

Thereupon MARIA S. WHITE, being first duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR MARIA S. WHITE:

BY THE COURT:

Q Do I understand your name to be Maria S. White? ✓

A That is right.

Q And you live at 3289 Braemer Road, Shaker Heights?

A That is right.

Q Is it Mrs. or Miss?

A It's Mrs.

Q And what is your husband's name?

A My husband's name is Robert C. White.

Q And have you a family?

A I have a daughter who is married.

Q Does she live with you?

A No, she does not.

Q Are there any members of your household at this time other than yourself and your husband?

A No, there are not.

Q And what, if I may ask, is your husband's occupation or profession?

A He is a manufacturer's agent.

Q And who is he connected with?

A He is connected with Viking Manufacturing Corporation.

Q And how long has he been so occupied?

A Well, he has been with them for about six months.

Q And who was he connected with prior to that time?

A Strong, Carlisle and Hammond.

Q How long was he connected with them?

A Nine years.

Q And are you employed at all?

A No, I am not.

Q When I speak of the family, I will refer, if I may, to your husband's family and your own together as one family. Are there any members of your family who are members of a Police Department anywhere or any law-enforcing agency?

A No, there are not.

Q Do you know any of the gentlemen who I introduced here one week from today, last Monday?

A Not prior, no, not prior to this time.

Q And do you know the County Prosecuting Attorney, Mr. Frank T. Cullitan, or any member of his staff?

A No, I do not.

Q Or the sheriff or any member of his staff?

A No, I do not.

Q Or the coroner, Dr. Gerber, or any member of his staff?

A No, I do not.

Q Have you or any member of your family ever been visited by violence of any kind at the hands of another?

A No.

Q You have, I assume, heard of this case before? ✓

A Yes, I have.

Q By what means?

A The newspapers.

Q Any radio comments?

A I must confess that I don't believe I have listened to any radio comments.

Q Or television?

A No.

Q All right. And have you discussed this case with any persons since it happened?

A Why, yes. I must confess that I have discussed it, but not since I have been called as a prospective juror. ✓

Q And as a result of what you have read or heard or discussed with other people, have you formed any opinion as to the guilt or innocence of Dr. Sheppard?

A No, I have not.

Q Have you any objection to capital punishment in a proper case?

A No, I have not.

Q You understand, Mrs. White, that it is the function of the jury to determine what the facts are in this case?

A Yes, I do.

Q And that it is the duty of the jury to weigh the evidence

of every witness who appears on this witness stand where you now sit, and to weigh them on the same basis precisely?

A Yes.

Q Put them to the same tests to determine whether they are true, and without regard to a person's station in life or occupation or profession; you understand that?

A I do understand that.

Q There is another phase to a case of this kind, and that is the legal principles which are to be followed in arriving at a decision. Those are stated by the Court to the jury.

Do you believe that you could sit here and listen to the evidence and to the instructions of the Court as to the law and close the rest of the world out for the moment and be guided entirely in your decision by those?

A I believe I could. ✓

Q Could you? ✓

A Yes.

THE COURT: This gentleman is Mr.

Parrino, Assistant County Prosecuting Attorney of this county, who would like to put a few questions to you.

EXAMINATION OF PROSPECTIVE JUROR MARIA S. WHITE:

BY MR. PARRINO:

Q Mrs. White, of course, you understand that it is necessary for

us to ask these questions of all prospective jurors. I guess the only thing that we really regret is that people like Mr. Barrish and Mrs. Borke here, who have been seated in this jury box for a week or so, have to listen to these questions time and time again.

You say that you have one daughter, is that correct?

A I have.

Q Would you be good enough to state her present name?

A Her present name is Mrs. Thomas J. Glick, G-l-i-c-k.

Q And where do they live?

A They live at 3596 Daleford Road, Shaker Heights.

Q That is not too far from your home?

A No.

Q What is Mr. Glick's occupation, please?

A He is a wholesale carpet salesman.

Q Now, do you have any employment, Mrs. White?

A No, I have not, unless you would -- I do write case histories for a hospital, at home.

Q What hospital is that for whom you write case histories?

A I write case histories for Windsor Hospital at Chagrin Falls.

Q And how long have you been doing that?

A I would say two years, two or three years.

Q And have you been connected with any other hospital beside Windsor Hospital in the same type of endeavor?

A No, I have not.

Q And how did you come to perform that type of duties?

A Well, a friend of mine was also a friend of a Miss Ruth Sieler, who I understand is a part owner of Windsor Hospital, and he asked me if I would consider doing that work. And I said, "Why, I know nothing whatever about medical terms, so I don't believe I would be qualified."

And he said, "Would you be willing to try it?"

And I said, "Yes."

And the next day they brought in the, oh, soundscriber and case histories, and I started in and I have been at it ever since. It takes me probably two to three hours a week.

Q And in that job, I presume that you interview persons who are patients in the hospital to get something of their background for the doctors in charge?

A No. I write them after the doctor interviews the patient. It is just a matter of typing, and that's all, no brain work.

Q I see. The doctors that are associated there at the Windsor Hospital, are they doctors of osteopathy or --

A They are doctors of psychiatry.

