

Thereupon LOUISE K. FEUCHTER, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR LOUISE K. FEUCHTER

By the Court:

Q Is your name Louise K. Feuchter? ✓

A Feuchter.

Q Thank you. Are you related to the family of that name that
used to run West Park?

A Well, I am not. My husband's people are.

Q And you live at 3541 Warren Road?

A That's right.

Q Is that in Cleveland or Lakewood?

A Cleveland.

Q And you are a married lady, are you?

A That's right.

Q And what is your husband's name, please?

A Edwin J.

Q What is his trade or occupation?

A He is a railroad inspector.

Q On what railroad?

A Well, he has seniority in the Baltimore & Ohio Railroad,
thirty some years, and he is a railroad inspector for public
utilities. That's all I can say.

Q And how long have you lived on Warren Road?

A This last time we have lived there five years. We have lived there before, but due to a death in the family, we moved in on 36th and Archwood.

Q And have you folks a family, children?

A No.

Q Are you employed at all?

A Not at all.

Q A housewife?

A A housewife.

Q Have you ever been a juror before?

A Never.

Q Have you ever served as a witness in a case?

A Never.

Q I take it that you were here on Monday and heard all these people at the table introduced. Do you know any of them?

A None of them.

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

A I don't know any of them, only by the names in the paper.

Q No one on the Sheriff's staff or the Coroner?

A I don't know any of them.

Q Are there any members of your family or your husband's -- when I refer to your family, I am referring to both -- any members of your family who are members of a police department?

A No.

Q Or law-enforcing agency at all?

A Well, I would say no. My husband being a railroad inspector, I don't think --

Q What does he inspect? The equipment or people?

A Well, no. He has to inspect close clearances and platform construction. I mean just safety.

Q He inspects the physical equipment?

A That's right, for the safety of the employees and the traveling public.

Q Have you or any members of your family had any attack upon them by some other person at any time that you know of?

A No, not to my knowledge.

Q Have you read of this Sheppard case?

A Some of it. Not very much. Very little.

Q Have you heard comments over the radio and television?

A Well, I don't have much opportunity to watch or listen, either one, because my husband monopolizes the television.

MR. GARMONE: What is that?

PROS. JUROR FEUCHTER: I don't have much opportunity to listen or watch because my husband monopolizes the TV.

Q Now, have you formed any opinion at all as to the guilt or innocence of Sam Sheppard?

A No, I haven't.

Q Do you believe in capital punishment?

A If the facts in the case warrant it, yes.

Q In other words, you have no religious or conscientious objections to capital punishment?

A No, I haven't.

MR. CORRIGAN: Object.

THE COURT: Overruled.

Q Now, in this case the jury will decide what the facts are. The Court, the trial Judge, will decide what the law is and state it to the jury. Could you sit here and listen carefully to the facts as they come from this witness stand where you are now sitting, and to the instructions of the Court as to the law and be guided -- shut off the rest of the world and be guided fairly by those in your decision in this case?

A Well, by instructions, do you mean pointing out what the law states?

Q The Court tells you just what the law is that is applicable to these kind of cases.

A Yes, that's what I mean.

Q And then you determine what the facts are in this case and the Judge decides nothing about the facts, the jury decides the facts entirely. Could you listen to that evidence and to the instructions of the Court as to the law and be guided entirely by them and arrive at a fair, honest decision on the facts?

A Yes, I would.

Q Since this claimed happening on July 4th have you received any communication by mail, by telephone or otherwise about this case, or about anything in connection with it?

A Nothing but that one letter that I thought nothing of. I didn't read it. That mimeographed letter, and I didn't consider that.

Q Did you receive that?

A Yes.

Q When did you receive it?

A Well, I couldn't even tell you that, because I didn't pay any attention to it.

Q Is it a week or two, or what?

A It came in the mail, I believe. I wasn't home. It was just lying there when I got home.

Q I show you Exhibit A-1 and A-2 here. Will you just glance -- have you got yours with you?

A No, I don't even have it.

Q Will you just glance at those and tell us --

A I'll say that that was the same thing, and I didn't bother because the way it started out. I didn't care about it, and anyway, I didn't think anything of it.

Q Is there anything about the receipt of that or looking at it that in any manner would influence your judgment?

A It didn't because I took it for what it turned out to be, nothing.

Q Have you any idea who sent you that?

