

Thereupon MICHAEL MARMASH, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR MICHAEL MARMASH

By the Court:

Q Your name is Michael Marmash?

A Yes, your Honor.

Q M-a-r-m-a-s-h?

A That's right.

Q And you live at 20717 Franklin in Maple Heights?

43 A That's right.

Q How long have you lived at that address?

A About seven years.

Q And you live there with your family?

A My wife.

Q Just yourself and wife?

A My boy is in service. I have a boy in service.

Q You have a son in the service?

A Yes, sir.

Q Have you any other children?

A That's all.

Q And are there any other members of your house -- other people
living in the same house with you?

A No, your Honor.

Q Just yourself and your wife?

A Yes.

Q Have you ever served on a jury before?

A No, your Honor.

Q What is your occupation?

A Machine operator at Jack & Heintz.

Q And how long have you been so occupied?

A This last time four years -- four years with the company this last time.

Q Is your wife employed?

A No, your Honor.

Q Have you ever served on a jury before?

A No.

Q Have you ever been a witness in a case in court?

A No, your Honor.

Q I take it that you were here on Monday when the Court stated who the parties around this table were and introduced them?

A Yes.

Q Do you know any of those people?

A No.

Q Do you know the County prosecuting attorney, Mr. Cullitan, or any member of his staff?

A No, your Honor.

Q Do you know the Sheriff or any member of his staff?

A No.

Q Or the Coroner?

A No.

Q Are there any members of your family -- and when I mention family I mean yours and your wife's family -- any members of your family who are members of a police department or law-enforcing agency anywhere?

A No.

Q Have any members of your family or you, yourself, ever been visited by any violence at the hands of another person?

A No.

Q I take it that you heard of this Sheppard case, have you?

A Yes. ✓

Q Have you read newspapers about it?

A Yes. ✓

Q Heard radio comments?

A Yes.

Q Television? ✓

A Yes.

Q And you have discussed it with other people or other people discussed it with you? ✓

A Some.

Q On the basis of what you have read or heard or discussed with others, on the basis of all of them or any part of them, have you formed an opinion as to the guilt or innocence of Sam Sheppard?

A No.

Q You understand that the jury determines the facts in this case, as in all cases, and those facts are to be secured from this witness stand and the Court gives instructions as to the law. Could you, in spite of everything you have heard or read or what-not, about this case, sit here patiently and listen to the evidence and the instructions of the Court and be guided entirely by those?

A I don't think so.

Q Do you understand the question?

A I didn't quite get you there.

Q We are not trying to get you confused. We want you to understand the question. If you don't understand it, don't hesitate to say so. My question is:

Could you sit here and listen to the evidence in this case and to the instructions of the Court as to what the law is in these cases?

A Yes, I guess I could.

Q And be guided entirely by those in your decision?

A Yes, I guess.

Q You have no opinion of your own that would bar that, I take it?

A No.

Q And you understand that no matter who testifies here, it is the function and the duty of the jury to weigh the testimony, and no person is -- the testimony of one person is no more

sacred here than the testimony of another at the outset; it is for the jury to determine what they believe without regard for the station of life or official position or lowly state of any person. You understand that?

A Yes.

Q I would like to know if, at any time, you have received in the mail or by telephone or by telegram or any other means any communication at all about this matter?

A I received a letter.

Q In the mail?

A It was some sort of a religious letter. It wasn't my religion, so I discarded it.

Q And when did you receive that?

A About a week ago.

Q And have you it with you?

A No, I haven't.

Q I am showing you what is here marked Exhibit A-1 and A-2, and will you just glance at that and see if that is --

A That is the letter.

Q That is what you received?

A Yes, that is what I received, yes.

Q Did you read this?

A A few lines, and I discarded it. It wasn't my type of religion. ✓

Q Did the fact that you received that and the fact that you

received that and the fact that you looked at it and found whatever you did find, have any influence at all upon your judgment?

A Yes.

Q Would it affect your judgment in this case?

A I think it would.

Q Why would it affect your judgment?

A I don't believe in capital punishment, your Honor.

Q You do not believe in capital punishment? ✓

A No, sir.

Q How long have you entertained that --

A I always felt that way. You can check the time I was first interviewed for jury duty, I said at the time then, and I will say it now, I have always felt that way.

Q So that you do not at all believe in capital punishment?

A No, sir, your Honor.

MR. MAHON: Challenge for cause.

THE COURT: You will be excused.

(Prospective Juror Marmash was excused.)

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