

MR. REED: Mr. Gersdorf, will you please take the witness chair, please?

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

THE COURT: Good morning. Is it Mr. Gersdorf?

MR. GERSDORF: That's right.

THE COURT: Mr. Gersdorf, you spell your name G-e-r-s-d-o-r-f?

MR. GERSDORF: That's right.

THE COURT: Mr. Gersdorf, the lawyers in the courtroom will be asking you some questions relative to the prospects of you being a juror in this case.

Now, in answering these questions, Mr. Gersdorf, you will remember that you are under oath; will you do that, sir?

MR. GERSDORF: Yes, I will.

THE COURT: And also, will you please keep your voice at such a point so that each person seated in the courtroom can hear your answers to these questions?

MR. GERSDORF: Yes, sir, I will.

THE COURT: Thank you, sir.

Counselor Spellacy or Corrigan?

VOIR DIRE EXAMINATION OF THEODORE J. GERSDORF

By Mr. Corrigan:

Q Mr. Gersdorf, will you state your full name, please?

A My name is Theodore John Gersdorf.

Q Where do you live, sir?

A 7202 Virginia, Parma Heights.

Q What community is that located in?

A Parma.

Q How long have you lived there?

A Let's see now, twelve years.

Q Where did you live prior to living at that address?

A On the east side, East 65th.

Q How long did you live on East 65th Street?

A About six years.

Q Are you native to Cleveland?

A Yes.

Q What part of Cleveland are you native to?

A The west side.

Q Did you attend the Cleveland School System?

A Yes, I did.

Q What schools did you attend in Cleveland?

A Scranton School and Lincoln High.

Q How old are you, sir?

A Fifty-six.

Q What is your occupation?

A I am a paper handler.

Q Are you married?

A Divorced.

Q Do you have a family?

A Yes, I have.

Q How many children and what are their ages?

A Two children. One seventeen, and one twenty-two.

Q Is the twenty-two year old living at home?

A No, she is married.

Q A girl?

A A girl.

Q What is her married name?

A Marisano.

Q Where does she live?

A Well, they just bought a new home.

Q In what city?

A Well, let's see. It is out in Parma Heights.

Q What does her husband do?

A He is a paper handler.

Q Does he work with you?

A Not exactly. He could work with me.

Q You have worked on occasion together, I take it?

A Not yet, no.

Q Are you a paper hanger for yourself?

A Paper handler.

Q Paper handler?

A Paper handler.

Q A paper handler.

A Yes, sir.

Q What is a paper handler?

A A paper handler works for the newspapers, handles paper, newsprint.

Q Those big rolls of paper that we see on the trucks?

A Yes.

Q How long have you been in that business, sir?

A Twenty-one years.

Q Do you work with a particular newspaper, company or a paper handling company?

A For the newspapers. I worked for each and every one of them one time or another.

Q Presently with what newspaper do you work?

A I am with Art Gravure on Superior Avenue.

Q That is affiliated in some manner or other with the Forest City Publishing Company, which is the Plain Dealer, is that correct?

A Yes, it is.

Q And how long have you been with them?

A Twenty-one years.

Q With what newspaper company is your son-in-law?

A He is working for the Plain Dealer.

Q How long has he been with them?

A About two years, I believe.

Q More specifically, what is the duty of a paper handler, do you put this on the press or roll it off the truck, or what?

A A paper handler brings in the paper, prepares the paper for the press, and he has odd jobs to do beside that.

Q Any member of your family a member of a law enforcement agency, police officer or deputy sheriff?

A No, sir.

Q Federal officer of any sort?

A No, sir.

Q Do you have among any of your friends or acquaintances members of law enforcement agencies?

A Not that I know of.

Q Have you ever been a witness or a victim in any criminal case?

A Once, I guess.

Q How long ago was that?

A When I got my divorce. It was in the

Q It was in the divorce action?

A Yes, sir.

Q Well, that is not a criminal matter, but you were a witness in that divorce action?

A Yes.

Q How long ago was that, sir?

A Seven years ago.

Q Is there anything about your experience in that litigation that would cause you not to be a fair and impartial juror in this case, if you are selected to sit as a juror?

A I don't believe so.

Q Do you recall the name of the judge that was involved in that matter?

A I think it was Judge Sweeney.

Q Now, aside and apart from that litigation, have you ever been involved in any other litigation as a witness or as a victim?

A No, I have not.

Q Have you ever served as a juror before?

