

THEREUPON, BETTE A. PETERS, a member of the prospective jury panel, having been previously sworn, was examined and testified on voir dire, as follows:

THE COURT: Would you please be at ease and relax, and you can set your purse down if you wish.

It is Miss Peters, is it not?

MISS PETERS: Yes.

THE COURT: Miss Peters, remember that you are under oath, and you will hold your voice up so that each one of us in this courtroom can hear you.

Mr. Romito must place your remarks on the record, so you cannot just nod your head as a response. You must make a response that we can hear.

Do you understand that?

MISS PETERS: Yes, sir.

THE COURT: All right,

Mr. Corrigan?

VOIR DIRE EXAMINATION OF BETTE A. PETERS

By Mr. Corrigan:

Q Miss Peters, if you will talk loud enough so that people in the back of the courtroom can hear you, then all of us will be able to hear you. Understand?

A Yes.

Q Will you state your name, please?

A Bette Peters.

Q Is that Miss?

A Miss.

Q Where do you live?

A 1868 Brightwood, in East Cleveland.

Q How long have you lived there?

A About twenty-two or twenty-three years.

Q With whom do you live at that address?

A With my dad.

Q What is your aunt's name? Did you say with your aunt?

A No, with my dad.

Q With your dad?

A Yes.

Q Is your mother living?

A No, she is not. Deceased.

Q What type of occupation is your dad engaged in?

A He is retired now.

Q Prior to his retirement what type of work did he do?

A Landscaper, at the Lakeview Cemetery.

Q He was employed by the cemetery, at the Lakeview Cemetery?

A That's right.

Q Did he do any free lancing in the landscaping business?

A On Sundays, sometimes he helped a fellow.

Q But he never had his own business as such?

A No.

Q It is a cardinal sin, I guess, to ask a young lady what her age is; but I will ask you how old you were in 1954?

A Very good. Let's see, twenty years old in '54.

Q Yes, you were twenty years old in 1954?

A Let me count again.

Q That is twelve years ago.

A No, I was twenty-two then.

Q You were twenty-two?

A Yes.

Q Were you employed in 1954?

A Yes, I was.

Q What type of employment were you engaged in?

A I was a cashier in a grocery store.

Q What grocery store was that?

A Lucretta's Market.

Q Where was that located?

A On Euclid Avenue down the street.

Q In East Cleveland?

A Yes.

Q How long had you been employed as a cashier in that grocery store?

A About two or three years, I guess.

Q What did you do thereafter by way of employment?

A I went to work for Forest Hill Plumbing, bookkeeping.

Q How long did you remain in that employment?

A About four years.

Q Then thereafter what did you do?

A I was a bookkeeper.

Q With what firm?

A Two different firms after that. Volpe and Sons at the Food Terminal. And now Gillette Candy and Tobacco.

Q I see. Other than your dad, do you have any brothers and sisters?

A I have one of each.

Q Are they living at home?

A No, they don't live at home.

Q What is your sister's name?

A Marie.

Q Is she married?

A Yes.

Q What is her married name?

A Cook.

Q What does her husband do?

A He is a tool and die maker, I believe.

Q Do you know with what firm?

A No, I don't.

Q Your brother, what is his type of employment?

A He works for Cleveland Heights. He is in the Meter Department, parking meters.

Q The city of Cleveland Heights?

A Yes.

Q How long has he been working for the city of Cleveland Heights?

A About three years, I believe.

Q Did you attend school in the Greater Cleveland area?

A In East Cleveland. Grammar school at Murray Hill in Cleveland, and then in East Cleveland, Kirk and Shaw.

Q Kirk and Shaw High School?

A Yes.

Q Have you or any member of your family ever been involved in a criminal law suit by way of being a witness, or a juror or any way involved?

A No.

Q Do you know anybody associated or connected in any way with the Prosecuting Attorney's Office?

A No, I don't.

Q Were you going to say something?

