

can rely on you to merely recite what the mental notes were that you made about what your answers to those questions would have been, and we can explore then into any areas in which your answers might have differed in any degree from the answers given by the other members who are seated in the prospective jury box.

As some of you may already know, this is a criminal case, as I stated earlier. It is entitled State of Ohio v. Charles Keith Wampler. It is Case No. 82-CR-764. The Defendant is present in the courtroom with his counsel. I would introduce to you at this time Mr. Wampler's counsel, Mr. Robert Bostick.

MR. BOSTICK: Good morning.

THE COURT: Very well. And Mr. Wayne Stephan.

MR. STEPHAN: Good morning.

THE COURT: Mr. Bostick, if you would, have Mr. Wampler rise, please, and face the jury.

(Whereupon the Defendant stood.)

THE COURT: Very well. You may be seated. I will ask you all generally if any of you know any of the attorneys for Mr. Wampler in this case? Do you have any acquaintanceship with Mr. Bostick or Mr. Stephan? Yes, sir, your name?

MR. MORROW: Benny Morrow, Jr. I know Mr. Bostick.

THE COURT: Are you a client of Mr. Bostick?

MR. MORROW: No, I am not.

THE COURT: A friend?

MR. MORROW: Yes.

THE COURT: Do you feel that your acquaintanceship with Mr. Bostick would in any way, if you are selected as a potential juror in this case, inhibit your ability to be a fair and impartial juror?

MR. MORROW: No.

THE COURT: Very well. Anyone else?

MS. HARRIS: I know Mr. Bostick. That is because I work at the Post Office and his dad used to work there. Just from him coming in.

THE COURT: Do you feel that acquaintanceship would affect your ability as a fair and impartial juror in this case?

MS. HARRIS: No.

THE COURT: The State of Ohio is represented by the Montgomery County Prosecuting Attorney's Office. The elected Prosecutor of our County is Mr. Lee Falke, and he employs a number of attorneys who act as Assistant Prosecuting Attorneys in the presenting of a case for the State of Ohio. In this matter, two such attorneys are present in court representing the State of Ohio. They are Mr. Dennis Langer and Mr. Robert Head.

(Whereupon Mr. Langer and Mr. Head stood.)

THE COURT: Do any of you know Mr. Langer or Mr. Head?

(No hands raised.)

THE COURT: Very well. Do any of you know Mr. Falke or any other members of the Prosecuting Attorney's staff?

MS. WEISS: I know several, but I don't think it would

affect me.

THE COURT: Very well. Your name?

MS. WEISS: Janet Weiss.

THE COURT: The Defendant in this case is charged by indictment with having committed the crimes of aggravated murder, rape, abuse of a corpse, and kidnapping. To these charges, the Defendant has pled not guilty, and it will be the question of his guilt or innocence to these charges that you will be asked to decide if you are selected as a trial juror. Just having heard the charges, just the names of the charges, without anything more, that have been filed against the Defendant, is there any member of the prospective jury panel who feels that he could not give the Defendant a fair trial merely because of the nature of the charges that have been filed?

MR. STARKS: James Starks. Yes.

THE COURT: Let me ask you, sir, you feel you could not, merely by the nature of the charges, listen to the evidence and be fair and impartial in judging the weight of the testimony?

MR. STARKS: That is right.

THE COURT: Any objection, counsel?

MR. BOSTICK: We have none, Your Honor.

MR. HEAD: No.

THE COURT: You are excused. Thank you for your honesty. We appreciate your coming down. Your name?

MS. BLAKE: Ida Blake. I have a personal experience



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that happened to me. I don't know if I could be fair or not.

THE COURT: You don't know anything about the case yet.

MS. BLAKE: No, I haven't read anything.

THE COURT: We will get to that in a minute. I am just asking by just the nature, just the names of the charges, is there anything, just by the names of the charges, that would make it impossible for you to act as a fair and impartial juror?

MS. BLAKE: Well, I think I could be fair.

THE COURT: We will hold on to you until later. Anybody else? Very well. To be a little bit more specific, in this case it is charged in count one that on the 6th day of February, 1982, in the County of Montgomery, State of Ohio, the Defendant, Charles Keith Wampler, did purposely commit the offense of rape and caused the death of another, to wit, Robert D. Rowell, a boy of the age of 13, in the City of Moraine, and who was then a City of Moraine resident, who was then and there a living human being, contrary to the statutes of the State of Ohio. In count two, the Defendant, Charles Keith Wampler, is charged that on or about the 6th day of February, 1982, in Montgomery County, State of Ohio, that he did engage in sexual conduct with another, that is, Robert D. Rowell, not his spouse, by purposely compelling him to submit by force or threat of force. In the next count it is charged the Defendant, Charles Keith Wampler, on or about the 6th day of February, 1982, in the County of Montgomery and State of Ohio, not being authorized by law, did treat a human corpse in a way that would outrage the community sensibilities,



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that being, by amputating the genitals of that corpse, against the statutes of the State of Ohio. In the next count, the Defendant, Charles Keith Wampler, is charged on or about the 6th day of February, 1982, with knowingly, by force or threat, and without privilege to do so, restrained Robert D. Rowell of his liberty under circumstances which created a risk of physical harm or by placing him in fear, contrary to the statutes of the State of Ohio.

Having read a little bit more specifically the nature of the charges, I want to inquire whether anyone has any recall of having read, listened to, viewed, or talked by word of mouth with anyone about anything in the newspapers or on the radio or on television about any of the alleged facts or circumstances that surround this case. I don't want to know what it is. I want to know if any of you recall having read, listened to, or viewed anything in the newspapers, radio, or TV or heard anything by word of mouth. Maybe I ought to ask it the other way. How many of you have not so heard? Several hands. Please remember who you are, those that have not. We are going to deal with you a little bit differently. Those that have indicated that you do recall having read, listened to, or viewed something in the newspapers, radio, or television about this case, do any of you recall what you read, heard, or saw in sufficient detail to have a clear memory of that and to have permitted you to either form or express an opinion about the case?

(Whereupon several hands were raised.)

THE COURT: All right. That is a considerable amount.

Please remember who you are who have raised your hands.

As is probably obvious to you, and I think somebody told me before we got down here from upstairs where my usual courtroom is, that there had been a television camera here in the courtroom and that has obviously been removed. It is not here now. So, it shouldn't surprise you that this case has been the subject of some television broadcasting and some radio broadcasting, et cetera. So that you are all assured, the rules of court prohibit any televising of any potential juror in any case that is tried here in Montgomery County. So, if any of you were assuming you would be on television today, you are not going to be and you are not going to be for the rest of the case. That ought to set your minds maybe at ease or it may disappoint some of you, depending on your outlook.

