

THE COURT: May I see counselors,
please?

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

MR. CORRIGAN: The State will reserve
five minutes for argument the first thing in the
morning.

MR. BAILEY: Based on the statement
of the prosecution, "No witness took the stand
to say that the watch band was broken prior to
its discovery in the green bag," I regard that as
an allusion to the defendant's failure to testify,
since he very obviously is the guy who would have
to say it was broken.

That was the basis for my objection,
and on that basis I move for a mistrial.

THE COURT: Overruled.

MR. CORRIGAN: There is testimony in
the record, I might add, that this watch was taken
to Halle's because it wasn't working properly.

MR. BAILEY: The second motion that
I have relates to the reference just made by the
prosecutor to the motive being found in the written
statement, which I believe is Exhibit 27, and this

reference necessarily goes to that page wherein the defendant is queried about Susan Hayes and denies any connection with Susan Hayes, which we have objected to previously, and I again ask and move that that portion of the statement be excised before it is handed to the jury.

THE COURT: Motion overruled, for the reasons already advanced on the record.

Anything further, gentlemen?

MR. BAILEY: No, I am ready to call it a day, your Honor.

THE COURT: Yes, I will indicate that we will charge the jury in the morning at 9:15, and I want to thank you gentlemen, each and every one of you, for the very competent and professional manner in which you have conducted yourselves, and truly that you may be proud to be a member of your profession, each of you.

MR. BAILEY: Thank you, your Honor.

(Thereupon proceedings were resumed within the hearing of the jury as follows:)

THE COURT: Ladies and gentlemen of the jury, it is seven minutes to four. We have had a long day, so the Court will not deliver its charge of law to you at this time. This

matter will be concluded tomorrow, when the Court will give you its charge on the law the first thing in the morning, about 9:15 or thereabouts.

And while you are away, ladies and gentlemen, on your overnight adjournment, bear in mind the instructions given you on each occasion when you have gone from this room, and that is you shall not discuss this case even now at this point, you shall not discuss it or what you have heard 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 cause, by any means of communication, having in mind the specific and detailed instructions given to you with reference to your being forbidden to read printed material, and listen to radio reports or television newscasts that relate to this case.

We will stand adjourned until 9:15 tomorrow morning.

(Thereupon an adjournment was taken to 9:15 a.m., Wednesday, November 16, 1966, at which time the following proceedings were had:)