A I don't believe I do. I don't know everybody there.

Q Do you know anybody associated with Bay View Hospital?

A No.

Q Do you know the defendant Sam Sheppard?

A Just what I have heard about him.

Q Do you know defense counsel, Mr. Bailey, or Mr. Sherman?

A No.

Q In 1954 did you have occasion to read any news accounts relating to the case of the State of Ohio versus Sam Sheppard?

A I don't believe I read anything. I believe just what I heard on the T.V.

Q Did you read anything other than a newspaper account, any magazine or any books in connection with this matter?

A No, I didn't.

Q Did you follow the accounts on T.V. rather extensively?

A No, sir, not at that time, no.

Q Since 1954, have you read any accounts in newspapers, magazines, or books about this matter?

A I can't say I did, no.

Q You can't say?

A I didn't.

Q You can't say you didn't?

A I can't say that I did.

Q You cannot say that you did?

A Yes. I don't recall reading anything.

Q You might have read something but you don't recall?

A Yes.

Q Have you had occasion to discuss this case with anyone, your family or friends?

A No reason to.

Q Or did anyone ever discuss the case with you?

A No.

Q Did you ever hear anyone express their opinion as to the guilt or innocence of this defendant?

A Yes.

Q How often did you hear that opinion expressed?

A Five or six times, maybe.

Q Can you recall by whom?

A No.

Q Well, did your father ever express an opinion to you?

A No.

Q Or did your brother or sister ever express an opinion?

A No.

Q Or the people that you had worked with in the grocery store, or for the other companies that you subsequently worked for?

A I think I heard most about it when I was in the grocery store, customers would come in.

Q As a result of those opinions, have you yourself formulated any opinion as to the guilt or innocence of this man?

A No, I never did.

Q All of us at one time or another perhaps have an idea what the law is or what the law should be; if you have such an idea, could you put that idea out of your mind and accept Judge Talty's instructions as to what the law is, even though it might be different than what you think the law is?

A You mean as a juror?

Q Yes.

A I believe I could.

Q Now, if, for example, he were to tell you that circumstantial evidence properly proven is just as good as direct evidence, would you accept that instruction

from Judge Talty?

A Yes.

THE COURT: Counselor,
may I interrupt, please? I see it is now
2:45. At this point we will --

MR. CORRIGAN: Judge, I
think I will finish very shortly.

THE COURT: Please proceed,
Counselor.

By Mr. Corrigan:

Q If a police officer were to testify in this case,
would you give greater weight to his testimony solely
because he is a police officer than you would somebody
else?

A I don't believe I would.

Q Keep your voice up.

A I don't believe I would.

Q In other words, you would put him on the same plane
as anybody else, from the standpoint of determining
whether he is telling the truth or not?

A Well, I think once any one of us sits here, we
should all be considered --

Q I see. Whether you are a police officer or regard-
less of what you may be?

A Yes.

Q Will you in evaluating the testimony of the witnesses that sit in that seat, will you use your everyday common ordinary sense in determining whether they are telling the whole truth, or part of the truth, or no truth?

A I don't believe I would just use everyday common sense, no.

Q You don't think you would use everyday common sense. Now, what do you mean by that, if you will elaborate just a little bit more?

A I probably would have to concentrate a little harder.

Q You would do better than using your common ordinary horse sense, if I may use the term?

A Right.

Q So you would, if I understand you correctly, you would measure and weigh each witness very closely?

A Well, I would do my best, yes.

Q I see; and you would do this with a view in mind of arriving at a conclusion as to what is the truth?

A Yes.

Q Now, assuming that you are selected as a juror, and the case is presented to the jury for deliberation, would you and could you join with your fellow jurors in exploring all the facts, all of the testimony, all of the

evidence, with a view in mind of arriving at a fair and just verdict, fair to both the defendant Sam Sheppard and the state of Ohio?

A Yes, I would.

MR. CORRIGAN: Pass for cause, your Honor.