A Well, just the one little item I saw in the paper, that man on the East Side, but I didn't even bother finding --

Q But you saw in the paper that someone on the East Side is claimed to have --

A It is thought to have been him.

Q But you haven't any thought, have you, that Dr. Sheppard's family --

A No.

45 Q -- or anybody connected with them --

A No, that never entered my mind.

Q Now I can tell you that not any of us think for one moment that the Sheppard family or their friends had anything whatever to do with it because we know who did send it, and it had nothing to do with this case.

Do you believe that you could sit here and be a perfectly fair and impartial juror in this case?

A Yes.

Q And make an honest effort to decide what the facts are on the evidence?

A I really would.

THE COURT:

Mr. Mahon.

A Well, some, yes. ✓

Q You say some. And did you have any talks with anyone concerning it? <

A No, because I felt I did a good job of rebuffing everyone. I don't believe in talking about things that you really don't know and making idle comments.

Q Then is it a fact that you did not talk to anyone about it?

A Yes, I would say yes, the fact that I did not.

Q Well, from what you read and what you heard on the television or TV, did you form any opinion as to the guilt or innocence of this defendant, Sam Sheppard?

A No, I haven't.

Q Have you any opinion at this moment as to his guilt or innocence?

A No, I haven't.

Q In other words, is it fair to say that you have an open mind in this matter?

A I would say I do have an open mind.

Q And you could be guided entirely and solely in any decision that you arrive at from the evidence that you would get here in this courtroom?

A That's right.

Q And not be influenced in the slightest by anything that you have read or heard outside of this courtroom?

A I wouldn't be influenced by anything I have heard or seen

- Q And prior to that time he was a railroad man, is that right?
- A That's right. A yard foreman.
- Q How is that?
- A A yard foreman, switchman.
- Q You stated that you have read something in the newspapers concerning this matter.
- A Well, not very much. My husband was ill and I really didn't have time to peruse the paper.
- Q But you did read --
- A Well, you couldn't help it if you read papers at all. It is right before your eyes. ✓
- Q Well, I am just inquiring. You did read some articles about it? ✓
- A Some of it, yes.
- Q And did you hear some comments on the radio also?
- A Well, it would all depend what you refer to. Comments about the case coming up?
- Q About the Sheppard case, did you hear some comments about that?
- A Yes, that it would be called, and things like that.
- Q And you saw some news on the television, also, did you?
- A I could almost say no.
- Q Well, if it is no, well, say no.
- A Well,--
- Q Did you or did you not?

before.

Q You understand, of course, that a jury -- that their main function is to determine what the facts are in the case?

A That's right.

Q And the jury determines what the facts are from the witnesses who take that witness stand and under oath tell their stories. You understand that?

A Yes, sir.

Q And there may be some physical evidence that might be in the case, such as photographs, and things of that nature. That is part of the evidence. You have a right to consider that. But principally as to witnesses, I want to talk about now.

Witnesses in this case may consist of police officers, deputy sheriffs, doctors, technicians, and the common, ordinary laborer who hasn't any title or public position. You understand that?

A I do.

Q And when these people take this witness stand to testify, it is going to be the function of the jury to determine which witness and how much credit they are going to afford any witness in this case. You understand that?

A Yes, I do.

Q And you understand that the jury has the right to believe or disbelieve all or any part of the testimony of any witness. You understand that?

EXAMINATION OF PROS. JUROR LOUISE K. FEUCHTER

By Mr. Mahon:

Q Mrs. Feuchter, how long have you lived on Warren Road?

THE COURT: Five years, she said,
this time, but they lived there before and moved
away because of a death in the family.

A That's right.

Q Did you say you had any family?

A No children.

Q Are you employed at all?

A Not at all. Not in recent years.

Q Now, your husband is a railroad inspector?

A That's right.

Q You said something about the utilities. Does he work for
the Utilities Commission?

A Public Utilities, State of Ohio.

Q The Public Utilities of the State of Ohio?

A State of Ohio.

Q And he inspects railroad property for that Commission?

A Yes. For the safety of employees and traveling public. They
check on things.

Q How long has he been connected with the Public Utilities
Commission?

A Nine years. I believe eight or nine years.

A Yes, I do.

Q And I say that regardless of whether they are police officers, doctors, lawyers, or whatever profession they might be in, or the humble layman who has no title. You understand that?

A I do.