Q And you have not at any time -- withdraw that.

Have you at any time had any association in and through that hospital with the defendant, Dr. Sam Sheppard?

A Oh, no.

Q Or Dr. Stephen Sheppard?

A Oh, no, no.

Q Or Dr. Richard Sheppard?

A As a matter of fact, I have never met any of the doctors in connection with the hospital. It's all been a mail affair, m-a-i-l.

Q Yes. And so far as you know, no member of the Sheppard family has any direct connection with the Windsor Hospital?

A No.

Q You are familiar, Mrs. White, with the fact that in the State of Ohio we have in effect capital punishment, are you not?

A I do.

Q That the law which the legislature has established many years ago states that in Ohio where a jury hears a case of first degree murder, and they return a verdict of guilty, it is for them to decide whether or not, if they find the person guilty of murder in the first degree, they will extend mercy or take the person's life. Do I make myself clear?

A I understand that.

Q Now, do you have any opinions at all, either religious or conscientious, which would prevent you from entering into a verdict which might take a human life?

A I do not.

Q So that it is your view, then, Mrs. White, that where you as

a juror listen to facts, evidence that convinces you beyond a reasonable doubt, in other words, in a proper case properly proven you can enter into such a verdict, is that correct?

A Yes.

Q And you are willing to serve as a juror in a case of this kind at the present time? Will you do that, please?

A Yes.

Q Have you ever served as a juror before, Mrs. White?

A I have not.

Q Have you ever been a witness in a case?

A No.

Q Have you ever had any member of your family or close friend the victim of an act of violence of any kind?

A No.

Q Do you have any relatives that are members of any law-enforcing agency?

A No.

Q Now, as you serve here as a juror, Mrs. White, I am sure that you understand that your duties will be important, mainly consisting of listening to the evidence, in other words, there will be witnesses that will be seated in the very same chair in which you are now seated who will tell the Court and the jury what they know of this particular case, and it will your job as a juror to listen to all of the facts and the

testimony of the respective witnesses. Will you do that, please?

A Yes.

Q Now, should any exhibits be offered, that is to say, any instruments in writing, photographs, objects of various kinds may be admitted by both sides which you as a juror can take to your jury room, look over, inspect and examine as a part of the evidence, and the Court instructs you that you may do that, will you do that, please?

A Yes.

Q As a part of the evidence in the case?

A Yes, I will.

Q Now, I am sure that you appreciate that Judge Blythin certainly has a very important role in this case, that he is the Judge of the proceedings here. In other words, he is here to preside over this trial to insure to the State of Ohio, whom we represent, and to the defendant, who is represented by Mr. Corrigan and other counsel, that all of these proceedings are carried on in a lawful, legal manner. And, of course, one of his other functions will be to charge this jury as to what the law is that applies to this case.

Now, if you have any ideas of your own, which is quite possible, and some of them may be quite accurate and fair, as to what you think the law is in this case, all well and good. But for the purposes of this trial, it becomes

very important that you, as a juror, and these other 11 people that are seated here, take and accept the law as Judge Blythin gives it to you as the law in this case. Will you do that, please?

A Yes.

Q Now, Judge Blythin will, for instance, describe for you a term that we call reasonable doubt. The law states that a defendant in any case, in order to be convicted, the jury must be convinced of his guilt beyond a reasonable doubt, and Judge Blythin will describe that term for you.

Will you take and accept that definition of law which he gives you concerning that particular phrase? Will you do that?

A Yes.

Q And Judge Blythin will state for you that in a criminal case, in any criminal case, a defendant is endowed with what we call the presumption of innocence. In other words, as he sits here now, he is presumed to be innocent, according to the American law. Will you give the defendant that presumption of innocence?

A I will.

Q And will you hold that presumption of innocence in your mind until such time arrives, should time arrive, that you are convinced in your mind of the guilt of the defendant beyond a reasonable doubt?

A Yes.

Q Will you do that, please?

A Yes, I will.

Q In other words, as you are seated here as a juror, if you feel that the State of Ohio has not proved the case as set forth in the indictment, that you will not hesitate, of course, in returning a verdict of not guilty against the defendant, isn't that right?

A Yes.

Q Now, similarly, however, as you consider all of the evidence, you in your reasonable mind feel that the guilt of the defendant has been proved to you beyond a reasonable doubt, if you feel that way after all of the evidence has been completed, and you have the law, will you then hesitate to return a verdict of guilty against the defendant?

0 A No.

Q You understand, do you, Mrs. White, that as a juror you folks are the judges of the credibility of the witnesses. In other words, various persons will testify, and it is your function as a juror to determine what weight or credence or what degree of truthfulness you shall give to the various persons that testify, and that is your function and your function alone.

Let me put it more simply: As you sit in the jury box, it is for you to decide who you shall believe and who you

shall not believe of the various persons on the witness stand. Will you do that, please?

A Yes.

Q Now, the Judge will state this to you, and you may use this as a standard to determine who you will believe and who you will not believe in this case: As a witness is testifying, the Court will state to you that you may state to yourself, "What this particular person is saying certainly sounds reasonable to me, he is worthy of believe, so I will believe him."

