

Thereupon BEATRICE P. ORENSTEIN, being  
first duly sworn, was examined and testified as  
follows:

EXAMINATION OF PROS. JUROR BEATRICE P. ORENSTEIN

By the Court:

- Q Your name is Angeline Domenick? ✓
- A No, it is not. Beatrice Orenstein.
- Q Oh, I thought you had been -- oh, yes. All right. Pardon me.  
Your name is Beatrice Orenstein?
- A That's right.
- Q And you live at 12712 Phillips Avenue?
- A Yes.
- Q That is in Cleveland?
- A East Cleveland.
- Q Is it in East Cleveland?
- A Yes.
- Q And how long have you lived there, Mrs. Orenstein?
- A Almost three years.
- Q And where did you live before that?
- A On Edmonton Avenue in Cleveland.
- Q And is it Mrs. or Miss?
- A Mrs.
- Q And have you a family other than your husband?
- A Yes. I have a daughter 16 and a boy of 10.

Q What is your husband's name?

A Phillip.

Q And what is his occupation or business?

A He is a postal clerk.

Q How long has he been a postal clerk? Over a number of years?

A About 15 years.

Q And is he stationed permanently in Cleveland?

A Yes, sir. He is at the main office.

Q Have you ever before served as a juror?

A No, sir.

Q Or as a witness?

A No, sir.

Q Do you know the County Prosecuting Attorney, Mr. Cullitan, or any member of his staff?

A No, sir.

Q Or the Sheriff or any member of his staff?

A No, sir.

Q Or the Coroner, Dr. Gerber?

A No, I don't.

Q Do you know any of the gentlemen who were mentioned here on Monday morning and introduced at the opening of this hearing?

A No, sir, I never saw them before.

Q When I speak of the family, I am speaking of your husband's family and your own, if I may.

Are there any members of your family who are members of

a police department or any law-enforcing agency anywhere, as far as you know?

A No, sir.

Q Have you or any members of your family ever had anyone visit personal violence on them at any time?

A No, sir.

Q Have you any objection to capital punishment?

A No, sir.

Q You understand, Mrs. Orenstein, that the function of a jury in a case of this kind is to decide exactly what the facts are, and with that function, the prosecutor, counsel on that side, the Judge, have nothing to do whatever. It is entirely the function of the jury.

A Yes, sir, I understand that.

Q And it is the function of the jury to weigh the evidence of any witness that comes here on the same basis as every other witness, no matter what his station in life or how lowly or how high it may be, whether he holds public office or not. It is the duty of a jury to weigh his evidence and to believe what a juror is honestly convinced ought to be believed and may disbelieve the rest. Can you -- first of all, let me ask you:

You have read some newspapers, have you, about this Sheppard case?

A Yes, I read some --

Q Heard comment on radio and television?

A Occasionally. I don't have too much time to do that because I am with my family at home to take care of, and also at work. I am an officer in the PTA. I really don't have too much --

Q And you have discussed the matter with other people from time to time?

A Only the fact that I was chosen as a prospective juror. People have commented on that fact to me. ✓

Q And have you ever formed upon the basis of what you heard or read -- ever formed an opinion as to the guilt or innocence of Dr. Sheppard?

A No, sir, I have no opinion. <

Q And I recall that you called here, I think, and said that you had received a communication in the mail?

55 A Yes, sir, I did. ✓

Q Have you got that with you?

A No, I don't have it with me, but I have it at home.

Q Will you bring it in the morning, please?

A Yes.

Q For the moment -- and you will bring yours in the morning -- I am showing you Exhibits A-9 and A-10. Is this the kind -- is that like what you received?

A Yes, it is, sir.

Q Will you look at the other sheet, also? Would you say that those are the same?

A Yes, sir, exactly the same.

Q When did you receive these?

A I received it Thursday morning mail.

Q Last Thursday?

A Yes.

Q Do you know who sent them?

A No, I don't know who. I only know what I read on there, that peculiar name, but I don't know who sent them. Oh, well, I do now, but I didn't at the time.

Q Do you have any thought at all that any members of the Sheppard family or their friends had anything to do with it?

A No, that never occurred to me.

Q I want to assure you now that nobody around here at all thinks for one minute that the Sheppards or any of their friends had anything whatever to do with the matter.

Have you, as a result of that, entertained any feelings that would in any manner militate against you being a fair and impartial juror and considering the evidence on a fair basis?

