

THEREUPON, CAROL JOAN REESE, a member of the prospective jury panel, having been previously sworn, was examined and testified on voir dire, as follows:

VOIR DIRE EXAMINATION OF CAROL JOAN REESE

THE COURT: Mrs. Reese, you may place your purse down alongside, if it would be more comfortable for you.

MRS. REESE: Yes.

THE COURT: Mrs. Reese, you will bear in mind that you are under oath, and that you will respond to the questions in such a fashion so that each one of us in the room may hear your responses, so you will have to hold yourself up.

Mr. Romito here, who is our court reporter, must record each one of your responses, and a nod of your head one way or the other will not suffice.

It must be an audible response so that each of us in the room can understand you.

Now, for the State, either Counselor Spellacy or Corrigan?

MR. SPELLACY: Yes, if it please

the Court.

THE COURT:

Please proceed.

By Mr. Spellacy:

Q It is Mrs. Reese, is that correct?

A Yes, that's right.

Q Your address is 13800 Terrace Road, in East Cleveland?

A That is correct.

Q How long have you lived there?

A Approximately four years.

Q Where did you live prior to that?

A On Noble Road, and Albine Avenue.

Q Pardon me?

A Noble Road, corner of Albine and Noble.

Q Is that also in the city of East Cleveland?

A No, it is Cleveland Heights.

Q Prior to that did you live in East Cleveland also?

A No, I lived in Shaker with my parents.

Q In Shaker?

A Yes, on Daleford Road.

Q On what road?

A Daleford Road.

Q You will have to keep your voice up so everybody in this courtroom can hear you, all right?

A Yes.

Q Did you go to school in the Shaker School District?

A Yes, Shaker Heights High.

Q What year did you graduate from Shaker Heights High School?

A 1951.

Q 1951?

A Yes.

Q Did you go to school from there?

A Yes, I went to Kent State University for two and a half years.

Q For two and a half years?

A Yes.

Q Did you go to school after that anywhere?

A No.

Q At Kent State, did you live down in Kent, Ohio?

A Yes.

Q That was on the main campus that you went to school?

A Yes.

Q You are married?

A Yes.

Q You are an investment secretary for Central National Bank?

A That's right. We have to deal with stocks and bonds.

Q Do you work downtown at the Main Office?

A Yes.

Q How long have you been with the Central National Bank?

A It will be two years in February.

Q Prior to working for Central National Bank, where did you work?

A Saunders, Stiver Company, a brokerage firm, in the Terminal.

Q How long did you work for Saunders?

A Four and a half years.

Q In what capacity did you work at Saunders, Stiver?

A I was a secretary for one of the salesmen.

Q Prior to that where did you work?

A Well, I worked for Sun Finance and Loan Company for a while.

Q Now, does your husband have his own business, is that correct?

A Yes, he has his own business.

Q Is it the S. B. Reese Sales Company?

A Yes, he is a manufacturer's representative.

Q He is a manufacturer's representative?

A Yes.

Q How long has he had his own business?

A I would say about six years now.

Q Six years now?

A Yes.

Q Where is his business located? .

A It is located in Cleveland Heights at his mother's home on Hyde Park Road.

Q Is your husband from Cleveland, too?

A Yes.

Q Are you indicating Cleveland Heights, is that correct?

A Yes.

Q Did he go to school also in the Cleveland area?

A Yes, he did.

Q Do you know any of the people involved in this case, do you know Sam Sheppard, Russell Sherman, or Lee Bailey?

A No.

Q It may develop in the course of the trial that Marilyn Sheppard's father's name was Mr. Reese.

Is that any relation, would Marilyn Sheppard be any relation, do you know, of your husband's?

A No, I am sure it isn't.

Q You understand that this is the case of the State of Ohio versus Sam Sheppard, you understand that?

A Yes.

Q Have you read anything about this particular case?

A Years ago I did, yes.

Q When would that be, if you can recall?

A Well, when it was -- twelve years ago.

Q Pardon me?

A Twelve years ago when it was on.

Q Where were you at that time?