Will you use that as a standard of determining the credibility of the witnesses?

A Yes.

Q And if the Court states to you that you may the reasonable-ness -- withdraw that -- you may use whether a person's story is probable or not probable as being a standard by which you will decide whether he is telling the truth, for instance, as a person testifies you may further say to yourself, "Well, I am listening to this story, and what this witness is now saying certainly sounds probable." So you may give credence to that.

Do I make myself clear?

A Yes.

Q And will you follow that standard?

A Yes.

Q And if the Court says this to you: That in deciding the credibility or the truthfulness of any witness, you may say to yourself, "Well, this person, does he have an interest in this case or does he not have an interest in this case?" That also may be a standard that you may use.

Now, should the Court tell you that interest of a witness is a standard that you may use in judging witnesses, would you take and follow that instruction?

A I would.

Q So that on the basis of all of these factors, whether a person's story is reasonable, whether it is probable, whether that person has an interest in the case, you will take all of these factors into consideration in deciding which of the witnesses for either side you will believe in this case, will you do that, please?

A Yes.

Q Now, I think, as Judge Blythin has already stated to you, Mrs. White, there will be various persons who testify here from many walks of life. There will be public officials; there will be persons who are not public officials; there will be police officers; there will be those who are not police officers; there will be doctors; there will be doctors of osteopathy; there will be medical doctors, in all probability, and it is for you to determine what weight you will give to all of these persons who testify.

Do you understand that?

A Yes.

Q And in determining what weight or credence you will give to the various persons who testify, the Court has stated to you, and I am sure will state to you again, that you will not give one person any more credit or less credit merely because he is a doctor or a police officer or a public official. Do I make myself clear?

A Yes.

Q That in deciding what weight you will give, you, as a juror, will take into account what they have stated, how they have stated it and what you feel as to whether or not they are in a position to state factually what they have seen, what they know about the case. Will you do that, please?

A Yes.

Q In deciding this case, the Court will state to you that you may consider both direct evidence and circumstantial evidence. Now, generally speaking, direct evidence is something that a witness may come into this courtroom and say that he, himself, has seen or heard. That would be direct evidence. You may use that in deciding the facts in this case. Will you do that, please?

A Yes.

Q And the Court may also state to you that you may use circumstantial evidence as a guide in deciding this case. In other

words, there may be certain reasonable inferences from proven facts.

Now, do you have any objections or prejudice against circumstantial evidence, Mrs. White?

A Not if it is convincing.

Q I beg your pardon?

A Not if it is convincing.

Q Yes. And the Court will state to you the circumstances and conditions under which you may use circumstantial evidence as a basis of fact in this courtroom. Will you follow the Court's instructions as to how you shall measure and judge circumstantial evidence in this trial? Will you do that?

A Yes.

Q So that if on the basis of direct evidence and circumstantial evidence and the Court's Charge you feel convinced beyond a reasonable doubt of the guilt of the defendant, Sam Sheppard, you will not hesitate to return a verdict of guilty against him?

A No, I would not.

Q And in arriving at a verdict in this case, it becomes important that you decide it on the basis of law and on fact without any feelings of bias or prejudice or sympathy for or against anyone in this trial. Do you take that position, Mrs. White?

A I understand that, yes.

Q Now, as a result of all that we have stated here, can you think of any reason, Mrs. White, why you could not serve as a fair, impartial juror in this case?

A No, I cannot.

MR. PARRINO: Thank you very much.

Pass for cause.

THE COURT: Mrs. White, I would like to ask you one question that I perhaps overlooked.

Have you received any communication of any kind or by any means that could possibly be referring to this case or this matter since the 4th of July?

PROSP. JUROR WHITE: Well, I received that two-page letter, I believe it was, that made reference to the case.

THE COURT: Have you it with you?

PROSP. JUROR WHITE: No, I do not. I do have it at home.

THE COURT: When did you receive it?

PROSP. JUROR WHITE: I believe I received that --

THE COURT: Roughly?

PROSP. JUROR WHITE: The week prior to the time when we came down here as prospective jurors.

THE COURT: That is the week before last?

PROSP. JUROR WHITE: I believe it was Wednesday or Thursday of that week.

THE COURT: I now show you Court's Exhibit A-12 and A-13, and I will ask you if you will just glance at those and tell us whether what you received is the same as those?

PROSP. JUROR WHITE: Yes, it is the same.

THE COURT: Have you any idea who sent you that material?

PROSP. JUROR WHITE: No, I have not.

THE COURT: Have you entertained at any time any idea that any of the Sheppard family or their friends had anything to do with it at all?

PROSP. JUROR WHITE: No.

THE COURT: Mrs. White, we can say to you, as we have said to all the others, that we know who sent that communication, and the Sheppard family or any of their friends can't possibly be held responsible for it at all, they have no connection whatever with it.

Would the fact that you received that have any bearing or influence upon your judgment at all?

PROSP. JUROR WHITE: Absolutely none.

THE COURT: All right. That is Mr. Garmone, who is one of counsel for Sam Sheppard.