A No, sir, because I have felt that -- the only thought I had in calling was that it was against the law. I knew --

Q Well, it is perfectly proper to call. Has it affected you at all?

A No, sir.

Q You could disregard it entirely and forget about it?

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(Thereupon at 4:10 o'clock p.m. an adjournment was taken to 9:30 o'clock a.m., Thursday, October 21, 1954, at which time the following proceedings were had):

Thursday Morning Session, October 21, 1954.  
9:30 o'clock a.m.

Thereupon BEATRICE P. ORENSTEIN resumed the stand and was examined and testified further, as follows:

EXAMINATION OF PROS. JUROR BEATRICE P. ORENSTEIN  
(CONTINUED)

By the Court:

Q Mrs. Orenstein, you stated yesterday afternoon that you had received a communication in the mail since July the 4th, 1954, that could have some reference to this matter. Did you bring it with you?

A Yes, I did.

THE COURT:

Mark this Court's

Exhibit A-12 and A-13.

(Court's Exhibits A-12 and A-13, letter and envelope, were marked for identification.)

Q Mrs. Orenstein, I am now showing you the matter that you

handed to the Court, and they are marked A-12 and A-13. Are those two items all that you received?

A Yes, sir.

Q That is the only communication that you have received since the 4th of July that could possibly have any relation to this case?

A Yes, sir.

Q I think I covered with you yesterday the question of whether you had any idea at all that the Sheppard family or any of their friends had anything to do with the sending of that communication. Did I ask you that?

A Yes, you did.

Q And I take it that you said you had no idea at all about it?

A None at all.

Q And I think I stated to you also that not any of us here have any idea, in fact, we know that that is not so. You understand that?

A Yes, sir.

THE COURT: Now, Mr. Parrino.

EXAMINATION OF PROS. JUROR BEATRICE P. ORENSTEIN

By Mr. Parrino:

Q Now, Mrs. Orenstein, we are about to ask you some questions, if we may, please, both myself and counsel for the defendant, which will be similar in character to the questions that

Judge Blythin has already asked you, with a view to determining that you possess certain fixed qualifications established by law to serve here as a juror, and we ask you these questions not for purposes of our own or to pry into your personal affairs, but to satisfy all here present, and more so, to satisfy you as an individual that you feel that you could serve the community as a juror in this case. Do I make myself clear?

A Yes, sir.

Q Now, under the laws of the State of Ohio it is provided that in a case of first degree murder where a jury hears all of the evidence and they return a verdict of guilty without recommending mercy, that in such event the penalty will be death in the electric chair. That is what we refer to as the subject of capital punishment. You understand that, of course?

A Yes.

Q Now, do you have any opinions or religious beliefs which would prevent you from entering into a verdict which would, as I say -- do you have opinions which would prevent you from entering into such a verdict?

A No, I haven't any.

Q Now, is this your position, Mrs. Orenstein, that in a proper case, properly proven by all of the facts and circumstances, you, together with eleven other jurors, could enter into a



verdict which might take a human life, is that correct?

A If I were convinced in my mind, I could.

Q And certainly it is a certainty that you appreciate the seriousness and the extreme importance of an undertaking of this character at this time, is that not a fact?

A I certainly do.

Q And as a prospective juror you are willing to assume the obligation of serving as a juror at this time, is that correct?

A Yes.

Q Now, madam, I think you stated to Judge Blythin that you have served as a -- withdraw that -- that you have read something about this case?

A Yes, sir.

Q And that you have heard comment about this case from other people, is that correct?

A Well, --

Q Briefly or otherwise, is that correct?

A Yes.

Q Now, as the result of what you have heard, have you formed an opinion in your mind one way or the other as to the guilt or the innocence of the defendant, Sam Sheppard?

A No opinion at all has been formed in my mind.

Q Now, has anyone expressed an opinion to you as to the guilt or the innocence of Sam Sheppard, without telling me what

that opinion is?

A I don't believe so. I don't believe -- well, no, not at all. I have not heard anybody say one way or another.

Q Then has the nature of the discussions been of a general variety as to what has been stated in the newspapers, and that and that alone, is that correct?

A Yes. Mostly the fact that I was a prospective juror.

Q Now, then, is this your position: That as a juror you are free to come into this courtroom, to listen to all of the evidence in an effort to determine exactly what the issues are and what the facts are?

A Yes, sir.

