

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

THE COURT: Good morning, Mrs. Murphy.

MRS. MURPHY: Good morning.

THE COURT: Mrs. Murphy, will you please keep your voice up now so each one of us in the room can hear what you say. Have in mind that there are many people sitting in the back of the room that will not be able to hear you unless you keep your voice up.

Mr. Romito, the court reporter who sits before you, must record all of your responses.

MRS. MURPHY: Yes.

THE COURT: And you will bear in mind, please, Mrs. Murphy, that you are under oath; do you understand that?

MRS. MURPHY: Yes, sir.

THE COURT: Thank you.

Counselor Corrigan or Spellacy?

VOIR DIRE EXAMINATION OF BERTHA R. MURPHY

By Mr. Corrigan:

Q Will you state your name, please?

A Mrs. Bertha R. Murphy.

Q Where do you live, Mrs. Murphy?

A Berea, Ohio.

Q What is your address?

A 177 West Bagley Road.

Q And how long have you lived at that address?

A Eleven, going on eleven years.

Q Where did you live prior to living in Berea, Ohio, or on Bagley Road?

A Oberlin, Ohio.

Q Oberlin, Ohio?

A Oberlin.

Q Where did you live in Oberlin, what was your address?

A 21 Morgan Street.

Q How long did you live in Oberlin, Ohio?

A Let's see -- wait a minute -- 1930.

Q From 1930 until --

A Well, it would be -- well, let's see, I am sorry, I am confused here. Yes, I lived in Oberlin in 1930 and then until 1946, and then we -- no, 1956 we moved to Berea then.

Q So that from 1930 to 1956 you lived in Oberlin, Ohio?

A Yes.

Q Then in 1956 you moved to the present address in Berea?

A Yes.

Q What is Mr. Murphy's occupation?

A He is with Medina Supply Company in Stronsville, Ohio.

Q What does he do with the Medina Supply Company?

A He is in the ready-mix concrete business. He is the manager, office manager.

Q How long has he been in that employment?

A Since January of 1956.

Q What type of work did he do prior to that time?

A The same business, in Elyria, Ohio.

Q Are you employed outside the home?

A No, I am a housewife.

Q Do you have any children, Mrs. Murphy?

A Two.

Q What are their ages?

A Mike is seventeen and my daughter Pat is fourteen.

Q In 1954 you were living in Oberlin, is that correct?

A Yes.

Q At that time, Mrs. Murphy, did you have occasion to read any newspaper accounts of the Sheppard case?

A Yes, sir.

Q Where did you read these accounts?

A In the Plain Dealer.

Q The Cleveland Plain Dealer, you received that in Oberlin, Ohio?

A Yes.

Q Did you read it in any other newspapers?

A In the Elyria paper, the Chronicle Telegram.

Q Is that a daily?

A Yes, this is a daily paper.

Q Did you follow the accounts in the newspaper quite closely?

A Yes.

Q Did you have occasion to see or hear anything on television or radio in connection with the Sheppard case?

A Yes, I have heard it on television and radio.

Q As a result of what you saw and heard on radio and television, and as a result of what you read in the newspapers, did you have occasion to discuss this case with your husband or neighbors or anybody else?

A Yes, I discussed it with my husband and neighbors.

Q In the course of those discussions, did you ever render your opinion as to the guilt or the innocence of the defendant Sam Sheppard?

A No, I never did.

Q Did other people that you discussed it with, did they in turn express their opinion to you?

A Yes.

Q Did their opinion influence your judgment one way or another as to any opinion you might have?

A No.

Q You say you did not formulate any opinion?

A No.

Q In 1954?

A No.

Q Now, since 1954 have you had occasion to read about this matter?

A Well, just a couple -- well, a couple of weeks ago, just in the paper.

Q Did you read that a couple of weeks ago that was in the paper, did you read that quite closely?

A No, I did not, not very closely.

Q Have you seen anything on television?

A No, I didn't.

Q Or heard anything on radio?

A No.

Q As a result of what you read a couple of weeks ago, did you formulate an opinion?

