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Defendant's Proposed Jury Questionnaire

William D. Mason
Cuyahoga County Prosecutor

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALAN DAVIS, EXECUTOR ET. AL.,
Plaintiff

v

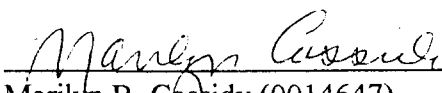
STATE OF OHIO,
Defendant

: CASE NO. 312322
:
:
: JUDGE RONALD SUSTER
:
:
: DEFENDANT'S PROPOSED
:
: JURY QUESTIONNAIRE
:
:

Defendant, State of Ohio, by and through counsel, William D. Mason, and Marilyn B. Cassidy,
submits herewith a proposed jury questionnaire for the court's consideration.

Respectfully submitted,

WILLIAM D. MASON, PROSECUTING
ATTORNEY, CUYAHOGA COUNTY


Marilyn B. Cassidy (0014647)
Assistant Prosecutor
1200 Ontario Street
Cleveland, Ohio 44113
(216) 443-7785

ATTORNEYS FOR DEFENDANT

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALAN DAVIS, Special Administrator
of the Estate of Samuel H. Sheppard,

Plaintiff,

vs.

STATE OF OHIO,

Defendant.

: CASE NO. 312332
:
: JUDGE RONALD SUSTER
:
: DEFENDANT STATE OF OHIO'S
: PROSPECTIVE JUROR
: QUESTIONNAIRE
:
:
:

Name: _____

PROSPECTIVE JUROR QUESTIONNAIRE

Please answer each question in the following pages as completely and as accurately as you can. Complete answers will save the Court and all parties involved a great deal of time. If you need more space to sufficiently answer any particular question, please use the blank page at the end of the questionnaire.

There are not right or wrong answers to the questionnaire. The only right answers are complete and honest responses to all questions. The purpose in using this questionnaire is three-fold. The first is to gain full and honest responses from you without revealing that information to the entire panel of jurors in open court. This will protect the confidentiality of your responses. Second, the questionnaire will spare you the long wait that usually occurs when the attorneys must repetitiously ask all of you the same questions. Finally, the use of this questionnaire provides each party the opportunity to select a fair and impartial jury. Therefore, your full cooperation is of the greatest significance to the administration of justice in this case. SOME OF THESE QUESTIONS MAY CALL FOR INFORMATION OF A PERSONAL NATURE THAT YOU MAY NOT WANT TO DISCUSS IN PUBLIC, i.e., IN AN OPEN COURTROOM, WITH THE PRESS AND/OR THE PUBLIC PRESENT. IN ANY INSTANCE WHERE YOU FEEL PUBLIC DISCUSSION OF YOUR ANSWER MAY INVADE YOUR RIGHT TO PRIVACY OR MIGHT BE EMBARRASSING TO YOU, YOU MAY INDICATE THAT BY PLACING YOUR INITIALS ALONGSIDE THE NUMBER OF THE QUESTION. THE COURT WILL THEN GIVE YOU AN OPPORTUNITY TO EXPLAIN YOUR REQUEST FOR CONFIDENTIALITY IN A CLOSED HEARING. IF FOR ANY REASON YOU FEEL

YOU SHOULD NOT HAVE TO ANSWER A QUESTION, PLEASE INDICATE THAT ON THE QUESTIONNAIRE AND THE COURT WILL GIVE YOU AN OPPORTUNITY TO EXPLAIN YOUR REASON LATER.

PROSPECTIVE JUROR QUESTIONNAIRE

GENERAL BACKGROUND

1. Name _____ 2. Age _____
3. Maiden Name _____
4. Nationality _____
5. Place of Birth _____
6. City of Residence _____

_____ (nearest major intersection)
7. How long have you lived at your current address? _____
8. How long have you lived in Cuyahoga County? _____
9. If you have lived in other cities in the past ten years, please list them beginning with the most recent:

10. Do you own _____ or rent _____ your home? If neither, please explain:

EDUCATION

11. What was the highest level of education completed? _____
High school graduate? _____
Vocational/Technical _____
Business School _____
Secretarial/Paralegal _____
Community College: 1 year _____ 2 years _____ 3 years _____
Four year college _____
Post-graduate _____

12. If you attended college or graduate school, which one, when, and where?

13. What did you study? _____

14. Have you received any special training? _____ yes _____ no
If yes, please describe.

EMPLOYMENT

15. Do you work outside of the home: _____ yes _____ no
If yes, where? _____
How long have you been with your present employer? _____
Job title: _____
What are your duties/responsibilities? _____

16. Have you had any previous occupations? Please list all employers, dates of employment, titles and responsibilities.

17. Will you be paid by your employer while on jury duty? _____

18. Will jury duty cause you any undue financial hardship (i.e., child care expenses, lost wages, etc.)? If so, please state what and how much.

