

Q Were you in the service at all?

A No.

Q Do you know of any reason why you can't give Doctor Sheppard and the State of Ohio a completely fair and impartial and objective trial?

A No, I don't know of any reason.

MR. BAILEY: Pass for cause.

THE COURT: May I see Counselors?

Will you remain seated, please.

(Thereupon Counsel and the Court conferred at the Court's bench, out of the hearing of the jury panel, as follows:)

THE COURT: Gentlemen, as I read my notes, it is my belief that both the State of Ohio and the defense have exhausted their peremptory challenges. Is that your understanding, Mr. Corrigan?

MR. CORRIGAN: That is correct.

THE COURT: Is that your understanding, Mr. Bailey?

MR. BAILEY: I have used four. The reason I qualify my answer, your Honor, is because we have taken the position that one of those should have been a challenge for cause.

THE COURT: Yes, but you --

MR. BAILEY: I have used four.

THE COURT: Now, gentlemen, it is my intention at this time, it is my intention at this time unless you gentlemen persuade me to the contrary, to put a question to the jury now before swearing it, that after listening to all the questions that have been put by counsel and the Court, is there any reason now that occurs to them why any of them could not sit as a fair and impartial juror in this case, and render a verdict fair to both parties.

Do either of you, or does any of Counsel wish to speak to that?

MR. CORRIGAN: I have no objection to that that I wish to speak to the Court's intention in that area.

MR. BAILEY: I have no objection to the question suggested by the Court. I don't concede that that would cure any defect which may have arisen from the exposure on the voir dire, or its approach to it.

THE COURT: Anything further, Counselors?

MR. BAILEY: In protecting the record, your Honor, I have a number of questions,

and without conceding that they would cure any defect which has arisen, a more specific question such as, "Has anything that you have heard during the examination of other jurors, that influenced you in any way with respect to the impartial stand you said you had when you were originally seated?"

I also would like to suggest a question asking the jurors as a group whether they are able to disregard completely the fact that one or more of the jurors they have listened to have been disqualified because of a fixed opinion, on extrinsic information.

THE COURT: Anything further,
Counselor?

MR. BAILEY: That's all.

THE COURT: Thank you. The
Court will proceed.

MR. BAILEY: Your Honor, after
you question them, and before they are sworn, may
I make motions? It seems to me I probably ought
to do that before you administer the oath, or at
least, if I make motions may they be retrospective,
in other words, I don't want -- I don't want to
assent --

THE COURT: Yes, any motions