A No, sir.

Q Have you, Mrs. Murphy, or any member of your family, ever been involved in a criminal law suit as a victim or a witness or a juror or in any other manner?

A No.

Q You have not?

A No.

Q Do you know the defendant Sam Sheppard or any member of his family?

A No, sir.

Q Or do you know Mr. Russell Sherman?

A No, sir.

Q The defense counselor, Mr. Lee Bailey?

A No, sir.

Q Do you know anybody from the Prosecuting Attorney's Office?

A No, sir.

Q Any member of your family a member of a law enforcement agency?

A No, sir.

Q Mrs. Murphy, if you were selected as a member of this jury, and if there comes a time when the jury receives the case for deliberation, will you be able to join in a full and complete discussion with your fellow jurors, discussing all the facts as you determine them to be, with a view in mind of arriving at a fair, impartial and just verdict both for the State of Ohio and the defendant Sam Sheppard?

A Is that either yes or no?

Q Yes or no, yes.

THE COURT:

Mrs. Murphy, do you

understand the question?

A Well, I --

Q Beg pardon?

A I don't really understand. Will you explain just --

THE COURT: Counselor, may I interpose? We have reached a place in the morning where we should recess, and you can pick up this line of inquiry, if you will, please.

MR. CORRIGAN: Thank you, your Honor.

THE COURT: It is 10:30, gentlemen. We agreed that we would recess in the morning to the extent that we are able at about 10:30.

Mrs. Murphy, we have reached our point in the morning where we should have our customary recess, and you will have your recess, too, along with the rest of us, and then when the recess is completed you will return for further questioning by Counselors. But if you will just stay in your seat for a moment.

Ladies and gentlemen of the prospective panel, and Mrs. Murphy, also, you shall bear in mind the instructions given you on each occasion.

that you shall not discuss, each occasion when you leave the room that you shall not discuss this case or what you know of it amongst yourselves, nor permit anyone else to discuss it with you, nor permit yourselves to overhear anything that relates to this case by any means of communication.

We will stand in recess.

(Thereupon a recess was had.)

THE COURT: Counselor Corrigan,
you may proceed.

By Mr. Corrigan:

Q Mrs. Murphy, if you were selected as a member of this jury, and there comes a time when the jury in its jury room deliberates this case to determine what the facts are, and to arrive at a verdict, will you be able to discuss fully and completely with your fellow jurors all of the facts as you determine them to be from the evidence and the testimony that you hear here in this courtroom?

A Yes.

Q And would you be able to do that with a view in mind of arriving at a fair and just verdict, fair to both the State of Ohio and to the defendant Sam Sheppard?

A Yes, sir.

Q Judge Talty will tell you, Mrs. Murphy, that in a criminal law suit a defendant by law is presumed to be

innocent unless and until proven guilty beyond a reasonable doubt.

Judge Talty will tell you what a reasonable doubt is. He will tell you what the law is in that area.

Will you be able to accept the law as Judge Talty tells you the law to be?

A Yes.

Q All of us have some idea or some notion as to what the law is or might be or what it should be, and if you have any such preconceived ideas, would you be able to put those ideas out of your mind, and accept the law that Judge Talty gives you, even though you may disagree with it?

A Yes.

Q You see, if twelve jurors all have their own individual concepts of what the law is, then they could never uniformly arrive at one concept of the law, and in order to do that we have to accept the Judge's definition of what the law is, and not your individual idea of what the law is; do you understand that?

A Yes.

Q Judge Talty will tell you that there are two kinds of evidence, direct evidence and circumstantial evidence, and he will tell that circumstantial evidence properly proven is just as good and just as binding as direct evidence.

Now, if Judge Talty tells you that, will you accept

that instruction?

A Yes.

Q Have you, Mrs. Murphy, ever worked outside your household, have you done any work other than a homemaker?

A Yes.

Q What type of work did you do?

A Telephone operator and waitress.

Q Telephone operator and a waitress, and when was that?

A Back in '42, and then in '46.