MARITAL STATUS

19. Please check one: _____ married _____ separated _____ single
_____ widowed _____ divorced
_____ living w/non-marital mate

20. If married or with mate, for how long? _____
Is your spouse/mate currently employed, unemployed, retired, a homemaker, or a student?
(Circle one)

21. If your spouse is employed, please describe what type of work they do, including name and location of employer, and length of time at the position.

22. What is your spouse or former spouse's occupation? (Follow above instructions)

23. What is your spouse or former spouse's previous occupation? (Follow above instructions)

24. If your spouse/mate is retired, presently unemployed or disabled, please answer the questions above for the last job.

CHILDREN

25. List the names, ages and occupations of your children:

<u>Name</u>	<u>Age</u>	<u>Residing with you?</u> <u>Yes or No</u>	<u>Occupation/Employer</u>
-------------	------------	---	----------------------------

26. If your children are now adults living in your home, did they live with you while growing up? ____ yes ____ no. If no, please explain:

27. Have your children been raised by both natural parents?
____ yes ____ no. If no, please explain who raised them and the circumstances.

28. What factors do you think are most likely to have a positive influence on a child's development?

29. What factors do you think are most likely to have a negative influence on a child's development?

RELIGION

30. What is your religious affiliation/denomination, if any?

31. Do you attend a church/temple now? ____ yes ____ no
If yes, how frequently? _____

32. What church/temple do you attend? _____

33. Do you participate in other activities in your church/temple? ____ yes ____ no.
If yes, please describe: _____

34. Have you ever belonged to or practiced any other religion?

35. Do you know anyone in a non-traditional religion?

36. If married, what is your spouse's religious preference?

37. Do you have any principles or scruples based on religious or ethical teachings or dogma that would affect your ability to serve as a fair and impartial juror?

FAMILY BACKGROUND

38. Were you raised by a single parent or by someone other than a natural parent?
____ yes ____ no. If yes, please explain the circumstances: _____

39. What are/were your parent's occupations?

40. Father's birthplace: _____
Mother's birthplace: _____

MILITARY SERVICE

41. Have you ever served in the military? _____ yes _____ no
If yes, when? _____ Where? _____
How long? _____ Branch: _____
Highest rank _____ Your job _____
Type of discharge and when _____

42. Were you engaged in combat? _____ yes _____ no

43. Were you ever involved in a military court martial? _____ yes _____ no. If yes, please describe your role:

FIREARMS

44. Do you now own or have you ever owned a firearm? _____ yes _____ no. If yes, what type of firearm and for what purpose do you own it?

HEALTH

45. Do you have any specific health problems of a serious nature that might make it difficult or uncomfortable for you to sit as a juror in this case? _____ yes _____ no. If yes, please describe.

46. Are you taking medication regularly that might make it difficult for you to pay attention or concentrate for long periods of time? _____ yes _____ no. If yes, what medication:

47. Is there any pressing business or personal matter that might interfere with the time it may take to render a decision in this case? _____ yes _____ no. If yes, please describe:

48. Do you belong to any social, fraternal, recreational or athletic groups? _____ yes _____ no. If yes, please describe:

49. Have you held office now or in the past in any of these groups? _____ yes _____ no
If yes, please describe:

50. What newspapers do you read? _____
How often? _____ What section do you read first? _____
What sections do you read most often? _____

51. This case involves a homicide that occurred over forty years ago. Have you viewed any material on television in this case? _____ yes _____ no.
Have you read any material (newspapers, magazines, books, etc.) regarding this case?
_____ yes _____ no.

If yes, please indicate what television programs you viewed and whether they caused you to form any opinions regarding this case.

