

Thereupon VERNICE VALICHNAC, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR VERNICE VALICHNAC

By the Court:

Q Will you give us your name, please?

A Vernice Valichnac.

Q And you live at 5733 West 54th Street?

A That's right.

Q That is in Parma?

A Yes.

Q Is it Mrs. or Miss?

A Mrs.

32 Q And how long have you lived on West 54th Street?

A About four years.

Q That is the street where the big high school is on, isn't it?

A Yes, it is.

Q How long have you lived there?

A Four years.

Q Where did you live before that?

A Before that I lived on 52nd Street in Parma.

Q And what is your husband's name?

A Michael.

Q What does he do? What is his occupation?

A He drives a truck for Sears & Roebuck.

Q And how long has he driven the truck for Sears-Roebuck?

A About eight years.

Q Have you any children?

A Yes. I have two girls.

Q How old are they?

A One will be 13 in January, and one was 11 in June.

Q I wish you would have brought them along so we could see them. Are you employed at all, Mrs. Valichnac?

A No, I am not.

Q Have you ever served on a jury before?

A No, I haven't.

Q Either petit or Grand Jury?

A None at all.

Q Have you ever been a witness in a case before?

A No, I haven't.

Q You were here yesterday morning, of course, when the Court introduced all these people here and told you who they were?

A Yes, I was.

Q Do you know any of them at all?

A No, I don't.

Q Do you know any members at all of the Sheppard family?

A No, I don't.

Q Do you know the County prosecuting attorney, Mr. Frank Cullitan, or any member of his staff?

A No, I don't.

Q Do you know Mr. Joseph Sweeney, the Sheriff of this County, or any members of his staff?

A No, I don't.

Q Do you know Coroner Gerber or any member of his staff?

A No, I don't.

Q Are there any members of your family or your husband's family who are members of a police department or any law-enforcing agency of any kind, as far as you know?

A My husband is on the auxiliary police in Parma.

Q And how long has he been an auxiliary police in Parma?

A About six months.

Q I am assuming that is principally in connection with Civilian Defense, isn't it?

A Yes, it is.

Q Would the fact that he is a member of the auxiliary police have any effect at all upon your judgment in a case in which a crime was charged?

A No, it wouldn't.

Q Have you ever heard of this case before? —

A I have read part of it in the paper. —

Q And have you heard comments over the radio and television?

A Yes, I have.

Q And have you formed any opinion at all about the guilt or innocence of Samuel Sheppard in this case?

A No, I haven't.

Q You understand that there may be police officers and perhaps public officials other than police officers here testifying?

A Yes.

Q And that it is the duty of a jury to weigh all testimony?

A Yes.

Q And that all people are alike in a court of justice. Would you feel that you would have to give greater weight to the testimony of a police officer, or a Coroner, or a public official, than you would a common, ordinary layman, if I may term them such?

A Yes, I believe I would.

Q You mean that you would give more weight to the testimony of a police officer?

A Yes.

Q If the Court should tell you as juror that the testimony of a police officer is not any more sacred and is not to be given more weight than the testimony of any other person, excepting to the extent that you determine his actual knowledge or means of observation of the things he testifies to, could you weigh his testimony on the basis of the weight that you give to other testimony or testimony of other witnesses?

A Yes.

Q Do I understand you now to say that you could, without regard to any thought that you have, that you could follow the

instructions of the Court as to the law of this case and the principles upon which testimony is to be weighed?

A Yes.

Q Have you any religious or conscientious objection to capital punishment?

MR. CORRIGAN: Object to the question
in its form.

THE COURT: Overruled.

A No.

Q Have you at any time received any communication by letter, by mail, or in person, or by any other means, about this case, or about the matters here involved?

A Yes, I have.

Q What did you receive?

A I received a letter that was mimeographed, I guess, the same one that all the jurors received.

Q When did you receive it?

A Thursday of last week.

Q And have you got it with you now?

A Yes, I have.

Q Could we see it, please?

(Witness produces letter.)

THE COURT: This will be A-6, A-7
and A-8.

(Court's Exhibits A-6, A-7
and A-8, letter and envelope,
were marked for identification.)

By the Court:

Q I notice some writing here. Was that on when you received it?

A No, it wasn't.

Q And something on this side; that was not on when you received it?

A No, it wasn't.

Q I am referring to Exhibit A-7. Do you know who sent you that communication?

A No, I don't.

Q Do you have any idea that any member of the Sheppard family or their friends sent you that?

A No, I don't.

Q Well, the Court will state to you that there is no one around here, as far as we know, who believes that the Sheppard family or their friends had anything whatever to do with that communication. Some other source entirely.

Did that communication, or does it now have any influence upon you insofar as your judgment would be concerned in a case of this kind?

A No, it doesn't.

Q And are you satisfied that if you were chosen as a juror in this case, that you could patiently listen to the evidence and to the instructions of the Court as to the principles of law that are to be applied and be guided wholly and entirely by those?

3 A Yes, I could.

THE COURT:

Mr. Danaceau.

EXAMINATION OF PROS. JUROR VERNICE VALICHNAC

By Mr. Danaceau:

Q You pronounce your name Valichnac?

A Valichnac.

Q You have two children, I believe?

A Yes, I do.

Q And how old are they?

A One will be 13 in January, and the little one was 11 in June.

Q I suppose they both go to school?

A Yes, they do.

Q And who would take care of them while you were in the courtroom here for several weeks?

A My sister will take care of them.

Q You say your husband works for --

A Sears & Roebuck.

Q How long have you lived at 5733 West 54th Street?

A About four years.

Q And where did you live prior thereto?

A On 52nd Street in Parma.

Q Do you know the number?

A 5252.