A No, sir.

Q Do you know where Bay View Hospital is located?

A Yes, I do.

Q Will you tell us how you come to know where it is located?

A Well, I made quite a few trips to Avon Lake. I had a brother living up there.

Q In the course of making the trips to Avon Lake, you have come to know where Bay View Hospital is?

A Yes.

Q Have you had discussions about Bay View Hospital with anyone?

A Yes, sir.

Q Just yes or no.

A Yes, sir.

Q Going back to 1954, did you have occasion to read in the newspapers about the case of the State of Ohio versus Sam Sheppard?

A Yes, sir.

Q What papers did you read about that case?

A Well, the Cleveland News, Cleveland Plain Dealer, and the Press.

Q And did you follow it quite closely and extensively?

A I couldn't help it.

Q Beg pardon?

A I couldn't help it, because as I say, we were printing the papers there.

Q Did you read about it in the magazines, yes or no?

A I may have.

Q Did you read any books in connection with it?

A No books.

Q Did you hear about it on the radio?

A Yes, sir.

Q Did you hear about it or see it on television?

A On television, just lately, yes.

Q Did you discuss this case with your fellow employees or members of your family or anyone?

A Yes, sir.

Q And in the course of those discussions, did some people express opinions to you?

A Yes, sir.

Q Did you in turn express opinions to them?

A Yes, I did.

Q I take it then, from having expressed an opinion, you at some time or another fixed an opinion in your mind, is that correct?

A I believe so.

Q Do you have an opinion today, yes or no?

A Yes.

Q Is the opinion such that you have you would be unable to put that opinion out of your mind?

A Yes.

Q If Judge Talty were to instruct you that if selected as a juror, you would concern solely with the evidence that would come forth in this courtroom, and put out of your mind anything else that you may have learned about this, and predicate your judgment solely on what you hear in this

courtroom, would you be able to follow that instruction, notwithstanding the fact that you have an opinion or had an opinion in the past?

A I don't believe I would.

Q In other words, sir, I understand that the opinion you have would influence your judgment in this matter now, is that right?

A Yes, sir.

MR. CORRIGAN: May I challenge
for cause, your Honor?

MR. BAILEY: Join the challenge,
with the observation made as to the other similar
jurors.

THE COURT: The joint challenge
for cause is granted.

Mr. Gersdorf, each of us here participating in this matter, as well as the prospective members of this panel, wish to thank you for giving up your time in this past week and willing to come forward as a juror called in this case, but before excusing you, however, the Court has a further duty to instruct you, and I know you will follow these instructions very carefully, and that as you have indicated you have an opinion now with respect to this case.

The Court instructs you, Mr. Gersdorf, that you are forbidden to express that opinion even to a member of your family; do you understand that, sir?

MR. GERSDORF: Yes, sir.

THE COURT: And you are further instructed that you shall not participate in any discussions with anyone, or permit anyone else to discuss this case with you or the merits of this case; do you understand that?

MR. GERSDORF: I do.

THE COURT: And you are to follow these orders, sir, until such time as a jury has returned its verdict, and you are certain that there isn't the slightest doubt in your mind, and that you are certain that a jury has returned its verdict here in open court; do you understand that?

MR. GERSDORF: I do.

THE COURT: Thank you, Mr. Gersdorf, and you are hereby excused.

MR. GERSDORF: Thank you.

THE COURT: Gentlemen, it is just a couple of minutes before twelve o'clock.

Will Mr. Patrick or Mr. Reed get the

balance of the panel and we will recess for lunch.

You ladies and gentlemen at the back of the room may leave if you desire while awaiting the call of the panel.

(Thereupon the balance of the jury panel was brought into the courtroom.)

THE COURT: Ladies and gentlemen of the prospective panel, we have reached the luncheon recess hour.

Before excusing you for lunch, the Court wishes again to instruct you that you shall not discuss even amongst yourselves what little you have heard or know about this case.

You shall not permit anyone else to discuss it with you, nor shall you permit yourselves to overhear anything that relates to this case, by any means or media of communication, and bear in mind in detail the instructions that I have given you with respect to radio, television, and printed material.

To you ladies and gentlemen in the back of the room of the prospective panel, be assured that each of us participating in this proceeding are aware that even though you sit

and wait, that you also serve, and we will now have our luncheon recess.

(Thereupon an adjournment was taken to 1:30 p.m., Friday, October 28, 1966, at which time the following proceedings were had:)