Now, I think we are at 11:30. What I am going to do is the people who indicated that they had not or did not recall having read, listened to, or viewed or talked with anybody about this particular case, and the individuals who indicated that they recalled hearing something or reading something but they do not recall with sufficient detail anything to have had a clear memory of that or to have allowed them to form or express any opinion about the matter, those individuals are going to be excused at this time, and I want all the other individuals who indicated that they did have a clear memory of what they read, viewed, listened to, et cetera, and it is sufficient to have allowed them to form or express an opinion on it, I want them to remain in the courtroom. Does everybody understand the instruction?



MR. HEAD: Your Honor, if I may, for the people that you are excusing until whatever time, could we have an admonishment?

THE COURT: Sure. Everybody is nailed down on who is to stay and who is to be excused? Those who are excused are to report back to this courtroom at 1:30 p.m. this afternoon. We are going to give you an extended lunch hour. During the recess period, you are to follow scrupulously the orders of this Court which I am about to make at this time. Do not discuss this case among yourselves or with anyone else. Do not permit anyone to discuss this case with you or to discuss it in your presence. Do not form or express any opinion about this case until we complete the jury selection process and go forward from there. You must explain this rule to your family and to your friends. When the trial is over or you are released from potential jury service, you will be released from this instruction. At that time, you may discuss this case and your experiences as a potential juror but, of course, you are not required to do so. Until that moment, however, control any desire that you have to discuss this case both here and at home. Do not talk with the attorneys, the parties, or any of the witnesses in this case. Likewise, any of the participants in the trial must not talk with you. If anyone should attempt to discuss this case with you, you must report this incident immediately to Mr. Findlay, who is the Bailiff of this court, or June Maynard, who is the official Court Reporter of this court. I can assure you that all counsel in this case are very friendly people who, but for this instruction of the Court, would be happy to talk with



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you and discuss anything you wanted to discuss with them, but they are under orders of the Court not to do so. You may not investigate or attempt to obtain any additional information about this case outside of what is presented to you in the courtroom. It is highly improper for anyone to attempt to do so. In the event that any of you experience any personal problems during any recess period, again, please, at your earliest opportunity report those to Mr. Findlay or Mrs. Maynard. Those matters then will be conveyed to this Court and taken up with counsel and, hopefully, some remedy arrived at.

I intend to try to repeat these instructions at each recess throughout the trial, but I inadvertently forget to do that sometimes, so I will rely on all of you to remember this instruction and all of its various detail and apply it diligently even if I don't instruct you at the beginning of each recess period.

As should be obvious by now, it is quite likely this case will be the subject of news broadcasts or news writings and so I instruct you that you are not to read, view, or listen to any report about this case in the newspaper, on the radio, or on television. Further, do not let anyone read to you or comment to you about any news accounts of this trial or even to comment about it in your presence. If you should acquire any information about this case outside of what is presented to you here in the courtroom, you must first of all disregard whatever it is that you do acquire and then report the fact that you acquired some information to Mr. Findlay or Mrs. Maynard.

With that instruction, then, if those who I have excused until

1:30 will depart and the rest of you remain -- yes, sir, a question?

PROSPECTIVE JUROR: Can the title of the case be mentioned to the employer if asked?

THE COURT: Yes. You can say State of Ohio against Charles Keith Wampler and the Case No.

PROSPECTIVE JUROR: And a time period given?

THE COURT: Two weeks. Certainly. Anyone else? Very well. You are excused. We will see you back at 1:30.

MR. HEAD: Could we approach the bench?

THE COURT: Yes.

(Whereupon the following was had at the bench:)

MR. HEAD: The State would move for a separation of witnesses at this time prior to any more voir dire of the jury.

MR. STEPHAN: Defense would join in that motion.

THE COURT: So ordered. Counsel will supervise the separation mutually.

(Whereupon counsel returned to their respective tables.)

THE COURT: Sir, did you have a comment?

MR. YOUNG: William Young. I am wondering if there might be a rest room break?

THE COURT: Yes. I should have called on you earlier.

MR. STEPHAN: Excuse me, Your Honor. Perhaps the Court would ask the gallery whether or not anyone is a prospective witness. I don't recognize anyone, but --

MR. HEAD: None of our witnesses are here.

THE COURT: Very well. The Court has ordered a separation of witnesses from the courtroom during the trial of these proceedings. So, counsel are charged with the supervision of the Court's order. Yes, ma'am?

PROSPECTIVE JUROR: Even though you have read about it and in all detail remember it and still have not formed an opinion, are you still all right?

THE COURT: I still want to talk to you. Stay right here. That is good. I am glad some of you people are paying attention. What we want to do is, you are a group of people who have indicated that you read and have some recall of what you have read and whether or not you have formed an opinion, at least you have read with sufficient recall to have done that about this case. I don't want anybody to say what they have read because we are going to take that up in what we call individualized voir dire. That means that each of you are going to be called singly, maybe not here in the courtroom but someplace that is convenient to fit everybody in, and there is going to be individual inquiry made of exactly what you recall having read or seen or heard or have been talked to about, and then we are going to explore if you have an opinion and what the opinion is and some other things. That is the procedure we are going to follow, and we will do it individually outside the presence of each other so each other doesn't hear what the other person remembered because that may add to the information that you may already have acquired or may not have acquired and make matters worse at this point. Can we tell --



we are not sure who is here, I guess. We will just maybe pick somebody. You are a likely candidate. We will pick you first. The rest of you, maybe we can do that in the jury room if you all stay assembled in the courtroom. You can take a break, go to the rest room. There is a drinking fountain in the hallway. There is rest room facilities down that way. We will bring you in one at a time and make inquiry in the jury room. After we get done, you will be excused for lunch and continue this for a little bit. Very well.

(Whereupon the court retired to the jury room.)

THE BAILIFF: This is Audrey Brown.

THE COURT: The record should reflect that we are in the jury room with prospective juror Audrey Brown, outside the presence of all other prospective jurors, the Defendant and counsel being present.

BY THE COURT:

Q Ms. Brown, you indicated that you had either read or seen or viewed something on the case. I will just kind of turn the ball over to you and let you tell me what it is that you have seen or heard and whether or not you have formed an opinion based on that?

A One thing, I am familiar with the area in which the alleged crimes took place because I taught school there for a period of time.

Q In the City of Moraine?

A Yes.

Q Okay.