Q Did you discuss this letter that you received in the mail

with anyone?

A No one. I showed it to my husband, and that was all.

Q Did you read it all?

A No, I didn't.

Q Apart from this letter that you received in the mail, did anyone else call you or talk to you?

A No.

Q About this case?

A No.

Q You, I take it, read your name in the newspaper when it published a list of the prospective jurors?

A That's right.

Q Did anyone else call that to your attention that your name was in the newspaper?

A Yes. One of my neighbors did.

Q And apart from merely telling you, or you telling her that your name was in the newspaper, was there any discussion about the case?

A Well, no. It was near supper time and she just come over to tell me, and she went right home.

Q Now, you say you have read something about the case?

A Yes.

Q And you heard something on the radio?

A Yes, I have.

Q On television?

A Yes.

Q As a result of what you saw or heard, have you formed any opinion, or have you reached any conclusion whatever about the guilt or innocence of Dr. Sheppard?

A No, I haven't.

Q Have you ever expressed an opinion to anyone about his guilt or innocence?

A No, I haven't.

Q You understand, of course, that there has been an indictment returned against Dr. Sheppard?

A Yes.

Q And that such an indictment is merely a charge, it is not evidence and should not be considered evidence by you, as a juror. You understand that, do you not?

A Yes, I do.

Q And that it is the burden of the State, represented by the prosecutor's office, to present evidence in court which will convince the jury beyond a reasonable doubt of his guilt?

A Yes.

Q And that there is a presumption of innocence until the State has presented such evidence to prove him guilty beyond a reasonable doubt. You understand that?

A Yes, I do.

Q And do you understand also that you are to consider the question of his guilt or innocence solely on the basis of

the evidence that you receive here in this courtroom from the witness stand?

A Yes.

Q Now, the witnesses will testify as to what they know, but there are certain rules of evidence -- lawyers call that the law -- which Judge Blythin, who presides in this case, will give you, and that the jurors are to follow those rules of law, those rules of evidence given them by the Judge. You understand that?

A Yes, I do.

Q Now, no matter that your personal idea may be about what the law is or ought not to be, or what the rules of evidence ought to be or ought not to be, will you be guided solely by the instructions that you get from Judge Blythin?

A Yes, I will.

Q And by nothing else?

A Nothing else.

Q Now, in the course of a trial of this kind, you will hear statements made by the lawyers on both sides, statements made in asking questions and arguments. Such statements are not evidence. You understand that?

A Yes, I do.

Q No matter what those statements are. If any of the lawyers wants to testify, they can take the witness stand and be sworn and testify, and what they testify to will be evidence.

You understand that?

A Yes, I do.

Q But anything that the lawyers say on either side of the table, no matter what it is, is not evidence. You understand that?

A Yes, I do.

Q Now, there are, broadly speaking, two types of evidence; direct evidence, that is when a witness testifies he actually saw or heard from a certain person, that is direct evidence. There is also circumstantial evidence where, from the description of certain circumstances, inferences may be drawn, conclusions may be drawn as to what the facts were. That is circumstantial evidence.

And in Ohio, both those types of evidence are admissible and may be considered by the jury. Do you have any bias or prejudice against circumstantial evidence?

A No, I haven't.

Q And if you are instructed by the Court that you may consider both types of evidence, and if, after considering either or both types of evidence, you are convinced beyond a reasonable doubt of the guilt of the defendant, would you have any hesitancy in returning a verdict of guilty merely because the evidence is circumstantial?

A No.

Q The Court has asked you whether or not you have any

objections to capital punishment, and you stated you haven't any, that in the proper case, where the evidence is proper, you could join with your other jurors in voting for a verdict of guilty that would carry with it the death penalty, is that correct?

A That's right.

Q Now, the Court will, from time to time, make rulings on questions that are asked, and the lawyers may ask a question and objection will be made. Objections are permitted either side when they deem that the question being asked is improper for one reason or another.

Now, will you hold it against either side if they make an objection?

A No.

Q Will you consider the fact that an objection is made, that there is some attempt to conceal evidence from the jury?

A No.

Q You will accept the Court's ruling on the objection?

A Yes.

Q Whatever it may be?

A Yes.

Q And if in asking a question, something is said and the Court sustains the objection, will you totally disregard what was said by the lawyer when he asks the question?

A Yes.

- Q In other words, you are prepared to follow the rules of law that are given you by the Judge at all times?
- A That's right.
- Q Without any deviation whatever?
- A That's right.
- Q And to consider this case solely upon what is presented from that witness stand, applying the rules given by the Court, and from nowhere else, is that correct?
- A Yes.
- Q And that you will disregard whatever may have been read or whatever you may have heard up to this very moment?
- A That's right.
- Q And if you are selected as a juror, you will be instructed not to discuss this case with anybody, will you follow that sort of instruction?
- A Yes, I will.
- Q And you will also be instructed not to read anything about this case in any of the newspapers or anywhere else, or that you listen to any discussion on the radio or television; will you follow those instructions?
- A Yes, I will.
- Q We generally ask this last question, as the lawyers have indicated with other jurors. We ask many questions, but all we want to do is find out whether you can hear this case fairly and impartially, be just both to the defendant and to

the State of Ohio. We want an impartial jury. Can you be such an impartial juror?

A Yes, I can.

THE COURT: Mr. Garmone.

EXAMINATION OF PROS. JUROR VERNICE VALICHNAC

By Mr. Garmone:

Q Mrs. Valichnac, I didn't quite catch the answer to your question of how long you lived in Parma, Ohio?

A Four years.

Q Where did you live prior to the West 54th Street address that you gave?

A On 52nd Street in Parma, too.

Q And are you a native of Cleveland?

A No, I am not.