Q You have a right to believe the humble layman against the professional man or the police officer, or you have a right to believe the police officer in preference to the layman. You understand that?

A I do.

Q That is the function for the jury to determine, and you can arrive at who is telling the truth in this situation by the ordinary methods that you use in life in determining whether or not a person is truthful. You understand that?

A I do.

Q And so I am sure you would not give, for instance, a doctor or a police officer any more credit in their testimony than you would to the ordinary layman merely because they are a professional person or a police officer, is that correct?

A They are all under oath.

Q Yes, but you would weigh it of all of the witnesses?

46 A I would.

Q Every individual who took that witness stand, you would weigh his individual testimony and determine in your own mind whether what he or she said was the truth, isn't that

right?

A Yes, I would.

Q You would follow that rule, wouldn't you?

A Yes.

Q And in determining that you would have a right to take into consideration the interest the person had, or the witness had in the outcome of the case, their knowledge of the thing that they are telling you about, whether or not they had an opportunity to observe or hear the things that they testify about, you would take all of those things into consideration?

A Yes, I would.

Q In determining whether or not they were telling you a straight, truthful story?

A Yes.

Q Is that right?

A Yes, sir.

Q And that would be regardless of whether or not they were police officers, doctors or plain, ordinary citizens?

A Yes.

Q And while the jury's function is to determine the facts, it is, on the other hand, the function of the Judge to instruct the jury on the rules of law that apply in a case of this kind, and it is the duty of the jury, their sworn duty, to follow those instructions. Now, do you feel that

you will do that if you are a juror in this case?

A Yes, sir.

Q That is rather confusing sometimes to the average person who comes into court for the first time. I do not mean that the Judge will in any way attempt to interfere with the jury in their finding of the facts in the case, but he will -- the Judge, for instance, on the question of law will define to the jury what constitutes murder in the first degree, for instance, and will instruct the jury on what elements must be proven before the jury would be justified in making a finding of guilty of a first degree murder. The Court will instruct you on the law as to what is meant by a reasonable doubt, for instance, define that term to you, and matters of that kind are what we call the rules of law.

A I understand.

Q You understand that?

A Yes.

Q Now, you will follow the Judge's instructions as to the rules of law?

A I would.

Q That he instructs you on, is that correct?

A Yes, sir.

Q Now, you have told us that you are not opposed to capital punishment?

A Yes, sir.

Q Is that right?

A (Witness nods.)

Q You understand that under the laws of this State that where one is found guilty of the charge of murder in the first degree, and where the jury does not recommend mercy, that the penalty is death in the electric chair?

A Yes, sir.

Q And do you feel that you, as a juror, in a proper case, properly proven, that you could join in a verdict in which the penalty was death?

A Yes, sir.

Q I am sure that you realize the seriousness and importance of a case of this kind?

A I do.

Q And you realize that as a juror you might be called upon to render a verdict which will take a human life?

A I do.

Q And as a juror, are you willing to assume that responsibility?

A Yes, sir, I am.

Q His Honor will charge you as a rule of law in this case that one who is charged with the commission of crime, at the very outset of his trial he is presumed to be innocent, and that it is necessary for the State of Ohio to prove him guilty beyond a reasonable doubt before a jury would be justified

in returning such a verdict. Do you understand that?

A I do.

Q And so as we start out in this case right at this moment, can you give this defendant the benefit of the presumption of innocence?

A I could.

Q And you will require that the State of Ohio produce sufficient evidence to convince your mind beyond a reasonable doubt of his guilt before you would vote on convicting him?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q Have you ever been a witness in a case?

A Never.

Q Never served as a juror?

A Never.

Q Well, I might ask you many questions, and our only purpose in asking any question is in an endeavor to get a jury that can be just and fair and impartial.

A I understand.

Q And that is our purpose in asking these questions. We don't have any desire to pry into your private life at all. Can you think of any reason -- give this a little thought for a moment -- can you think of any reason why you could not be absolutely fair and just and impartial as a juror in this

case?

A I can't, because I think I am a fair and just person.

Q I see.

MR. GARMONE: I can't hear her answer.

THE COURT: She says she can be
because she is a fair and just person.

PROS. JUROR FEUCHTER: I think I am --

Q I am sure you would not be influenced in any decision that
you make in this case by any bias or passion or sympathy
for anyone, would you?

A Well, I mind -- the things produced in the case would make
up my mind.