52. Do you watch television news? _____

53. Have you heard anything about this case from any source? _____
If so, what have you heard:

54. Do you socialize with people from a different ethnic background than your own?
_____ yes _____ no.

55. Do you believe that there is still significant racial prejudice in this country? _____
If so, why do you think that a problem remains?

(Additional space is available at the end of questionnaire, if necessary).

56. Do you follow trials or crime stories in the news? ____ yes ____ no. If yes, which cases have you followed?

- _____
57. Do you follow stories about the functioning of the criminal justice system? ____ yes ____ no. If yes, which cases have you followed:

JURY EXPERIENCE

58. Have you served as a grand juror or juror before? ____ yes ____ no.

If yes, when? _____ Where? _____

59. Criminal or civil? _____ If civil case(s), what was the issue?

- _____
60. Former jury service:

Grand Jury	_____
Common Pleas	_____
Civil and/or Criminal	_____
Municipal Court	_____
Federal	_____
Total number of cases	_____

61. Do you own any pets? _____ If so, are they permitted in the house? ____
On the furniture? _____

WITNESS EXPERIENCE

62. Have you ever testified as a witness in a criminal or civil case? ____ yes ____ no.
If yes, what type of case? _____ In what capacity did you testify?

63. Have you ever witnessed a crime or situation calling for your observation? _____ yes _____ no.

64. In addition, if you ever filed a report with the police, please describe when and under what circumstances:

COURT EXPERIENCE

65. Have you, a friend, a relative or anyone you know ever been arrested for or convicted of a felony? _____ yes _____ no. If so, state who, what and when:

VICTIM EXPERIENCE

66. Have you ever been a party to a lawsuit or filed a claim against a governmental agency? _____ yes _____ no. If yes, please explain:

ADMINISTRATION OF JUSTICE

67. Have you, any member of your family or a close friend ever taken a course in the administration of justice, or studied law? _____ yes _____ no. If yes, please give details:

68. Have you, any member of your family or a close friend ever been affiliated with any of the following (if yes, please check):

- | | |
|-------|---|
| _____ | Law enforcement (police officer, sheriff, F.B.I. agent, etc.) |
| _____ | Corrections (prison guard, jailer, prison staff, jail staff) |
| _____ | Security employment |
| _____ | Mental institution |
| _____ | Juvenile facilities |
| _____ | Probation and parole |
| _____ | District attorney or United States attorney |
| _____ | Public defender |
| _____ | Law school |
| _____ | Investigative work |
| _____ | Immigration services |
| _____ | Drug enforcement administration |

69. If you checked any of the above, please indicate who was affiliated, the nature of the

affiliation and when:

70. Do you have acquaintances who are attorneys practicing criminal law, or are judges?
_____ yes _____ no. If yes, please state the names of those persons and the relation you
have with them:

71. What are your general feelings about law enforcement?

72. What are your thoughts about whether the police carefully and completely investigate
crimes?

73. Is there a crime prevention group in your neighborhood and, if so, do you participate in it?

74. What are the most important problems in the current operation of the criminal justice system?

SELF DESCRIPTION

75. What descriptive words or adjectives would you use to describe yourself?

76. If you were asked to describe why you would be a qualified and fair person to serve on
this job as a juror, what would you say?

77. Would you characterize yourself as a leader or a follower? Please explain.

78. Is there anything else you would like to bring to the court's attention about your ability to be fair and impartial? _____ yes _____ no. If yes, please explain.

CERTIFICATION

I hereby certify the above information is true and accurate.

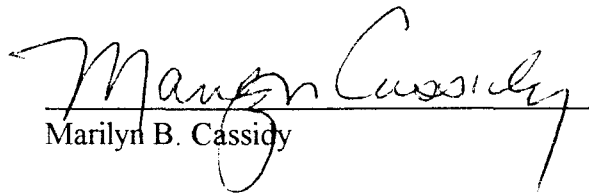
(Signature)

Date: _____

CERTIFICATE OF SERVICE

A copy of the foregoing Defendant's Proposed Jury Instructions was served on Terry Gilbert, counsel for plaintiff, at 1430 Ontario Street, Suite 1700, hand delivered, this 29 day of December, 1999.

Respectfully submitted,


Marilyn B. Cassidy