A At the onset of the case, I read just about all the newspaper articles, about the footprints in the snow, about the trailers, the alleged drug related problems with it, the ages of the young people. They are near the ages of young people I deal with within my church. I have probably discussed in detail, because of my attachment with the young people in the church, the connotations of the problems and the ramifications of things that happen under certain situations as a point of caution to their lives as to what could happen. I saw pictures, watched the thing on television, probably remember some of the printed details that were brought out even in court today of the alleged murder, the dismemberment, the abuse, and I did discuss this within my home and with my children, also.

Q That is a good account of your knowledge of what has transpired as far as the media coverage is concerned. Have you formed or expressed any opinion about this case as a result of your viewing or reading or listening to these accounts?

A Within my home or with other people outside my home?

Q Anyplace?

A I think probably very strong, within my home, a definite opinion and probably enough of my opinion that would -- that other people would know how I would definitely stand on a point of decision.

Q Could I ask what the opinion is, please?

A It would be that the young man is guilty.

Q One final question. Do you feel in spite of the fact

that you formed this opinion and perhaps expressed it at least at home that you could not set aside this opinion and consider it for naught and listen to the evidence that would be presented in the case and act as a fair and impartial juror?

A I think I could be fair in listening to the information and would be willing to change my mind under adequate presentation of material.

Q All right. By way of explanation, the law does not require a prospective juror to be free of any or all opinion about a case. Everybody has opinions. The law does, however, require that a prospective juror be a fair and impartial juror, one who can accord the presumption of innocence to the Defendant, and one who will listen with an open mind and fairly consider all of the evidence to be presented by both the State of Ohio and by the Defendant. So, I will ask you do you feel that you could set aside the opinions that you've formed and set aside your recollection of the matters that were reported in the news media and concentrate solely on the facts that are presented to you in the courtroom and decide the case based solely on those facts without resort either to what you read or recall in the news media or to the opinion that you have already formed?

A I think fresh and first-hand information is always better than newspaper accounts, which can be colored one way or another, depending on who is writing the article.

Q You recognize the basic inaccuracies in the news reporting?



A Well, yes, very much so.

Q Let me make sure I understand your answer. Your answer is, yes, you do think you could be a fair and impartial juror?

A I think it would be easy for me to be fair and impartial, and I think that everyone deserves this kind of an impartial juror.

Q Your opinion would not affect your deliberations in this case in any manner?

A Not in this case with the young man in question, but because we have two adopted children who came to us because of abuse and bad home situations and were released for adoption, it colors some of my very tender feelings toward young people who are hurt.

Q We appreciate that.

THE COURT: Does counsel have any inquiry?

MR. HEAD: Thank you, Judge. I will try not to be redundant.

BY MR. HEAD:

Q You are saying you can listen to all of the evidence with an open mind and not form an opinion or conclusion as to the guilt or innocence until you have heard all the evidence?

A Yes. I think each one has a right to present all evidence on both sides for a fair case.

Q Did you recall the name of who was charged in this case?

A The boy that was --

Q Not the boy that was killed, but the boy that was charged with the killing?

A Before I came in here this morning?

Q Yes.

A When I heard the name, I remembered, but I didn't know what case I would be connected with. I thought it was going to be some other one.

MR. HEAD: We don't have any other questions.

THE COURT: Very well.

BY MR. BOSTICK:

Q Ms. Brown, did you say that you have not discussed what you read with anyone since you have been here this morning?

A No.

Q You have not discussed it with anyone?

A No. I asked the young man sitting beside me, I wonder which case it will be, because there are several cases that have been discussed in the paper lately. I didn't know which case would be coming up. He said he didn't know, either, but he thought so and so. I didn't know.

Q Would it be fair to say, Ms. Brown, based upon what you have suggested, and very candidly so, that you followed this case from the very beginning in the newspapers, on the radio, and on television?

A It probably caught my attention right away because I was familiar with the area and had been there on a daily basis when I taught. My family had gone over and played in the park, and I knew several families at that time, even though it was several years

ago, six years ago, families in that area. It catches your attention when you are in that area on a daily basis and had known some of the children and families there. You listen for a name and think maybe I had them in school or they are related to someone in school.

Q You then listened, did you not, to the news media from the very beginning?

A Yes.

Q When was the last time you read or heard anything about this case?

A Oh, it has been months.

Q Maybe four or five months since you last read or heard anything?

A I am trying to think. Not only in discussing the case but that it would be coming to trial probably and I think over the weekend maybe or last week I heard that the judgment was made that he would be tried as an adult. I think that was the last thing that registered in my mind, that he would be tried as an adult.

Q You expressed to members of your family, as I understand what you are saying, as well as to members of the outside, what your opinion was, did you not?

A Yes.

Q You mentioned a church group?

A Yes.

Q And you were pretty definite and strong about the opinion that the young man was guilty?



A Not that he was guilty, only because of the fact of the drug abuse, possible drug abuse, in the case and how children can get involved in situations and be carried forward, that certain things can start happening and it doesn't stop until a tragedy occurs, and just cautioning young people to look ahead and see what things can happen. I didn't say that he was guilty or innocent. They might have thought it because of the way I presented the material. They might have thought that I thought he was guilty.

Q You presented these materials to whom, ma'am?

A The young people within the church, in a discussion situation of cautioning young people as to what kind of activities they get involved in that can end in tragedy.

Q Was this some type of discussion you were leading pursuant to Sunday school?

A It was an informal youth group. It was an open discussion. We were discussing current problems.

Q What views, not necessarily all the views you heard, but collectively what views were fed back to you as you discussed your notions and impressions about the case? What was being said to you?

A As to the guilt or innocence or the problems?

Q As to guilt or innocence?

A They were very open. Most of them did not make the definite decision that he was guilty or innocent. They could only see, perhaps because of their religious training, the tragedy that can happen when certain bad circumstances are put together and as a

caution to their lives to be more careful as to what they would do because it can end in a sad situation. If there were some definite statements as to his guilt or innocence, I would say that choosing guilt as a final judgment was very minimum in the group of young people.

Q The feedback that you got, did that in any way alter or change your thoughts that what you read and heard that the young man was guilty?

A No, I don't think it changed what I thought totally, but it is hard to make a definite judgment when you can only glean newspapers and television information.

Q Ms. Brown, I am not quoting you and I hope I am reading my own writing correctly, but I think you said a few moments ago you could be fair in listening and you could change your mind upon presentation. Did you say that in substance?

A Yes.

Q Based upon that and your perusal of the newspapers and discussions you have had, as you indicated, would you then require the young man to prove his innocence?

MR. HEAD: Judge, if we could interrupt, before you answer that, if we are going to pursue this line of questioning, perhaps the Court could instruct the potential juror as to the state of law in that area, or Mr. Bostick could address her in that manner, first, so she knows what kind of question she is answering.