Q Well, you are not biased against anyone at the present time,
are you?

A No.

Q You are not prejudiced against anyone at the present time,
are you?

A No, sir.

Q And do you feel that you could, insofar as it is humanly
possible, eliminate any element of sympathy for anyone in
this case?

A Well, I don't think sympathy plays a part in this.

Q It shouldn't play any part. Do you think that you could
enter into this case with the thought in mind that you are
not going to let sympathy interfere with your verdict?

A Well, it never occurred to me. You brought it up. It never occurred to me.

Q Well, I am asking you now. Is your mind in such --

A Well, I answered that. I said sympathy wouldn't be supposed to enter into this.

Q No, it is not supposed to enter into it, but could you -- the individual -- would you be influenced by it?

A Well, I would say no.

Q You would say that you would not be influenced by sympathy?

A Sympathy, as I have a definition of it, no.

Q In other words, could you sit here as a juror and listen to the witnesses testify and the instruction of his Honor, Judge Blythin, on the law, and decide this case solely and only on those cold facts? Could you do that?

A That would be my duty, and I would do it.

Q And you would do that. Thank you, ma'am.

MR. MAHON: We will pass for cause.

THE COURT: Now, will you please observe the caution which the Court has heretofore expressed to you about discussing this case throughout the noon hour? And will you be kind enough not to talk to anyone during the noon hour nor let anyone talk to you about this matter at all? Just leave it where we are now.

We will return here at 1:15 this afternoon.
Without any formality, we will be adjourned until
1:15.

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(Thereupon an adjournment was taken to
1:15 o'clock p.m., at which time the following
proceedings were had):

AFTERNOON SESSION, OCTOBER 20, 1954, 1:15 P.M.

Thereupon LOUISE K. FEUCHTER, resumed the stand and testified further as follows:

BY MR. GARMONE:

Q Mrs. Feuchter, my name is Fred Garmone, and I am associated with Mr. Corrigan, Mr. Petersilge and William Corrigan, Jr. in the defense of the State of Ohio versus Sam Sheppard.

I believe you stated that you didn't know any of the people that were around the trial table?

A No, I don't.

Q None at all?

A No.

Q And probably never have seen me until the morning that you came in the court to be sworn?

A Tuesday.

Q Now, Mrs. Feuchter, Mr. Feuchter is employed at the present time by the Public Utilities of Ohio?

A That is right.

Q I believe you said that he gained that employment about nine years ago?

A Eight. I believe in 1946.

Q And he has been at that job ever since, is that correct?

A Yes.

Q Steadily employed?

A Yes, sir, except for illness.

Q Would the fact that he is employed by the State of Ohio and the State of Ohio is the plaintiff in this case have any effect on your --

A None. He is just a railroad man.

Q -- ability to decide this matter fairly and impartially?

A That I could?

Q Yes. You could?

A Yes.

Q Now, I was also interested in the statement that you made about having read some newspaper accounts about this case, and you listened to the radio and viewed some telecasts, is that correct?

A Yes, sir.

Q And I think you said that you couldn't help but read something about the cause --

A That's right.

Q -- because it was right there before your eyes?

A I can read.

Q It was right there before your eyes, wasn't it?

A Yes.

Q And there were a good many pictures that appeared in the paper on the front page during the course of those many articles that were printed, is that correct?

A I suppose. I wasn't home at the time this first happened.

Q Well, there was pictures of Dr. Sam Sheppard?

A Yes.

Q And pictures of members of his family, you saw those?

A Yes, sir.

Q Now, in reading some of those articles, did you at that time come to some kind of a conclusion as to how you felt in this matter?

A No, sir, I didn't.

Q Did you express any opinion with Mr. Feuchter about what your temporary feeling may have been after having read the articles, because it is only human that after we read something that has received the vast notoriety that this case has, that we make some kind of a comment, at least around the household? It may be of no significance, but do you recall whether you had made any that would have been your temporary feeling at that time, having digested those articles?

A In that case I would say no, because I was bedridden from August 1st. He was in the hospital for four weeks.

Q Do you know whether Mr. Feuchter had read any of the articles?

A I imagine he read more than I did, being in the hospital, he probably read them all.

Q Did he express any opinion to you?

A Not to me, he didn't, because we didn't have any time to talk about that when I visited him.

Q Well, did you some time later talk about it?

A Oh, no, I can't say we did, because he watches TV a lot and I go about my work.

