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else pertaining to it.

You are not to form or express an opinion on the matter until it is finally submitted to you for that purpose.

We will now take a noon recess which will be until 2 o'clock.

Remand the defendant.

Ladies and gentlemen of the jury, you are to reassemble in the same room where you assembled this morning, in the Old Hall of Records, and you will be escorted over here from there.

Be back there about 20 minutes to two.

(Adjournment taken to the hour of 2 p.m. of the same day, Tuesday, January 14, 1969.)

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MR. FITTS: That's all I have.

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MR. COOPER: Nothing further.

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THE COURT: Let me ask you this. Are you of the frame of mind that you can set aside anything you may have heard or know and form your opinion only upon the evidence heard in this trial and the law as given to you by me?

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A I would say so, yes.

8

THE COURT: Now I am going to ask you not to tell the people outside what we have been talking about in here. Do you understand?

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A Yes.

12

THE COURT: The other members of the jury.

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Anything further?

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MR. COOPER: I have nothing further except as the Court indicated, we have you in here now we can ask you personal questions and they are none of anybody else's business.

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THE JUROR: Yes, I understand that.

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MR. COOPER: Thank you.

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(Juror Duke leaves chambers.)

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MR. HOWARD: Your Honor, may I address the Court on a certain matter? This is housekeeping.

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I don't know if your Honor is aware, but the Los Angeles Police Department is preparing final and detailed reports that go beyond preparation for this trial in the investigative phase. One of the things the Police

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1 Department would like to do is, for example, to look at  
2 the gun now marked an exhibit; to describe the gun as to  
3 whether it had a plastic handle or a wooden handle -- I  
4 can't tell or can't recall that. There is an order by  
5 Judge Alarcon outstanding that the exhibits can only be  
6 reviewed by order of court. They will not come up for a  
7 period of time, probably originating with the testimony of  
8 the witnesses.

9 I was wondering if the Court would consider a  
10 modification of the Alarcon order to allow the Deputy  
11 District Attorneys and the defense attorneys to go down  
12 to the fourth floor and pull the exhibits?

13 THE COURT: And look at them?

14 MR. HOWARD: Yes, sir -- not take them or anything  
15 like that.

16 MR. COOPER: I would join in that.

17 MR. HOWARD: In any other case we have ever tried the  
18 defense could go look at the exhibits, sign a card, or we  
19 could. Because of this case Judge Alarcon ordered we could  
20 not.

21 MR. COOPER: I would assume we would have the right  
22 to go in any case.

23 THE COURT: I don't understand the reason for the  
24 order.

25 MR. HOWARD: I think it was to avoid perhaps  
26 unauthorized exploitation of the photographs used in the

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1 autopsies, at cetera, et cetera.

2 MR. COOPER: I will stipulate, if your Honor please,  
3 so there is no question about it, that counsel for the  
4 prosecution and any lawyer of counsel for the defendant  
5 be permitted to see the exhibits at any time, with the  
6 understanding no photographs are to be taken of them unless  
7 we get a further order of the Court for taking photographs.  
8 I think that is our right.

9 THE COURT: I do, too. I will modify the order to  
10 that extent then, to conform to your stipulation.

11 (Off the record discussion.)

12 THE COURT: You may consider the order as modified  
13 in accordance with the stipulation, gentlemen.

14 THE CLERK: They are to be examined in the County  
15 Clerk's Office?

16 MR. COOPER: Wherever they are, I would assume.  
17 That is the custom.

18 MR. HOWARD: I am told they are in the County Clerk's  
19 Office. They are not in this department.

20 MR. COOPER: Alice, could you notify the County  
21 Clerk's Office?

22 THE CLERK: Yes, I will.

23 (The following proceedings take place  
24 in open court.)

25 THE COURT: People vs. Sirhan. Let the record show  
26 the parties and counsel present and the prospective jurors

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