

1 AND TRADE SEATS NOW.

2 (THEREUPON, COURT WAS AT EASE.)

3 THE COURT: ALL RIGHT. WE'LL CONSIDER CHALLENGES,
4 GOING THROUGH THE LIST AND BACK-STIKING UNTIL WE'VE GOT
5 A JURY.

6 MR. EIDE: COULD I HAVE A SECOND JUST TO PUT
7 THESE BACK IN ORDER, YOUR HONOR? IT WILL JUST TAKE
8 ME A SECOND.

9 THE COURT: ALL RIGHT. JUROR NUMBER ONE, ANY
10 CHALLENGE BY THE STATE?

11 MR. BENDER: WE WOULD EXCUSE.

12 THE COURT: JUROR NUMBER TWO, ANY CHALLENGE BY
13 THE DEFENSE?

14 MR. EIDE: YOUR HONOR, I PUT THEM BACKWARDS.

15 NO, YOUR HONOR.

16 MR. BENDER: NONE FROM THE STATE.

17 THE COURT: JUROR NUMBER THREE, ANY CHALLENGE BY
18 THE STATE?

19 MR. BENDER: NO, YOUR HONOR.

20 THE COURT: ANY CHALLENGE BY THE DEFENSE?

21 MR. EIDE: YES, YOUR HONOR.

22 THE COURT: JUROR NUMBER FOUR, ANY CHALLENGE BY
23 THE DEFENSE?

24 MR. EIDE: YOUR HONOR, I'M SORRY. ON MR. BURNS --

25 ON NUMBER THREE, PREISSER --

1 THE COURT: PREISSER?

2 MR. EIDE: YES, YOUR HONOR, WE WOULD CHALLENGE.

3 THE COURT: RIGHT, YOU CHALLENGED PREISSER.

4 JUROR NUMBER FOUR, ANY CHALLENGE BY THE
5 DEFENSE?

6 MR. EIDE: NO, YOUR HONOR.

7 THE COURT: ANY CHALLENGE BY THE STATE?

8 MR. BENDER: NO, YOUR HONOR.

9 THE COURT: JUROR NUMBER FIVE, ANY CHALLENGE BY
10 THE STATE?

11 MR. BENDER: NO, YOUR HONOR.

12 THE COURT: ANY CHALLENGE BY THE DEFENSE?

13 MR. EIDE: NO, YOUR HONOR.

14 THE COURT: JUROR NUMBER SIX, ANY CHALLENGE BY
15 THE DEFENSE?

16 MR. EIDE: NO, YOUR HONOR.

17 THE COURT: BY THE STATE?

18 MR. BENDER: WE WOULD EXCUSE MR. KELEMEN.

19 THE COURT: JUROR NUMBER SEVEN, ANY CHALLENGE
20 BY THE STATE?

21 MR. BENDER: NO, YOUR HONOR.

22 THE COURT: BY THE DEFENSE?

23 MR. EIDE: IS THAT MISS SCHILLING, YOUR HONOR?

24 THE COURT: HMM-HMM.

25 MR. EIDE: NOT AT THIS TIME, YOUR HONOR.

1 THE COURT: JUROR NUMBER EIGHT, ANY CHALLENGE
2 BY THE DEFENSE?

3 MR. EIDE: NOT AT THIS TIME.

4 THE COURT: BY THE STATE?