Q I was interested in the statement you made that he monopolized the TV in your home.

A He does. It's in the back room, so I am in the kitchen.

Q Is he an athletic fan, watches the ball games and football games?

A Yes.

Q The fights?

A Yes, sir.

Q And that is chiefly what he watches?

A He watches everything.

Q I suppose you have no desire for those events?

A It wouldn't do me any good; I don't, no.

Q Now, about some of these articles that you read and some of the pictures that you saw in the paper, did I understand you to say that -- I'll withdraw that; you probably didn't in your direct examination by Mr. Mahon and in the examination by his Honor, Judge Blythin, but you probably saw the picture of Susan Hayes in the paper, did you not? ✓

A I believe so, yes, I did.

Q Did you see that picture that was printed in the Cleveland News where she was on the front lawn of her home dressed in shorts and with a summer outfit on; do you recall that?

A We don't get the news.

Q Well, you saw the picture in the Press?

A I think it was just the blouse, the picture I saw. ✓

Q Of Susan Hayes, in the Press?

A Yes.

Q Now, in conjunction with the picture that I have made reference to, Susan Hayes had made a statement to a Press reporter during the course of her travel from California back to the State of Ohio, and then again reiterated her statement when she arrived here to that Press reporter and many other Press reporters, about the fact that she had been intimate with Sam Sheppard.

MR. PARRINO: I object to that,
your Honor.

MR. GARMONE: I haven't completed
my question, please.

THE COURT: All right. Go ahead.

MR. GARMONE: May I complete my
question?

THE COURT: Go ahead.

Q (Continuing) -- about the fact that they had been intimate with Sam Sheppard. Having seen that picture, and if you did read that quotation by Miss Hayes, would that cause you to become prejudiced toward the fair and impartial obligation that you would have if you were accepted as a juror in the

case of the State of Ohio versus Sam Sheppard, should the Court instruct you that if such statement has no bearing on the necessary elements that constitute first degree murder, they should be taken from your mind and not considered?

A The question is: Would the fact that the statement was made that she was intimate with Mr. Sheppard have any bearing?

Q Prejudice you in any way?

A No.

Q You feel that you could be fair and impartial?

A Yes.

Q In conjunction with that picture, there was printed pictures of some other ladies in the paper who volunteered that on an occasion or two they had been in the company of Sam Sheppard. Do you recall reading that?

A One.

Q One?

A Yes.

Q And the statement that she made, would that cause you in any way to be prejudiced or biased against Sam Sheppard?

A No.

Q Do you feel that if it had no direct bearing, and if you were instructed by the Court that it was not an issue in this case that had anything to do with the necessary --

A At that time I thought nothing of it at all.

Q You didn't think anything of it at that time?

A No.

Q And you wouldn't carry that thought into the jury box with you?

A That I didn't think anything of it?

Q No. That you were not prejudiced or that you were prejudiced?

A I said I wouldn't be prejudiced with those pictures or those statements.

Q You would not be?

A I would not be prejudiced.

Q You would be fair and open-minded about it?

A That's right.

Q Now, you spoke about West Park.

A West Park? I didn't say a word about it.

Q Didn't I understand you to say -- the Judge asked you if your family had anything to do with the old West Park settlement, didn't he?

A I'm sorry about that.

Q And you said that Mr. Feuchter's family had something to do with it?

A We think he is related to them. We have no connection or association with them whatsoever.

Q So that is the only knowledge that you have, as far as the

question that was put to you?

A The question was brought up that there probably was a relationship. There is no family association, just the name is familiar, and people ask it and we think so.

Q Now, do you know Susan Hayes' parents?

A Parents?

Q Yes.

A She is an older woman, as far as I know. I believe I have met her at Valley City in a reunion once, but I couldn't say positively. I wouldn't know her if I saw her.

Q You met Susan Hayes' parents?

A Oh, Susan Hayes. I was thinking about Susan Feuchter. I never met her, never saw her. I'm sorry.

Q All right. There were some questions put to you by Mr. Mahon about how you would treat certain type testimony. I would like to go over that with you for a minute or two.

If it develops in this case that you should be offered testimony to consider in arriving at a just verdict that would be supplied by members of the Cleveland Police Department or members of the Police Department out in Bay Village, would you because of the fact that they were police officers testifying give their testimony any more credence or consideration than you would the ordinary layman?