Q Did you come here from any -- some other State?

A No, not from another State, no.

Q From where?

A Columbus, Ohio.

Q About what year did you come from Columbus, Ohio?

A Well, we moved quite a few times when I was a youngster, and I was born in Columbus, Ohio. We moved several times. I guess I lived there about three years, then we moved.

Q How long would you say that you have resided in the city of Cleveland altogether, or Cuyahoga County, which includes

Parma? When I speak of Cleveland, I mean Greater Cleveland, Parma.

A About 25 years.

Q The home where you reside, are there any other members of your family living there other than your husband and children?

A No.

Q Do you have any brothers or sisters?

A I have one brother and one sister.

Q Is the brother older or younger?

A He is older.

Q And may I have his name?

A Frank Bohna.

Q And does he live in or around Cleveland, Ohio?

A He lives in Parma.

Q Parma, too. Would you give me his address, if you know?

A 8207 -- I beg your pardon -- it is 8007 Newport.

Q Newport Avenue?

A Yes.

Q Is your brother Frank employed?

A He is self-employed.

Q What is his occupation?

A He is a printer.

Q Printer?

A Yes.

Q And where does he work, or where is his place of business

located?

A On West 3rd, 1440.

Q What is the name of his establishment?

A The Carnegie Hall Print-Craft.

Q Would you be able to tell me how many employees he has working for him?

A He has no one. Just himself.

Q Works himself. And how old is your brother, approximately?

A He is about 39.

Q And how old is your husband?

A He is 33 -- 34. He had a birthday.

Q Do you know a man by the name of Mr. Lynch?

A No, I don't.

Q Do you know whether your husband knows a person by that name?

A I don't think so.

Q You don't think so. Have you ever come in contact with a man who is known as Mr. Lynch?

A No, I haven't.

Q Mr. Lynch is a gentleman who works at the Veterans' Administration office down on Superior Street in the Cuyahoga Building. Would that refresh your memory as to whether you know him or not?

A I know I don't know him.

Q You know that you don't know him?

A I know I don't.

Q Do you know whether your brother knows him?

A I really wouldn't know.

Q Now, when you first received the exhibits that have been identified as Judge Blythin's Exhibits A-6, 7 and 8 -- this is the letter that you received in the mail?

A That's right.

Q And about how many days after you had been officially notified that you were to be a juror in this matter did you get this letter?

171 A About two weeks, I'd say.

Q Two weeks?

A I think it was about two weeks.

Q And it came to your home address, is that right?

A Yes, sir.

Q Did you show it to anyone?

A To my husband, I did.

Q And did you have any discussion about it?

A No, we didn't.

Q None whatsoever?

A I just told him that I looked at it and couldn't understand it, and he didn't read it, either.

Q And he didn't read it?

A No.

Q You mean his curiosity wasn't any more aroused than yours, is that it?

A No, it wasn't.

Q And you just passed it off as something that wasn't of any great importance?

A That's right.

Q Did you have any discussion with any of the neighbors about the letter?

A No, I didn't.

Q Are you sure about that?

A I am positive.

Q Now, after you had been notified -- I will withdraw that.

Did you by chance see your name in the paper as having been chosen as a prospective juror before you had received your summons?

A Yes, I did.

Q And was that in the Cleveland Press?

A Yes, it was.

Q What papers do you have delivered to your home?

A The Cleveland Press.

Q Any others?

A No others. Sunday Plain Dealer.

Q Now, have you had the Press delivered to your home for the four years that you have resided at the West 54th Street address?

A Yes, I have.

Q There were considerable articles carried in the Press about

Sam Sheppard and the Sheppard family. Did you read any of those?

A Partially I did, yes. —

Q Well, when you say partially, what amount of the articles that were printed in the paper did you read?

A Well, I probably read just the first beginning of it, the first couple of paragraphs, and that was about it.

Q The front page?

A Part of the front page. I wouldn't say the whole front page.

Q You read the headlines, of course?

A The headline, yes.

Q Now, after having read these headlines did you come to any opinion in this matter?

A No, I didn't.

Q Did you express any interpretation of the stories that you had read, the limited stories that you had read in the Cleveland Press with anyone?

A With my husband I did, yes.

Q Would you care to reveal to me just what the sum and substance of that discussion may have been or the conclusion of that discussion may have been, please?

A Well, we didn't say too much about it. He isn't the kind that reads the paper, and neither am I, as far as that goes, and --

Q But you do have it delivered to your home?

A I have it delivered. I have it delivered for the children more than myself. They like the funnies.

Q Well, as with Mr. Corrigan, we have a rivalry now between the front page and the funnies as against the sports page and the front page.

Well, just the short discussion that you may have had with the Mister, was there any opinion discussed by him?

A No.

Q None whatsoever?

A None at all.

Q Now, in one of the articles carried by the Cleveland Press -- you do glance through the whole newspaper, do you not?

A Yes, I do.

Q There was an editorial written which demanded that Sam Sheppard be brought in and thrown in jail. Did you glance over that editorial?

A Yes, I did.

Q And did you and the Mister have some discussion about that?

A No, we didn't.

Q None whatsoever?

A None at all.

Q Well, after you had read or glanced over this editorial about bringing this young man in, did you, as a result of digesting the contents of that article, draw any conclusion or opinion

in your own mind temporarily?

A Well, no, I wouldn't -- I don't think I did that, either.

Q Well, now, you were going to say "maybe. I don't know whether I did or not."

Did you or didn't you? Just temporarily at that particular time after you had digested the statements that were contained in that editorial, in your mind, did you come to maybe a temporary conclusion or opinion regarding Sam Sheppard?

A I really couldn't say.