MR. BOSTICK: If I may, in complete fairness of Ms. Brown,

could I ask of her the question?

THE COURT: Certainly.

BY MR. BOSTICK:

Q Perhaps I should have asked you what you meant when you said you could listen and could change your opinion upon presentation?

A The way you are stating it, your idea is I have set my mind so it has to be changed. I don't think I have a definite opinion as to his guilt or innocence because of not hearing all the facts first-hand. You only get them second-, third-, and fourth-hand through newspapers and television, depending on who is interpreting. Words can color things, and you are asking me if he would have to prove that he is innocent. I think in the eyes of the court, everyone is innocent until they are proven guilty. Am I wrong?

Q No, ma'am. I don't want to be picky.

A Please do.

Q This is important. What you meant when you said you could listen and change your mind upon presentation, I want to explore what you meant by that.

A After both sides have presented, you always take time to weigh the current, fresh, first-hand information as to your final judgment as to guilt or innocence.

Q Finally, let me ask you this. Would it take the fresh, current information to change your previous opinion that you have indicated?

A It could.



Q In what way?

A I think I would have more accurate information and see both sides individually. Do you know what I mean by individually?

THE COURT: If I could, we may be getting a little afield. We are trying to make inquiry as far as previously held opinions.

BY THE COURT:

Q You understand a juror is under admonition to consider only the evidence presented in the courtroom and no other evidence or facts or circumstances that they may possess in any way?

A Yes.

Q Only the evidence in the courtroom?

A Yes.

Q Do you feel you could do that and rely solely on the evidence presented in the courtroom, setting aside any opinions or anything else you may have heard before coming into court today?

A Perhaps because of my strong opinion that at that time he was guilty it might be harder to dissuade me than someone who might lean more toward the innocence or to no opinion.

Q Basically, what we are asking is can you set aside any opinion that you might have formed and be a fair and impartial juror, listening only to the evidence presented in the courtroom and deciding the case based solely on that?

A It might be difficult because of seeing my children and how they were treated when they were young.

Q I can appreciate that it would be difficult. That is

why we are making this inquiry.

A I know.

Q But, we have to have a definite answer. This is a yes or no proposition.

A I would say, yes, it would be difficult.

Q That is not the question. Can you do it? I appreciate it is going to be difficult. The question is, do you feel you could do it, difficult or not?

A I don't feel I could do it because of the sensitivity of the young people. I can see it in his face.

THE COURT: Very well. Any objection?

MR. LANGER: None by the State.

MR. BOSTICK: None.

THE COURT: You are excused, but I would ask that you continue to be under the admonition of this Court and not discuss the case until you receive further notice. Thank you very much.

THE BAILIFF: William Young.

THE COURT: Mr. Young, come in, please, and have a seat.

BY THE COURT:

Q Mr. Young, again, you are here outside the presence of the other jurors because you have indicated that you have a recall of some detail about the case, about having read, heard, viewed, listened to, or something about the case. What we want to do is to have you tell us what it is that you recall about the case and, further, whether based on what you recall having read and so on about the case, whether

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you have formed any opinion about the guilt or innocence of this Defendant based on that, what that opinion is, if you have one that is, and if you have that opinion you could or could not set the opinion aside and be a fair and impartial juror in this case. That is a lot of things, but I will turn it over to you and let you get started with telling us what it is that you recall having read, listened to, viewed, et cetera.

A Okay. Actually, all I know is what I have read in the Dayton Daily News. I remember reading about it the day it came out in the newspaper. Basically, all I can remember is the boy's father reported the boy missing, I think, to the Moraine policemen. They didn't do anything, I think, for 24 hours. He went out looking for his son, I think, and he found him back behind a trailer park in a field or something. Then the paper went into some of the details, what the body looked like, and the bloodstains leading up to the trailer. I believe there was a teenage party going on that night, too. Basically, that is all I know about the case. I haven't really heard about it since.

Q Have you formed any opinion about the guilt or innocence of the Defendant based on what you have read, heard, or talked to other people about?

A I wouldn't have an opinion.

Q You feel you could be a fair and impartial juror in this case?

A Yes, sir.



Q And set aside everything you might have read or talked about or heard about in the media, realizing those reports probably are not accurate?

A Yes, sir. I believe everyone is innocent until proven guilty.

THE COURT: Does counsel have supplementary inquiry?

BY MR. LANGER:

Q Mr. Young, do you, in your reading of the Dayton Daily News, recall who was charged with this particular crime or a description of who was charged?

A Only that it was a boy. I think it might have mentioned a teenager. I don't remember the name, no.

MR. LANGER: Thank you.

THE COURT: Mr. Bostick?

BY MR. BOSTICK:

Q Mr. Young, had you discussed what you told us with any members of your family, co-workers, or anyone?

A Only my wife after reading the article. I know she doesn't like to hear about such things, but I mentioned that it was a particularly heinous crime committed in Moraine. I might have read sections of it to her. She was a little bit interested in it.

Q The fact that you read these articles, to the extent that you read them, I will ask you whether or not your mind was influenced about what you read from other articles that appeared in the paper, not necessarily associated with this case. Do you understand my

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question?

A No, not really.

Q Well, you read articles about this case?

A Yes.

Q To the extent that you read them, did you read any other articles about such things going on, cross-country for example, which might have affected what you read in this particular situation?

A No, I don't believe so. Usually after I read something it just kind of flips out of my mind.

Q Let me ask you another question or two. What impression did you get from what you read with respect to the young man that had been picked up and arrested, accused of this, as you said, heinous crime?

A Well, probably, you know, just something like what is wrong with today's kids or something like that. I am not even sure if I recall correctly that it did mention a teenager that had been picked up and charged or what. All I really do remember is there was a teenage party, and they suspected a younger person doing it. I recall thinking, gee, we never did that sort of thing when I was younger.

Q You have indicated it didn't necessarily make you think the young man was guilty. That is what you are saying by just what you read in the paper?

A No. Papers make a lot of mistakes. A lot of times they pick up somebody and think it is suspect.

Q Let me ask you candidly. Based upon what you read in the newspapers, why didn't you think he was guilty?

A Like I said earlier, it is up to the court to decide guilty or not guilty. You know, the news media is pretty inaccurate a lot of times. That is a pretty well-known fact, I guess.

MR. BOSTICK: Thank you, sir.

THE COURT: Thank you, Mr. Young. We appreciate your inquiry. You are released until 1:30.

THE BAILIFF: Rise Davis.

THE COURT: Hi, Ms. Davis. Come on in and have a seat right here if you would, please.

