

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

THE COURT: Is that Mrs. Super?

MRS. SOPHIE SUPER: Yes, sir.

THE COURT: Will you please relax, and if you want to set your purse down at the side of the chair there, maybe it will be a bit more comfortable for you.

Now, the lawyers are going to ask you some questions, and I may have a question or two from time to time to ask you, so keep your voice up, please, Mrs. Super, so that each person in the room, including the people sitting along the back row can hear you, and all of the other prospective members of this panel. Will you keep your voice up now in response to these questions?

MRS. SUPER: Yes, sir.

THE COURT: And Mr. Romito is going to have to report them, so keep your voice up high enough, and also you will bear in mind that you are under oath; do you remember you were placed under oath yesterday?

MRS. SUPER: Yes.

THE COURT: Thank you,

Mrs. Super.

Please proceed, Counselor Corrigan
or Spellacy.

MR. SPELLACY: If it please
the Court.

VOIR DIRE EXAMINATION OF SOPHIE SUPER

By Mr. Spellacy:

Q For the record, will you please tell us your name,
for the court reporter?

A Mrs. Sophie Super.

Q Would you keep your voice up so all the Counselors
at the trial table can hear you?

A Mrs. Sophie Super.

Q Will you spell your last name?

A S-u-p-e-r.

Q Where do you live, Mrs. Super?

A 5111 Grantwood Drive, Parma, Ohio.

Q How long have you lived there?

A Eighteen years.

Q Are you married?

A Yes, sir.

Q And your husband's name?

A Frank Super.

Q Where does he work?

A Lewis Machine Company.

Q How long has he worked there?

A About nine years.

Q What type of work does he do at Lewis Machine Company?

A He is a machinist.

Q Prior to working there, where did he work?

A For the McDermott Realty Company as a salesman.

Q Do you have a family?

A Yes, sir.

Q Will you tell us the names and ages of your children?

A We have one son, Franklin, eighteen years old.

Q Is he in school?

A Yes, sir, he is at Bowling Green University.

Q Is he in his first year or second year there?

A First year.

Q First year?

A Yes, sir.

Q Did he go to school in the Parma School System?

A Yes, he did.

Q Prior to living on Grantwood, where did you live?

A We lived in San Francisco.

Q San Francisco?

A Yes, sir.

Q Are you from the San Francisco area originally?

A No, sir. We lived there during the war.

Q Are you from the Cleveland area, then?

A I was born in Pennsylvania.

Q Is your husband from the Cleveland area?

A He is from Cleveland.

Q You have lived in the Cleveland area for the past eighteen years?

A Yes, sir.

Q May I ask you if you are employed?

A Yes, I am employed part-time.

Q Where are you employed?

A At the Parma Community Hospital.

Q How long have you been employed there?

A Five years.

Q What type of work do you do at the Parma Community Hospital?

A Ward secretary.

Q What is a ward secretary?

A Well, it consists of many duties.

We take care of doctor's orders, order all the lab work, X-ray work, order the medicines, take care of the patients' calls on the inter-com, answer the phones, graph the charts. Many other duties.

Q You work with the nurses in this regard?

A Yes, sir.

Q And are you yourself a nurse?

A No, sir.

Q Do you have any medical training or education with regard to this line of work?

A Well, we just had training as ward secretaries.

Q At the hospital, you received the training?

A Right.

Q How often do you work at the Parma Community Hospital?

A Three days a week.

Q And you have done this for the past five years?

A Yes, sir.

Q Now, you lived in the Cleveland area in 1954, did you?

A Yes, sir.

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

A Yes, sir.

Q Do you recall reading anything about this particular case?

A Yes, sir.

Q When did you read something about this case?

A Well, in 1954.

Q In 1954; what did you read about this case?

A Well, actually --

Q No, when I say what did you read, did you read the newspapers?

A Yes, sir.

Q Did you read anything else other than newspapers?

A No, sir.

Q As a result of what you read in 1954, did you form or express an opinion with regard to this particular case, just yes or no?

A No, sir.

Q Have you discussed this case with anyone else, just yes or no, again?

A In 1954?

Q Yes.

A Yes, sir.

Q If you will try to answer my questions yes or no, did whoever you discussed this case with, express an opinion to you?

A No.

Q Have you discussed this case with anyone else since 1954?

A Yes.

Q As a result of these discussions, have you formed or expressed an opinion with regard to this particular case?

A No, sir.

Q Have you read anything recently with regard to this case?

A Yes.

Q And as a result of having read something recently, have you formed or expressed an opinion with regard to this matter before this Court and jury?

A No, sir.

Q Now, if called upon to serve as a juror in this particular case, could you confine yourself as a juror to the evidence as produced in this courtroom, and forget about everything else, and decide this case fairly and impartially?

A Yes.

Q Do you understand that if selected as a juror, that it will be your duty to weigh the evidence, do you understand that?

A Yes, sir.

