

FRIDAY, DECEMBER 17, 1954, 12:20 P.M.

(Thereupon, the following proceedings, as dictated into the record by the Court, occurred as follows:)

The Court, in the presence of all parties and the jury, called Simon Steenstra, the Criminal Court Bailiff of the Criminal Division of the Court, and Edgar L. Francis, his own Courtroom Bailiff, and designated them as the two Court Officers to be in complete charge of the jury during their sequestrations, and in open court instructed them as to their obligations, the Clerk of the Court being present, and on order of the Court administered the oath to said two Bailiffs in accordance with the requirements of law.

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FRIDAY, DECEMBER 17, 1954, 5:45 P.M.

THE COURT: Ladies and gentlemen of the jury, I am assuming that you have not arrived at a verdict, and for that reason, you will now be conveyed to a proper place and entertained there at dinner by the two nice gentlemen who took you to lunch today. After your dinner hour is over, you

will please return here, and you will be returned to your jury room, and you will please bear in mind that the same instructions, exactly as the Court gave you at noon when you went to lunch, apply again in the dinner hour. You are not to permit anyone to speak to you about this case in any way, shape or manner. You are to have no communication with anyone else, and you will be under the care at all times of the two Bailiffs who will be with you.

We will not decide anything about any proceedings -- I mean any breach in the proceedings at this point -- I am referring to the proceedings after your return to your deliberation room. All right.

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FRIDAY, DECEMBER 17, 1954, 10:30 P.M.

THE COURT: We are assuming, ladies and gentlemen of the jury, that you have not arrived at a verdict, and inasmuch as the hour is getting late, we think it wise that you should retire to a hotel for the night and reconvene here at 9:15 tomorrow morning, return to your jury room and resume your deliberations.

Will you please be very careful to observe the

caution which the Court has expressed to you, not alone during this entire trial, but since the Court delivered his charge to you this morning, it is very important that you do not have communication with anyone and that you do not permit others to have communication with you. You will tonight be under the guard again of the two Bailiffs who have been sworn to take care of you during this period.

I think that is all I need say to you now. We hope we are well at 9:15 tomorrow and back here on the job.

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SATURDAY, DECEMBER 18, 1954, 12:05 P.M.

THE COURT: We have arrived at the noon hour, ladies and gentlemen, and we are assuming, of course, that you have not yet arrived at any verdict. You will, therefore, be conducted out to someplace or other -- I'm not sure just where -- for lunch, in care of the two Bailiffs who have been with you since yesterday morning.

Please observe the caution which the Court has heretofore expressed to you: Do not discuss the case at all or any feature of it, even among yourselves, or with anyone else, until you have returned to your

jury room this afternoon and you are together behind closed doors under the chairmanship of your foreman, whoever he may be. The two Bailiffs will not conduct you, as soon as you get your wraps, for lunch.

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SATURDAY, DECEMBER 18, 1954, 5:35 P.M.

THE COURT: Ladies and gentlemen of the jury, again we must assume that you have not yet arrived at a verdict, and being that we have arrived at what is a normal dinner hour, the Bailiffs will now conduct you to, I think, the Carter Hotel -- I'm not sure about it -- where you will have dinner together, and please observe the caution which the Court has heretofore expressed to you: Have no communication with anyone, have no communication with the Bailiffs other than on matters entirely beyond and outside of this case. Then you will please return to your jury room within a reasonable period of time and resume your deliberations.

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SATURDAY, DECEMBER 18, 1954, 10:00 P.M.

THE COURT: Ladies and gentlemen of the jury, again we are assuming that you have not arrived at a verdict, and I am wondering, without any of you expressing yourselves on anything other than what I mention to you, if there is some likelihood that if you do continue your deliberations for a short period of time tonight, that you might arrive at a verdict, and that you, yourselves, would want to continue later in that effort, or if you would want to discontinue now and return, say, at 10:00 o'clock tomorrow morning.

Now, I'd like to know by a show of hands how many of you feel that you might be able to arrive at a verdict tonight and would want to stay somewhat later tonight.

MR. GARMONE: I think, your Honor --

THE COURT: Do I take it that --

MR. GARMONE: Pardon me, I'm sorry.

THE COURT: Do I take it, then, that you would prefer to come back at, say, 10 o'clock tomorrow morning, is that right? Everyone raises their hands. Very good. Then we will discontinue at this point and the Court will be adjourned, and

you will be conducted to your hotel for the night, and you will have breakfast and return here on or about 10 o'clock tomorrow morning and resume your deliberations.