Q Where were you employed as a telephone operator and as a waitress?

A In Oberlin, Ohio. I worked for the Northern Ohio Telephone Company.

MR. CORRIGAN: Pass for cause,
your Honor.

THE COURT: Counselor Bailey
or Sherman?

VOIR DIRE EXAMINATION OF BERTHA R. MURPHY

By Mr. Bailey:

Q Mrs. Murphy, were you a subscriber to any Cleveland newspaper in 1954?

A No, but my husband brought it home from work.

Q He brought it home from work?

A Yes, sir.

Q That was the afternoon paper, then, I take it?

A Yes.

Q The Cleveland Press?

A Yes.

Q When your husband would bring the paper home from work, did you as a rule look through it?

A Yes.

Q Do you recall at the time of the original trial in 1954, reading anything about the case?

A Yes.

Q In the Cleveland Press?

A Yes, sir.

Q Do you recall some news articles?

A Yes.

Q Do you recall reading some editorials?

A Yes.

Q Do you remember the content of any of those editorials or what they were pushing for?

A No, sir.

Q Now, you read, of course, that a young woman named Marilyn Sheppard had been killed in her own home in Bay Village?

A Yes, sir.

Q And do you recall that her husband was a doctor?

A Yes.

Q And that he was at home at the time it happened?

A (No response)

Q Do you recall any additional details that you read back in 1954 about the case, about the evidence?

A No, sir.

Q As you read through the articles that you saw in the Cleveland Press, did you at any time have some notion one way or the other as to whether the defendant was guilty?

A No, sir.

Q Of course, you followed the case during the trial?

A No, I did not.

Q You didn't follow it during the trial?

A No.

Q Is that true for the entire trial or were there times when you read the paper and sometimes that you didn't?

A Just when I read the paper.

Q Did you read the paper part of the time?

A Part of the time.

Q You knew there was a trial going on?

A Yes, sir.

Q And do you recall reading about the verdict, what the jury said about Doctor Sheppard?

A Yes.

Q Do you recall that they found him guilty?

A Yes.

Q Now, at that time, Mrs. Murphy, did you form or have any opinion as to whether or not he was guilty?

A No, sir.

Q In other words, you hadn't decided in your own mind whether the jury was correct or incorrect in returning that verdict, is that right?

A That's right.

Q Did you talk this over with your husband as the trial was going along and as the pretrial and during the trial developments arose?

A Yes.

Q Did he give you some opinion as to the merits of the case that you can recall?

A No, sir.

Q Did you talk it over with neighbors and friends?

A Yes.

Q And some of these people expressed opinions to you, I take it?

A Yes and no.

Q Well, I asked you whether some of them did. I take it the answer is yes?

A I am sorry. No.

Q Nobody ever expressed an opinion?

A Oh, yes. I am sorry, sir. Yes.

Q Quite a number of people had something to say one

way or another about the merits of the case?

A No.

Q Not too many?

A Not too many.

Q About how many people would you say gave you the benefit of their opinion about the Sheppard case?

A Oh, just the neighbors, I mean, do I have to give approximately the number?

Q Was it ten or a dozen?

A Oh, about a dozen.

Q Without telling us what those opinions were, do you recall whether they were pretty much one way or pretty much the other way, or mixed?

A They were mixed.

Q They were mixed, in other words, your recollection is that the people who talked to you, some felt one way and some felt another?

A Yes.

Q Now, since the trial in 1954, you occasionally have observed the Sheppard case in the newspapers, have you not?

A Yes.

Q And you heard about it on television?

A Yes.

Q On radio?

A Yes.

Q Have you read magazine articles or books about the Sheppard case?

A No, sir.

Q You learned in 1964, in the summer I believe it was, that Doctor Sam had been released?

A Yes.

Q Do you recall that?

A Yes.

Q Would you say that you closely read the details of the reasons that were given for his release?

A No, sir.

Q Do you remember what they were?

A No.

Q I take it you recall reading sometime earlier this year that the case had been through our United States Supreme Court?