BY THE COURT:

Q Ms. Davis, just to repeat, you are here outside the presence of the other jurors so that we can have you tell us what specifically it is that you remember having read, heard, talked about, et cetera about this case through any of the news media or word of mouth or what have you and, further, whether, based on that, whatever that is after you tell us about what that is, whether or not you have formed any opinion about the guilt or innocence of the Defendant in this case and if you have, what that opinion is. Secondly and finally, that is, whatever the opinion is whether or not you could set it aside and be a fair and impartial juror in this case, deciding the case solely on the evidence that is presented in the courtroom. That is a lot of stuff for you to talk about. We will let you go ahead and start with whatever it is that you recall reading, listening



to, seeing, or whatever.

A        Okay. I live in the south area. I live in West Carrollton, which is primarily near Moraine. I work in Moraine City, so the case did get a lot of attention, and I was subject to that attention. I did read the newspaper accounts of the case. Having two children of my own, it does call it to your attention and does horrify you, to be quite honest. I do remember that it did take place in Moraine. I don't know the address. I am assuming from what I remember it was on the other side of the river in Moraine, the west side of the river, in that plat location there, but I am not sure of the address. I do remember something about a trailer, either the body being found by a trailer or inside the trailer, and it being wintertime. I remember newspaper accounts of tracks of blood in the snow. I remember some account of the father's outrage. I don't remember verbatim what was said by him. I seem to remember the little boy being reported as missing and later found dead by the father. I am just -- this may be gossip or hearsay or it could have been something I read. It has been seven or eight months ago. I do have a good memory, but it is not all that good. I do remember very shortly after that, I would say somewhere within a two-week period, the Defendant here being arrested, and I do believe he was arrested someplace in Lebanon, but I am not sure about that. I don't remember any of the particulars leading up to his arrest or what evidence was found against him. I do know that he was allegedly reported to be a friend of the victim or an acquaintance of the victim; a recent acquaintance I do believe,

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but as far as that goes, I don't remember what the relationship was other than friendship. As far as gossip and hearsay, nothing that I hear or I heard would cause me to form an opinion one way or another. As far as what I read, I can't say that I have an opinion as to his guilt or innocence. I believe in a justice system. That is what we are all here for. So, that is basically it. My opinion about the whole thing is the outrage that the crime happened. That is my feeling and concern, that the whole situation be dealt with. That is basically my opinion about the whole thing.

Q Do you feel you could listen to all the evidence that is presented in this case and solely concentrate on the evidence presented in the courtroom, disregarding all of these things that you may have read or listened to or heard and decide this case based solely on that evidence?

A Boy. That is a hard one. That is something you have to qualify, having a memory like I have. It would be something I have to work to do. I would have to work solely to concentrate on that.

Q That is hard to do. That is why we are asking the questions to see if you can do it. It is something that we require our jurors to do, decide the case solely on the evidence presented in the courtroom, and set aside anything else that they might have heard. We obviously don't require the jurors to have lived in a vacuum, but we require them to be fair and impartial and decide solely on the evidence presented in the courtroom. Do you think you can do that?

Voir Dire

A Yes, I think I can. I have got a lot of job experience that deals with that. I am a supervisor, so you are exposed to a lot of hearsay and gossip. When you get down to dealing with the facts, you have to do away with that. Based on that, I believe I can.

THE COURT: Thanks. Counsel?

MR. HEAD: We will pass, Judge.

MR. BOSTICK: One question, ma'am, please.

BY MR. BOSTICK:

Q From what you have read, did you get the impression that this young man was guilty or not guilty?

A I didn't get an impression one way or the other.

MR. BOSTICK: Thank you.

THE COURT: Thank you very much. You are excused until 1:30.

THE BAILIFF: Eva Holtzman.

THE COURT: Ms. Holtzman, would you come in, please, and have a seat right here.

BY THE COURT:

Q As I indicated before, we are here to determine what you have read, heard, seen, talked about, et cetera about this case, and to ask you to relate that to us in detail. Secondly, to ask you whether, based on any of that, you have formed or expressed an opinion about the Defendant's guilt or innocence in this case. Thirdly, what that opinion is. And, fourthly, if you do have such an opinion, whether or not you could set that aside, listen to



Voir Dire

solely the evidence presented in this case in the courtroom, be a fair and impartial juror, and so act in the jury room. So, take it away. That's a lot of stuff to do.

A I think maybe the thing that stands out in my mind most is the picture I saw on television where they had found the young man's body. As far as forming an opinion, right now I couldn't say. I mean I don't think I have, really, except I don't figure the young man would be here unless he had done something that he should not have done.

Q There are going to be some legal instructions from the Court about the presumption of innocence and other things that jurors are supposed to follow, and we ask, of course, that you follow all the instructions of law by the Court. It is required that you take an oath to do that. We are not directing this particular inquiry toward that so much. We are just interested here in what it is that you have seen, read, heard, or talked about, about the case before coming to court today and, again, to determine whether, based on that, you have formed any opinion one way or the other about the guilt or innocence of the Defendant. So, other than the television account that you just told us about, do you recall anything else in specific?

A I had read about the bloody towels, I believe they were, that were found.

Q Is this in the newspaper?

A Yes, and I guess maybe those are the only things.

Q That you recall?

A Yes.

Q Did you say that you had not formed an opinion based on that?

A Well, I guess -- well, I just don't know how to put it. I guess my belief is you just don't take another's life. This is the way I have always been taught.

Q Certainly, but we are concerned about your opinion.

A I don't know. I am not sure I could -- I couldn't truthfully say that I, you know, that I won't be able to.

Q It might be fair to say if you had an opinion about the Defendant's guilt or innocence, then, you would know it, right?

A I would imagine, yes.

Q If you can't express that you have one, then would it be fair to say you don't have an opinion?

A (Indicating yes.)

Q The next inquiry, then, is to ask you whether you feel in the case you could listen solely to the evidence that is presented in the courtroom, disregarding everything you may have seen or heard on the television or in the newspapers, that you read in the newspapers, disregarding all of that, because we realize how inaccurate some of those things can be, and concentrate solely on the evidence presented in this case, and decide this case fairly and impartially based solely on that evidence. Do you feel you can do that?

A I think I can.

THE COURT: Does counsel have any inquiry?

BY MR. HEAD:

Q Only to ask you this, you said you think you can. We'd like you to be more definite, if you can. Will you promise us that you can listen to all the evidence with an open mind?

A Yes.

Q And not form any opinion until after you have heard all the evidence?

A Yes.

MR. HEAD: Thank you.

THE COURT: Mr. Bostick?

BY MR. BOSTICK:

Q One question, Ms. Holtzman. Based upon what you read in the paper and as you were reading it, we are asking you to go back a few weeks, did it make you think the young man was guilty or not guilty?

