

THE BAILIFF: Mrs. Padurean, please
take the witness chair, if you will.

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THEREUPON, ELIZABETH M. PADUREAN, a
member of the prospective jury panel, having
been previously sworn, was examined and testi-
fied on voir dire, as follows:

THE COURT: Good afternoon,
Mrs. Padurean.

MRS. PADUREAN: Good afternoon.

THE COURT: Mrs. Padurean, are
you a little nervous?

MRS. PADUREAN: A little.

THE COURT: Well, won't you
just sit back and relax. The lawyers are
going to put a few questions to you, and will
you keep your voice in responding to these
questions at a point where each person in this
courtroom can hear you; will you do that?

MRS. PADUREAN: Yes.

THE COURT: You can do a better
job than that, can't you?

MRS. PADUREAN: Yes.

THE COURT: Now, in responding
to these questions, Mrs. Padurean, remember

that you are under oath. Do you understand
you are under oath in giving your responses?

MRS. PADUREAN: Yes.

THE COURT: And answers to these
questions. Mr. Romito, who sits in front of
you, is our court reporter, and he must report
everything that you say in response to these
questions, and each of us in the room must
hear these responses.

So now you are going to have to do a
much better job than you have done so far in
keeping your voice up; will you do that?

MRS. PADUREAN: I will try.

THE COURT: Thank you.

Counselor Corrigan or Spellacy?

MR. SPELLACY: If it please the
Court.

VOIR DIRE EXAMINATION OF ELIZABETH M. PADUREAN

By Mr. Spellacy:

Q Will you once again tell us your name?

A Elizabeth Padurean.

Q I can't hear you.

A Elizabeth May Padurean.

Q Spell your last name, please?

A P-a-d-u-r-e-a-n.

Q Where do you live?

A 5544 Columbia Drive, Bedford Heights.

Q Bedford Heights?

A Yes.

Q How long have you lived at that address?

A Nine years.

Q Where did you live prior to that?

A Garfield Heights.

Q Garfield Heights?

A Yes.

Q Where in Garfield Heights?

A I don't remember the house number, but on Sunny Cliff Drive in Garfield, off Granger hill.

Q How long did you live in Garfield Heights?

A Around five years.

Q Are you employed?

A Yes, I am.

Q Where are you employed?

A L and S Industries in Bedford Heights.

Q What do you do there?

A Electronic assembler.

Q Is your husband employed?

A Yes, he is.

Q Where is he employed?

A East Ohio Gas Company.

Q What is your husband's full name?

A Louis Padurean.

Q What does he do for East Ohio Gas Company?

A He is a dispatcher, clerk.

Q How long has he been employed by East Ohio Gas Company?

A Eighteen years.

Q May I ask how long you have been employed with this electronics company?

A I am only here two months.

Q Two months?

A Yes.

Q Prior to that, were you employed?

A Yes, I was. I was a cashier in a grocery store for fifteen years.

Q What store was that?

A Bi-Rite Super market for five years, and ten years, I was with Food Town.

Q Where did you work for those companies?

A Various stores. With Food Town, whenever they had an opening, I would go for the Grand Opening, and return to the Turney Road store. Then, when they sold out to Pick-N-Pay, the Company merged, part of the stores went Pick-N-Pay, and part went A & P. And I wasn't chosen to go with them, and therefore then I went in with the Bi-Rite chain.

Q Where did you work when you worked for the Bi-Rite chain?

A 17399 Broadway in Maple Heights.

Q Would it be fair to say that most of the time you worked in the vicinity of Garfield Heights when you went to work for these stores?

A Yes, Garfield or Maple Heights.

Q And this would include the Grand Opening that you worked for?

A No, the Grand Openings, I went as far as Rocky River, and Warren, Ohio, the Hough opening store. It was all over, wherever they had their chains.

Q Do you have a family?

A No, I do not.

Q Now, you realize this is a case involving the State of Ohio versus Sam Sheppard?

A Yes, I do.

Q Have you read about this case in the newspapers?

A Occasionally. I wouldn't say I followed it close.

Q How long do you remember reading it occasionally, how long a period of time?

A Well, let me put it this way, as a working housewife maybe I will get to read a paper once in a week.

Q Therefore, you didn't read or follow this case --

A No.