A Yes, sir.

Q Did you read about that decision?

A No.

Q Now, in all the discussions that you may have entered into with your neighbors or others, did you at any time indicate any disposition one way or the other as to whether Doctor Sheppard was guilty or innocent?

A No.

Q Do I understand you to say that you have never had any feeling that you were conscious of one way or the other?

A No.

Q Do you feel, Mrs. Murphy, that you come to court today with a mind completely open as to whether or not Doctor Sheppard is guilty?

A Yes.

Q You feel that you do?

A Yes.

Q Now, having in mind that this is a retrial of a case tried in 1954, whose original results you told us you are aware of, do you think you can give Doctor Sheppard the benefit of the same consideration that you would give a defendant who had never been tried before?

A Yes, sir.

Q In other words, are you influenced to any degree by your knowledge of the past developments in this case?

A Would you repeat that again, please?

Q Certainly. Are you influenced to any degree that you are aware of by your knowledge of the past developments in the case?

A No, I am not.

Q You think that you are not?

A No.

Q Do you know what kind of doctor Sam Sheppard is?

A No, sir.

Q You never heard one way or the other?

A Oh, I'm sorry, yes, I know what type of doctor he is.

Q What type of medicine does he practice?

A He is an osteopath.

Q Do you know what kind of doctor an osteopath is, say, with reference to an M.D. or medical doctor?

A No, sir.

Q In this trial, Mrs. Murphy, you may hear expert opinion coming from medical doctors on the one hand, and perhaps osteopathic physicians on the other.

Now, would you simply because of the nature of the doctor, that is, an osteopathic physician as against a medical doctor, tend to attach more weight to the opinion of the medical doctor as being a superior expert?

A (No response)

Q Do you understand my question?

A No, I don't, sir.

Q It is a little confusing. Let me put it again.

If you were to hear an opinion that a certain fact was in the opinion of the doctor, of the case, from a medical doctor testifying for instance for the State of Ohio, and a contrary opinion were given in evidence by an osteopathic physician, would you by reason only that the second witness was an osteopath tend to attach less

credibility, less weight, less importance, to his opinion?

A Yes.

Q You would. In other words, you feel that the testimony of a medical doctor is more expert or more professional or more reliable than that of an osteopath?

A Yes.

Q Do you recall when you received your general instruction together with your fellow prospective jurors, that the Court told you that there was a presumption of innocence attaching to every defendant in every criminal case, and that such a presumption applied to Doctor Sheppard in this case?

A Yes.

Q Do you remember that?

A Yes.

Q Now, is there anything that you have felt or thought or said in the past that you think would make it difficult for you to apply that presumption of innocence to this defendant?

A No, sir.

Q Are you able at this time to fully and consciously view the defendant at the outset of the trial as presumptively innocent?

A Yes.

Q And will you be able to continue to presume him

innocent unless and until the State of Ohio proves otherwise, that is, that he is guilty?

A Yes.

Q If Judge Talty instructs you at the conclusion of this trial that the burden of the State is to prove Doctor Sheppard guilty beyond a reasonable doubt, that is to say, that a probability, a likelihood of guilt isn't enough, but it must be proved beyond a reasonable doubt, and defines reasonable doubt for you, will you be able to follow that instruction rigidly?

A Yes.

Q Do you have in your family any police officers or other people connected with criminal investigation or prosecution?

A No, sir.

Q Have you ever been connected with a criminal case either yourself or through your family?

A No, sir.

Q As a juror or witness or victim?

A No, sir.

Q Miss Murphy, if a police officer were to testify to a given fact, and some citizen not a police officer were to contradict that fact on behalf of the defendant, say, would you tend to attach more weight, that is to say, more believability to the testimony of the police officer because

he is a state official?

A Yes.

Q You would?

A Yes.

Q And is that because, Mrs. Murphy, your belief is that police officers do what is right and you can believe what they tell you?

A Yes, sir.

Q Do you presently subscribe to any newspaper?

A Yes.

Q What paper?