A No, I don't think I thought whether he was guilty or whether he wasn't. My only thought in my mind was how could anyone do this. Not particularly the young man. In fact, I didn't even remember his name. It was just anyone in general. I just don't see how anyone could take anyone's life or harm them in any way.

MR. BOSTICK: Thank you.

THE COURT: Thank you, ma'am, very much. You are excused until 1:30.

THE BAILIFF: Sandra Hobbs.

THE COURT: Ms. Hobbs, have a seat if you would, please.



BY THE COURT:

Q Ms. Hobbs, we are outside the presence of the other jurors to have you tell us specifically what you recall having read, heard, seen, talked about, or whatever about this case. That is number one. Number two, to ask you whether or not, based on all of that, you have formed or expressed any opinion about the guilt or innocence of this Defendant based on that. Third, we are going to ask you what that opinion is. Fourth, we are going to ask whether or not, if you do have an opinion, whether you could set it aside and listen solely to the evidence presented here in the courtroom and decide this case based on that, disregarding everything that you may have seen, heard, listened to, or talked about in the case. I will turn the ball over to you. You tell us, if you will, everything that you can recall about this case.

A Okay. I do remember reading about the little boy they found mutilated. We did have a discussion at work, I work with all girls, as to whether the Defendant was mentally ill at the time. I do feel that I could not give an impartial verdict at this time.

Q Do you have an opinion about the Defendant's guilt or innocence at this time?

A Yes. I feel that he is guilty.

Q Is this based on what you have read, seen, heard, talked about, et cetera from the news media?

A Yes.

Q Finally, do you feel that you could not set aside this

opinion and hear all the evidence and render a fair and impartial verdict?

A Not honestly, no.

THE COURT: Good enough. Any objection?

MR. HEAD: No.

MR. BOSTICK: No objection.

THE COURT: You are excused. You can take as long a lunch hour as you want.

THE BAILIFF: Juror Purnhagen.

THE COURT: Have a seat if you would, please.

BY THE COURT:

Q Ms. Purnhagen, we are here to have you tell us all that you can recall about what you have read, seen on television, heard on the radio, talked about, et cetera about this case, number one. Number two, we want to ask you whether, based on all of that or any of that, that you have formed an opinion about the guilt or innocence of this Defendant. Third, what that opinion is, if you have one. Fourth, whether, if you do have one, whether or not you could set aside that opinion, listen to just the evidence presented in the courtroom in this case, and be a fair and impartial juror. So, I will let you do the talking. What is it that you recall having seen, heard, read about, et cetera in the case?

A I am not sure I am really in the right place at the right time. I remember discussing it with neighbors. I am so nervous right now I couldn't remember particulars. I know we had developed

our opinions, and I didn't raise my hand when you said medical or anything. I do have high blood pressure. I thought, well, maybe I can deal with that, but I am --

Q Pretty nervous?

A Right. I am afraid I would not --

Q We don't want to take any physical risk of any potential juror..

A I wanted to wait to see, you know, what it was.

THE COURT: I appreciate that. Does counsel have any objection?

MR. HEAD: No.

MR. BOSTICK: No, Your Honor.

THE COURT: I think we will excuse you. We don't want to take any risk.

MS. PURNHAGEN: I am sorry I didn't say it sooner.

THE COURT: No problem.

THE BAILIFF: Brent Davis.

THE COURT: Mr. Davis, have a seat, please.

BY THE COURT:

Q We are making an inquiry now, as I am sure you are aware, out of the presence of the other jurors for you to tell us exactly what it is that you recall having read, seen on the television, listened to on radio, talked about with other people and so on about this case. That is number one. Number two, whether, based on all of that, you have formed any opinion about the guilt or innocence of this



Defendant. Third, if you have formed an opinion, what that opinion is. Fourth, if you have that opinion, whether or not you could nevertheless set it aside, listen just to the evidence presented in the courtroom in this case, and be a fair and impartial juror. I will turn the ball over to you. You tell me what it is that you recall having read, listened to, seen, and so on.

A First, I remember it was snowing on the ground. I was watching I don't know what channel it was. They had this guy's father on, and he was wondering where his little 13-year-old boy was, and it was snowing. It was in a trailer park or something of this sort, and it was in Moraine. I remember it because I felt so sorry for him because, you know, I had something like this a couple years ago with a distant relative. A day or so passed. I didn't hear anything, but then I heard it on the radio, you know. They were wondering where his son was and everything. So, when I heard what happened, and I guess they found this little boy in the brush or in the woods or something, and they told how it was. I can remember it because a bunch of friends of mine and I got together. We were listening to the news, and this came on. I don't know what it was. We started talking about it, six or seven guys sitting in the room drinking some beer and just, you know, rapping back and forth to each other. We kind of made it a point, all of us made a point that if they ever found this guy, that they should throw the book at him, basically. My opinion was formed then, that way, from talking with everybody else and viewing the facts. I didn't know the details. I

didn't know I was going to be in this situation, but the thing I did talk about and the thing I cannot put up with is homosexuality. That is, right then, when something like that happens, you know, I cannot -- I go overboard. I can't handle that. My position would be on this case that I would consider -- this might be bad to say -- I would consider him guilty until proven innocent rather than innocent until proven guilty.

Q Is it fair to say, based on these conversations and the accounts in the newspapers, that you have formed an opinion that this Defendant is guilty?

A Well, I formed an opinion but that was, you know, a couple months ago, but it is still in my mind.

Q You still have the opinion?

A Yes, I do, Your Honor.

Q Do you feel that you could not set that opinion aside and listen to the evidence fairly and impartially in the case and render a fair and impartial verdict based solely on the matters presented in the courtroom, not what you read or heard and so on?

A Yes. I don't feel that I would be a fair and impartial juror due to the fact that I would listen to it and try to keep it clear in my mind, but the acts that were performed I just couldn't. That is totally against my personal opinion and feeling.

THE COURT: Counsel?

BY MR. HEAD:

Q Mr. Davis, you understand that we have to prove that

this man who is charged with a crime in fact is the person that did this crime?

A Right.

Q Defense will take the other posture, that he wasn't the guy. I think we all agree that the crimes that were committed were heinous crimes.

A Yes.

Q But I guess the question is, can you accord the Defendant his presumption of innocence until you hear all the evidence and what evidence that may or may not link up to the Defendant?