5 MR. BENDER: NO, YOUR HONOR.

6 THE COURT: JUROR NUMBER NINE, ROSCOE SMITH,
7 ANY CHALLENGE BY THE STATE?

8 MR. BENDER: WE WOULD EXCUSE MR. SMITH.

9 THE COURT: JUROR NUMBER TEN, ANY CHALLENGE BY
10 THE STATE -- I MEAN, BY THE DEFENSE?

11 MR. EIDE: YES, YOUR HONOR.

12 THE COURT: JUROR NUMBER ELEVEN, ANY CHALLENGE
13 BY THE STATE?

14 MR. BENDER: WE WOULD EXCUSE MISS BUSH, YOUR
15 HONOR.

16 THE COURT: JUROR NUMBER TWELVE, ANY CHALLENGE
17 BY THE DEFENSE?

18 MR. EIDE: YES, YOUR HONOR.

19 THE COURT: ALL RIGHT. JUROR NUMBER THIRTEEN,
20 ANY CHALLENGE BY THE STATE?

21 MR. BENDER: NO, YOUR HONOR.

22 THE COURT: ANY CHALLENGE BY THE DEFENSE?

23 MR. EIDE: YES, YOUR HONOR WE WOULD.

24 THE COURT: JUROR NUMBER FOURTEEN, ANY CHALLENGE
25 BY THE DEFENSE?

1 MR. EIDE: NO, YOUR HONOR.

2 THE COURT: ANY CHALLENGE BY THE STATE?

3 MR. BENDER: NO, YOUR HONOR.

4 THE COURT: ALL RIGHT. THAT'S OUR JURY.

5 ANY BACK-STRIKES BY THE STATE?

6 MR. BENDER: NUMBER FOUR, MRS. O'REILLY, YOUR
7 HONOR.

8 THE COURT: ALL RIGHT. JUROR NUMBER FIFTEEN,
9 ANY CHALLENGE BY THE STATE?

10 MR. BENDER: NO, YOUR HONOR.

11 THE COURT: ANY CHALLENGE BY THE DEFENSE?

12 MR. EIDE: NO, YOUR HONOR.

13 THE COURT: ANY BACK-STRIKES BY THE DEFENSE?

14 MR. EIDE: YOUR HONOR, I WOULD AT THIS TIME
15 BACK-STRIKE THERESA SCHILLING, NUMBER SEVEN.

16 THE COURT: JUROR NUMBER SIXTEEN, ANY CHALLENGE
17 BY THE DEFENSE?

18 MR. EIDE: YES, YOUR HONOR, I CHALLENGE
19 MISS LUNDSKOW FOR CAUSE. AND FOR GROUNDS I WOULD
20 STATE THAT SHE, WHEN WE BOTH TRIED TO TALK TO HER,
21 BOTH TIMES SHE SAID SHE DOESN'T KNOW.

22 THE COURT: LET ME HEAR ARGUMENT FROM THE STATE.

23 MR. BENDER: YOUR HONOR, I THINK MISS LUNDSKOW
24 WAS SUFFICIENTLY REHABILITATED AND UNDERSTANDS.

25 WHILE CERTAINLY WE CANNOT EXPECT HER TO

1 FORGET ABOUT WHAT HAPPENED TO HER IN THE PAST, I
2 THINK SHE EXPLAINED VERY CREDIBLY THAT SHE WOULD BE
3 ABLE TO PUT THAT ASIDE.