A The Plain Dealer and -- of course, the local paper, the Berea News. That's all.

Q You take the Plain Dealer from Cleveland?

A Yes. I am sorry, sir, the Cleveland Press.

Q You take the Press?

A The Press. The Cleveland Plain Dealer, the Cleveland Press.

Q Have you been taking the Cleveland Press all during 1966?

A Yes, sir.

Q Do you read it ordinarily in the course of a day pretty much through?

A Yes, sir.

Q Do you read the news sections?

A What is it?

Q Do you read the news sections?

A Yes.

Q And the editorial sections?

A Yes.

Q Do you recall in January of this year, Mrs. Murphy, reading a series of articles about this case in the Cleveland Press?

A No, I haven't followed it, sir.

Q You didn't follow the series?

A No.

Q Are you conscious as a reader of the Cleveland Press of any position taken by that newspaper in its own pages on this particular case?

A Yes.

Q You generally rely upon what you read in the Cleveland Press as being correct?

A Yes.

Q And are you generally in accord with the positions taken by that newspaper on various issues?

A What is it?

Q Are you generally in accord with the editorial positions taken by that newspaper on various issues?

A Yes.

Q Do you feel that the position which that paper has

taken in this case, which you already have acknowledged, would have any influence whatsoever on your judgment?

MR. CORRIGAN: Objection.

THE COURT: Objection sustained.

Q Mrs. Murphy, are you aware of any community feeling within your own neighborhood one way or the other on this case?

A No.

Q You are not?

A No.

Q Is there any kind of social pressure or pressure from within your family just what ought to happen to Doctor Sheppard that would prevent you in any way or in any degree whatsoever from being completely fair and impartial?

A Yes.

Q There is. If you are seated as a juror in this case, and were to deliberate as a juror on the question of Doctor Sheppard's guilt or innocence, would you take into account all the information that you now have about the case in deciding it?

A Yes.

Q In other words, you heard quite a bit of detail about it, isn't that true?

A Yes.

Q Did you hear anything about Doctor Sheppard's personal

life?

A No, sir.

Q Any of his activities beyond practicing medicine?

A No, sir.

Q You never heard anything in that regard?

A No.

Q Are you aware of ever having had an opinion as to Doctor Sheppard's activities in this case which was either sympathetic or unsympathetic, and the answer is yes or no, did you ever have such an opinion?

A No.

Q You have never felt inclined one way or the other as far as he personally is concerned, is that correct?

A Yes, that's right.

MR. BAILEY: I would pose a challenge at this point, your Honor, based on previous answers.

THE COURT: Will you please have your seat, Counselor.

MR. BAILEY: If it is not sustained --

THE COURT: The Court wishes to address some questions to the prospective juror.

MR. BAILEY: Excuse me, your

Honor.

THE COURT: Mrs. Murphy, directing your attention to the community feeling to which reference has been made, do you feel that the community feeling, whatever it is, would prevent you from being a fair and impartial juror in this case if you were selected as a juror, or could you be a fair and impartial juror regardless of what that community feeling is?

MRS. MURPHY: Yes.

THE COURT: You can be?

MRS. MURPHY: Yes.

THE COURT: Now, directing your attention to the matter of a police officer, if the Court were to instruct that you were to weigh and to evaluate the testimony of a police officer, or any other governmental official, by the same standards that you weight and evaluate the testimony of any other witness in this case, would you follow those instructions?

MRS. MURPHY: Yes.

THE COURT: Now, coming to the question of the medical doctor as distinguished from the osteopathic physician and doctor, if the Court were to instruct you that you were to

weigh and evaluate the testimony of the osteopathic doctor by the same standards and with the same guides as you were to weigh and evaluate the testimony of any other doctor, medical doctor or otherwise, would you follow those instructions?

MRS. MURPHY: Yes.

THE COURT: Can you decide this case fairly and impartially and set outside of your mind any other thing that you may have heard and decide this case if selected as a juror solely on the evidence that will be presented in this courtroom, and apply the Judge's charge of law to those facts, can you do that?

