

MEMBER OF JURY WAS DEAF

Sydney Case To Be Heard Again

SYDNEY, Monday.

While a jury was considering a verdict in Quarter Sessions it was discovered that one of the jurymen was partly deaf. The jury, which had been deliberating for two hours, filed back into court.

The foreman announced that a jurymen had admitted that he had not heard certain evidence.

"I will have to consider the position, and must ask you to retire again," said Judge Markell.

The judge considered the situation, called the jury in again, and said he thought it would be best to discharge it.

POWER UNDER ACT.

Mr Reid (for the accused) said that a jury could consider its verdict if, through death, illness, or otherwise, it was reduced to not fewer than 10, provided it received the consent in writing of the Crown Prosecutor and the accused.

Judge Markell: I think I can rule that the deaf jurymen is ill, and that the jury may consider its verdict.

The judge asked the Crown Prosecutor (Mr Bruxner) and Mr Reid to confer.

Mr Bruxner: The Crown's attitude is that it leaves the matter to the judge's discretion.

Mr Reid: The accused is prepared to accept the verdict of 11 jurors.

Judge Markell: In the circumstances I think it would be wise to discharge the jury.

The accused, Donald Foley, who was charged with having committed an indecent assault, was remanded.