A It would be very hard for me because I do have -- from what I have read, he was close to the situation. I think that they interviewed people and they said he couldn't be the person that did it because he was so nice. That is what I can recall right now. I read this later. It wasn't on the news then. But, I don't think that I could clearly remove from my mind that which would be relevant to this case. Like I said, for me to do this, I have got him guilty in my mind. Like I said, if I heard enough evidence that would sway my decision, that is fine. As you pointed out, Your Honor, it is bad to go in that way, but I have read about it. Like I said, it is not every day you get with a bunch of guys and sit down and talk about it and all come up with the same situation. I understand what you are saying, but on the other hand, how can I put that out of my mind knowing and feeling as strongly as I have.

THE COURT: Fair enough. Any further inquiry?



MR. BOSTICK: We have none.

THE COURT: Mr. Davis, we are going to excuse you from the case because of this problem about the opinion that you have formed. I appreciate your thinking about it and taking the time to come down and participate in this matter. You are excused. Please don't talk about the case until you get some further word from the Court. You continue under the Court's order until you hear that the case is over with.

MR. DAVIS: Okay.

THE COURT: Thank you.

THE BAILIFF: Debra Ball Trammel.

THE COURT: Her name is Ball on the venire, but she has since married. Congratulations.

MS. TRAMMEL: Thank you. It was four years ago.

THE COURT: We have got kind of an old list.

BY THE COURT:

Q Ms. Trammel, the reason that you are here is for you to tell us as best you can everything specifically that you can recall having read, seen, heard, or talked about about this case up to date. That is number one. Number two, whether, based on any or all of that, whether you have formed an opinion about the guilt or innocence of this Defendant. Third, if you have done that, what that opinion is. Fourth, if you have such an opinion, whether or not you could set it aside and be a fair and impartial juror in this case, listening only to the evidence presented in the courtroom and disregarding

everything that you may have heard, seen, read about, et cetera in the case. So, I will let you go ahead and tell us. First of all, what specifically was it that you read or viewed or listened to about this case?

A Well, I live in West Carrollton, which is close to where it happened, so all the neighbors were discussing it. I read in the paper about what happened, and I had access to the Moraine Police Department photo file, and that is what really stands out in my mind.

Q Let me ask about that. By saying you had access to the Moraine Police Department photo file, you mean you have seen the photographs?

A The pictures of the victim and the scene of the accident or the crime and all of that.

Q Based on this information that has come to you in the case, have you formed an opinion about the guilt or innocence of this Defendant?

A No, I don't believe I have.

Q This is nothing for you to set aside?

A No.

Q Do you feel you could be a fair and impartial juror in the case and render a judgment based solely on the evidence presented to you in the courtroom, disregarding everything that you have seen, heard, or talked about in this case?

A I am not sure.

Q Well, I can appreciate that, that you wouldn't be sure

about that, but we have to kind of go a little beyond that and get a yes or no answer from you because if you cannot be a fair and impartial juror, then, of course, the Defendant is entitled to know that and the State of Ohio is, likewise.

A Right.

Q While you would be perfectly suitable on another case, you may not be in this case.

A I don't believe I could be fair and impartial.

Q Is that based on what you have seen as part of the case file and so forth?

A Yes.

Q But not based on any opinion that you have about this particular Defendant?

A No, I don't believe so. I didn't read anything that led me to a conclusion, no.

Q Let me ask why do you feel you could not be fair and impartial in the case?

A Because it was just so brutal and so violent and it just really, really upset me really bad.

Q And you feel that would weigh against your being a fair and impartial juror? You could not fully consider all of the evidence in the case?

A I don't believe I could.

THE COURT: Does counsel have any further inquiry?

MR. HEAD: A few questions, Judge.



BY MR. HEAD:

Q Ms. Trammel, how did you have access to the Moraine police photographs?

A I worked in the doctor's office in Moraine. One of the patients was a Moraine detective. For some reason, the doctor I worked for wished to see the pictures. While they were there, the office staff also saw them.

Q Did you ever talk to the Moraine detective?

A Yes. He was a patient. We have a very close relationship with all the patients. We never really discussed the case. He told us what he was working on, but we didn't go into any details of it. There is no time for that in an office situation.

Q You understand, don't you, we have to prove that this particular Defendant was responsible for these brutal crimes?

A Right.

Q I think everybody will agree that the crimes themselves were very heinous in nature, but you are saying you haven't formed an opinion as to whether this particular Defendant is guilty or not guilty?

A I don't believe I have.

Q So, you could listen to the evidence with an open mind as to the guilt except --

A I think so.

Q You could do that?

A Yes, I could.

Q Except you are worried about the gruesomeness of the charges themselves or the acts themselves?

A Yes, I think that is it.

Q Would the fact that you, once again, saw these photographs and heard the evidence, would that make it difficult for you to listen with an open mind to all the evidence before you decide whether this particular guy was guilty or not guilty?

A No, I don't think it would.

Q Even though it would be difficult to look at the photographs and hear about the details, could you do that with an open mind?

A The more I think about it, I guess I could.

Q Because you haven't formed an opinion as to the guilt or innocence?

A No, I haven't.

MR. HEAD: Thank you.

MR. BOSTICK: I have several questions, Your Honor.

BY MR. BOSTICK:

Q Ms. Trammel, if I may, the Moraine detective, would it be fair to say, had something to do with this case or you wouldn't have had the pictures?

A Pardon me?

Q The Moraine detective had the pictures?

A Right.

Q And showed them to you?

A He did not show them to me directly. Our doctor that I

work for had them. We saw them.

Q I understand. Were there comments made by anyone concerning the pictures, which comments came back to you at the time you saw the pictures?

A We all commented on them as we looked at them. When you see something like that, you react, but as far as pointing a finger of blame toward someone, we didn't do that.

Q Did you later discuss these pictures with your employer, the doctor?

A No.

Q You have not discussed the case with him?

A No. I believe one of the other secretaries did, but I did not.

Q Based upon what you said, may I ask you if it made you think this young man was guilty or not guilty of this very brutal incident?

A Based upon what I have said?

Q Based upon the pictures you saw and the discussions you had with your fellow co-workers then and since?

A I can't really say that I felt either way. I didn't form an opinion as to his guilt.

Q What impressions did you get other than what you have already told us?

A I don't really know what you mean.

Q What did you think about other than what you told us



based upon the pictures?

A I thought about the boy who was killed, his parents. I felt for him. I thought about putting myself in this situation if I had a child and should something like this happen. I felt anger. I felt --

Q Did you feel the police had arrested the person who did it?

A I felt they thought they had. It was very fast. After the crime, they arrested someone very fast, and my husband and I questioned that because they didn't ever come out and explain what evidence they had that led up to the arrest, or I didn't see it.

Q You and your husband discussed the speed with which they arrested someone?

A Yes.

Q Briefly, what did you talk about?