THE COURT: Thank you.
Miss Peters, you will resume the stand. We are going to have a recess now.

You lady and gentlemen of the prospective panel, you will bear in mind the instructions previously given you, and you will bear them in mind on each occasion when you leave this room.

You shall not discuss this case even amongst yourselves, you understand.

You shall not permit anyone else to discuss it with you. You shall not permit yourselves to overhear anything that relates to this cause by any means or media of communication.

We will stand recessed until five minutes past three.

(Thereupon a recess was had.)

THE COURT: Counselor,
will you please proceed?

VOIR DIRE EXAMINATION OF BETTE A. PETERS

By Mr. Bailey:

Q Miss Peters, I believe you told us that you were working in a grocery store at the time the original trial went on?

A Yes, sir, that's correct.

Q Did you regularly read the newspapers back then?

A Not too often.

Q But you heard some information about the case, as I understand, from customers who came into the store and talked to you about it?

A Yes, that's right.

Q Did you hear some of them express opinions?

A Yes.

Q Did you hear opinions expressed by the customers or any one else as to whether or not Doctor Sheppard was guilty or innocent?

A Yes.

Q I take it some of these people in talking about the case with you would ask, "What do you think?"

A Yes, they did.

Q And did you tell them what you thought?

A I believe at the time I didn't have any opinion at all. I just didn't think about it one way or the other.

Q You hadn't formed any opinion?

A Correct.

Q Now, this was at the time of the original trial?

A Yes.

Q Have you had occasion to have had some talk with some people about the case since that time?

A Yes.

Q Have you been aware through the news reporting of subsequent developments and appeals and other things, brought the name Sheppard up in the news?

A Yes.

Q During the subsequent conversations down through the twelve year period that has elapsed, have people expressed opinions to you as to the worth of his cause or his guilt or innocence?

A Yes, I have heard.

Q In any of these conversations have you been asked for an opinion?

A Yes, I have.

Q And have you given an opinion?

A I still have no opinion.

Q In other words, you never said to anybody, "I think this or I think that"?

A I did on one occasion but just for the sake of argument, I mean, it was just because I wanted to disagree with the person all together.

Q You mean you expressed an opinion but just in order to pose an argument?

A That's all.

Q At that time you didn't have any opinion?

A That's right.

Q Now, do you take the newspapers now?

A Pardon?

Q Do you take a newspaper regularly now?

A No.

Q Does your father take one?

A Yes.

Q Do you customarily in the course of each day read a Cleveland newspaper?

A Just one section.

Q Just one section?

A Yes.

Q Did you, for instance, read a newspaper yesterday?

A Yes.

Q Was that the Plain Dealer?

A Yes.

Q The Sunday edition?

A Yes.

Q Did you read anything in that paper about Doctor Sheppard?

A No, I did not.

Q You didn't see anything printed there about it?

A No.

Q I take it the section you read is not the front news section?

A That's right.

Q Miss Peters, you are aware that the original trial resulted in a conviction which has since then overturned?

A Yes.

Q Do you understand that we are now at the same point that Doctor Sheppard was twelve years ago before there ever was any trial?

A Yes.

Q Can you completely disregard in your own mind and attach no weight to the fact that another jury may have formed one result or another?

A Yes, I believe I can.

Q You are able to accept the fact that we are starting fresh?

A That's right.

Q And do you now presume Doctor Sheppard to be innocent?

A Yes, I do.

Q Do you understand you are to continue to presume that unless the State proves that he is guilty?

A Yes.

Q Miss Peters, if in the course of deliberating this case as a juror, with your fellow jurors, you found that the majority disagreed with your views, would you adhere to your own views after discussion, or would you be inclined to vote with the majority just because it would be the thing to do?

A I am pretty stubborn, I would stick to mine.

Q I think Mr. Corrigan asked you whether or not you would accept the Judge's instruction that circumstantial evidence could be just as good as direct evidence?