MRS. MURPHY: Yes.

THE COURT: If selected as a juror?

MRS. MURPHY: Yes.

THE COURT: You may proceed,
Counselor.

By Mr. Bailey:

Q Mrs. Murphy, a few moments ago, I asked you whether or not you felt any pressure or influence from within your immediate family as to a given desire for a result in this case, and my recollection is that you said yes; is that

correct?

A Yes.

Q You, I take it as a matter of habit, discuss matters with your husband, business matters and other matters?

A Yes.

Q You value his judgment?

A Yes.

Q Do you ordinarily follow his recommendations or opinions?

A Yes.

Q Now, can you recall at any time in the last twelve years being in some discussion with Mr. Murphy where he made some comment on this case?

A No, sir.

Q He never made a single comment in twelve years?

A No.

Q And you never made a comment?

A No, sir.

Q Did you ever discuss the newspaper articles that you read in the Cleveland Press?

A No, sir.

Q Did you ever discuss the editorials that you saw in the Cleveland Press?

A No.

Q Did you ever discuss the name Sheppard?

A No, sir.

Q Never once?

A Oh, well, yes, I read in the paper, what I read in the paper.

Q I mean with your husband, did you ever talk about the case at all?

A Oh, yes, yes.

Q And you say that never during those conversations did the question arise as to whether he did it or didn't do it, things like that?

A No.

Q That never came up?

A No.

Q Not mentioned by either of you?

A No, sir.

Q So at no time during the past twelve years, have you ever had any feeling at all as to whether Doctor Sheppard did kill his wife or did not kill his wife?

A No, sir.

Q Mrs. Murphy, if the County Coroner, an official of the State, any medical doctor, were to give testimony to an opinion that he held about some matter in the case, and you heard that testimony contradicted by another doctor who was not a coroner, or a state official of any kind, would you be more inclined to accept the opinion of the coroner or state official because he was a state official?

A Yes.

Q You would?

A Yes.

Q There may be different kinds of evidence introduced into this case, and you may receive an instruction from Judge Talty describing those kinds of evidence as perhaps on the one hand direct evidence, and on the other hand circumstantial evidence, and he may give you some rules that will help you and that you must follow to evaluate that evidence.

Do you think that you will be able to follow his instructions in that regard just as he gives them?

A Yes.

Q To do exactly as he told, as far as applying rules to the facts which you have heard?

A Yes.

Q Mrs. Murphy, if you hear testimony from a witness in the trial of this case now, which differs in your recollection from what that witness may have said in the past as far as what you read in the newspapers or heard on the radio or on television, would you be able to consider the testimony that you heard here and forget about every thing else that you heard, or do you think you would tend to remember both pieces of information, what came from the courtroom and what came from other

sources?

A Yes.

Q You think that it would be difficult to separate in your own mind what you heard here and what you already know about a given witness?

MR. SPELLACY: Objection.

A Yes.

THE COURT: It may stand.

Q You do. If the occasion arises, Mrs. Murphy, Judge Talty will instruct you that the defendant in this and every other criminal case is not required to testify or indeed to offer any evidence in his own behalf, he has the right not to do so, and if that instruction is given and if the State shows you that Marilyn Sheppard was killed in her own home, and Doctor Sheppard was there, and he does not testify, he does not explain, does not describe where he was or what he did, would you be able to nonetheless decide the case without drawing some inference or some significance from his failure to testify?

A (No response)

THE COURT: Do you understand the question?

MRS. MURPHY: Would you explain it to me, sir?

Q Certainly. Assume, if you will, that evidence comes

in during the course of the trial during which you are seated as a juror, which satisfies you that Marilyn Sheppard is in fact dead, and that she was murdered by someone in her own home, and that Doctor Sheppard was in the house at or about the time it happened, and also assume that Doctor Sheppard does not take the witness stand and testify, and does not offer any explanation, does not tell you where he was or what he knows about it, and also assume that when the trial is over, Judge Talty instructs you along with the other jurors that his silence, the fact that he has not told you anything, is not to be the basis of any inference against him, that is, you are not to deduce from the fact that he was silent that he had something to hide or that he was guilty, would you be able to follow that instruction of Judge Talty?

