with you, and you shall not permit anyone to express an opinion with respect to the merits of this case to you, nor shall you express an opinion to anyone concerning the merits of this case, until such time, sir, as you know for a certainty that a jury has returned to this room and returned its verdict in open court.

Do you understand those instructions?

MR. POPIEL: Yes.

THE COURT: And will you follow them?

MR. POPIEL: Yes, I will.

THE COURT: Thank you, Mr. Popiel.
You are now excused.