Q And that you and you alone are the sole and exclusive determiner of the facts, no one else can tell you what the facts are, I can't tell you what the facts are, Mr. Corrigan can't tell you what the facts are, Mr. Bailey can't tell you what the facts are, Mr. Sherman can't tell you what the facts are, even Judge Talty can't tell you what the facts are.

As a juror you must determine what the true facts

of the case are; do you understand that?

A Yes, sir.

Q Now, Judge Talty will tell you how you may arrive at what the facts are, though.

He will tell you that you will examine and look at the prospective witness or the witnesses when they testify.

ly. He will tell you that you use your common sense, your everyday experiences that you use when you see someone in the store for the first time, or you meet someone out on the street, that you can size them up and you can accept all of what they say, part of what they say, or none of what they say, you examine their demeanor, their candor, in essence you arrive at their believability or their credibility.

You may accept all of what they say, part of what they say or none of what they say; do you understand that?

A Yes, sir.

Q That is your job as a juror. And if Judge Talty were to tell you this, would you do this as a juror?

A Yes, sir.

Q Now, equally important is that as a juror, you are obliged to take the law that Judge Talty gives to you at the conclusion of the case.

Have you ever been a juror before?

A No, sir.

Q This is your first experience?

A Yes, sir.

Q The trial is really broken down into two parts, the evidence as presented by the State and the evidence as presented by the defense.

And after that Judge Talty will give you instructions of law.

Now, we are obliged, or, you are obliged as a juror to take the law that Judge Talty gives to you.

We all have our own ideas as to what the law is or what it might be or what it should be.

Could you set outside of your mind any ideas you might have as to what the law is and accept the law as Judge Talty gives it to you? Could you do that?

A Yes, sir.

Q I anticipate that Judge Talty will instruct you as a matter of law, that there are various types of evidence, what we refer to as direct evidence, and what we refer to as circumstantial evidence.

If Judge Talty were to tell you that circumstantial evidence properly proven is just as good and just as binding as direct evidence, would you follow that instruction?

A (No response.)

Q Do you understand my question?

A No, I don't.

Q I know it was a little bit lengthy. Judge Talty will give to you the definition of direct evidence, and the definition of circumstantial evidence.

And he will tell you that circumstantial evidence if properly proven is just as good and just as binding as direct evidence.

Would you follow that instruction of law if the Judge were to tell you that?

A Yes, sir.

Q You see, by circumstantial evidence we mean proof of certain facts from which you as a juror may infer other connected facts which follow according to the common and usual experience of mankind.

That is a lengthy definition, but assume that when we came into the building this morning at nine o'clock, that the streets were dry and the grass was dry, the trees were dry, and the sun was out and we didn't have occasion to look out this building until we went out on our noon recess, and when we went out we saw that the streets were wet, the grass was wet, the trees were wet, puddles on the sidewalks, but the sun was out.

Now, we could reasonably infer from that set of facts that sometime between the hours of nine o'clock when we came in the building and twelve o'clock when we went

out, that it had rained; do you understand that?

A Right.

Q That is what we mean by circumstantial evidence.

Would you follow the instructions of Judge Talty that circumstantial evidence properly proven is just as good and just as binding as direct evidence?

A (No response)

Q Do you have some reservation about that?

A Yes, I do.

Q Then you feel you would not be able to follow the instructions of the Court with regard to this matter of law?

A Yes, sir.

Q You feel you could not follow the instructions?

A Right.

Q Even though the Court were to tell you that?

A Yes, sir.

MR. SPELLACY: Challenge for cause.

THE COURT: Please pursue it further, Counselor.

MR. SPELLACY: May we approach the bench?

THE COURT: Yes.

(Thereupon counsel and the Court conferred at the Court's bench out of the hearing of the

jury panel, as follows:)

MR. BAILEY: I will join in the challenge. I don't think she ought to sit.

THE COURT: Do you join in the challenge?

MR. BAILEY: Yes, your Honor.

THE COURT: Let the record show that the joint challenge is granted.
(Thereupon proceedings were resumed within the hearing of the jury panel, as follows:)

THE COURT: Mrs. Super, both sides have requested that you be excused as a juror in this cause.

Now, before you are excused, we wish to thank you for the time that you have spent in participating in this matter.

But you will bear in mind these instructions that are given to every person who is called in this case and excused as a juror, and please follow them carefully.

You shall not discuss this case with anyone, nor permit anyone else to discuss it with you, or make any statement concerning your belief with respect to the merits or the lack of merits of this case, until such time and only

when you know for a certainty that this jury in this case has returned its verdict in open court.

Do you understand that instruction?

MRS. SUPER: Yes.

THE COURT: If there is any doubt in your mind with respect to what those instructions mean, before you make any statement, will you please report to me and I will further clarify them.

You will not discuss this case with anyone under any circumstances until such time as the jury in this case has returned its verdict in open court.

Do you understand?

MRS. SUPER: Yes, sir.

THE COURT: Thank you, and thank you for your time.

MRS. SUPER: Thank you.

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