Q Well, you recall the editorial that I make reference to, that he should be brought in. After having read it, did you come to the same conclusion that he should be brought in?

A After I read it, I thought the ones that were responsible for bringing him in or keeping him out was their interest in whatever they did, was all right as far as I was concerned. I just didn't think -- I think to wonder about whether he should be brought in or not brought in.

Q I didn't exactly catch the beginning of your statement. Would you repeat that for me?

A I said that after I had read the editorial and it was something about whether he should -- whether Dr. Sheppard should be brought in or not, I didn't form any opinion. I didn't even think whether he should be brought in or not brought in, because I know that there was someone higher up that knows

what they are doing, and they would take care of it the way it was supposed to be taken care of. Therefore, I didn't -- it didn't bother me too much whether he was brought in or not.

Q When you use the expression "higher up," you are not talking about authorities such as Frank Story or James McArthur, the Inspector of Detectives of the City of Cleveland, are you?

A I guess I would be talking about them.

Q About them. Well, do you know Frank Story?

A No, I don't.

Q Ever had any contact with him?

A No, I haven't.

Q Do you know James McArthur?

A No, I don't.

36 Q That is this gentleman that is seated here.

A No, I don't.

Q Ever had any contact with him?

A No.

Q Now, the article that was referred to, the editorial that you had read, that was on the editorial page and that is in the inside of the paper, is that right?

A Yes.

Q Or was it on the front page?

A Well, the editorials are usually on the inside, but --

Q This editorial was on the front page.

A I guess it was on the front page, right.

Q Did you read an editorial in the same paper that advocated that Sam Sheppard should be given the third degree? Do you remember that one?

A No, I don't.

Q Now, after having read the editorial that we just finished discussing, you continued to read with limit other articles that appeared in the Cleveland Press, is that right?

A Yes.

Q The stories were sort of a continuous operation, and there was a continuity of expressions by the newspaper that followed from one day to the other. Do you recall that?

A Partially, yes.

Q Now, during the course of these stories, there was printed many cartoons in the paper in conjunction with the expression printed in the articles. Do you remember the cartoons, some of them?

A No, I don't.

Q Do you remember the cartoon that was printed in the paper where they made an effort to impress the people with the fact that somebody was trying to conceal this man from the authorities?

A I don't remember seeing a cartoon, no, like that, no.

Q Did you read some articles that expressed that thought?

A Yes, I believe I did.

Q Now, after having read those articles, did you discuss them

with anyone?

A No, I didn't.

Q Did you discuss them with the Mister?

A I may have a little, yes.---

Q Not too much?

A Not too much, no.

Q Well, in the discussion was there an expression of a tentative opinion that you arrived at as a result of having read these articles?

A No.

Q Was there an expression of opinion given you by your husband?

A No.

Q As to his reaction on what you talked about?

A No.

Q How long had your brother operated this print shop that is located on West 3rd Street?

A About five years, but not at the same address.

Q Has he lived in the city of Cleveland all his life?

A No. He was born in Johnstown.

Q Johnstown, P-a.?

A Yes.

Q And if you are able to tell me, would you tell me when he first arrived in the city of Cleveland?

A The same time as I did.

Q Is your brother a veteran?

A Yes, he is.

Q Do you know, of your knowledge, whether or not within recent weeks he has had an occasion to visit the Veterans' Administration building located in the Cuyahoga Building on Superior Street in the city of Cleveland?

A No, he hasn't.

Q He has not?

A No.

Q Well, how would you know that? Have you discussed something about whether or not he has been down there recently?

A No.

Q After your name had appeared in the paper that you were chosen as a prospective juror, did you receive any telephone calls at your home?

A No.

Q None at all?

A Other than my sister.

Q When she called had she discussed with you any phase of the Sheppard case?

A No.

Q I think that you stated to Judge Blythin that you know no police officers?

A I beg your pardon?

Q I think you stated to Judge Blythin that you know no police officers that are connected with the city of Cleveland?

A No, I do not.

Q Do you know any officers that are connected with the city of Parma?

A No, I don't.

Q None at all?

A None at all.

Q Do you ever come in contact with any of them?

A No, not at all.

Q Does the Mister come in contact with any of them as a result of being an auxiliary police in Parma?

A Oh, yes.

Q And has he ever come home and expressed to you any opinions or thoughts that were given him by members of the police department relating to the case of Sam Sheppard?

A No.

Q Now, your children are 13 and 11, right?

A That's right.

Q And you have provided care for them if you are accepted as a juror in this matter?

A Yes, I have.

Q Now, this case may take a period of several weeks before its conclusion. Would that cause you to worry about your home chores?

A No, it wouldn't.

Q You feel that if you are chosen as a juror that your mind

wouldn't be disturbed as to what is going on at home and how the children are, and that you could digest all the facts here without having that interfere, is that correct?

A That's right.

Q Have you ever served as a juror prior to being called in this case?

A No, I haven't.

Q Anywhere at all?

A Nowhere at all.

Q Now, would the fact that all this courtroom will be occupied by members of the press, radio and television, cause you any nervousness or detract your attention from the obligation that you should accept if you are chosen as a juror?

A No.

Q You didn't come down, did you, with the express thought in mind of getting on the jury?

A No, I didn't.

Q You felt that you would have to meet certain qualifications?

A That's right.

Q And you are satisfied from the articles that you read and the letter that was received by you in the mail, and any expressions that may have been made to you by your husband, that they would not interfere in any way from you being fair and impartial if you are chosen as a juror in this case?

A That's right.

