

1 an act of the Legislature already in existence.

2 JUDGE CARTER: They can't do that. As I re-
3 call, they said we are passing this law to implement the
4 amendment in the event the amendment is passed in the
5 November election, so that it will go into effect immed-
6 iately and permit the present administration to select
7 the personnel of the court, rather than to wait until
8 the Legislature meets to implement the amendment. This
9 court will be, assuming it will be appointed on the
10 geographical districts now created by the Legislature.

11 THE CHAIRMAN: This again would be in line
12 with Judge Oppenheimer's suggestions.

13 All right.

14 MRS. STRAUS: Mr. Chairman, may I ask, if the
15 Appellate Court were to sit in panels of three and there
16 would be one dissenting opinion, would then not the person
17 on trial be permitted to go before the Supreme Court of
18 Appeals or would they not be permitted retrial, consider-
19 ing the fact that there are five members of the Appellate
20 Court?

21 THE CHAIRMAN: I think again that whether or