Q --closely in the paper, is that correct?

A I don't follow anything in the paper, really.

Q Now, as a result of having read the newspapers -- let me rephrase it:

Have you read anything else other than newspapers, have you read magazines or books on this case?

A I did read the book on the first trial.

Q As a result of having read those, the newspapers and the book, have you arrived at an opinion with regard to this case, and answer that yes or no, if you can?

A I couldn't answer it yes or no. I feel that someone's opinion has already been formed on that.

Q Let me rephrase the question, if I may. Do you, yourself have an opinion with regard to this case?

A No.

Q Has someone else expressed an opinion to you, yes or no?

A That I would have to say, yes.

Q As a result of someone else expressing an opinion to you, do you have an opinion with regard to this case?

A No.

Q You indicated that you had read the book with regard to this particular case?

A Yes.

Q Did the reading of that book, give you an opinion one

way or another in that particular case, yes or no?

A I would have to say no.

Q Do you understand that if selected as a juror in this particular case, that you are obliged to set outside your mind anything that you might have read or anything you might have learned about this particular case?

A Yes, I do.

Q And that you cannot recall in your mind as the evidence unfolds here, anything you might have read or anything you might have heard about this particular case, do you understand that?

A Yes, I do.

Q And that you are to confine the facts as you find the facts to be only to what transpires here in this courtroom, could you do that?

A I think I could.

Q Well, we have to do a little better than that. As a juror, you will be under oath to confine yourself to the facts, and only to the facts here, and you must forget everything else in this whole wide world other than what you learn right here in this courtroom; could you do that?

A Again, I would say I would have to try.

Q Can you be a little more definite than that?

MR. BAILEY: I object.

THE COURT: Overruled.

A I would say yes.

Q You see, later on Judge Talty will give you an oath that you are to well and truly try and true deliverance make only on the facts as presented here in this courtroom, and it is incumbent upon all the jurors to abide by that oath; do you understand that?

A Yes, sir.

Q And you are to confine yourself only to what transpires here in this courtroom, forgetting all else that you might have read or heard about this particular case?

A (Witness nods.)

Q You feel you could do that, is that correct?

A Yes, I would try, honestly try.

Q Have you had prior jury experience?

A On a minor case.

Q When you say on a minor case, what do you mean?

A It was a traffic accident case in Bedford Court.

Q In Bedford Court?

A Yes.

Q When was that?

A About six years ago.

Q Was that a civil case or was that a criminal case?

A Civil.

Q Would that experience tend to influence you in any way in this particular case?

A No.

Q If selected as a juror?

A No.

Q Do you understand that as a juror, that you would be one of the triers of the facts?

A Yes.

Q That you and you alone will determine what the facts are from the witnesses who testify here?

A Yes.

Q You have to size them up, observe their demeanor, or candor, their believability, their credibility, and you can accept all of what they say, part of what they say, or none of what they say; understand?

A Yes.

Q Equally important, you must take the law that Judge Talty gives to you, and apply that law to the facts as you find the facts to be.

Now, in this day and age of radio and television, we all have some idea as to what the law is or what it might be or what it should be. Do you feel you might be able to set aside any ideas you might have and take the law that Judge Talty gives to you?

A Yes.

Q And you are not to -- once again, we can't draw on our own experience as to what the law is or what we think

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the law might be, we have to take the law that Judge Talty gives to us.

A Yes.

Q Will you do that?

A Yes, sir.

Q Do you know where Bay View Hospital is?

A I have a vague idea. I have never been there.

Q I anticipate that as a matter of law, Judge Talty will tell you that there are various types of evidence in a criminal case, 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 of law?

A If the Judge said it was accepted, yes.

Q You would follow the law that his Honor gave to you as to the evidence that is allowed in a criminal case, is that correct?

A Yes, sir.

Q Do you have any friends or relatives who are members of the police department?

A I have a brother-in-law that is.

Q What police department is he in?

A Cleveland Heights, Badge number 13.

Q What is his name?

A William Wolfe.

Q William Wolfe?

A William Edward Wolfe, Junior.

Q Do you know how long he has been a member of the Cleveland Heights Police Department?

A Approximately seventeen years, sixteen or seventeen years.