4 THE COURT: ALL RIGHT. CHALLENGE FOR CAUSE WILL
5 BE GRANTED.

6 JUROR NUMBER SEVENTEEN, ANY CHALLENGE BY
7 THE STATE?

8 MR. BENDER: NO, YOUR HONOR.

9 THE COURT: ANY CHALLENGE BY THE DEFENSE?

10 MR. EIDE: YOUR HONOR, LET ME CHECK. YES, YOUR
11 HONOR, WE WOULD.

12 THE COURT: JUROR NUMBER EIGHTEEN, ANY CHALLENGE
13 BY THE DEFENSE?

14 MR. EIDE: NO, YOUR HONOR.

15 THE COURT: ANY CHALLENGE BY THE STATE?

16 MR. BENDER: NONE, YOUR HONOR.

17 THE COURT: ALL RIGHT. ANY BACK-STRIKES BY
18 THE STATE?

19 MR. BENDER: NO, YOUR HONOR.

20 THE COURT: ANY BACK-STRIKES BY THE DEFENSE?

21 MR. EIDE: YOUR HONOR, I WOULD -- I'M SORRY.
22 I WOULD STRIKE MISS MURILLO. THAT WOULD BE MY SIXTH.

23 THE COURT: ALL RIGHT. NUMBER NINETEEN,
24 KAY RUDELL, ANY CHALLENGE BY THE STATE?

25 MR. BENDER: NO, YOUR HONOR.

1 THE COURT: ANY CHALLENGE BY THE DEFENSE?

2 MR. EIDE: NO, YOUR HONOR.

3 THE COURT: YES OR NO?

4 MR. EIDE: I'M SORRY. NO, YOUR HONOR.

5 THE COURT: ALL RIGHT. THAT'S OUR SIX JURORS.

6 ANY BACK-STRIKES BY THE DEFENSE?

7 MR. EIDE: NO, YOUR HONOR.

8 THE COURT: ANY BACK-STRIKES BY THE STATE?

9 MR. BENDER: NO, YOUR HONOR.

10 THE COURT: ALL RIGHT. THAT'S IT. WE'VE GOT
11 NUMBER TWO, ROBINSON; NUMBER FIVE, GORDON; NUMBER
12 EIGHT, JUNG; NUMBER FOURTEEN, SMITH; NUMBER FIFTEEN,
13 KERLEY; AND, NUMBER NINETEEN, RUDELL.

14 IS EVERYBODY IN AGREEMENT?

15 MR. BENDER: THAT'S WHAT I HAVE, YOUR HONOR.

16 MR. EIDE: YES, SIR.

17 THE COURT: LET'S GO ON TO TWO CHALLENGES FOR
18 ALTERNATE. MERLE NELSON, ANY CHALLENGE BY THE STATE?

19 MR. BENDER: YOUR HONOR, I THINK THAT MISS NELSON
20 INDICATED THAT SHE COULD NOT BE IMPARTIAL, AND I THINK
21 SHE SHOULD BE EXCUSED FOR CAUSE.

22 THE COURT: THAT'S RIGHT. I AGREE. SHE WILL
23 BE CHALLENGED FOR CAUSE AND EXCUSED.

24 GERALDINE MENUY, ANY CHALLENGE BY THE STATE?

25 MR. BENDER: NONE.

1 THE COURT: ANY CHALLENGE BY THE DEFENSE?

2 MR. EIDE: NONE, YOUR HONOR.

3 THE COURT: ALL RIGHT. AS A SECOND ALTERNATE,
4 GAY AUTRY, ANY CHALLENGE BY THE DEFENSE?

5 MR. EIDE: NONE.

6 THE COURT: ANY CHALLENGE BY THE STATE?

7 MR. BENDER: NO, YOUR HONOR.

8 THE COURT: ALL RIGHT TWENTY-ONE AND TWENTY-TWO
9 ARE OUR ALTERNATES.

10 SO WE'VE GOT TWO, FIVE, EIGHT, FOURTEEN,
11 FIFTEEN, NINETEEN, TWENTY-ONE AND TWENTY-TWO.

12 MR. BENDER: THAT'S RIGHT.

13 THE COURT: ALL RIGHT. BRING THEM IN.

14 (THEREUPON, THE VENIRE ENTERED COURTROOM, AFTER WHICH
15 THE FOLLOWING PROCEEDINGS TRANSPIRED:)

16 THE COURT: ALL RIGHT. LET ME SEE MAKE SURE
17 WE'VE GOT EVERYBODY IN PROPER ORDER AND THE PROPER
18 FOLKS. WE'VE GOT TONI ROBINSON, LAWRENCE GORDON,
19 JEANNIE JUNG, RICHARD SMITH, NORMA KERLEY, KAY RUDELL,
20 GERALDINE MENUHEY AND GAY AUTRY.

21 IF ALL OF YOU WILL STAND AND RAISE YOUR
22 RIGHT HANDS TO BE SWORN.

23 (THEREUPON, THE JURY WAS DULY SWORN AND IMPANELED
24 TO TRY THE ISSUES OF THE CASE.)

25 THE COURT: WE'RE GOING TO RECESS FOR LUNCH HERE