Q That you will form your opinions as to what those facts are strictly and solely on the basis of what you hear in this courtroom?

A Yes.

Q Now, has it ever been your privilege to serve as a juror before?

A No, sir.

Q Have you ever served as a witness before in any type of a case?

A No.

Q Has your husband ever served as a juror before?

A No.

Q Would you please tell me again what your husband's occupation

is?

A Postal clerk.

Q I think you stated that he was employed in that capacity for some fifteen years?

A Yes, sir.

Q At the main post office?

A That's right.

Q And what type of work did he do before that?

A He worked with his father in a shoe repair shop.

Q Was that for some period of years?

A Yes. Since he got out of high school.

Q And his father, I take it, was the owner of that shoe repair shop?

A Yes.

Q And where was that shop located?

A Fairmount and Cedar in Cleveland Heights.

Q Now, do you have any employment at the present time?

A No, sir.

Q Have you worked at all in the past?

A Well, yes, during Christmas time I worked at the post office for a period of the Christmas rush. Once --

Q Prior to that have you had any employment of any character?

A Well, before I was married.

Q Yes. What type of work did you do then?

A Office work. I was a secretary.

Q And for whom were you employed?

A Clear-Silk Hosiery Stores. I was district manager --  
excuse me -- I was secretary to the district manager of Ohio.

Q And for what period of time did you work in that capacity?

A About a year and a half.

Q And what were your general duties, please?

A Secretarial work in the nature of dictation and letter writing and filing and keeping track of the records of the different stores that were under his jurisdiction.

Q Now, Mrs. Orenstein, it may be said that a trial, any trial, is divided into two parts: On the one hand we have what we call the facts or the evidence, and on the other hand we have the law.

Now, the first thing that will come to your attention as a juror in this case will be the facts. Prior to that, of course, both sides, the prosecutor and the defendant, through his counsel, will make an opening statement. What is said in this opening statement is, of course, not evidence. Each side will tell you in a brief way what we expect the evidence will show. Do I make myself clear?

A Yes, sir.

Q Now, after that has been completed, then the witnesses begin. First those witnesses who testify on behalf of the State will present what they have to say. After they have concluded, then the witnesses on behalf of the defendant

will present what they have to say. After that has been completed, then both sides will present what we call rebuttal evidence, if any.

At the conclusion of that the Court will describe for you the law that applies in the case.

Subsequent to that you, as jurors, will deliberate as to the guilt or the innocence of the defendant, Sam Sheppard.

You understand that, of course?

A Yes, sir.

Q Now, it has been said that as jurors you folks will be what we call the judges of the facts. In other words, you will sit in this jury box with eleven other people, you will listen carefully to the testimony of the various witnesses as they testify, and it is for you, on the basis of what you hear, to determine exactly what the facts are. Will you do that, please?

A Yes, sir, I will.

Q Now, after all this mass of evidence is presented to you, then Judge Blythin, who presides over these proceedings, will state to you and describe for you in particular detail the law that applies to this specific case.

Now, it is possible that some of you folks, as jurors, may have ideas and impressions of your own as to what you think the law is or should be in a case of this kind, and

some of those impressions may well be correct, but none of you being attorneys, and the probabilities that none of you or some of you, at least, may not be completely conversant with the law, it will be your duty to set aside whatever ideas you may have as to what you think the law is and take specifically and directly the law as Judge Blythin gives it to you and apply that law to the facts in this case. Will you do that, please?

A I certainly will.

Q Now, Judge Blythin will say this to you:

That in a criminal case, not only the case of the State of Ohio versus this defendant, Sam Sheppard, but in any criminal case, whatever it may be, from the highest offense to the lowest offense in this State and in this country, indeed, that all defendants are clothed with that which we call a presumption of innocence at this time. Do you understand that?

A Yes.

Q And I am sure that you will give to this defendant that presumption of innocence that the law says that he has.

Will you do that, please?

A I will.

Q The law further goes on to say that you will give to this defendant that presumption of innocence at this time, and, indeed, throughout the trial until such time arrives, should

such time arrive, that you as a juror are convinced in your mind beyond a reasonable doubt of the guilt of the defendant. Should the Judge state that to you, will you take that to be the law in this case? Will you do that, please?

A Yes, I will.

Q Now, I think---I am sure that Judge Blythin will state this to you:

That in order for the State to prove its case in this trial, you must find, if you find the defendant guilty, you must do so by evidence which convinces you beyond a reasonable doubt. Do you understand that?