Mr. Garmone would like to put a few questions to you.

EXAMINATION OF PROSPECTIVE JUROR MARIA S. WHITE:

BY MR. GARMONE:

Q Mrs. White, the purpose of this entire examination, both on behalf of the State and the questions that I am about to ask, is to give us a general idea as to the qualifications in compliance with the law as to whether you can be a fair and impartial juror. I may somewhere along the line ask a question that may have the atmosphere that you may think is somewhat personal, but I only do it to satisfy myself and help satisfy you that we are working toward the result to qualify you as a juror.

Now, I would like to start off by mentioning some names to you, and you tell me whether you know any of these people: Do you know a Mr. Thomas Reese or his wife, Jane Reese?

A No, I do not.

Q Have you ever had any contact with people who are known as Mr. and Mrs. Thomas Reese?

A No.

Q Do you know a Dr. Weigle?

A Who?

Q Dr. Weigle?

A No, I do not.

Q Keith Weigle?

A No.

Q Do you know his Mrs., Helen Weigle?

A No.

Q You have not in your experiences come in contact with either of these two people?

A No.

Q Do you know Phyliss Weigle?

A No.

Q Do you know a Gordon Weigle or his wife, Helen?

A No.

Q Do you know Tom Weigle?

A No.

Q Do you know a Kenneth and Margaret King?

A What is the question?

Q Kenneth or Margaret King?

A No, I don't.

Q Do you know Henrietta Reese Munn?

A No.

Q You have heard of none of these people whose names I have mentioned?

A I don't seem to connect them with anybody I know.

Q Now, you stated that you had read a good many accounts in the newspaper of this matter prior to the time that you were called as a prospective juror.

A I don't believe I said I read a good many.

Q Well, what did you say?

A I said I had read about it in the newspaper.

Q In the newspapers. Do you get the newspapers at your home?

A We subscribe only to the Plain Dealer.

Q To the Plain Dealer?

A Yes.

Q The Press and News is not delivered?

A No.

Q Now, the newspaper articles that you read, you read those prior to the time that you received notice that you would be a prospective juror?

A That is right.

Q After you had read these articles, did you come to some kind of a conclusion?

A Well, I don't quite know how to answer that. I think perhaps I did, and then, on the other hand, when I would read some more, I would arrive at another conclusion, and after a while it was just simply a race for my mind. During the month of August we were on our vacation and family matters took precedence over this. So, truthfully saying now, my mind is not -- is clear.

Q Well, without expressing to me what your mind is right now, after you had read these articles in the paper that you have been frank enough to tell me about, you did come to an opinion, did you not?

A No. I -- it's a little hard to answer that question. From where I sit right now, it seems to me that my mind has been open on the subject since the beginning.

Q Well, what was the position of your mind prior to the time that you were notified that you were going to be a prospective juror in the case of the State of Ohio versus Sam Sheppard?

A Well, I must confess, I haven't thought about it since, I might say, the middle of July.

Q Well, during the discussions, if you did have some discussions, with other people prior to the middle of July, did you express a tentative opinion that you may have had at that time about this case or about this man?

A No, I don't believe I did.

Q Well, in your discussions, was there any opinion expressed to you by some people that you may have come in contact with?

A I think there were opinions expressed on both sides, but I can't say that one side was more so than the other. ✓

Q Well, without telling me or without me asking you what those opinions were, would they have any bearing, as far as you are concerned now?

A No.

Q Did you receive any telephone calls about this case after you had been notified that you were to be a prospective juror?

A No.

Q Did you receive any telephone calls after your name had been publicized in the newspapers?

A I wanted to make that clear, that I have received telephone calls from people who asked me when I thought I would be interviewed. So far as the case itself is concerned, there was nothing said. It was just a question of when my number would come up, if you know what I mean.

Q Well, you knew what your number was on the list?

A Yes.

Q You weren't able to determine what your number was until you had arrived at the Courthouse here on Monday, October 18th, and that was the first time that you were --

03 A Oh, the numbers were published in the paper.

Q Were the numbers published in the paper?

A Yes, they were. That was the only way I found out about it.

Q Now, would you be kind enough to tell me who some of the people were that called you?

A My daughter.

Q Anyone else?

A I don't believe so. I know there weren't.

Q There were no other persons who called you other than your daughter?

A No.

Q Well, when they talked to you about when you would antici-

pate your name being called, did they discuss anything about the case?

A No.

Q I am a little confused on that subject. Maybe my questions weren't clear, or I probably misunderstood or misinterpreted your answers. You said to me that you were called, and you have qualified that that the only person that called you was your daughter?

A Yes.

Q She is the young lady that lives on Daleford Road in Shaker Heights?

A That is right.

Q And she asked you whether you could judge when your number was going to be called?

A No. She asked me if I had been interviewed. My answer was no, and that's the end of the conversation about this particular thing.

Q Well, when she discussed about whether or not you had yet been interviewed, did she mean as a prospective juror?

A As a prospective juror.

Q So then that call would, of necessity, have to come some time between the 18th of October and today, the 25th of October?

A Yes, that is right.