A Why, I couldn't. They are both under oath.

Q Do you feel --

A I would weigh one or weigh the other.

Q As against the other?

36 A That's right.

Q Now, there will be some testimony given by members of the coroner's office, Dr. Gerber, and do you know him?

A I do not.

Q Do you know Dr. Adelson?

A No, sir. I am familiar with the name, but --

Q Do you know Dr. Sunshine?

A No, sir.

Q Dr. Chamberlain?

A No, sir.

Q Or Mary Cowan, who works in that office?

A No, sir.

Q Now, it is anticipated that they will testify in this case. Would the fact that they are doctors associated with the coroner's office, which is a division of our County Government, cause you to give them more consideration and weight as against the testimony of doctors that may come in and testify in behalf of the defense on the same subject?

A No, sir.

Q Would you treat them both alike?

A I would.

Q And evaluate whatever testimony they give you as against each other?

A Yes, sir.

Q You see, we are primarily interested, and the reason that we spend this time with each one of you is to see if we can determine -- and it is sometimes hard, it is a tedious job, tedious for you and tedious for me, and it becomes somewhat monotonous and impatient for the jurors that have already gone through this examination -- but we must conduct this examination to determine qualifications of a person to ascertain whether the young man over there can get a fair and impartial jury to give him the trial that he is entitled to under our construction of justice. You appreciate that, do you not?

A I do.

Q Now, there was some talk about the presumption of innocence and the question of beyond a reasonable doubt. That subject matter was touched upon by Judge Blythin and it was touched upon by Mr. Mahon.

Should the State of Ohio fail to convince you beyond a reasonable doubt of Sam Sheppard's guilt, would you have any hesitation in voting for a verdict of not guilty?

A Would you repeat that, please, again?

Q The burden of proof in this case is with the State of Ohio. That is the party that is represented by Mr. Mahon, Mr. Danaceau and Mr. Parrino. That burden of proof never shifts, it remains with them throughout. The Court will instruct you

that before you can rightfully arrive at a verdict of guilty in this case, you must be convinced by evidence beyond a reasonable doubt.

Now, should the State fail to convince you by evidence beyond a reasonable, would you hesitate in joining with other members of the jury and returning a verdict of not guilty?

A No, I wouldn't.

Q You feel that you could readily do that?

A Yes, sir.

Q Now, when we talk about reasonable doubt, we must correlate that phrase with the allegations that are set out in the indictment. The indictment states a cause of action, and the Court will tell you what the necessary elements are, the essential elements are that constitute murder in the first degree.

He will tell you that it is incumbent upon the State of Ohio -- that's the burden that we talked about that never shifts, the responsibility is theirs -- that they must prove each and every individual essential element before you can arrive at a verdict of guilty.

Now, should you be instructed by the Court that if the State proves one and fails to prove the second and third, that you then, under those circumstances, would be duty bound to return a verdict of not guilty, would you hesitate

then in joining with your fellow jurors in returning a verdict of not guilty?

A You have confused me.

Q Well, let me put it in a simpler manner. The elements of first degree murder will be outlined to you by his Honor, Judge Blythin. He will say to you that it is the law that you must be convinced beyond a reasonable doubt that those elements have been proven by that degree before you can arrive at a verdict of guilty. You believe in that law and will follow those instructions, is that right?

A Yes.

Q He will also outline to you the necessary elements individually that constitute murder in the first degree, one, two, three, and he will tell you that it is incumbent upon the State of Ohio to prove each and every one of those necessary elements, not one or two of them, but each and every one of them beyond a reasonable doubt.

Now, should the State fail to do that, would you hesitate in joining with your fellow jurors in returning a verdict of not guilty?

A I would not.

Q You would not hesitate?

A No.

Q Now, when we talk about the burden of proof never shifting, that brings us to another proposition of law that prevails in

in our country. Sam Sheppard, as he sits at the trial table behind Mr. Petersilge, is presumed to be innocent, and that presumption -- he wears that robe of presumption throughout this entire trial. Is there any question in your mind that you can follow that theory of law?

A I could follow that.

Q And apply it to the factual descriptive picture that you will receive during the course of this case in this courtroom?

A I could.

Q You could do that?

A I could.

Q Now, that takes us to the following step, the facts that constitute the descriptive overall picture that will be submitted for your consideration in order to help you arrive at a fair and just verdict.