A Yes.

Q And Judge Blythin will state to you what, in law, constitutes evidence beyond a reasonable doubt. That is to say, he will give you the description of the phrase. Will you take and follow the law as he gives it to you in that respect?

A I will.

Q Now, of course, the defendant comes into this courtroom charged under an indictment of murder in the first degree, with which you say you are familiar in a general way. Now, there are various elements in that indictment which I feel sure you appreciate must be proven by the State in order to support a conviction in this case. You understand that, don't you?

A Yes.

Q Now, if the State does not prove all of the elements of that indictment to you to convince you beyond a reasonable doubt of the defendant's guilt, will you return a verdict of not guilty as against the defendant?

A If I believe that that is the way the evidence shows and the Court instructs so, I will do that.

Q In other words, if the State hasn't proved the case, you will not hesitate to return a verdict of not guilty?

A By all means, no.

Q But, Mrs. Orenstein, after you have listened to all of the evidence, and you go into your jury room and you deliberate with your fellow jurors, and on the basis of the evidence, both direct and circumstantial, on the basis of all of these things, if you are convinced beyond a reasonable doubt of the guilt of the defendant, Sam Sheppard, will you then hesitate to return a verdict of guilty as charged in the indictment?

A No, I won't.

Q Now, as you understand, I am sure, it is important in this case, in any case, actually, whether it be in the criminal courts or in the civil courts, that you decide it on the basis strictly and solely of law as the Court gives it to you and the facts as you hear them in this courtroom.

A I understand.

Q You will do that. Now, in a criminal case, we have two types



of evidence, those which we in law refer to as direct evidence and circumstantial evidence. I feel sure that you have a general knowledge of what we mean by those terms, do you not?

A Yes, I do.

Q Now, the law of Ohio is that there may be in a criminal case a conviction based upon circumstantial evidence where you are convinced of the guilt of the defendant based upon circumstantial evidence beyond a reasonable doubt. Do you understand what I mean?

A Yes.

Q Now, if Judge Blythin states to you and the other jurors that that is the law of the State of Ohio, will you take that and apply that law to the facts in this case? Will you do that, please?

A I will.

Q Now, we have stated and we shall state again that you will decide this case on law and on fact.

A Yes.

Q Now, insofar as is humanly possible, will you permit your emotions to enter into this case? Let me put it this way:

Sometimes we have peculiar ways of wording questions which are rather odd. Let me say this to you -- will you do this? Will you decide this case, insofar as is humanly possible, without any feelings of bias or prejudice or

sympathy for or against anyone? Will you do that, please?

A That I will.

Q It is hard to do sometimes, we all know that, of course.

These are emotions that are in us, and it is hard to alienate them from our personality, but insofar as you are able to do so without bias, prejudice or sympathy, arrive at a just verdict in the case of the State of Ohio versus Sam Sheppard? You will do that?

A I will do the best I possibly can.

Q Now, I shall not stand here and question you at any great length at this time. We could go into many, many singular details as to your life, Mrs. Orenstein, as to your husband's life, and your thinking, but actually I don't think that this is necessary to prolong this any further at this time.

Something has come to my attention which I have forgotten. If you will permit me to ask you this question, please:

There will be, of course, many witnesses who will testify in this case. There will be professional witnesses, that is to say, doctors; there will be public officials such as Dr. Gerber, who may testify, the County Coroner, and as a juror the Court will instruct you that you are to give equal credibility to all persons who testify. That is to say, you are the judge of the credibility of the witnesses in this case; that in judging the credibility or the

truthfulness of a particular witness, you will not give a particular witness any more credit or consideration or credibility merely and solely because he has a title. Do I make myself clear?

A Yes, you do.

Q In other words, because a person is a policeman doesn't mean that he should have greater credibility. Do I make myself clear?

A Yes, you do.

Q And merely because a person is a doctor doesn't mean he should have greater -- that you should attach greater credibility to him because he is a doctor or a layman. Do I make myself clear?

A Yes, you do.

Q And merely because a person may be an engineer or a scientist or a person of some station in life, you would not grant or give greater credibility or value or consideration to that testimony merely because of the title. Do I make myself clear?

A Yes.

Q Then you will judge the testimony of all witnesses on what they say, as to how they say it, as to whether or not they are in a position to know what they are talking about, as to whether or not what they say is reasonable or not reasonable. Do I make myself clear?