A I was in Cleveland living with my parents. I wasn't too concerned about it.

Q Pardon me?

A I wasn't too concerned about it.

Q I believe at that time you were also going to college, is that correct?

A Yes, that's right. I was terribly busy then.

Q Have you read anything since that time with regard to this particular case?

A No, not really. I mean, in -- well -- I have seen little articles in the paper.

Q As a result of having seen -- strike that. Have you read anything other than newspapers with regard to this case?

A No, sir.

Q Just the newspapers, is that right?

A Yes.

Q Have you heard anything on the radio or television with regard to this case?

A Yes.

Q Now, as a result of having read about it back

twelve years ago, have you formed or expressed an opinion with regard to this particular case?

A No.

Q You indicated that your husband also was from the Cleveland Heights area; is that correct, or the East side?

A Yes.

Q What high school did he go to?

A He went to Heights High.

Q Cleveland Heights High School?

A Yes.

Q What year did he graduate from Cleveland Heights High School?

A I am really not sure if it was '45 or '46, I believe, I am not sure.

Q Would it be 1945, in that area?

A Approximately. I really don't know.

Q Do you know if your husband knows anybody connected with this particular case?

A No, I am sure he doesn't.

Q Pardon me?

A No.

Q Have you discussed this particular case with your husband?

A Yes.

Q Has he indicated to you any knowledge about this

particular case or any knowledge about the parties involved in this particular case?

A No.

Q Now, it may develop -- excuse me -- it may develop in the course of the trial that Marilyn Sheppard and Sam Sheppard both graduated from Cleveland Heights High School about 1942 or 1943, in that vicinity.

Would this fact in and of itself, and the fact that your husband graduated around '45, would that have any influence upon you as a juror in this particular case?

MR. BAILEY: I object to the question.

THE COURT: Sustained as to form, Counselor. The substance is proper.

Her ability to serve as a fair and impartial juror, Counselor.

MR. SPELLACY: Yes, your Honor.

Q Would that preclude you from being fair and impartial to this defendant as well as to the people of Ohio?

A Yes.

Q Pardon me?

A Yes.

Q It would preclude you from being --

A I am not sure I understand you.

Q Well, would the fact that your husband was a graduate of Cleveland Heights High School, would that preclude you from being fair and impartial to this defendant as well as to the people of Ohio, the fact that this defendant's testimony may also be adduced that he is also a graduate of Cleveland Heights High School, as well as Marilyn Sheppard, would that prevent you from being fair and impartial to this defendant --

A No.

Q --as well as to the people of Ohio?
Do you understand?

A No, that doesn't make any difference.

Q It wouldn't influence you?

A No, it would not influence me.

Q Have you ever served as a juror before?

A No.

Q Have you ever been a witness in any kind of a case, either civil or criminal?

A No.

Q Any members of your family ever been witnesses in any kind of a case?

A No.

Q Any members of your family ever been jurors, do you know?

A No.

Q You understand if selected as a juror in this particular case, that you will be called upon to weigh the evidence in this particular case, you understand?

A Yes.

Q Your job will be a trier of the facts, that you are to determine wherein the truth lies, that in effect we are here for the search for the truth, and that it will be necessary for you as a juror to observe the witnesses that testify, observe their demeanor, their candor, their believability and their credibility.

His Honor Judge Talty will tell you that you can accept all of what they say, part of what they say, or you can discount all of their testimony if you so desire, and you do this by using our everyday experiences.

For example, when you meet somebody that comes into the bank, you size them up, you observe them, and you can use your everyday experience, the same way when you observe a witness testify here.

You can accept all of what they say, part of what they say, or none of what they say.

Do you understand that?

A Yes.

Q Now, the other part of the lawsuit is that as a juror you are obliged to follow the instructions that his

Honor Judge Talty gives to you as to the law of the case.

You and you alone will be the sole and exclusive trier of the facts, but Judge Talty is the sole determiner of the law that you are to apply to the facts.

After all the evidence is in, Judge Talty will read to you and give you instructions of law, and you are obliged to follow that law; can you do that?

A Yes.