Q Now, the defendant here is charged with murder in the first degree. That is a very serious charge, and the responsibility that everybody around the trial table has is a great one, Mr. Corrigan, Mr. Petersilge, Mr. Corrigan, Jr., and myself, and Mr. Mahon, Danaceau and Parrino, and you understand that some of the questions I asked you may have been somewhat of a personal nature, but in my anxiety sometimes to do my duty, to discharge my obligations to Sam Sheppard, I may have gotten a little more personal as far as your home life is concerned than you felt I should have. But I only did that to see whether or not we feel that you could be a fair and impartial juror.

Now, in this matter, as Mr. Danaceau stated to you, the burden of proof is with the State of Ohio. It never changes; from the very outset, it is the obligation of the State of Ohio to satisfy you by evidence beyond a reasonable doubt as to the guilt of that young man that is seated on the other side of the table there.

By the way, do you know Sam Sheppard?

A No, I don't.

Q Had you ever seen him prior to coming into this courtroom?

A No, I haven't.

Q Do you know any members of his family?

A No, I don't.

Q Are there any members of your family that are associated with

the medical profession?

A No.

Q Do you have any feelings one way or another as far as osteopathic doctors are concerned?

A No, I haven't.

Q Now, getting back to the fundamental legal problem of this matter, the Grand Jury of Cuyahoga County returned an indictment, and that indictment is an instrument, a copy of which I have here. The Court will instruct you that although you, as a member of the jury, will be permitted to take a copy of this indictment to the jury room with you, that under no circumstances are you to consider it as evidence, will you follow those instructions?

A Yes, I will.

Q And the Court will further instruct you that each and every essential element that constitutes the charge of first degree murder must be proven beyond a reasonable doubt. Will you follow those instructions?

A Yes, I will.

Q Now, should it develop that the State of Ohio fails to prove beyond a reasonable doubt each and every essential element that constitutes first degree murder, would there be any hesitancy on your part in voting for a verdict of not guilty?

A No.

Q Now, when we talk about each and every essential element,

the charge of first degree murder is the unlawful -- unlawfully, purposely and of deliberate and premeditated malice, to kill someone. The Court will instruct you that it is not incumbent upon the State of Ohio to prove any one of those in order that you return a verdict of guilty, but he will instruct you, contrary to that, that it is incumbent upon the State of Ohio, the prosecution, to prove each and every one of those, not one or two, but every one beyond a reasonable doubt until you can satisfy your conscience in the returning of a verdict of guilty, and should they fail to do that, would there be any hesitation upon your part in voting for a verdict of not guilty?

A No.

Q You see, when an indictment is returned, it is returned on evidence or testimony that has been submitted to a Grand Jury by one side, and that side is the State of Ohio, the prosecution. Sam Sheppard was never afforded the opportunity to tell his story or present any of his witnesses to that same Grand Jury, so they didn't hear his side of the case, so it is an ex-parte hearing. It is a one-sided hearing, and it is for that reason that you at no time, even though you have this instrument with you in your jury room, shall consider it as evidence. Will you appreciate that fact if Judge Blythin so instructs you?

A Yes.

Q Now, did you read last night's paper?

A No, I didn't.

Q Did you discuss, when you got home, with your husband any of the happenings that transpired down here today -- or yesterday?

A Only that I had seen Dorothy Kilgallen.

Q Well, it's too bad she's not here.

Now, would Dorothy Kilgallen's presence during the course of this trial have any effect on your verdict in this case?

A No.

Q Would it detract from the attention that are obligated to pay to the facts that will be presented to you during the course of this hearing?

A No.

Q Now, I was interested in the answer that you gave his Honor, Judge Blythin, when he asked you about the testimony of a police officer as against the testimony of an ordinary layman. Now, I will ask you this question:

Would you be more apt to give the testimony of a police officer greater consideration, more credence, than you would a layman because of the fact that he is a police officer?

A Yes, I believe I would.

Q You have no -- you are certain that you would, is that right?

A Yes.

Q Would you be apt to give more consideration to a doctor who was associated with the Coroner's office than you would give to a doctor who has no association with the Coroner's office, should they testify on the same statement of fact?

A Yes.

MR. GARMONE: If the Court please, on the basis of the last two answers, I think this prospective juror should be challenged for cause.

THE COURT: Now, Mrs. Valichnac, --

MR. GARMONE: May I object to any further interrogation of this witness on the same subject matter, because the Court -- it was on the answers that she gave your Honor in clarification of a question that was put to her by Saul Danaceau that prompted me to go into the examination that I just concluded, and if we are going to go back and forth with this same matter, I don't think we can ever get an understanding as to whether she will or will not decide to give the testimony of the police officer the same consideration that she would a layman or the testimony of a doctor who is connected with Dr. Gerber's office the same consideration that she would give a doctor that we would bring in testifying to the same statement of fact.

MR. DANACEAU: The question was not asked

by me. It was asked by the Court.

THE COURT: The statute is perfectly clear that where there is a claim of challenge, that the Court shall try it immediately.

Now, Mrs. Valichnac, you stated that you would give more weight to the testimony of a doctor affiliated with the Coroner's office than you would a doctor not so affiliated?

PROS. JUROR VALICHNAC: Yes.

THE COURT: Can you just give us the basis of why you would say that or why you would do that?

PROS. JUROR VALICHNAC: Only because the person -- the doctor that was affiliated with the police station -- the police, would be, I think, more apt to be unbiased because he had no interest in it.

THE COURT: Why would you think he would be more unbiased because he is connected with the Coroner's office?

PROS. JUROR VALICHNAC: Because -- well, because he wouldn't have -- he is a servant of the people, isn't he, of all people, of all the people, whereas, if another one was called in, another doctor was called in he might be a friend or someone that he knew personally.