Q Do you have occasion to discuss police work with him?

A I do not see him at all. I haven't seen him in about six years.

Q In about six years?

A Yes.

Q It is anticipated that police officers will testify here in this particular case. Would that fact that a police officer testified here, would you give him any greater or any less weight solely because he was a police officer?

A No, sir.

Q If Judge Talty were to instruct you that you are to weigh his testimony just as you would any other witness, and not give him any greater or any less weight solely because he is a police officer, would you follow that instruction of law?

A Yes, sir.

Q Do you have any friends or relatives who are associated with the County Coroner's Office?

A No.

Q Do you know the County Coroner, Doctor Gerber?

A No, sir.

Q Now, it is anticipated also that representatives of that office might testify here. If the Court told you that you are not to give their testimony any greater or any lesser weight solely because they are public officials, would you follow that instruction?

A Yes, sir.

Q You indicated that you had an idea where Bay View Hospital is; how did you come at this?

A Well, through traveling, I have never visited anyone or been there to that hospital, but going from here to Cedar Point or enroute to another city.

Q Driving along the road?

A Driving along.

Q Do you know any members of the County Prosecutor's Office?

A No.

Q Do you know Mr. Corrigan?

A No, not since the other day when we were introduced to him here.

Q You don't know Sergeant Lockwood?

A No, sir.

Q Do you know any members of the Sheppard family?

A No, I do not.

Q Do you know Mr. Russell Sherman or Mr. Bailey?

A No.

Q Do you have a family physician?

A Yes, I do.

Q Is he a medical doctor, or is he an osteopath?

A Medical.

Q Is there any reason you can think of why you couldn't be a fair and impartial juror in this case, both to this defendant as well as to the people of Ohio?

A Well, let me --

Q Yes or no?

A I will have to say I would be fair, yes.

Q That is what we are interested in, in obtaining a jury that will be fair to both sides here, and you feel that you could?

A Yes.

Q Do you feel that you could sit as a fair and impartial juror in this case, and decide this case free of any sympathy or any bias or any prejudices that you may have for or against this defendant, or for or against the people of Ohio?

A Yes, I do.

Q You feel that you could?

A Yes.

MR. SPELLACY: The State will
pass for cause.

THE COURT: Counselor Sherman
of Bailey?

VOIR DIRE EXAMINATION OF ELIZABETH M. PADUREAN

By Mr. Bailey:

Q Mrs. Padurean, you said you read the book in this case?

A Yes, sir.

Q Was this book a hard cover or paper back?

A I read a paper back.

Q A paper back book called the Sheppard Case, or something like that?

A Yes.

Q How long ago was that?

A My husband was in the service at the time, and it was at one of the camps that somebody had it.

Q How long ago was it?

A '56. A good ten years ago.

Q That you read the book?

A Yes.

Q The book to which you have reference was published in 1961; I wonder if that refreshes your memory?

A All I can say is it was while he was in camp, and he was discharged in '57. So whatever it was that I read, was in '56. It was a form of the Sheppard Case.

Q A book about the Sheppard case; do you remember what the cover looked like?

A No.

Q Do you think possibly you are referring to an article in a magazine rather than a book that you might have read?

A It possible could be.

Q Did you ever read a magazine called Argosy Magazine?

A Yes, we subscribe to the Argosy.

Q You do?

A Yes.

Q I take it, then, in the past twelve years, you have seen several articles about the Sheppard case in Argosy Magazine?

A Possibly.

Q Now, when Mr. Spellacy referred to a book, you said you had read the book, and there is a book called --

A A book I meant.

Q You read a book about it?

A A book.

Q A book. Do you remember the name of what in your memory was a book?

A To the best that I can recall, it was trials and

something, it was a series of trials. It wasn't --

Q You read a book in which one of the chapters was devoted to the Sheppard case, is that correct?

A Yes.

Q But it was not a book all about the Sam Sheppard case?

A No.

Q Do you remember the name of the author of that book?

A No. It was something to do --

THE COURT: Wait. There is no question before you.

Will you please wait for a question, and just then respond to the question.

Thank you, Mrs. Padurean.

Q Are you able to recall -- and this would be just yes or no -- whether or not the writer of that book took a position as to the merits of the case, what he thought should have been done?