Q And during the course of that conversation on the matter as

to whether or not you had been interviewed by any of the contestants or participants in this case, was the name of Sam Sheppard mentioned?

A No.

Q At no time?

A No.

Q Were the names of any of the members of the Sheppard family mentioned?

A No.

Q And the only inquiry made was whether or not you had yet been interviewed?

A That is correct.

Q Did you between the time of the 18th of October and today have an occasion to read some of the articles printed in the newspapers about other jurors who had been interviewed? ✓

A Yes. ✓

Q And some of those articles carried a detailed account of the questions and a detailed account of the answers that were given, didn't they? L

A That is right.

Q And you read all those, did you not, Mrs. White?

A I did not read all of them.

Q You read some of them? ✓

A I read some of them, yes.

Q And that more or less acquainted you with what you could

anticipate that maybe John Mahon, Mr. Danaceau or Mr. Parrino may ask, did it not?

A Well, in a way. I would like to tell you why I read those.

Q Well, I am willing to listen. ✓

A May I?

Q Sure, you tell me why.

A I felt that I should know more than I did then about just what a good juror or one who would be qualified should know. I did it for information.

Q Information?

A Yes.

Q And the only information that you were seeking was as to what the qualities of a good juror are?

A What is the question again?

Q Was the only information that you were seeking through these articles --

A Definitely, yes.

Q -- what the qualifications of a good juror are or should be?

A That's the only information I was after, yes.

Q No other information?

A No.

Q But that did acquaint you with the questions, some of the questions that would be asked of you, and it did acquaint you with some of the answers that were received in response to those questions by other prospective members, didn't it?

A Yes, I suppose you are right. ✓

Q Now, is there any question in your mind, Mrs. White, that when you first were notified that you would be called as a prospective juror, without any advance information, that this man would be entitled to a fair and impartial trial by anyone that was interrogated in this courtroom?

A Would you rephrase the question, please?

Q I will. My question is based primarily on the statement that you so graciously gave me, that the only purpose you had in mind for reading the articles that appeared in the paper that had to do with the questions and answers of other members of the panel who sat in the same chair that you are in now, but before you did, was so that you could become better qualified if you were accepted as a juror. Am I right in that interpretation? ✓

A That is right. ✓

Q Now, I ask you, on the basis of that thought that you have expressed, was there a question in your mind at any time that the necessary qualifications of any person, whether they had advance information now as to questions and answers, was that they should be fair and impartial to this young man?

A Yes, indeed.

Q There was some question in your mind?

A No. There is no question in my mind but what I could be impartial.

Q And was that a thought that you entertained prior to your reading these questions and answers?

A I wanted to be an impartial juror.

Q An impartial juror?

A That is correct.

Q Now, in the reading of those questions and some of the answers that were given by maybe Mrs. Williams, Mrs. Feuchter, Mrs. Orenstein, and I could probably name Mrs. Borke, Mr. Verlinger, Solli, Barrish and Adams, Mrs. Foote and Mr. Liederbach, did that cause you to recreate in your mind any advanced ideas about Sam Sheppard?

A No.

Q Did it cause you to form any preconceived ideas about any members of the Sheppard family?

A No.

Q Or any of the persons that may be associated with Dr. Sheppard's defense?

A No.

Q You do feel that the lawyers have a right to ask these questions?

A I certainly do.

Q And you do appreciate they are asked only for the purpose of determining your qualifications?

A Yes.

Q Now, about what date did you begin your employment with the

Windsor Hospital?

A I would say about September or October of two years ago.

Q Sometime in '52?

A I believe so. It's a little hard -- it's just gone for so long that it's a little hard for me to know whether it was '51 or '52, but I believe it was '52.

Q But you are doing that work at the present time?

A Yes.

Q That work throws you in contact with a lot of medical expressions, does it not?

A Yes, I suppose so, yes.

Q Now, should during the course of this case you receive testimony from a doctor, whose testimony touches maybe on the subject matter as some of the notes that you transcribe for the doctors that you work for, would you be apt to weave into the testimony the impressions you gathered from the doctors that you worked for, or would you rely solely on the testimony of the doctors that you hear in this courtroom?

A I don't believe I would get them confused at all, because after you type that kind of work for a while, it just goes in one ear and out the other, it makes no impression on you.

Q It doesn't stay with you?

A It doesn't stay with you.

Q Now, the doctors that you work for are members of the medical profession?

A Yes.

Q All of them, is that right?

A I believe so.

Q Now, because of your employment, do you have any grievances against Doctors of Osteopathy?

A Oh, no.

Q None whatsoever?

A No.

Q If you were called upon to determine and consider how much consideration should be given a Doctor of Medicine's testimony as against that of a Doctor of Osteopathy, would you give the Doctor of Medicine more consideration than you would a Doctor of Osteopathy who testified to the same statement of facts?

A No.

Q Can you sincerely say as a result of the position that you hold that you would under no circumstances draw any distinction between those two professional fields?

A I would draw no distinction.

Q Now, have you discussed this with any members of the staff at Windsor Hospital?

A No.

Q Has there been any discussion by any of the other employees of that hospital with you?