THE COURT: All right. Without regard to whether he is connected or not connected with the Coroner's office, could you weigh his evidence as to his truth or lack of truth on the basis of the opportunity which he had to know the things that he testifies to, and on the same basis that you would judge the testimony of any other physician or any other witness?

PROS. JUROR VALICHNAC: Yes.

THE COURT: The challenge will be overruled.

MR. CORRIGAN: If your Honor please, --

MR. GARMONE: If your Honor please, --

MR. CORRIGAN: Your Honor please, do we have to accept these kind of jurors in this case?

MR. DANACEAU: I object to the statements that are constantly being made after the Court rules on these questions of law.

MR. GARMONE: If the Court please, may I just make a statement in conjunction with your last question and the answer of the witness?

MR. DANACEAU: If the Court please, the Court has ruled on this question. Why can't we proceed instead of having these arguments made repeatedly in front of the jurors? It is highly

objectionable and improper.

MR. GARMONE: Don't you feel, Mr. Danaceau, that this young man is entitled to a fair and impartial jury?

MR. DANACEAU: I certainly do.

MR. GARMONE: Then give us the permission to empanel one.

MR. DANACEAU: We are giving you the permission, but you are trying to prejudice the jury, that's what you are trying to do.

MR. GARMONE: No, you are not.

THE COURT: Now, Mr. Garmone, have you any other questions for this lady?

By Mr. Garmone:

Q Now, you stated in response to his Honor, Judge Blythin's question that you would feel that a person is associated with the Coroner's office, a doctor, that is, would have no bias?

A That's right.

Q And that whatever he came in and told you would be the truth?

A Yes.

Q And that if a doctor, who would not be associated with the Coroner's office, came in and testified to the same statement of fact, that he, possibly, may be lying to you because, by

chance, he may be a friend of the Sheppard family or some of the lawyers who are associated with his defense, is that right?

A

Yes.

MR. GARMONE: I renew my motion and ask that this juror not be permitted to be seated. Her answers are very clear and plain.

THE COURT: Now, a few moments ago we went over this. Now, to make sure that you understand it:

The Court stated to you early in this inquiry that it was the function of a juror to weigh the evidence of all witnesses alike, having in mind, however, that whether you believe them or not depends upon circumstances such as the opportunity which they have to observe or to know the things that they testify to, and many other items that go into the question of determining whether or not the testimony is factual.

Now, you state in answer to Mr. Garmone that you would believe a physician connected with the Coroner's office ahead of a physician who was not connected with the Coroner's office because of their connections.

Could you, if the Court were to say to you that

the connections have no bearing upon the veracity of their testimony at all, and that it is for a jury to weigh the testimony without regard to who gives it, could you follow that instruction?

PROS. JUROR VALICHNAC: Yes, I could. ✓

THE COURT: All right. Let me ask you a blunt, direct question now:

Could you, if the Coroner himself, or any officer from his office testified here, could you disregard entirely in connection with believing him or not believing him, that he is connected with the Coroner's office?

PROS. JUROR VALICHNAC: Yes.

THE COURT: The challenge will be _____
overruled.

MR. CORRIGAN: Except, your Honor.

Q Now, are you still of the opinion that if you were asked to consider the testimony of Dr. Gerber -- do you know Dr. Gerber, by the way?

A No, I don't.

Q And there is a young man in his office by the name of Dr. Adelson. Do you know him?

A No, I don't.

Q Do you know a Dr. Sunshine that is connected with the Coroner's office?

A No, I don't.

Q And a Mary Cowan who works in the technical laboratory. Do you know her?

A No, I don't.

Q Now, should you be called upon to consider the testimony of either Dr. Gerber, Dr. Adelson, Dr. Sunshine --

THE COURT: Dr. Chamberlain.

Q -- and Dr. Chamberlain -- do you know him?

A No, I don't.

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Q Well, those four doctors are all connected with the Coroner's office. Now, should you be called upon to consider some phase of testimony that would relate to the case of the State of Ohio versus Sam Sheppard that will be given to you or testified to by anyone of those four respective doctors that I have mentioned, you still are of the opinion that you would have to give greater weight and credence to their testimony, are you not, than to the testimony of some doctors that Mr. Corrigan or I or Sam Sheppard may bring in to tell you -- relating to the same subject matter? Aren't you of the same opinion, that you would have to treat this testimony with greater consideration? Are you not?

A Yes.

MR. GARMONE: I renew my challenge.

MR. DANACEAU: If the Court please, the credibility to be given to any particular witness, as

the Court will instruct the jury, if and when the time comes, depends upon many factors:

One is the opportunity to know the facts;

2: The interest or lack of interest.

Now, here is a prospective juror who indicates by the questions that are asked both by the defense counsel and by the Court, that a connection showing a possible interest is a factor which has a bearing, which is the law. Opportunity to know may have a bearing, which is the law. The difficulty lies not with this prospective juror, but with the way the question is asked. If we are to assume that all the factors are alike, that the interest is alike, that they have equal knowledge, then like credence ought to be given to the testimony, but there is nothing of that basis in the form in which the question is asked. It may very well be, as this prospective juror has indicated, that because of knowledge, greater knowledge, because of greater disinterestedness, that she would give greater credence to their testimony.

I submit that under the form in which the question is asked, that this witness has not disqualified herself.

MR. GARMONE:

If the Court please, I have

asked the question more than once of this witness, and it has been in a different form on each occasion, and on each occasion the witness has given the same answer.

In addition thereto, on one or two occasions she qualified her answer in that she stated, after she said that she would be -- she would give more credence and weight and consideration to the testimony of a doctor who is associated with the Coroner's office, and also a police officer, as against testimony that may be submitted on the same subject matter and the same statement of facts by doctors that will be brought in by the defense, if it becomes necessary, and when the Court interrogated her the Court says, "Well, what is the basis for your answer?"