A Yes, he did.

Q Would you similarly accept his instruction that if circumstantial evidence is to be used in this case to prove guilt, that it must exclude all hypotheses or theories based on the facts under which Doctor Sheppard could be innocent before you can vote for guilt, could you accept that?

A Yes.

Q Now, supposing, Miss Peters, the State puts in a case and shows you that Marilyn Sheppard was killed by someone, that Doctor Sheppard was home on the night that it happened, and the defense does not present any

evidence at all, would you infer from that or would you believe because of the silence of the defendant that the defense was hiding something?

MR. SPELLACY: Objection.

MR. CORRIGAN: Objection.

THE COURT: Sustained, as

to form.

Q If the defendant, Doctor Sheppard, following proof such as I described to you by the State, did not take the witness stand to testify and tell you his side of what he said happened, would you infer from that that he is guilty or that he is hiding something?

MR. SPELLACY: Objection.

MR. CORRIGAN: Objection.

THE COURT: Objection

sustained as to form. And Counselor, if you will bear with me just one moment, please.

Miss Peters, and to the other members of this prospective panel, the Court instructs you as follows:

The burden of proving the defendant guilty beyond a reasonable doubt rests upon the State of Ohio.

In the event that the defendant does not testify, the State

considered by you for any purpose. You cannot draw any inference from his failure to testify.

Do each of you understand that?

MISS PETERS: Yes.

THE COURT: Please proceed,
Counselor.

By Mr. Bailey:

Q Now that you heard what the law is from his Honor Judge Talty, do you feel that you could accept this rule and apply it to your decision as to whether or not Doctor Sheppard committed the crime charged?

A Yes, I do.

Q And you feel you could accept this rule and exclude from your mind any question as to why he might not have testified?

A Yes.

Q You understand that to be his right?

A That's right.

Q In the course of your discussions of this case with others, have you heard something or learned something about Doctor Sheppard's profession, his professional background?

A Yes, sir.

Q You know he is a doctor?

A Yes.

Q Did you hear what kind of doctor he is or what he does?

A An osteopath, I believe.

Q Do you know what an osteopath is?

A No, I don't.

Q You don't know?

A No.

Q Do you know whether or not an osteopath is a regular doctor, or some other kind of doctor?

MR. SPELLACY: Objection.

THE COURT: She may answer if she knows.

It is a little broad in its thrust.

Do you know, do you know whether an osteopath is a special type of doctor?

A No, I don't.

THE COURT: Please proceed, Counselor.

Q Do you know what a medical doctor or M.D. is?

A Yes.

Q Do you have a family physician?

A Yes, sir.

Q Is he an M.D.?

A Yes.

Q Have you ever been treated by an osteopath, to your knowledge?

A I don't know what it --

Q If you had conflicting testimony from a medical doctor on the onehand, and a doctor of osteopathy on the other hand, as to a point of medical evidence, would you give more weight to the medical doctor solely for the reason that the contradiction was coming from a doctor of osteopathy, or would you consider them equal and give them each a chance to be believed by you in the fashion which you regard all other witnesses?

A I would give them each, I would take both of their testimony.

Q In other words, the fact that one was a doctor of osteopathy wouldn't influence you at all?

A No.

Q I think you said that the fact that a man was a police officer would not by itself incline you to believe him as against another non-police witness, is that true?

A That is right.

Q If some other State official, for instance, the County Coroner, were to give testimony as a doctor contradicted by some doctor not connected with the State, would you solely because he was a County Coroner be inclined to attach more weight to his testimony than that of the other

doctor?

A I don't think so.

Q Is there any reason why you would prefer not to sit in this case, Miss Peters?

A No.

Q Are you satisfied in your own mind that you can give Doctor Sheppard a fair trial?

MR. BAILEY: Pass for cause.

THE COURT: Miss Peters,
would you be kind enough to take the chair
right next to Mr. Stephens.

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