Q You see, in this day and age we all have our own ideas as to what the law is, or what it might be or what it should be.

Can you set outside your mind any ideas that you might have and accept the law that Judge Talty gives to you?

A Yes.

Q Now, if Judge Talty were to tell you that there are various types of evidence, and direct and circumstantial evidence, and that circumstantial evidence if properly proven is just as good and just as binding as direct evidence, would you follow that instruction?

A Yes.

Q Now, if Judge Talty were to tell you that the sympathy or bias or prejudice has no part in this particular lawsuit, would you follow that instruction?

A Yes.

Q And if he were to tell you that the penalty or punishment, if any that is involved, is not to be considered by you in your deliberations, would you follow that instruction?

A I don't know if I understand you.

Q If Judge Talty were to instruct you that you are only to be concerned with the facts of the case, and you are not to be concerned with punishment or the penalty if there is any, that that is a matter solely within the discretion of his Honor Judge Talty, would you follow that instruction and decide this case only on the facts presented here in this courtroom?

A Yes.

Q Free of any biases or prejudices, or sympathies, and free of any consideration of any punishment or penalty, would you do that?

A Yes.

Q I might go back to your husband again, if I may. You say he is a manufacturer's representative?

A Yes.

Q What type of products does he sell?

A He has motors, hydraulic cylinders, electrical controls, and speed reducers.

Q Does he travel here just in the Cleveland area?

A It is mostly in the state of Ohio, yes.

Q Does he have any associates in his particular business, or is he alone?

A No, he is alone.

Q Now, you indicated that you grew up in the Shaker Heights area, is that correct?

A Yes.

Q Do you have any brothers and sisters?

A No.

Q Do your father and mother still live in Shaker Heights?

A Yes, they do.

Q What business or occupation is your father in?

A Well, he is retired now.

Q Prior to his retirement?

A Yes, he was in the newspaper business.

Q In the newspaper business?

A Yes.

Q In what connection was he in the newspaper business?

A He had a foreign newspaper, a Polish newspaper, a weekly.

Q Was that here in the Cleveland area?

A Yes.

Q What was your father's name?

A His name was Walter Willowaski.

Q Is that paper still in existence today?

A Yes, I believe it is still in existence as a weekly.

Q How long approximately, was he in that business?

A Oh, about thirty-five years or so.

Q Is your father-in-law still alive?

A No.

Q Is there any reason that you can think of why you could not sit on this particular case and be fair to both sides, both to this defendant as well as to the people of Ohio?

A No.

MR. SPELLACY: Pass for cause.

THE COURT: Counselor Bailey, before you or Mr. Sherman come in, ladies and gentlemen at the back of the courtroom, it is about five minutes to four.

We are going to make every effort to complete the voir dire examination of Mrs. Reese.

If any of you care to leave the courtroom now, of course, feel free to do so. If not, you will be expected to stay until the voir dire of Mrs. Reese is completed.

Thank you, Counselor.

Please proceed.

VOIR DIRE EXAMINATION OF CAROL JOAN REESE

By Mr. Bailey:

Q Mrs. Reese, did I understand you to say that at the time of the original trial, you learned through the news or some source some of the facts about it?

A Yes.

Q You learned that a woman named Marilyn Sheppard had been killed by someone?

A Yes.

Q And her husband, the defendant, was a doctor named Sam Sheppard?

A Yes.

Q Have any of the people that you talked to about this case from time to time during the last twelve years, expressed opinions to you about what they thought of the doctor's guilt or innocence?

A Yes.

Q Do you recall whether or not either or your parents ever expressed such an opinion?

A No, they did not.

Q Did you at the time you heard these opinions, find any of them persuasive that you can recall?

A No.

Q Mrs. Reese, if you were permitted to sit as a juror in this case, and at the conclusion of all of the

evidence you remembered something that you learned from another source, something that you learned from another person, or through the newspapers, but which did not come out in the evidence in this case, do you think you could completely clear that from your mind when it came to deliberating the verdict?

A Yes.

Q That is to say, disregard as if you had never heard it or that it weren't true, anything you may have gotten from another source?

