

THEREUPON, HELEN M. UHRIN, was further examined on voir dire, as follows:

VOIR DIRE EXAMINATION OF HELEN M. UHRIN (Continued)

By Mr. Spellacy:

Q Mrs. Uhrin, before our noon recess you had indicated that you had expressed an opinion at one time, is that correct?

A Yes.

Q My question to you is, if selected as a juror in this particular case, could you set outside your mind any ideas you might have with regard to this case, and any opinions you might have, and decide the case solely on the evidence presented here in this courtroom?

MR. BAILEY: Objection.

THE COURT: Overruled.

A Yes, I think I could.

Q His Honor Judge Talty will instruct you at the conclusion of the case as to matters of law, and he will tell you at that time that you must consider or that you shall consider only the evidence presented here in this courtroom, from the lips of the witnesses who testify from the very chair you are sitting on, and from any reasonable deductions you may draw from that testimony, and you are to confine yourself to that evidence and to that evidence alone, will you follow that instruction of law?

A Yes.

Q Now, simply, you are not to concern yourself with anything outside this courtroom, that you are solely to consider the evidence adduced here at this trial; do you understand me?

A Yes.

Q Now, is this your first experience as a juror, is that correct?

A That's right.

Q So that you might understand what we are doing, this is what is called the voir dire examination.

After a jury is selected, then the State presents its evidence, and the defendant presents his evidence if he cares to, understand?

A Yes.

Q At the conclusion of all that, we approach you, as counsel in closing arguments, and after that his Honor Judge Talty will instruct you as to the principles of law.

Now, in this day and age of radio and television we all have our own ideas as to what the law is, what it might be, or what it should be.

Can you set outside your mind any ideas you might have as to what the law is, what it might be, or what it should be, and accept the law that his Honor Judge Talty gives to you? Do you follow my question?

A No, I don't quite follow you.

Q As a juror you are obliged to take the law --

A Yes.

Q --that his Honor Judge Talty gives to you.

My question is, can you accept the law that his Honor Judge Talty gives to you, and disregard any ideas you might have as to what the law is or what it might be or what it should be, if Judge Talty were to tell you that you are obliged to take the law that he tells you what the law is?

A I don't know. I don't think so.

Q You couldn't take the law from his Honor Judge Talty?

A Well, I -- I don't think I get it clearly what you mean.

Q Let me try again. As a juror --

A Yes.

Q --I might start back at the beginning. As a juror, as a prospective juror, and if selected as a juror, you and you alone will be the sole and exclusive trier of the facts--

A Yes, sir.

Q --the witnesses who testify here, and it will be your duty to weigh them, to evaluate them, and his Honor will tell you that you can accept all of what they say, part of what they say, or none of what they say.

A Yes.

Q That is your job as a trier of the facts. Now, at

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County Prosecutor's Office, any law enforcement officials?

A No.

Q Is there any reason that you can think of why you couldn't sit in this particular case, and be fair and impartial to this defendant as well as to the people of Ohio?

A No.

Q You could be fair to both sides?

A I think so.

MR. SPELLACY: Thank you very
much. Pass for cause.

THE COURT: Counselor Bailey
or Counselor Sherman?

VOIR DIRE EXAMINATION OF HELEN M. UHRIN

By Mr. Bailey:

Q Mrs. Uhrin, I don't recall whether or not you told us, I believe you said you lived in the Cleveland vicinity in 1954?

A Oh, yes.

Q And where was it that you lived?

A On Warren Road.

THE COURT: You must keep
your voice up. Everybody in the room must
hear you. I know it is going to require

some effort, Mrs. Uhrin, but please keep your voice up.

Before you do that, will you please open a window, Mr. Ferguson, and maybe we can get some fresh air in here.

Thank you, Sam.

Will you proceed, Counselor.

By Mr. Bailey:

Q Do you now subscribe to any Cleveland newspapers?

A The Cleveland Press and the Cleveland Plain Dealer on Sundays.

Q Plain Dealer on Sundays only, and the Press during the week?

A Yes.

Q And did you in 1954 subscribe to any newspapers?

A The Plain Dealer at that time.

Q Did you read the Plain Dealer daily?

A Yes.

Q Do you recall whether or not you read at the time of the death of Marilyn Sheppard, that her death had occurred?

A Yes.

Q And did you read the Plain Dealer daily from that time until the original trial of Doctor Sheppard was concluded?

A Yes.

Q Do you recall many of the facts which you read reported at that time?

A I really don't.

Q You don't recall?

A I don't remember in detail, no.

Q Well, do you recall reading that she had been murdered by someone?

A Yes.

Q Do you recall reading that Doctor Sheppard was present in the home when it happened?

