

1 BARNARD RHEEMS: I have reason being--yes, uh, uh,
2 we're--not to go into the case, or whatever, but I didn't really
3 agree with the--the time they gave the defendant. He got
4 extensive time, and I think he should have--did feel like he was
5 guilty, but he should have received--

6 THE COURT: Okay. You--is that--do you think
7 that's going to affect your ability to sit here today and
8 deliberate with your other eleven--if you're chosen and picked,
9 uh, to sit on this jury, do you think that's going to affect your
10 ability to work with these eleven other jurors?

11 BARNARD RHEEMS: It really all depends, Judge. I
12 mean, I can't say yes and I can't say no, because, you know, I--
13 you know, the case hasn't been laid out and--

14 MR. REDDICK: Do you promise to sit here and
15 listen to the facts objectively?

16 BARNARD RHEEMS: Oh, yes.

17 MR. REDDICK: Now, that's what I need. That was
18 a very honest response by Mr. Rheems. I encourage that from all
19 of you.

20 Have any of you--do any of you know Brandon Edmonson?
21 That's the victim in this case. The State is going to call him
22 as a witness. Any contact with Brandon Edmonson, whatsoever?
23 When I asked you if you know him, I mean, none of you know me,
24 but you've had contact with me, after today. Have you had any
25 contact with him, whatsoever?

1 Have any of you ever known anyone who has been accused,
2 charged, or convicted of a crime of this nature, for sexual abuse
3 in general? Now, I'm not trying to dig into your personal lives,
4 but do any of you know anybody that's ever been charged or
5 convicted?

6 Ladies and gentlemen, I understand that--that rape is--is a
7 very distasteful sounding crime and it is a distasteful crime.
8 Uh, it's--it's a four-letter word that just screams out and gets
9 everybody's attention when the word is spoken. However, would
10 you all agree with me that rape is an intensely private crime?
11 Let me explain myself. By private, I mean--would you agree with
12 me that in most rapes, there are not eye witnesses to it? All of
13 you agree. And, if any of you disagree, please raise your hand.

14 Would you all agree that it is more--even more so, even more
15 private, when it occurs among family? Does anyone disagree?

16 Ladies and gentlemen, the law in this state only requires
17 that the victim get up there and testify to what happened or
18 testify that he was raped. It doesn't require that we put on eye
19 witnesses. Any of you have a problem with that law? Any of you
20 have a problem with that? It's okay, if you do. Are you twelve
21 people going to be able to sit here today and listen to the
22 testimony and convict someone based on one witness? If any of
23 you are uncomfortable, please be honest. Are all twelve of you
24 gonna--if you listen to the facts today, would all twelve of you
25 be able to convict the defendant, based on one witness, the

1 victim?

2 How many of you think that when a person is raped that

3 there--that there should be some type of medical evidence

4 present? Do any of you feel that way, that when a person is

5 raped there should be some type of medical sign there?

6 Yes, sir?

7 OSCAR BURNETT: I think there ought to be--

8 MR. REDDICK: There ought to be--

9 OSCAR BURNETT: --some evidence of it, yes.

10 MR. REDDICK: --some evidence of it? Okay. And,

11 so if we were to present a case today that had no medical

12 evidence, would that affect your decision here, today?

13 OSCAR BURNETT: I think so, um-hum.

14 MR. REDDICK: Can we approach, Your Honor?

15 (Whereupon, the following sidebar proceedings were

16 had.)

17 MR. REDDICK: (At the bench.) Move to strike.

18 Move to strike him for cause, Your Honor.

19 THE COURT: (At the bench.) What is the cause?

20 MR. REDDICK: (At the bench.) Your Honor, he's--

21 he's already testified that if the State presents no medical

22 evidence of the rape, it's going to affect his decision, and he's

23 not--

24 MR. McCULLOUGH: (At the bench.) He--and he--go

25 ahead.

1 MR. REDDICK: (At the bench.) Feel free, go
2 ahead.

3 MR. McCULLOUGH: (At the bench.) I thought you
4 were finished.

5 He has that right, Judge, to take into account what's
6 presented, whether it's testimony or evidence or the lack of
7 certain types of evidence, he can figure it into his decision.
8 The law doesn't say that the only thing the State has to put on
9 is what he told him, and that's--that's their testimony.