A No.

Q Did I understand right that you stated in response to one of Mr. Parrino's questions that you had talked this matter over with your daughter?

A I don't believe you would say that I talked the matter over. She merely called me and asked me if I had been interviewed. I said no. We did not discuss the matter further.

Q Well, prior to the time that you were notified, or that it was publicized, that you were chosen as a prospective juror, did you discuss it with your daughter?

A No.

Q Well, would you tell me the names of some of the people that you did discuss this matter with?

A Since I have been called as a juror?

Q No. Prior to that time?

A Oh, I don't believe I can do that. I was at several parties where the matter was brought up, and there seemed to be no decision arrived at. Nobody seemed to express a decision on the whole thing of which they were positive. So that the matter just died.

Q These parties that you speak of, were they parties that were held by some particular organization that you are a member of?

A No, they were -- well, yes, my bridge club.

Q Any other organizations, fraternal or otherwise?

A No.

Q Now, at these parties that you speak of, about how many women would be there?

A Six.

Q And this matter came up for discussion at different times?

A Yes. I believe it was mentioned casually. I don't think it was discussed at any great length whatsoever.

Q Was there any discussion about Bay View Hospital?

A No.

Q Was there anything said regarding Sam Sheppard or the Sheppard family that took on the air of a joke or a jest among the women with whom you may have played bridge?

A No, I don't believe so.

Q Well, now, when you say you don't believe so, would you say --

A Well, of course --

Q -- that there might have been some jokes?

A Yes, there were. I'll be --

Q Frank about it?

A Frank and honest about it.

Q That is all we are after, is frankness.

A I think anybody that has been in circulation has heard some things like that.

Q Some of these jokes?

A Yes.

Q And did that have any effect on you?

A No.

Q Would you permit the result of these jokes that you heard to creep in and become woven into some of the facts that you will hear in this courtroom from witnesses who will testify from the same chair?

A No. As a matter of fact, I don't even recall any of them now.

Q None whatsoever?

A I don't believe I do.

Q Now, those jokes that you speak of, did they revolve around Sam or members of Sam's family, such as the elder Dr. Sheppard or Sam's mother?

A No.

Q Only pertained to Sam, himself?

A All that I -- as I say, I don't even remember them any more.

Q After you had been notified by summons that you would be called as a prospective juror, did any of your neighbors contact you?

A No.

Q Any of them call you by telephone?

A No.

Q Were you contacted by anyone after your name was publicized in the three daily sheets of the City of Cleveland?

A Well, as a matter of fact, I was notified of it from the News -- or, the list that was published in either the News or the Press -- I did not see it myself -- by my daughter.

Q Anyone else?

A No one else.

Q And on that occasion, was there any conversation between yourself and your daughter about Sam Sheppard?

A No.

Q No opinion expressed by you?

A No; I had none.

Q And no opinion expressed by your daughter's husband?

A No.

Q I didn't hear the type work that he is engaged in.

A He is a salesman for a wholesale carpeting concern. And don't ask me what the name of it is because I don't know.

Q Is it located here in Cleveland?

A Yes, it is.

Q And do you know what part of the city, east, west, north or south?

A I believe it is off of St. Clair.

Q Out in the east end?

A Yes.

Q You don't know the name of it?

A I just don't know. I should, but I don't.

Q Is it a wholesale or retail house?

A It's wholesale.

Q Do you know how long he has been employed there?

A I believe since a year ago last Christmastime. He's been in

that line of business quite a number of years, but not with this one concern.

Q He has never expressed to you an opinion?

A No.

Q Have you ever expressed to him an opinion?

A No, I haven't.

Q Are you sure of that?

A Yes, I am.

Q Mrs. Sieler, what is her capacity with the hospital?

A I believe she is part owner.

Q And do you come in frequent contact with her?

A I have never met her.

Q Who was responsible for employing you?

A A Mr. John Carbon. I have never met him either. He has been my contact over the telephone. As a matter of fact, I have never been at the hospital.

Q All your work is done by mail?

A That is correct.

Q A case history is submitted to you, you transcribe it and send it back to the doctors?

A That is right.

Q Now, at some of these parties that you spoke of where jokes were circulated about Sam Sheppard, was there ever a picture passed around for members of your bridge club to view?

A No.

Q Do you know what I have reference to?

A I have no idea.

Q Was there ever a picture of Marilyn Sheppard passed around?

A No.

Q At any of the bridge sessions that you attended?

A No.

Q Was there ever any discussion by some of the other ladies who were at the party regarding a picture?

A No.

Q Did any one of them ever signify that they had viewed a picture of Marilyn Sheppard?

A Not to my recollection.

Q Now, you will be called upon to consider the testimony of police officers. In the course of your duties with the Windsor Hospital, do you come in contact with any policemen?

A No.

Q Any statements that are sent to you that become part of the case history that you receive that deal with policemen?

A No.

Q This is Inspector James McArthur. He is Chief of the Detectives of the Police Department of the City of Cleveland.

Do you know him?

A I do not.

Q Did you read some of the quotations that he was alleged to have made?

A I did not.