A Yes.

Q In all of the times that the subject has been raised either in your own thinking, or in conversation with others, have you felt inclined to give it one way or the other the issue as to the guilt or innocence?

A No.

Q Has either aspect of the case appealed to you more than the other?

A No.

Q I assume when the original trial took place that you did not pay too much attention to the whole affair, is that true?

A It interested me but I wasn't that involved in reading every detail.

Q Did you follow the news accounts rather closely,

can you recall?

A Some days I did, and others I did not.

Q Have you followed it since that time, at least in the newspapers and on television?

A No, just when something was brought up.

Q For instance, a little over two years ago did you learn through the news media that Doctor Sheppard had been released?

A Yes.

Q And did you learn earlier this year that the United States Supreme Court had made a ruling on this case?

A Yes.

Q Now, having in mind the fact that there was a retrial, and that Doctor Sheppard was convicted, and that the higher court had set that trial aside, are you able, Mrs. Reese, to approach this case just as if there had never been a trial? and we were starting afresh?

A Yes.

Q Do you have a family physician?

A No.

Q Do you know what Doctor Sheppard's professional background was before the earlier trial?

A Yes.

Q What kind of medicine did he practice, do you know?

A Wasn't it an osteopath?

Q Yes. Now, is there any distinction or preference in your mind between the medical doctor on the one hand, and an osteopathic physician on the other?

MR. CORRIGAN: Objection.

THE COURT: Sustained as

to form, Counselor.

Q Mrs. Reese, if you heard testimony from two medical experts on an issue you tried right here in this courtroom, and you heard them testify and heard a medical expert who was a medical doctor on the one hand, give an opinion which was contradicted by a doctor of osteopathy on the other hand, would you tend to disregard or lower your opinion on the osteopathic doctor's testimony or opinions, simply because he was a doctor of osteopathy rather than an M.D.?

A No.

Q If the Cuyahoga County Coroner, as a medical expert, were to render an opinion on an issue to be tried in this case, and that opinion were contradicted by some other medical expert not in the service of the State or of the people as the coroner, would you be influenced to give more weight to the coroner's testimony simply because he is the County Coroner rather than just a straight doctor?

A No.

Q Mrs. Reese, are you aware as to ever having felt any personal emotion for or against Doctor Sheppard?

A No.

Q Having in mind all of the opinions to which you have been exposed from friends and neighbors, bridge parties, and so forth, are you able to tell us that none of these have influenced you to an appreciable degree?

A Yes.

Q Now, assuming, Mrs. Reese, that the State shows to your satisfaction that a woman named Marilyn Sheppard was killed by someone else, and that Doctor Sheppard was at home the night that it happened, Judge Talty will instruct you that Doctor Sheppard has the right to furnish no evidence, and indeed not even to testify, and that no inference may be drawn by you as a juror from his failure to appear and explain, that is, to testify, do you feel that you can accept such a ruling, and even though Doctor Sheppard puts on no defense, presents no evidence and does not testify, that you can decide his guilt or innocence solely on the State's evidence and whether or not they have proved his guilt, and without reference to his silence, can you do that?

A Yes.

Q If in the course of your deliberations you find

that there is a disparity of view among the jurors, and that your view is shared only by a minority of the jurors, would you stick to your own judgment either in the face of majority disagreement, if you thought you were right, and continued to vote for that judgment?

A Yes.

Q Mrs. Reese, you feel with all you have heard and learned of this case, from any source whatsoever, that you can sit as a judge of the facts of the guilt or innocence of Doctor Sam Sheppard, with complete and fair impartiality?

A Yes.

MR. BAILEY: Pass for cause.

THE COURT: Mrs. Reese, would you be kind enough to take the chair next to Mr. Wycoff in the front row?

MRS. REESE: Yes.

THE COURT: Mr. Patrick and Mr. Reid, would you be good enough to bring back into the courtroom the rest of the prospective panel, please?

Gentlemen, if any of you in the back of the courtroom wish to leave, you may do so.

(Thereupon the balance of the jury panel was