I think that, in substance, was your question to this young lady, and she says that, "I feel that they would come into this courtroom without the display of bias, or they would have no prejudices in giving out their testimony."

Now, are we to infer a statement like that, when we are in the process of -- and a tough process it is, in a case that has been surrounded with a great deal of hysteria, notoriety and publicity from

coast to coast -- on the basis of her answer, how can we afford -- if we are to get a jury that would be fair and impartial to the rights that this young man has, not rights that he has that may come from the answers of a witness who is to be qualified as a juror or disqualified as a juror, but a right that this young man has under the Constitution and the laws that go to make up our system of American jurisprudence, and I say that the answers that have been given by this young lady and given sincerely, and I praise her for doing it, because that is the only means we have in arriving at a conclusion as to whether or not there can -- that she can qualify, and I admire her, I admire her for the answer that she gave straightforwardly to my interrogation and to your interrogation, and we can't speculate, we can't speculate and wait until after she is sworn, until after all the overall factual picture has been presented to twelve people that will sit in that box, to have a situation such as this clarified by a Court's instructions or charge on a proposition of law that may correlate to a certain set of circumstances.

THE COURT:

Well, now, Mr. Garmone, the lady, I think, has been as frank as she can, but

you must take into consideration the fact that this lady, like many others in her position -- it is clear she is not acquainted with court procedure, she is not acquainted with -- shall I use a very common term -- court lingo, she is not used to these things at all, and she doesn't make and could not be expected to make these fine distinctions which we, as lawyers, and people who are engaged in these matters every day, do make.

Now, she has clearly stated, I think, and quite honestly, her position throughout this examination, including this very matter of which you now complain, if I may term it a complaint. She is thinking in terms that are so near the law that the Court really can't find the line. She doesn't express it as clearly as we could express it.

40 In answer to the Court's questions she has stated distinctly that if she is instructed by the Court as to how to weigh testimony and the weight to be given testimony, that she can follow those instructions, and in the matter of instructions, if and when they come, the Court will tell the witness that she has -- that the jurors, rather, that they have the right to consider all those things which people generally do to determine where the truth lies,

and among those is the fact that some people have more access to information, more information itself, or means of seeing and knowing the things that they testify to, and I think that that is really what the lady actually means by her statements here.

I will ask her again. If the Court should tell you that you are to weigh the testimony of all witnesses on the same basis, with the exceptions which will be stated to the jury, could you follow those instructions precisely without regard to any preconceived notions?

PROS. JUROR VALICHNAC: Yes, I could.

THE COURT: The challenge will be overruled. If you have any further questions, you may proceed.

MR. CORRIGAN: I take an exception.

MR. GARMONE: I take an exception to that.

Q Now, you answered you felt that the doctor testifying for the State would be unbiased. You remember that expression that you used?

A Yes.

Q You still feel that way, do you not?

A Yes, I do.

Q And you feel that a doctor who is not connected with the Coroner's office and not testifying for the State would have

a little bias, is that right?

A I said that he might.

Q That he might?

A He might.

Q That he might have a little bias?

A He might, in comparison with the doctor from the Coroner's office.

Q Then you would be more apt to give the Coroner's office doctors more consideration and weight than you would doctors for the other side, isn't that right?

MR. MAHON: Object to the form of that question.

MR. GARMONE: What is wrong with the form?

MR. MAHON: Well, certainly she might give more weight to it. That depends on what happens at the time the doctor testifies.

MR. GARMONE: Oh, well, now, John Mahon, you know better than that.

MR. MAHON: That is what you are asking her.

THE COURT: She might properly do that.

MR. MAHON: That is certainly what you are asking her, Fred.

MR. GARMONE: Let me finish my question

before you object to it.

MR. MAHON: I thought you had finished.

MR. GARMONE: No. Maybe you would like to testify.

THE COURT: Put your question again, Mr. Garmone.

Q You still feel, however, that you would give more weight and credence to a doctor who is testifying for the State and connected with the Coroner's office, more weight and consideration because he is connected with the Coroner's office and testifying for the State than you would a doctor that may be brought in to testify on behalf of Sam Sheppard; isn't that a correct statement?

A Yes.

MR. GARMONE: I renew my motion.

THE COURT: Mrs. Valichnac, you stated a moment ago in answer to the Court that you would weigh all testimony on the same basis. Will you be good enough to tell us now how you can give those two answers and why the difference?

Now, we are not trying to confuse you. We are trying to clear up what your thinking is. We are not trying to think for you.

You stated in answer to Mr. Garmone very

distinctly that just because a doctor is connected with the Coroner's office you would give his testimony more weight than you would give the testimony of another doctor, a doctor not connected. Is that what you told Mr. Garmone?

PROS. JUROR VALICHNAC: I am so confused now I don't know what I said.

THE COURT: That is what I am afraid of, and I don't know, and I want to know whether you are or not.

PROS. JUROR VALICHNAC: I have answered the question the best way that I know how, the way that I feel.

THE COURT: Let me ask you: A moment ago I asked you if you could weigh the testimony of a doctor connected with the Coroner's office on the same basis that you would weigh the testimony of any other person under the rules that the Court will give you, and you said you could do that.

PROS. JUROR VALICHNAC: Yes.

THE COURT: All right. Now, a moment later, in answer to Mr. Garmone, you said that you still feel that you would want to give more weight to the testimony of a doctor connected with the Coroner's office than you would a doctor not connected

with the Coroner's office just because of that connection, is that right?

PROS. JUROR VALICHNAC: I guess so. Yes, that is what I did say.

THE COURT: That is what you did say.

Well, now, those two statements are quite inconsistent.