A Yes, you do.

Q As to whether or not what they say is probable or not probable. Do I make myself clear?

A Yes.

Q And on the basis of all of these things, and your own experiences in life, your own thinking, you will judge, weigh and consider these people and give to them such credit as you think they deserve, as a juror in this case?

A I will.

Q Fine. I am sure you will. Now, on the basis of all of the things that we have talked about, all of the things that I have stated to you, all of the things that Judge Blythin has stated to you, all of the things that you have in your mind, I ask you to consider carefully whether or not you feel that there is any reason whatsoever why you could not or would prefer not to serve as a juror in the case of the State versus Sam Sheppard?

A No, sir. I can think of none.

MR. PARRINO: Thank you very much.

Pass for cause.

#### EXAMINATION OF PROS. JUROR BEATRICE P. ORENSTEIN

By Mr. Corrigan:

Q Mrs. Orenstein, how long have you lived in East Cleveland?

A It will be three years December 4th.

Q And before that where did you live?

A On Edmonton Avenue. If you wish the address, I can give it to you.

Q Is that the same general neighborhood?

A Yes. It is not very far, but it is in Cleveland.

Q Now, Marilyn Sheppard, the lady who was murdered, was born in East Cleveland. Her name was Marilyn Reese. Did you ever become acquainted with her?

A No, sir, never.

Q Her father was Thomas Reese.

A I don't know him.

Q Did you go to school in East Cleveland?

A No, sir.

Q Whereabouts?

A I graduated from Glenville High School, went to Patrick Henry Junior High.

Q Well, that is about the same general neighborhood?

A Yes, but the East Cleveland schools are entirely separate. Shaw High and Kirk Junior High are quite a distance away, and I never knew anybody from there.

Q Now, of course, there has been a tremendous amount of publicity about this case. You know that, don't you?

A Yes. ✓

Q It is going on now. ✓

A Yes.

Q Even while you are coming to court. You can't escape it. The place is full of reporters and televisions and photographers, and so forth. You have noticed that, haven't you?

A Yes.

Q Have you been reading about it since you have been called as a juror?

A Yes, I have. ✓ I have been reading about what they wrote up about the jurors in the other room, and --

Q Now, your name was published in the paper that you were selected as a juror in this case. You remember that?

A Yes.

Q Did you see your name?

A Well, I saw it in the evening. I didn't know about it until it was called to my attention, but I did see it.

Q Did any of your friends or relatives call you about it after your name appeared?

A It happens that the president of the PTA had business to call me, and she mentioned it to me that she had seen my name, and people did mention it to me after that.

Q Well, there has been a lot of talk going around through the town since the 4th of July, stories about the Sheppard case and about Dr. Sam Sheppard, and it has been the matter of discussion. You know that, don't you?

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A Yes, I know that. ✓

Q Now, in this talk that went around the town, the discussion --

did you have any discussions about it?

A I -- in discussion, you mean, did I give an opinion?

Q No, but did you discuss it?

A I don't remember ever discussing the case itself. The only thing that I do remember saying on numerous occasions is that I don't have an opinion.

Q That what?

59 A That I don't have an opinion.

Q I see.

A One way or another.

Q Now, in reading about it in the paper and it being discussed, did you become aware of the fact --

A I can't say that --

Q No, I haven't finished my question, sir.

I say, in reading about it and hearing discussions or any conversations you, yourself, had about it, did you become aware of the fact that Mrs. Sheppard was murdered in a most violent manner?

A Yes.

Q That she was murdered in her bed?

A Yes.

Q And that she had a number of wounds on her head?

A Yes.

Q You read about that. Now, coming into court, and this is her husband who is charged with that violent murder, is

there anything about that at this time, that fact, and some other incidents that may be recalled to your mind as we go through the testimony that recalls to your mind you have read about this or read about that, that gives you any bias or prejudice against this man who is on trial?

A No, sir, there is none at all.

Q Did you ever go out to Bay Village?

A I have passed through there.

Q When was that? ✓

A It so happened that the week-end of the 4th of July, we were at Cedar Point, and we passed through Bay Village, but at the time, of course, I thought nothing more of it than just going through any other --

Q Well, was the house pointed out to you?

A No. I knew nothing about it then.

Q You made no note of the residence?

A No. We went on the 3rd.

Q You didn't drive out there to see the house?