Q Do you know anybody that is connected with the Police Department of the City of Cleveland?

A No.

Q This is Sergeant Lockwood. Do you know him?

A I do not.

Q Now, they may continue to be present in the courtroom during the course of the trial. Would the fact that he is an Inspector of detectives and in charge of the Detective Bureau have any influence on what your interpretation of the facts should be that would be given to you by a police officer under his supervision? Would his presence in the courtroom have any influence on you --

A No.

Q -- if one of his men testified to a certain statement of facts?

A No.

Q If you are given testimony by members of the Cleveland Police Department or members of the Police Department that represents Bay Village, would you be apt to give their testimony greater consideration than the testimony of a layman because of the fact that they are members of a Police Department?

A No.

Q Pardon?

A No.

Q Would you give the testimony of doctors connected with the coroner's office, because they are so connected, greater consideration?

A No.

Q Or treat their testimony with more care than you would doctors who may be called in to testify by the defense?

A No.

Q If the Court instructs you that because they are police officers, because of that fact alone you are not to consider them in a greater light than the layman, would you follow those instructions?

A If the Court so instructed.

Q Well, is your feeling now that you could treat a layman's testimony with the same consideration?

A Yes.

Q That you would give a policeman?

A Yes.

Q If the Court instructs you that because these many doctors who may be called upon to testify are connected with the coroner's office and because of that fact alone you should not consider with any greater degree of consideration their testimony as against other doctors, would you follow those instructions?

A Would you ask that question again, please?

Q Well, I will simplify for you. There will be given to you

for your consideration medical testimony, and that testimony will come to you by members of Dr. Gerber's staff. Will you, if you are chosen as a juror, because they are connected with Dr. Gerber's office consider their testimony with a greater degree of credence as against the testimony that will be given to you on the same subject matter by doctors submitted for your consideration on behalf of Sam Sheppard?

A No.

Q You will look at them in the same balance?

A Yes, I would.

Q Pardon?

A Yes.

Q Now, in the course of the articles that you read, did you have an occasion before the middle of July to see a statement that was associated with a young lady known as Susan Hayes?

A Yes.

Q And you recall in that statement she had told a reporter who, in turn, publicized it throughout the land, that she had been intimate with Dr. Sheppard, do you recall that?

A I do.

Q Now, because of that statement and having knowledge of it, would that cause you to create an ill-will toward Sam Sheppard?

A No.

Q Would it give you a preconceived thought as to how the matter

should be judged?

A No.

Q Would you carry into this jury box with you any biases or prejudices as a result of the statement attributed to Susan Hayes?

A No.

Q I don't believe that his Honor, Judge Blythin, touched upon the subject matter of the indictment. If you will bear with me, I would like to go over that phase of the case with you.

An indictment is an instrument that is returned by the Grand Jurors, in this case, the Grand Jurors of the County of Cuyahoga. Now, the Judge will say that although you will take with you to your jury room a copy of this indictment, that you at no time are to consider it as evidence. He will tell you that that is the law that is applicable. Will you follow those instructions?

A Yes.

Q The reason that the Court rightfully gives you those instructions is because when this matter, in its beginning, was presented to the Grand Jurors of Cuyahoga County, only those witnesses that were beneficial to the State of Ohio were heard. So that classified it in law as an ex parte hearing, translated, a one-sided hearing, and that at no time while that Grand Jury was in session and that at no time after the State of Ohio had submitted their side of the issue was Dr. Sheppard

afforded the opportunity to tell his story or present any of his witnesses.

That is the reason that you cannot consider it as evidence in this case, and that is the law, and you said that you would follow the law, is that correct?

A Yes.

Q Pardon?

A Yes.

Q Now, in that indictment there is contained the allegations that constitute murder in the first degree, that on the 4th of July, 1954, Sam Sheppard unlawfully, purposely and of deliberate and premeditated malice killed his wife, Marilyn Sheppard.

The Court, Mrs. White, will instruct you that it is incumbent upon the State of Ohio to convince you beyond a reasonable doubt that each and every one of these essential allegations that I have just read off to you must be proven before you can return a verdict of guilty.

Now, he will say that that is the law that is applicable to the allegation set out in this indictment. If he tells you that is the law, will you follow it?

A Yes.

Q You won't permit any notions or ideas that you may have of what you think the law should be to creep into the law applicable that the Court gives you?

A No.

Q Now, in connection with that thought, the Court will further say that it is incumbent not that they prove one, two or three of the allegations, but all of them collectively, to the point where you are convinced beyond a reasonable doubt, not any particular one. And he will say to you, Mrs. White, if you are chosen as a juror, that should they prove one, two or three, that they haven't met the requirements incumbent upon the State, and that under those circumstances, then, you as a juror should not hesitate to return a verdict of not guilty.

You have no personal notions as to whether that law should be followed or not; you will follow it?

A Yes.

Q When we talk about convincing you beyond a reasonable doubt, the Court in his instructions will read to you a statutory definition as to what under our law constitutes beyond a reasonable doubt.

You will follow the statutory definition that the Court gives you, is that right?

A Yes.

Q Have you had any prior jury duty at any time during your life?

