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Thursday Afternoon Session, October 28, 1954.
1:15 o'clock p.m.

THE COURT: We are now down to the next challenge, which is the defense.

MR. CORRIGAN: We will pass.

THE COURT: Has the State any challenge?

MR. MAHON: The State will pass, your Honor.

THE COURT: All right. If you pass once more, gentlemen, we will stop right there.

Now the defense.

MR. CORRIGAN: The defense passes.

MR. MAHON: Your Honor, may I ask one or two questions of the jury here?

THE COURT: You want to ask a question?

MR. MAHON: One or two questions, yes.

THE COURT: Yes, you may do that.

MR. MAHON: Now, ladies and gentlemen, some of you have been in the room here for quite a long time, most of you, and you have heard these questions being repeated over and over again. The purpose of now asking a few questions is to see whether or not at this time, now that you more fully realize what this case is about, the seriousness and

importance to all parties concerned, whether or not there is now in the minds of any of you anything that might in any way influence your mind outside of the evidence that you get here in this courtroom, if there is anything, however slight it might be, that might in any way influence your mind in this case outside of the evidence from that witness stand and the law as his Honor, Judge Blythin, will give to you, if you think of anything, please tell us at us at this time, because after you are once sworn, then it is too late.

Can any of you think of anything?

Can you, sir?

PROS. JUROR BARRISH: No, sir, I can't.

MR. MAHON: Can you, madam?

PROS. JUROR BORKE: No.

MR. MAHON: Or you?

PROS. JUROR VERLINGER: No.

MR. MAHON: And you?

PROS. JUROR LAMB: No.

MR. MAHON: Mrs. Feuchter?

PROS. JUROR FEUCHTER: No.

MR. MAHON: Mr. Manning?

PROS. JUROR MANNING: No.

MR. MAHON: Mrs. Foote?

PROS. JUROR FOOTE: No.

MR. MAHON: Mrs. Orenstein?

PROS. JUROR ORENSTEIN: No.

MR. MAHON: Mr. Bird?

PROS. JUROR BIRD: No.

MR. MAHON: Mr. Moravec?

PROS. JUROR MORAVEC: No.

MR. MAHON: Mr. Kollarits?

PROS. JUROR KOLLARITS: No.

MR. MAHON: Mrs. Williams?

PROS. JUROR WILLIAMS: No.

MR. MAHON: You cannot. Thank you
very much.

The State is satisfied with this jury, if
your Honor please.

THE COURT: All right. Has the defense
any final question to put to the group as they are
now constituted without opening the general inquiry?

MR. GARMONE: You have all heard the
last statement made by Mr. Mahon, so rather than
repeat it, I will ask you individually.

Mr. Barrish, you have no reasons why you
can't be fair and impartial?

PROS. JUROR BARRISH: No, sir, I have no reason
whatsoever.

MR. GARMONE: Mrs. Borke?

PROS. JUROR BORKE: No.

MR. GARMONE: Any reason or thought
whatsoever?

PROS. JUROR BORKE: No.

MR. GARMONE: Mr. Verlinger?

PROS. JUROR VERLINGER: No, sir, I don't.

MR. GARMONE: Mr. Lamb?

PROS. JUROR LAMB: No, sir.

MR. GARMONE: Mrs. Feuchter?

PROS. JUROR FEUCHTER: No, sir.

MR. GARMONE: Mr. Manning, you haven't
been here as long as the others and haven't received
what additional education that they have had as
against what you have heard. Do you know of any
reason?

PROS. JUROR MANNING: No, sir, I don't.

MR. GARMONE: Mrs. Williams?

PROS. JUROR WILLIAMS: No, sir.

MR. GARMONE: Mr. Kollarits?

PROS. JUROR KOLLARITS: No, sir.

MR. GARMONE: Mr. Moravec?

PROS. JUROR MORAVEC: No.

MR. GARMONE: Mr. Bird?

PROS. JUROR BIRD: No, sir.

MR. GARMONE: And you won't mark my paper on the basis of the grammar that I used during the empaneling of the jury, will you?

PROS. JUROR BIRD: No.

MR. GARMONE: Mrs. Orenstein?

PROS. JUROR ORENSTEIN: No, sir, I do not.

MR. GARMONE: Mrs. Foote, do you know of any reason?

PROS. JUROR FOOTE: No, sir.

MR. GARMONE: Thank you all.

(Thereupon a conference was had between Court and counsel, out of the hearing of the jury, after which the following proceedings were resumed within the hearing of the jury):

THE COURT: Ladies and gentlemen of the panel, I take it that you will be somewhat relieved to know that this ends the questioning and the challenges both for cause and peremptory, as far as you are concerned, but you are to understand that you have not yet been finally accepted and seated to try this case.

Counsel have a matter of law to present to the Court at this moment, which should be presented in your absence. It won't concern you at all in any way, shape or manner. Will you please return to your

jury room and remain there by yourselves without being in the presence of others, and until you are recalled here, will you please observe the caution which the Court has expressed to you:

Do not discuss this case or any matter connected with it, even among yourselves in your jury room or elsewhere.

(Thereupon the following proceedings were had in the absence of the jury):

THE COURT: Now, Mr. Corrigan.

MR. CORRIGAN: If the Court please, the State has signified their acceptance of this jury. The ruling of the Court to us was that if we passed the second time we could exercise no further challenges. We had knowledge of that from the Court, and we chose to pass the second time. That resulted in the fact that this jury will be the jury that tries the case of Sam Sheppard, or in the event that we empanel an alternate juror, and one of these jurors gets indisposed and the alternate juror takes his place, that will be the jury in this case.

As far as we know, this is the jury. However, in taking the action that we did, we do not intend to waive any rights that we have under the motions

and claims that we have heretofore filed with the Court, and we renew those motions at this time, and ask for a ruling by the Court on both of our motions.

In urging the granting of the motions, we wish to call to the Court's attention that all the people sitting on the jury, with the exception of Mrs. Borke, Juror No. 2, have read about this case, have talked about this case, a great many have heard radio and television, and we still maintain that even though they express they have no opinion, that human nature is such that they cannot help but be affected by the situation presented from the beginning of this -- the happening of this murder down to the present time.

We therefore renew our motions. And Mr. Garmone calls my attention to the fact that all the jurors in the box, with probably the exception of one, have testified that they have had opinions expressed around where they were.

THE COURT: Well, now, Mr. Corrigan, the Court did overrule the motion to continue, but you again renewed it in the midst of this jury inquiry, and it may be considered renewed again, and we will treat it at this moment as being renewed,