A Oh, no.

Q Now, the law of the State of Ohio is, when a man is indicted -- or, let me put it this way, and I expect the Court will tell you this:

That this man is indicted by the Grand Jury of the County, but the fact that he is indicted raises -- should raise no presumption in your mind of his guilt.



Now, let me ask you plainly and squarely: Does the fact that he is indicted and sits here in a defendant's chair, that he is called in here for trial, have any effect upon your mind as to perhaps he is guilty, maybe where there is smoke there is fire, and so forth?

A No, sir, not at all. As far as I am concerned, he is innocent unless it is proven to me personally that I feel he isn't.

Q Now, the evidence, of course, is presented. The prosecution presents its evidence first, and then the evidence will be presented by the Coroner's office, the police, and so forth, as to all the facts concerning this murder, and we will not have any opportunity to present our evidence until the prosecution gets through, and it is the law that your verdict shall be based upon all the evidence and the charge Judge Blythin gives you at the end of the case.

Now, if you are accepted as a juror will you say that you will reserve your judgment--

A Oh, I will.

Q -- until you hear all of the evidence?

A Yes, sir.

Q And not make up your mind somewhere along the line that this is what should be done? You will wait until you hear everything, is that so?

A Yes, sir.

Q Now, I want to ask you do you believe in the laws of the State of Ohio?

A I do.

Q The law that the Court will tell you is that the State of Ohio has the burden of proof in this matter, and that they have the burden of proof to find Sheppard -- or to convince you that Dr. Sheppard is guilty of this terrible murder by evidence which convinces you beyond a reasonable doubt, and that that burden never shifts over to us, it remains always with the State of Ohio. Do you believe in that law?

A Yes, I do.

Q Now, the indictment that is returned here, as has been stated, is first degree murder, and it is stated in the language of the statute of Ohio, the law of Ohio, that he is charged with unlawfully, purposely and of deliberate and of premeditated malice with taking the life of his wife.

Now, if the Court tells you that it is necessary for the State of Ohio to prove every one of those elements, not one or two or some, but every one of those elements beyond a reasonable doubt before they are entitled to a verdict of first degree, will you require that kind of proof?

A Yes, sir.

Q Now, in the indictment there are, in addition to first degree murder, there are other related degrees of murder charged, not separately, but they are included by the fact that a

first degree murder indictment is returned, and it may include and it will include very likely a charge on second degree murder and a charge on manslaughter, a charge on assault and battery and assault, all of which -- each one of those crimes has a certain definite boundary, certain definite things must be proven by the State of Ohio to prove any of those charges.

Now, will you require the State of Ohio to prove the requirements of the law --

A Yes, I will.

Q Now, you will not be swayed -- Mr. Parrino talked about emotions, and so forth. We are going to deal with a case that is most distressing when we get into the facts, and we are going to deal with the case of a young woman 31 years of age who was murdered.

Now, will you, in your consideration of this case, look to bring about a determination of the truth, and not be swayed by the fact that we do have that kind of a case?

A I certainly will.

Q Now, Mr. Parrino has talked about circumstantial evidence, and there is direct evidence. That is when you have somebody that sees it who comes in and says that, "I saw this happen." That is direct evidence.

Or you may have circumstantial evidence where you have facts and circumstances from which you draw a conclusion.

Now, in the matter of circumstantial evidence, if the Court charges you that it is the law of this State that where reliance for conviction is placed on circumstantial evidence, the facts and circumstances upon which the theory of guilt is placed must be shown beyond a reasonable doubt.

Do you follow that?

A Yes, I do.

Q And when those facts and circumstances are taken together, they might be irreconcilable with the claim of innocence of Dr. Sheppard, and they must admit of no other supposition except his guilt. Do you understand that?

A Yes, I do.

Q And you will follow that charge?

A Yes, I will.

Q Now, you will be going home, and you will probably get your picture in the paper because I think all of the rest of the jurors have been photographed so far. If they haven't they will. And it probably will attract some attention of your neighbors and friends, and so forth, the fact that you were on this jury, it has so much publicity and which there is so much talk about.

Now, do you think that if you were selected on the jury, that, in any way, will affect your determination of this matter in this courtroom?

A It will not.

Q You will not try to please anybody by a verdict?

A Nobody but myself.

Q But your own conscience and your own heart?

A That's right.