Please, in the meantime be careful to observe the caution which the Court has heretofore expressed to you: Do not discuss this case anywhere with anyone excepting in your jury room when all 12 jurors are present under the leadership of your foreman. Thank you, ladies and gentlemen. Ten o'clock tomorrow morning.

(Thereupon the jury retired from the courtroom.)

(Thereupon the following proceedings were had in the absence of the jury:)

MR. CORRIGAN: I want to put in the record that I except to the jury deliberating on Sunday. Do you overrule it?

THE COURT: Yes, sir. And exception noted.

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SUNDAY, DECEMBER 19, 1954, 1:20 P.M.

THE COURT: Ladies and gentlemen of the jury, we are assuming again, of course, that you have not arrived at a verdict, and the lunch hour has

arrived. You will now be conducted by the Bailiffs to some proper place where you will be entertained at lunch. Will you please observe the caution which the Court has heretofore expressed to you: Do not discuss this case or any feature of it with anyone, and have no communication except for the Bailiffs, and that about other matters. You will return to your deliberation room after the lunch hour at a time that you will find convenient.

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SUNDAY, DECEMBER 19, 1954, 6:00 P.M.

THE COURT: Ladies and gentlemen, we have reached the hour of six o'clock. It is a Sunday evening. The weather is not particularly good, and you must undoubtedly feel somewhat tired and perhaps would appreciate a little rest. I think that now you ought to retire and have dinner together with the Bailiffs and then take the rest of the evening off, but you are not to separate, and please have no communication with anyone. Observe the cautions which the Court has heretofore expressed to you. We would like to have you return here at 9:15 tomorrow morning.

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MONDAY, DECEMBER 20, 1954, 12:00 NOON

THE COURT: Ladies and gentlemen of the jury, we have again arrived at the noon hour, in spite of the fact that the clock has stopped. You will now repair with the Bailiffs, as you have from day to day, to the hotel for lunch, and return as near as possible to 1:15 this afternoon and resume your deliberations. In the meantime, please observe the caution which the Court has heretofore expressed to you: Have no communication with anyone excepting with the Bailiffs, and with them on matters entirely outside of this case.

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MONDAY, DECEMBER 20, 1954, 5:30 P.M.

THE COURT: Ladies and gentlemen of the jury, we have again arrived at a dinner hour, and you will now be conducted to the hotel with the Bailiffs for dinner, and please return at your convenience after the dinner hour. Be careful not to discuss this case in any manner.

(Thereupon, on this same evening, the following was dictated into the record by the Court:)

The Court not having received any communication

of any kind from the jury, nor having any evidence that their deliberations were not progressing satisfactorily, he, nevertheless, at the suggestion of counsel for the defense, called all counsel together in the early evening, and after discussion of the situation, indicated that he would, unless some report came by 10:00 or 10:30 p.m., have the Bailiff carry to the jury an inquiry from the Court. At about 10:00 p.m. this was done. The inquiry that would be made had been made known to all counsel. The inquiry to the jurors was verbal and was as follows:

"Have you arrived at a verdict? If not, is there a probability that you can arrive at one if you deliberate awhile longer either this evening or tomorrow? If so, which would you prefer?"

The Bailiff knocked at the door and propounded the questions to the juror who responded. The juror closed the door and in a few moments returned and stated that the jury had not arrived at a verdict, but that the jury was very close to agreement and would prefer to retire for the night and return the next morning for deliberation. This was communicated to all counsel in chambers and preparations made to have the jury retire for the night.

MONDAY, DECEMBER 20, 1954, 10:15 P.M.

THE COURT: We are assuming, ladies and gentlemen of the jury, that you have not arrived at a verdict, and you will repair to the hotel for the night, with the Bailiffs, and reconvene here at 9:15 tomorrow morning. Then you will return to your jury room and resume your deliberations.

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Will you please/very careful to observe the caution which the Court has expressed to you: Do not discuss this case with anyone in any manner.

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TUESDAY, DECEMBER 21, 1954, 12:10 P.M.

THE COURT: We are right at the noon hour, again, ladies and gentlemen. Will you please now repair to the hotel for lunch with the Bailiffs, and be kind enough to return as near as 1:15 this afternoon as you can -- 1:30, shall we say, this afternoon. Please be careful not to discuss this case.

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