A Yes.

Q And would you be able to conscientiously in your own mind not to be thinking or reasoning that if he did not do it he would have testified and told you so, would that disturb your judgment do you think, the fact that he didn't testify?

A Yes.

Q You think it would be very difficult for you to attach no significance at all to his silence in the face of the fact that he was there when the killing took place?

A Yes.

Q It would bother you some, I take it?

A Yes.

MR. BAILEY: I renew the challenge.

THE COURT: Mrs. Murphy, in the event the County Coroner should testify or a member of his staff should testify in this courtroom, and you were instructed by the Court that merely because he is the County Coroner or a member of the County Coroner's staff, that you are to attach no less or no greater weight or believability to his testimony merely because he is in his official capacity, would you follow the Court's instructions?

MRS. MURPHY: Yes.

THE COURT: Now, in the event that the defendant does not testify in this case, and the Court told you and instructed you as a matter of law that this fact, that is, his failure to testify, must not be considered by you for any purpose, and that you could not draw any inference, any inference whatever, from his failure to testify, will you follow those instructions?

MRS. MURPHY: Yes.

THE COURT: You may proceed,
Counselor.

MR. BAILEY: I think I will
stand on the challenge, your Honor.

THE COURT: May I see Counselors
at the bench, please?

(Thereupon counsel and the Court conferred at
the Court's bench out of the hearing of the jury
panel, as follows:)

THE COURT: Does the State
wish to be heard on the challenge?

MR. CORRIGAN: From what has
happened, the only thing that the State can say
is that she didn't understand the questions when
the questions were put to her. The answers are
quite obvious.

She gives different answers to the
Court than she gives to defense counsel.

MR. BAILEY: The Court's questions
are shapely questions, I wouldn't dare say no to
those, if I were her.

It is a troublesome thought and I
think it might be difficult to reshape the
psychology, a mature woman, even though I

understand the Court's purpose.

At this point, I suggest she is defective on many counts. First of all, she understands the position of the Cleveland Press in this case, which we all know to be unfavorable, and she tends to believe what she reads in that newspaper, and she agrees with its editorial policies.

MR. CORRIGAN: Oh, no. She never said she agreed with the editorial policy.

MR. SHERMAN: Yes, she did.

MR. BAILEY: John, I will stand on the record. Second, she did say initially that police officers were more credible, that the County Coroner was more credible, that medical doctors are more credible. I gather from her answers that she would have difficulty putting aside information she already has, and there are many bases, perhaps, none of which would disqualify her per se. I think it would be very risky to seat this woman.

I think it would be logical, even though his Honor instructed her clearly, because she doesn't understand.

THE COURT: Counselor Corrigan

or Spellacy, do you wish to be heard further?

MR. CORRIGAN: May I confer just a moment with Mr. Spellacy, please?

THE COURT: Yes.

MR. CORRIGAN: If it please the Court, we will join in with the defense on the challenge.

(Thereupon proceedings were resumed within the hearing of the jury panel, as follows:)

THE COURT: Let the record show that the Court grants the joint motion to excuse Mrs. Murphy as a prospective juror in this cause.

Mrs. Murphy, before you leave this courtroom, the Court wishes to thank you and express its gratitude for each of us for your willingness to participate in this matter, and for the time that you have given over to it.

MRS. MURPHY: Yes.

THE COURT: However, you are to follow these instructions, Mrs. Murphy, very closely.

You shall not discuss this case with anyone, including your husband, or what little you know of it, or what little you have learned of it or heard about it in the courtroom this

morning.

You shall not make any statement with respect to this case. You shall not permit anyone else to discuss this case with you until such time, Mrs. Murphy, as a jury in this courtroom has returned its verdict in open court.

Do you understand those instructions?

MRS. MURPHY: Yes.

THE COURT: Thank you very much,
and Mr. Patrick will escort you out.

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