A We live in West Carrollton. They are known to be very slow about things. This happened in Moraine. We were shocked something was done that soon.

Q Did it impress you?

A Oh, I was impressed, yes.

Q Did it impress you to the extent they may have gotten the right person?

A It made me wonder if they did have the right person.

Q Because they worked it up so fast?

A Yes.

MR. BOSTICK: Thank you.

THE COURT: Very well.

MR. HEAD: I have one question.

BY MR. HEAD:

Q Would you give us the name of the detective who brought the pictures over?

A I'd just as soon not. I don't want him in any trouble.

Q The reason I am asking that is because he may well be a witness in the case. If he is also a patient --

A Detective Mullins.

Q He is a witness in our case.

A I figured he would be.

THE COURT: Let me make that inquiry now. Maybe it will save some time later on.

BY THE COURT:

Q Did you feel because this detective, who is proposed to be a witness in the State's case, is also a patient of your employer --

A Previous employer. I am no longer employed there.

Q Do you feel that with the acquaintanceship with him, that would in any way affect your ability in this case to be a fair and impartial juror?

A No.

Q Would you, because of that acquaintanceship, accord any greater weight or credibility to his testimony than that of any other witness?

A No. I was not that well acquainted with him. He wasn't

in very often.

THE COURT: Okay. We are going to excuse you until 1:30. If you will, report back to the courtroom.

Let's knock off for lunch.

(Whereupon court reconvened.)

THE COURT: It is my understanding counsel waives the Defendant's presence?

MR. BOSTICK: Yes, Your Honor.

THE COURT: Ladies and gentlemen, we are going to let you go to lunch because we want you to report back about 1:30 or thereabouts. There is a snack bar in the building and other places around close. I think there is a Roy Rogers down the street. I am not advertising for any of those places, but there are available places for lunch. We anticipate finishing up individual inquiry of you this afternoon as soon as we get back from lunch and proceed on a little further with the inquiries to the general jury panel. So, I will let you go. You have heard the admonition of the Court about how you are to conduct yourself during recess periods. I ask that you all keep that in mind during the recess and we will see you back here around 1:30.

(Whereupon a recess was had.)

(Whereupon court reconvened.)

THE COURT: Welcome back everybody. I wanted to make sure you all got checked back in here to the proper place and that you survived your luncheon hour. I wanted to repeat what we had



said just a little bit earlier to make sure that everybody is kind of in the right group. We do have about another 10 or 15 people to interview outside the presence of everyone else to complete their first part of the voir dire proceedings, but I wanted to make sure everything was clear on which group it is that they were supposed to be in. So, if you will recall my description of the nature of this case, the question that was originally put to all of you collectively was whether anyone recalled having read, listened to, viewed, or spoken by word of mouth any accounts about this case in the newspapers, on the radio, or on television. And then subsequently for those of you who did recall, and there were a certain number of people who said they did not recall any of that, and there were a certain number of people who said they did, the next question for those that said they did recall something of that nature we asked, of those who do recall having had some media contact or other contact with some facts or circumstances about the case, whether or not any of you recall with sufficient detail what it is that you heard, read, or viewed so as to have a clear memory of that so as to have permitted you to form or express an opinion about the case. Some said they did and some said they didn't, and we are presently interviewing the ones that said they did. I want to make sure everybody is clear on all of that. I think we had gone over it once before. I wanted to redo it in case anybody decided they were in the wrong group when they originally raised their hand. With that instruction, then, we are going to continue now with our individual interviews of those individuals

that were in that one group. We are anticipating this will probably take about another hour. Those of you who have rushed back from your lunch hour may be disappointed to find out you have got to wait another hour before we address the entire group again. Those of you who are not to be interviewed individually at this point we will excuse for another hour. It is beginning to be a nice day. You can wander around outside if you want or any place else. I would ask you to report back, let's make it quarter 'til 3:00, into the courtroom or into the immediate area of the courtroom and, hopefully, we will be ready for you at that time. I ask during this recess that you adhere strictly to the Court's order on your behavior and that you recall all the details in that regard.

Does anybody have any problems or questions at this time? Yes, sir, your name?

MR. BICKNELL: Jeff Bicknell. I am a full-time student at Sinclair. I talked to my teacher to see if I could get out of my classes to be a prospective juror. He said it would affect my grades.

THE COURT: It would affect your grades?

MR. BICKNELL: Yes.

THE COURT: I assume it is not a Government class then. We will excuse you from jury service because of that. Does counsel have any objection?

MR. BOSTICK: None.

MR. HEAD: No.

THE COURT: You are excused, sir. Thank you very much.

Does anybody else have any problems that have arisen during the recess period? All right. The court will be in recess. If the people that we are interviewing will stand by, we will call you one by one.

(Whereupon court retired to the jury room.)

THE BAILIFF: Janet Summers.

THE COURT: Ms. Summers, if you would, have a seat right here.

BY THE COURT:

Q Ms. Summers, as I have just gotten done stating, what we are here for is for you to tell us everything in particular that you can recall having read, listened to, talked about, or whatever about this case in detail, in as much detail as you can recall. That is number one. Number two, we are going to ask you, based on all of that, whether or not you have formed or expressed any opinion about the guilt or innocence of this Defendant in this case. That is number two. Then we are going to ask you if you have an opinion, what that opinion is. Finally, we are going to ask you whether, if you have an opinion, whether or not you could set aside that opinion and be a fair and impartial juror, paying attention only to the evidence presented to the jury in the courtroom and putting aside everything that you might have heard, read, listened to, or whatever in the media out of your mind. So, I will turn the ball over to you. You tell me specifically what it is that you've read, heard, and so on.

A First of all, I maybe should have gotten excused because



of my occupation. I am a Registered Nurse. I work at the hospital. I didn't realize what the trial was. The girl that works for me is a volunteer paramedic and a fireman on the Moraine Fire Department, so I have heard a lot about it.

Q From her?

A Yes. So, I think I do have an opinion.

Q What is the opinion?

A Guilty. She told me after he was dead they castrated him, and they had the drugs, and he was in the room, in the other room.

Q Is this opinion based on what you have been told about the case from this person who works for Moraine?

A Yes.

Q Is it based on other things you may have read or seen or viewed on the media?

A Mostly from what she told me. She stated it was one of the worst things they had seen.

Q With this opinion that you have about the Defendant's guilt, do you feel that you could set aside this opinion and perform the function of a juror in this case as a fair and impartial juror?

A No, I really don't.

THE COURT: Does counsel have any objection?

MR. BOSTICK: None, Your Honor.

MR. HEAD: No.

THE COURT: You are excused. Thank you.