Q Now, we will have in the case, we will have police officers testify, and because they are people in authority -- we all recognize that proper respect is due them. We will have public officials connected with the Coroner's office. Do you know any of the people out there?

A No.

Q Dr. Gerber or any of those?

A No.

Q And we will have witnesses who will testify for the defense who may conflict directly with the testimony of police officers or the testimony of doctors brought forward by the prosecution.

Now, they are each entitled to credit, but let me ask you this question:

When you hear police officers testify or public officials testify, would you be inclined to give more weight to their testimony than you would to a doctor that we would call or a witness that we would call?

A No, sir. I don't think that I would necessarily determine by his title or uniform --

Q You would determine by what he says?

A Yes.

Q And what you hear here?

A Yes.

Q Is that so? Do you remember in reading the papers that you saw the picture of a young lady named Susan Hayes? ✓

A Yes. ✓

Q Did you read about her? ✓

A I read a little about her.

Q And in connection with those pictures, there were articles carried that related to the background of this young man. You know that, don't you? ✓

A I believe I remember something about it. ✓

Q And in connection therewith quotations were made by Susan Hayes. Do you recall those?

A No, I don't recall them.

Q Well, do you recall having read in connection with the pictures that were printed in the article carried by the Cleveland Press that Susan Hayes had revealed to a Press reporter, who in turn made public to the general public of the city of Cleveland, that she had been intimate with Sam Sheppard?

A I remember reading that. ✓

Q You remember reading that. Now, would that fact alone, in conjunction with the charge of his Honor, Judge Blythin, that he will give you, that it is necessary to prove each

and every essential element that constitutes murder in the first degree, should it develop that that testimony is submitted to you and it has no connection with the elements that constitute murder in the first degree, and the Court instructs you that the testimony may not be considered, will you follow those instructions?

A Yes, I will.

Q And the fact that you have knowledge that the young lady, Susan Hayes, after having made this statement to the reporters in and about the city of Cleveland, and they in turn had published her statement about her relationship with Dr. Sheppard, would that create any ill-will or any prejudice or any bias regarding the trial of this matter?

A No.

Q Now, I have asked you, Mrs. Orenstein, some questions that I thought were necessary, but no matter how many questions I ask you, the revelation as to your fairness in this matter is entirely within your own soul and your own conscience.

A I understand that.

Q Now, after all that has gone before, all we have talked about, is there anything that occurs to you or that has arisen in your mind since you have come to this Courthouse, last night after you went home, or when you come here this morning, or during the period you were here this morning,

that occurs to your mind that would prevent you from being the kind of a juror in this case that you would want yourself if you were on trial?

A Nothing that I can think of at all would prevent me from doing just that.

Q And if you are selected as a juror in this case, will you state that you will base your verdict solely on what you hear in this courtroom?

A I will.

Q Sworn to by witnesses?

A Yes, sir.

Q And all the rest of this hubbub that is going on around will not affect your judgment? ✓

A No.

Q If you are accepted as a juror in this case, will you keep to yourself and not allow anybody to talk to you about it? <

A Yes, sir. In fact, --

Q Or not discuss it with anybody?

A May I say that I have already since Monday instructed my family not to question me at all, and they have not done so. <

Q Well, that is the good rule to follow, because you know that when you go home and your mother and your boy -- he is 16, isn't he?

A My daughter is 16.

Q Your daughter is 16, and she will have the normal, natural



curiosity of a girl 16 and want to question you, find out what's going on, what mother is doing. All right. But you have made up your mind about that?

A About --

Q You have made up your own mind. You are not going to talk to anybody about it, and you are not going to let anybody talk to you about it?

A No, sir.

MR. CORRIGAN: Well, thank you,  
Mrs. Orenstein.

THE COURT: Now, Mrs. Orenstein,  
after we have a few minutes recess will you take  
that chair?

Please, gentlemen, we will just wait a  
moment.

61 Ladies and gentlemen in the jury chairs,  
we will have a few minutes recess at this moment,  
and will you please just return to your jury room  
and do not discuss this matter at all in any way,  
shape or manner, even among yourselves, and may  
I again request that due to the fact that the  
weather is warm, the courtroom is small and  
somewhat crowded, that you do not smoke at any  
time in this courtroom during this trial? We  
are trying to keep the air as clear as possible.

The only air conditioning we have here is to open the windows, so please follow that rule.

We will have a few minutes recess.

(Thereupon a recess was taken.)

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