10 THE COURT: (At the bench.) I think he's right.

11 MR. McCULLOUGH: (At the bench.) It's a weight--

12 THE COURT: (At the bench.) I'm not going to
13 strike him for cause.

14 MR. McCULLOUGH: (At the bench.) --it's a weight
15 thing, not--

16 THE COURT: (At the bench.) Okay.

17 (Whereupon, the following further proceedings were had
18 in open court.)

19 MR. REDDICK: Mr. Burnett, not--not to pick on
20 you, but if the law in Arkansas doesn't require medical evidence
21 in order to find someone guilty of rape, could you follow that
22 law?

23 MR. McCULLOUGH: Judge, I'm going to object to
24 that, Judge, because that's an improper characterization of what
25 the law is. The law--

1 THE COURT: That's proper voir dire.
2 MR. McCULLOUGH: Yes.
3 MR. REDDICK: Thank you, Your Honor.
4 Sir?
5 OSCAR BURNETT: Well, I'd be inclined to go by
6 what the law directed me to do.
7 MR. REDDICK: Okay. You just--you testified--I
8 mean--not testified, I'm sorry. You just told me that--that it
9 would affect your opinion--and that's okay--if there was no
10 medical evidence of a rape. Uh, and if the law doesn't require
11 that, are you going to follow the law, even though you have that
12 opinion?
13 OSCAR BURNETT: Uh, I'd be hesitant.
14 MR. REDDICK: You'd be hesitant to follow the law?
15 MR. McCULLOUGH: Judge, again, I'm going to
16 object, because--
17 OSCAR BURNETT: I'd be hesitant to convict
18 somebody, if there wasn't that evidence.
19 MR. REDDICK: We'd make the same--
20 THE COURT: I think it goes to the weight of--
21 MR. McCULLOUGH: Goes to what?
22 MR. REDDICK: How many of you think that, uh, rape
23 involves force--all rapes involve force? Would all of you agree
24 that some rapes do not involve any force? Would all of y'all
25 agree that someone can be charged with rape, based on the

1 victim's age, that force is not an issue, just look at the age?
2 Would any of you have a problem convicting someone of rape, where
3 there's no force present?

4 Sir, Mr. Rheems?

5 BARNARD RHEEMS: Did you say no force?

6 MR. REDDICK: No force present, whatsoever.

7 BARNARD RHEEMS: I'd be reluctant.

8 MR. McCULLOUGH: Judge, I'm going to object to
9 that, because that's not part of what the State is alleging.
10 This information they've alleged is based upon the age of the
11 alleged victim.

12 MR. REDDICK: Your Honor, may we approach, instead
13 of airing this out in open court?

14 (Whereupon, the following sidebar proceedings were
15 had.)

16 MR. McCULLOUGH: (At the bench.) They haven't
17 alleged it's by forcible compulsion, Judge; they've alleged it's
18 based upon the age of the young boy.

19 MR. REDDICK: (At the bench.) Well, the question,
20 Your Honor, was: Would you be able to convict a person, if
21 there's no force present?

22 MR. McCULLOUGH: (At the bench.) That's not an
23 issue in this case, Your Honor.

24 MR. REDDICK: (At the bench.) Exactly. That's my
25 point. I was asking him--

1 MR. McCULLOUGH: (At the bench.) And, it's
2 confusing to the jury.

3 THE COURT: (At the bench.) I know that it's
4 confusing to me.

5 MR. REDDICK: (At the bench.) He says if there's
6 no resistance present he cannot convict.

7 MR. McCULLOUGH: (At the bench.) But, the problem
8 is, Your Honor--

9 THE COURT: (At the bench.) What?

10 MR. REDDICK: (At the bench.) He said if there's
11 no resistance or force present, that he would not--he'd be
12 hesitant to convict. There is no force present in this case.

13 MR. McCULLOUGH: (At the bench.) But, that's not
14 alleged, either. That's not an issue for them to decide in this
15 case. All they've got to decide is whether or not there was
16 sexual intercourse--deviate sexual intercourse on the age of the
17 young boy.

18 THE COURT: (At the bench.) That's my under-
19 standing.

20 MR. REDDICK: (At the bench.) Be that as it may,
21 though, he said, irrespective of his age, that if there's no
22 force present, he'd be hesitant to convict.

23 MR. McCULLOUGH: (At the bench.) He hasn't told
24 them about--how age works. They haven't been told how the
25 statute works, what the elements are, or anything.