A Yes.

Q Do you recall learning anything about his professional occupation?

A Only what was in the papers.

Q That is what I am seeking to discover.

What did you learn from the papers about his occupation?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q You do know that he is a doctor, you heard that?

A Yes.

Q Do you know what kind of doctor he is?

A Osteopath.

Q Do you know what kind of doctor an osteopath is?

A Yes.

Q Do you regard an osteopath in the same degree of professional competency as you would a medical doctor?

MR. SPELLACY: Objection.

THE COURT: Sustained.

Q Would you accept the opinion of a medical doctor as contradicting that of an osteopath?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

MR. BAILEY: May I, at the bench, put my reasons for this question in the record?

THE COURT: Yes, you may.

(Thereupon counsel and the Court conferred at the Court's bench, as follows:)

MR. BAILEY: One of the issues which we expect to litigate rather forcibly is the extent and nature of certain injuries allegedly suffered by the defendant in resisting the attacker he says killed his wife.

There will be contradictory evidence, even I would assume, since it appeared in the course of the last trial, some of it from medical doctors and some of it from osteopathic physicians, and I feel that any juror who holds an osteopath in low regard, as for instance,

Mr. Severs does, should at least state that condition so that your Honor can correct it, and tell us whether or not the juror could upon proper instruction regard the osteopath as a co-equal professionally with a medical doctor, as he is now held by state law, in my understanding.

MR. CORRIGAN: Your Honor --

THE COURT: Prosecutor

Corrigan?

MR. CORRIGAN: Your Honor, if the question were properly stated I would have no objection.

The proper way to state the question is, "Would you solely because he is an osteopathic physician or surgeon believe the M.D. over him?"

All things else being equal, but you are -- the question is not complete.

THE COURT: Let the record show that the Court believes that the line of inquiry is proper, if placed in proper context and form.

The objection is sustained as to form rather than substance.

MR. BAILEY: I see.

THE COURT: And a proper basis and ground work for the question will have to be made.

Put it in the correct form.

MR. BAILEY: Thank you.

By Mr. Bailey:

Q Mrs. Uhrin, let me put my former question in a different way.

If upon some disputed medical fact being tried in this law suit, you heard the opinion of a medical doctor which went one way, and was contradicted by the opinion of an osteopathic physician which went the other way, would you tend to give more weight to the opinion of the medical doctor solely because the other opinion came from the osteopathic physician?

A No, I don't think so.

Q When the case originally came to your attention, Mrs. Uhrin, did you discuss it with your family and your neighbors?

A I probably did.

Q Have you in the past twelve years discussed it with family or neighbors and other people around the community?

A Not until just recently.

Q Not until just recently. In recent weeks or months have you engaged in such discussions?

A Yes.

Q The people expressed opinions in your presence?

A No.

Q Have you expressed opinions to them?

A Well, indirectly.

Q How recently did you do that?

A Well, since this recently came back into the newspapers.

Q And when was that?

A That was what, a few weeks ago.

MR. CORRIGAN: Keep your voice
up, please.

Q You mean it came to your attention that there would be a retrial, is that right?

A When they decided to have another trial.

Q You will recall, of course, at the former trial a jury returned a verdict of guilty. When that verdict came in based on the information available to you, did you think it was a proper verdict?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q Have you since heard that the verdict has been overturned?

MR. CORRIGAN: Objection.

A Yes.

THE COURT: Sustained.

Q If you are told by Judge Talty that the original trial is void and a nullity, and as far as you as a juror are concerned it never took place, and the verdict was defective, can you accept that and discharge from your mind completely in the notion that he was originally convicted?

A Yes.

Q Can you do that?

A Yes.

Q You told us that you have held an opinion recently?

A Yes.

Q And that you had one in 1954?

A Yes.

Q Was it the same opinion that has carried through the twelve year period?

A Yes.

Q And was that opinion favorable or unfavorable to the defendant?

MR. CORRIGAN: Objection.

THE COURT: Sustained, and

you are instructed not to answer the question.

Counselor is instructed not to put that same question to other prospective jurors.

Q Do you have that opinion today, Mrs. Uhrin?

A Yes.

Q Do you think that it could be changed if you heard evidence?

A Yes.

Q In the absence of evidence will you continue with your same opinion?

A Yes.

Q In other words, if you don't learn any more than you already know about the case, your opinion would remain the same as it had?

A Yes.

MR. BAILEY: Challenge for
cause.

MR. CORRIGAN: Joint challenge,
your Honor.

THE COURT: The joint challenge
for cause, both by the defense and the state,
is hereby overruled, and, Mrs. Uhrin, would you
be kind enough to take the seat next to Mr. Severs.

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