A I couldn't recall.

Q Do you recall any of the factual details that appeared in the book as to what the evidence was or what Doctor Sheppard was supposed to have done, and so forth?

A No.

Q Do you recall that a woman named Marilyn Sheppard was killed by someone?

A Yes.

Q And that this happened in Bay Village, in her home, do you remember reading that?

A Yes.

Q You knew, of course, that her husband was a doctor?

A Yes.

Q Now, beyond that, would you say that you have any clear memory of the facts of this case, or the details or particulars that came out from any source?

A I would say no.

Q You have said that opinions have been expressed by others in your presence?

A Yes.

Q Did the people who expressed these opinions or any of them, give any facts or persuasion as to why they advanced these opinions, why they thought they were correct, that you can recall?

A I would say no.

Q When you say that opinions have been expressed, did these opinions relate to the guilt or innocence of the defendant Sam Sheppard?

A There were opinions of it, yes.

Q But that was what the opinion was about?

A Yes.

Q Were any of these opinions given by people whose judgment you respect?

A I respect all people I know.

Q Aren't there some people you are acquainted with whose judgments you respect more than others?

A Yes.

Q Now, were any of the opinions that you can recall being exposed to proffered by people whose judgment you think is pretty good on matters generally?

A Yes.

Q At the time you heard those opinions, were you inclined to accept them to any degree, because of the stature of the person who voiced the opinions?

A No.

Q Do you remember having any reaction to being exposed to these opinions?

A Yes.

Q Without going any further, can you tell me whether you were inclined to disagree or agree with what was being said to you?

A I disagreed at the time.

Q Now, you disagreed because you had a different view of the matter --

A Yes.

Q --than the person expressing the opinion?

A Yes.

Q So at some point, you did have some view of your own,

as to the merits of one side or the other of the Sheppard case?

A Yes, sir.

Q How long ago was that?

A I would say about a year.

Q About a year ago?

A Yes.

Q Has anything happened since that time to change your viewpoint?

A No, we have never discussed it since.

Q As of the time a year ago when you had a view, sufficient to cause you to disagree with someone else, whoever that may have been, we don't care at the moment, has anything happened that has caused you to shift that viewpoint?

A No.

Q So I take it a year ago you had an opinion of some kind?

A Yes.

Q You told us earlier that today you don't feel you do have an opinion?

A I haven't discussed an opinion.

Q Let me ask you, do you have in mind an opinion, just assume you had never been called as a juror in this case, did you a week ago have some opinion about Doctor Sheppard's case?

A I would say yes.

Q Has anything happened in the past week to cause you to change that opinion?

A I honestly don't have an opinion either way right now.

Q At the time you disagreed with the person expressing an opinion in your presence, was that because you had an opinion to the contrary?

A At that time?

Q Have you since that time lost your opinion?

A I have lost reading on the case. I changed my opinion, yes.

Q You have changed your opinion?

A I can't say I changed my opinion. I couldn't say either way.

Q Is it true that about a year ago when you expressed an opinion that was based on all your knowledge of the case, all that you knew about it?

A Of what I knew of it, yes.

Q Was it based to some extent on the opinions that you heard others express, or what you thought the common train of thought was in the community?

A No, they were based more or less on what I had read.

Q Is this what you had read in the book or magazines and what you had read in the newspapers?

A At that time, yes.

Q And what you had seen or heard on television?

A I don't watch television to speak of.

Q All right. What you had heard on the radio, had you heard anything on the radio about the case that you can remember?

A Some.

Q Was the opinion that you then held based in part on what you heard on the radio as well as the other sources that I mentioned?

A (Witness nods.)

Q And was it based in part on any discussions you may have held with others in the community when the case was going on?

A I don't recall when the case was going on. I wasn't in Cleveland.

Q You didn't live in Cleveland at the time?

A No.

Q When did you move to Cleveland?

A I was traveling the country at the time.

Q I see. Were you out of Cleveland from July through December of 1954?

A I left in '51 and I returned in '55.

Q In '55. So that when the Sheppard case originally came on, I take it, wherever you were, there wasn't a tremendous amount of publicity?

A No.

Q In any event, such as there was, you didn't follow it very closely?

A No.

