

and be guided entirely by them and arrive at a fair and frank decision based on your own judgment of those?

A No, sir.

Q You do not?

A I do not, sir.

Q Have you formed an opinion as to the guilt or innocence of Dr. Sheppard?

A Yes, I formed a firm opinion.

Q Don't say what your opinion is.

A No.

Q You have formed an opinion?

A Yes, sir.

Q And do you still entertain that opinion?

A Yes, sir.

Q And could you disregard it now and start off to listen to evidence without any regard whatever to your opinion?

A No, sir.

MR. GARMONE: Challenge for cause.

THE COURT: You will be excused,

Mr. Gorczyca. Thank you, sir.

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MR. GARMONE: That, your Honor,
exhausts the first list.

THE COURT: Pardon?

MR. GARMONE: That exhausts the first list.

(Thereupon a discussion was had between Court and counsel, out of the hearing of the jury and off the record, after which the following proceedings were had within the hearing of the jury:)

THE COURT: Ladies and gentlemen of the jury, we are getting another list, and the people, I think, are here, but it will take about 10 or 15 minutes to get the matter in shape to start our performance on the new list all over again.

Will you please retire to your jury room, and do be careful not to discuss this matter in any manner whatsoever, even among yourselves? We will call you as soon as we are ready for you.

(Thereupon the jury retired from the courtroom, and the following proceedings were had in the absence of the jury:)

MR. DANACEAU: We have agreed that he may make the application he is about to make in the absence of the jury and also in the absence of the defendant.

MR. GARMONE: That's all right.

MR. MAHON: Where is the defendant?

MR. DANACEAU: He was just taken up-

stairs.

THE COURT: I am responsible for that.

MR. CORRIGAN: Where is the defendant?

MR. GARMONE: They took him upstairs.

MR. MAHON: I think he ought to be here.

THE COURT: Wait a minute. What are we doing? We are merely --

MR. MAHON: Every step in the proceedings the defendant has a right to be present at, Judge.

THE COURT: He does, I agree with you.

MR. CORRIGAN: Yes. Have the defendant brought back down.

THE COURT: I am sorry. Well, let's have the jury down, too, but not the extra jurors.

MR. PARRINO: Shall we wait for the defendant first, your Honor?

THE COURT: Yes. He will be brought down.

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

THE COURT: Ladies and gentlemen of

the jury, we have developed this morning a little matter of procedure at this point, and we are going to explore the question involved. You are not interested in it and will not be at all. It is a matter that doesn't concern the facts of this case in the least. So in order to give us that time and to give you just a little more leisure in the noon hour, we will adjourn at this point until 1:30 this afternoon. And will you please in the meantime observe the caution which the Court has heretofore expressed to you, do not discuss this case or any matter connected with it in any way, shape or manner, not even among yourselves?

So without any formality at all now, we will be adjourned until 1:30 this afternoon.

(Thereupon the jury retired from the courtroom, and the following proceedings were had in the absence of the jury:)

THE COURT: Mr. Corrigan --

MR. CORRIGAN: In the --

THE COURT: Just one moment.

Wouldn't you rather explore the subject first and then present what you have? It is new to me, too.

MR. CORRIGAN: All right. I'll be

perfectly willing to do that, your Honor.

THE COURT: Is that agreeable, that you explore the matter as far as we can first, and then present what you have when we reconvene?

MR. GARMONE: That is agreeable with us.

MR. DANACEAU: You mean the matter of the notice with respect to the venire?

MR. GARMONE: Yes. That is agreeable with us, your Honor, if it is agreeable with the prosecution.

MR. PARRINO: Yes, I am sure that that is satisfactory, Judge.

MR. GARMONE: We will explore it and then --

THE COURT: That's right, and then we will all return at 1:30.

(Thereupon an adjournment was taken at 11:17 o'clock a.m. to 1:30 o'clock p.m. of the same day, at which time the following proceedings were had:)

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