A No, at no time.

Q At no time?

A No.

Q You see, we sometimes in the impanelling of a jury, to decide these matters or a matter of this type, run into people who have sat on a civil jury, and we don't want anyone to be confused with the degree of proof in a civil case as against the degree of proof that is necessary in a criminal case.

I think you stated, Mrs. Adams, that you served once on a civil jury.

PROSP. JUROR ADAMS: That's right.

Q The Court in his instructions probably to Mrs. Adams told her that the proof required was that that constituted preponderance, which is the greater weight, but you see, when the legislators took matters into consideration that dealt with the innocence or guilt of a fellow citizen and when they considered, as in this case, the situation that faces this young man, that he is being tried for his life, they thought so much of that protection that should be afforded an individual under those circumstances that they distinguished between preponderance in a civil case and beyond a reasonable doubt in a criminal case. And they thought so much about that type of a problem, that in a criminal case it is necessary before you can arrive at a verdict that you must all agree and all feel convinced in your minds, whereas in a criminal case --

MR. CORRIGAN:

In a civil case.

Q (Continuing) -- or a civil case it is not necessary for a unanimous verdict. Now, the Court will instruct you that that is our law. And will you follow those instructions?

A That is correct.

Q The reason, Mrs. White, that point is important is because we are all human. You haven't had the privilege, but these other ladies and gentlemen have, and they have heard us lawyers on the State side and lawyers on the defense side engage Judge Blythin in some controversies that developed during the course of the impanelling of the jury. Well, at times I thought I was right, Mr. Corrigan thought he was right and John Mahon thought he was right. We had our notions of what we thought the law was, but Judge Blythin didn't agree with any of us, and so we had to abide by his rulings. And you, as a person, have certain notions at times as to what you think the law should be or the law ought to be, and it is only human.

Do you think that you can set aside those notions and ideas and follow just the law that Judge Blythin tells you is applicable to this case?

A Yes.

Q It is very important.

A Yes.

Q Now, we have covered the subject matter of the indictment.

You understood me thoroughly on that?

A Yes, I did.

Q We covered the subject matter of beyond a reasonable doubt. You understood me on that?

A Yes.

Q And that the burden of proof remains at all times with these three gentlemen, it never shifts to the other side of the table. That is a requirement that they can't discard, it stays with them. Do you understand that?

A I do.

Q Now, we get to the theory of law that the Court will tell you deals with the presumption of innocence. As Sam Sheppard sits here, with all the knowledge that you have as a result of the newspapers you read, the stories you have heard and the conversations that you have had with your daughter, do you presume this young man to be innocent as he sits here?

A I do.

Q As you look at Sam Sheppard, without hearing any testimony, there is no question in your mind that he wears the robe of the presumption of innocence, is there?

A No.

Q Now, on the same proposition of law -- and follow me, and if you don't understand me, tell me, please -- should the State of Ohio fail to convince you as a juror in this case beyond a reasonable doubt of Sam Sheppard's guilt, would you require

any testimony from that young man or by any of his witnesses to prove his innocence?

A No.

Q Would you, then, under that picture have any hesitancy about returning a verdict of not guilty?

A I would not.

Q Mrs. White, in Mr. Parrino's examination he referred to evidence that would be direct and evidence that would be circumstantial. The Court will instruct you that both degrees of evidence are proper.

Now, you have no ideas regarding circumstantial evidence, do you? You will follow the instructions of the Court on that subject matter?

A Yes.

Q Now, if the Court says to you that when reliance for a conviction is placed on circumstantial evidence, the facts and the circumstances upon which the theory of guilt is placed must be shown beyond a reasonable doubt, and when taken together, must be so convincing as to be irreconcilable with the claim of innocence and admit to no other hypotheses than the guilt of the accused, if the Court tells you that that is the theory that you are to follow regarding circumstantial evidence, will you follow that?

A Yes.

Q Now, I have asked you a good many questions, and only for the

purpose of trying to help you satisfy your mind as to whether you are qualified as a juror in this case. You know, the responsibility in this courtroom is great on Mr. Corrigan, Mr. Mahon, myself and all the lawyers. But probably it is not as great as the responsibility that you are about to accept as a tentative juror in this case.

You see, if you are accepted, Mrs. White, you will be called upon to exercise authority that will be given to you to determine the guilt or innocence of Dr. Sam Sheppard, and in this case you will carry with you in the jury box even a greater authority than that, whether you, through your vote, shall take the life of a fellow citizen.

So I ask you now to search your conscience, and do it thoroughly, and disclose to me or his Honor, Judge Blythin, if there are any reasons why if you should be chosen as a juror you couldn't be fair and impartial to the State of Ohio and fair and impartial to that young man? Do you have any reasons?

A I don't know of a reason, no.

Q No reasons whatsoever?

A No.

MR. GARMONE: Thank you very much.

THE COURT: Mrs. White, after the recess, will you be good enough to take that chair No. 10?

Ladies and gentlemen, we will have a few minutes' recess at this point, and in the meantime, do not discuss this case, not even among yourselves, at all. We will have a few minutes' recess.

(Recess taken.)

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