PROS. JUROR VALICHNAC: Yes, I see.

THE COURT: All right. What is your position exactly now? And I hope if you were confused I hope we have cleared you up.

PROS. JUROR VALICHNAC: Yes, you have.

MR. CORRIGAN: I object. The juror stated her position several times.

THE COURT: I am only expressing my hopes. I am not telling the lady anything I want her to tell us.

MR. CORRIGAN: Well, she has told us.

THE COURT: Will you state to us now your position? Can you weigh the testimony of doctors or other witnesses, whoever they may be?

PROS. JUROR VALICHNAC: Yes.

THE COURT: On the same basis, one as the other, with the exceptions that the Court may give, if any?

PROS. JUROR VALICHNAC: Yes.

THE COURT: And can you weigh the testimony -- and I want you to give us a perfectly honest answer -- the testimony of a doctor that is connected with the Coroner's office on the same basis exactly as a doctor who is not connected with the Coroner's office?

PROS. JUROR VALICHNAC: Yes.

THE COURT: If you have any other questions, you put them to her now.

41 MR. GARMONE: Is the Court finished with the juror?

THE COURT: Sir?

MR. GARMONE: Have you finished with the juror?

THE COURT: Yes.

MR. GARMONE: Now, I have a question.

Q Now, don't misunderstand me. My job is a serious one. See, that young man over there is entitled to a fair trial. I speak of Dr. Sheppard.

A Yes.

Q Now, I will ask you again. You understood his Honor, Judge Blythin's questions?

A Yes, I did.

Q And you understood my questions?

A I thought I did until I got all mixed up toward the end there, yes.

Q Well, you feel that you would give more consideration to the testimony of a doctor testifying for the State because he is testifying for the State as against the testimony of a doctor that would be brought in to testify for the defense on the same subject --

A No.

Q I haven't completed my question. (Continuing) -- on the same subject matter? What is your answer?

A No.

Q Now, when you talked about the word "biased" and "unbiased," would you tell me what you meant by that?

A Well, what I thought you meant was that -- wait just a minute, I will think of what I am saying because I am all confused now.

MR. GARMONE: Would you want that we recess to give her a chance to collect herself and then bring her back?

THE COURT: Well, it is fully time for a recess, certainly. We will have a few minutes' recess at this point, and you folks may retire to your jury room and return here in about five or 10 minutes, and you the same.

Do not discuss the case at all. Do not mention it to anyone and don't let anyone mention it to you.

(Thereupon a recess was taken.)

ns

(AFTER RECESS:)

THE COURT: Have you any further questions to put to this lady, Mr. Garmone?

MR. GARMONE: I have one or two.

THE COURT: All right.

BY MR. GARMONE:

Q Now, just before we recessed, I asked you if you would explain to me what you meant by biased and unbiased, and you said at the time you were somewhat confused, and I asked the Court to grant a recess so that you could collect yourself and collect your thoughts.

Now, can you tell me what you meant by bias and unbiased? Be frank about it.

A Well, I am. I am trying to think.

Q That is what we are here for, frankness.

A That's right.

Q And the desire to get to a point where you and I have a mutual understanding. It is not a contest of my wits against yours or anything like that. So you be frank about what you meant about bias and unbiased.

A Well, I thought of it this way: That naturally, if you know a person, you are more apt to lean their way and do things for them the way they want it done, where if you don't know the person, you don't know them at all, having not had anything to do with them, you are more apt to give a true

answer.

Q More apt to get a truer picture?

A Truer picture, that's right.

Q And when you thought of that idea, were you thinking as to what Dr. Gerber may say as against some other doctor?

A That's right.

Q And you felt that the answers that he would give to the questions on a subject matter as against the answers that a doctor that you didn't know of by name but gave answers on the same subject matter, his would be more true than the other fellow's, is that it?

A That's the way I feel, yes. ✓

Q That's the way you still feel?

A Yes.

Q And do you have that same feeling as to police officers, because they are police officers as against an ordinary layman who is not connected with the Police Department, that he would give you a more true picture of the subject matter than the ordinary layman? ✓

A Yes.

Q And you feel that way?

A Yes, I certainly do.

Q And you are sincere in that feeling?

A I am sincere. ✓

Q Thank you very much.

MR. GARMONE: I renew my challenge
for cause.

THE COURT: Mr. Prosecutor, I have
very serious doubts as to whether this lady should
remain on this panel now. She gets back all the
time to the proposition that she does look with favor
upon people who are in authority and thinks that
they are --

MR. DANACEAU: We have no objection
to the challenge.

THE COURT: Sir?

MR. DANACEAU: We have no objection
to the challenge.

THE COURT: You will be excused.
Thank you very much.

MR. CORRIGAN: If the Court please, I
don't see why the Prosecutor has to be addressed
by the Court --

THE COURT: Sir?

MR. CORRIGAN: I say, I don't see why
the Prosecutor has to be addressed by the Court to
find out whether the Court is going to sustain our
challenge.

THE COURT: Well, he might want to
object to the Court's releasing the prospective juror,

and if he did, I wanted him to be heard.

MR. CORRIGAN: But look at all the
time we took on that woman.

THE COURT: But you are being heard,
too, you know, and we are not trying a one-sided
case here.

- - -

Thereupon EDWARD GOLDMAN, being first duly
sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR EDWARD GOLDMAN:

BY THE COURT:

Q Is your name Edward Goldman? ✓

A Correct.

Q 2597 Colchester Road?

A That's right, sir.

Q That's in Cleveland Heights?

A Cleveland Heights, yes.

Q And how long have you lived on Colchester Road, Cleveland
Heights?

A It will be 10 years on January 10th.

Q And are you a married man?

A Yes, sir, your Honor.