The Court will say to you, Mrs. Feuchter, that you, as a juror, are the sole judge of the facts submitted in this case. Plainly speaking, I as a lawyer have no right to trespass in that direction; his Honor, with his authority and with being, as I say, the operating superintendent of this entire program, he has no right or authority to trespass on your authority to weigh and judge the facts. That is the law. If the Court so instructs you that that is the law, will you follow those instructions?

A Yes, sir.

Q Now, the facts that we speak of are those statements that will be made by witnesses in the same chair that you now are seated in, under oath, and only those statements and what other documents or exhibits may be offered by the State of Ohio or by the defense that are given to you in this courtroom. You cannot permit yourself to listen to any conversations that may be dropped in your direction in your travel to and from this room, but you are to consider only those things that are given to you here. Can you follow that instruction?

A Yes.

Q And the Court will so tell you that that is what you are obligated to do.

A I will make every effort to do so.

Q You see, this is a matter of great importance. I probably don't have to tell you this, because you can look back in the courtroom and see that there are many correspondents here from out of the city who have come here to cover the trial, and you are human, like I am, and during the running account of this drama, as they call it, they will give interpretation to some of the things that are stated in this court as the trial progresses, and that interpretation may be the newspapers' interpretation and not yours; and being human, you sometime during the progress of the trial, if you

are chosen, will come in contact with a newspaper and be curious enough to read -- and I probably would do it, too, so I can't hold that against you -- would you permit whatever thoughts or whatever inferences they give to those facts to interfere with what your digest of the same statement of facts will be?

A No.

Q You can take the picture as you get it here and not be impressed by any outside influence?

A That's right.

Q Now, the next step that follows is the law that is applicable to the facts that you hear in the courtroom.

Now, the sole person, the only person who has jurisdiction on that subject matter is his Honor, Judge Blythin. He will, after you have heard all the facts and heard the arguments by counsel, tell you what the law is on the various subject matters that are evolved in this case, and he will tell you that that is the law that you are to follow, because he is the sole judge of that part of the case.

Should you have some idea or notion of your own as to what the law should be or what it ought to be, can you set those notions aside and just follow his Honor's instructions?

A He is instructing us so we understand, and I feel that we should look up and be guided by those instructions of law

that he is informing us about.

Q

As the Court gives them to you. You know, most of us have a tendency to want to disagree with one another at certain times, not only in the trial of a case but in some of the problems that we meet up with in our everyday life. I am no different than Judge Blythin and Mr. Corrigan is no different than Mr. Petersilge, you are no different than any other human being, we have a chord of disagreement in our system that we like to express at times. But in this case we must set those notions aside and follow only the law that Judge Blythin gives you, and you feel that you can do that, is that correct?

A

That's right.

Q

Now, I could ask you many questions and spend some more time with you and probably not be able to bring forth any reason that you personally would feel would disqualify you as sitting as a juror in this matter, and I come back to my original thought: The only interest that everyone in this courtroom has, at least we feel the only interest that everyone has, the prosecutor's office, the defense, his Honor, Judge Blythin, is to see that Sam Sheppard gets a fair trial. And when you pass on to that jury box and take your seat therein, you probably will be accepting a responsibility, if you are chosen, that you have never in your lifetime before been confronted with that has the serious

atmosphere that this case has. So I am going to ask you to search your conscience very thoroughly, because only you can tell me whether you feel sincerely and conscientiously that you can digest these facts and take the law and be fair and impartial and accept this responsibility.

A I believe I -- I know I would be fair and considerate and everything.

Q Because your responsibility is truly great. The innocence or guilt of a young man you will take in your hands as one of the members of the jury. In this case you are going to take into your hands, with your fellow jurors, the right to take a life. And you feel that under those circumstances you can qualify and be fair and impartial and give Sam Sheppard a fair trial?

A I do.

Q No question in your mind about it?

A No.

MR. GARMONE: Thank you.

THE COURT: Will you take the seat beside that last gentleman, please?

May I ask counsel for a decision on this:
Would you be willing to listen to this lady now?

MR. CORRIGAN: What number is she,
Judge, do you remember?

MR. MAHON: 32, I think.

THE COURT: Would you rather let
it go, or do you want to take her now?

MR. CORRIGAN: I don't like to take
her out of order.

(Thereupon a discussion was had at the
bench between Court and counsel, off the record,
after which the following proceedings were had:)