Q Is it fair to say that the first nearly complete picture you had gotten of the story of the Sheppard case was in this book or magazine?

A Yes.

Q And I take it that the opinion that you eventually arrived at was based pretty much on that story, and when you finished reading this story, you had some opinion?

A Yes.

Q And that opinion remained pretty much in status quo, at least up until last year when you voiced it once again?

A Yes.

Q You can't remember the author of this book?

A No.

Q Now, the opinion that you acquired in 1956 or '57, and carried through 1965, do you still have that opinion today?

A At this time, yes.

Q The defendant in a criminal case, Mrs. Padurean, is by law given the presumption of innocence, that is, when the case begins, the defendant begins even Steven with nothing against him, nothing whatsoever; is there anything about the opinion that you have that would give you difficulty

in according him one hundred percent presumption of innocence?

A No.

Q And are you able to view Doctor Sheppard right now, notwithstanding all you have read about him, the opinions and the thoughts and the feelings that you have had, and give him in fact, a presumption of innocence?

A Yes.

Q Do you have any opinion that would cause you to give circumstantial evidence any less weight than any other kind of evidence?

A Not if the Judge said it was accepted.

Q Acceptable. In other words, you understand that the rules by which this trial is going to be run, all come from Judge Talty and from no other source?

A Right.

Q In addition to the rules by which you as a juror must decide this case?

A Yes.

Q Now, I believe your family physician is a medical doctor?

A Yes, he is.

Q Do you know what an osteopathic physician is?

A No.

Q Well, there may be testimony during the trial from

medical doctors on the one hand, and osteopathic physicians on the other.

If Judge Talty tells you that an osteopathic physician or doctor of osteopathy, and a medical doctor, are the same as far as the law is concerned, the same qualifications, licensed, and so forth, will you accept that and not give any greater weight to one or the other just because of his particular profession?

A Yes.

Q Do you have some memory from your readings of any statements made, either before his trial or during his trial in 1954, by Doctor Sheppard when this whole thing arose, in other words, what his story was, do you have any memory of that?

A No.

Q In other words, you don't remember anything at all about what he may have said happened on the night of the murder?

A No.

Q When you were receiving general instructions with the rest of the prospective jurors a day or so ago, you may recall that Judge Talty told you that the burden of proof of the guilt of this defendant, just like every other defendant, was wholly on the State, and that the defendant had no burden to prove anything.

Can you accept that rule and apply it to your deliberations as a juror in this case if you are permitted to sit?

A Yes.

Q Therefore, in accepting that rule, assume that the State of Ohio produces evidence right in court to show that Marilyn Sheppard was in fact murdered by being struck in the head in July of 1954, and assume that the State of Ohio will prove to your satisfaction that Doctor Sheppard was either in the house or somewhere near it at the time this happened, and the defense offers nothing; would you be able to decide this case under the instructions of the Judge that I have just described to you, solely by viewing the evidence produced by the State, and without considering at all the significance of the silence of the defense?

A I would say no.

Q In other words, it would be difficult for you to understand why the defendant was silent?

A (No response.)

Q Do you think that would prevent you from actually and psychologically complying with the rules if it were given in those terms?

A Yes.

MR. BAILEY: Challenge for cause.

MR. CORRIGAN: The State will join
in the challenge, your Honor.

THE COURT: Mrs. Padurean, the Court wishes to thank you for the time you have spent with us in the past several days here in waiting to come forward as a prospective juror in this case.

But as you have heard, both sides have joined in the request or motion that you be excused from further service as a prospective juror in this cause.

But before leaving the building, or the chair, Mrs. Padurean, the Court instructs you that you shall not even though you indicated your state of mind here to us, the Court instructs you that you shall not express an opinion which you may have had or which you may now have, to anyone, even including your husband; do you understand that?

MRS. PADUREAN: Yes, sir.

THE COURT: And you will not permit even your husband or certainly anyone else to discuss the merits of this case, or their opinions about the merits of this case, with you. Do you understand that?

MRS. PADUREAN: Yes.

THE COURT: And you will be

bound by these instructions, and you will observe them until such time, Mrs. Padurean, as you know with a certainty that a jury has returned its verdict in this courtroom.

Will you follow these instructions?

MRS. PADUREAN: Yes, I will.

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

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