

Court please.

THE COURT:                    You will be excused,  
Mrs. McGregor. Thank you.

(Thereupon Pros. Juror Mrs. Minnie F.  
McGregor was excused.)

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Thereupon VICTOR D. FILIMON, being first  
duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR VICTOR D. FILIMON

By The Court:

Q     Is your name Victor Filimon? ✓

A     That's right.

Q     And you live at 1592 East 86th Street?

A     No. It is a change of address. It is 2576 Kemper Road,  
Shaker.

Q     Is that in Shaker?

A     Yes, it is.

Q     Mr. Filimon, what is your occupation, please?

A     I am an engineer with the Standard Oil Company.

Q     Are you married?

A     Yes.

Q     And you have a family?

A No, I don't.

Q Just yourself?

A Just myself and the wife.

Q And are there any other members of your household living at this address?

A No, there isn't.

Q Just yourself and wife?

A Yes.

Q Is your wife employed?

A She is.

Q What is the nature of her employment?

A She is a secretary to the chairman of the Board of the Stouffer Corporation.

Q Of what?

A Stouffer Restaurant.

THE COURT: She is secretary to

the chairman of the Board of the Stouffer Corporation.

Q And how long have you been connected with the Standard Oil?

A Approximately nine years.

Q You were here, I take it, last Monday morning when all these good people were introduced. Do you know any of them at all?

A I was here Monday. I don't know them personally other than just meeting them for the first time last Monday.

Q Just in connection with this matter?

A That's right.

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

A No, I don't.

Q Do you know the Sheriff, Mr. Sweeney, or any member of his staff?

A No, I don't.

Q Do you know Dr. Gerber, the Coroner, or any member of his staff?

A No, sir.

Q Are there any members of your family -- and by your family I include your wife's, too, if I may -- who are members of a police department or any law-enforcing agency at all, if you know?

A No, sir.

Q How long have you lived on Kemper?

A About one year and a half.

Q And how long did you live on -- ninety something, was it?

A Approximately eight months.

Q Have you read or heard of this Sheppard case before?

A Yes, I have. ✓

Q And what has been the means of what information you have? Newspapers? ✓

A Through the newspapers and the radio. ✓

Q Have you discussed the case with other people? ✓

A Just general discussion.

Q And as a result of what you read, heard or discussed with other people, have you formed any opinion at all as to Sam Sheppard's guilt or innocence in this case?

A No, sir.

Q You understand that it is the duty of a jury to weigh the evidence and to decide what the facts are. They determine the guilt or innocence of a person charged with crime, and in doing so, it is their duty to weigh the evidence of every witness, and all of that evidence, and to weigh it all on the same basis. The real test is, all the time, what is the truth without regard to who gives the testimony or what his station in life is, whether he has a title or not. In other words, all people on that witness stand stand in the same position precisely, and their evidence is to be weighed as to its veracity or lack of veracity. Could you -- and I should say to you before I put that question:

The Court is the judge of the law in the matter, and instructs the jury as to the principles of law which are to be followed. Could you sit here and listen to the testimony and the instructions of the Court as to the law, close out the rest of the world, and be guided entirely by those in your decision of the guilt or innocence of Sam Sheppard?

A Yes, sir.

Q You could?

A I believe so.

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

A No, sir.

Q Have any members of your family or yourself at any time been visited with violence, if you know, at the hands of another?

A No, sir.

Q Have you received any communication of any kind by any means since the 4th of July about the matter here involved?

A Yes, sir. ✓

Q What did you receive, and when?

A I received a letter postmarked from Orlando, Florida, and I don't know the name exactly. I got the letter -- let's see -- two weeks ago. I opened it and did not read it completely. I tossed it away.

Q Have you got it with you?

A No, sir. I said I tossed it away.

Q I show you Court's Exhibit A-12 and A-13. Will you glance at those and see if you can tell us now whether those are a duplicate or copies or similar to the one that you received?

A It is a copy, both sheets.

Q And is that all that you have received at any time?

A Yes, sir.

Q Do you know who sent you that?

A No, sir.

Q Have you entertained any thought that the Dr. Sheppard family or any of their friends had anything to do with it?

A No, sir.

Q Well, we say to you now that we know who mailed those, and the Sheppard family, their friends, had no connection whatever with it. Would the fact that you received that have any bearing on your judgment at all?

A No, sir.

Q Counsel for the State and counsel for the defendant are asking one thing, and one thing only here, and they are entitled to it:

That is a jury that can be absolutely fair and impartial without regard to prejudice, bias, sympathy or anything else, but be perfectly fair and impartial on the basis of the evidence and the law here.

Do you believe, or do you know of any reason at all why you could not be such a juror in this case?

A No, sir.

THE COURT: This gentleman is Mr.

Danaceau, assistant County prosecuting attorney.

He would like to ask some questions.

## EXAMINATION OF PROS. JUROR VICTOR D. FILIMON

By Mr. Danaceau:

Q Have you ever appeared as a juror in any other case before this?

A No, sir.

Q This is the first time you have ever been a juror in either a civil or a criminal case, I take it?

A Yes, sir.

Q Have you appeared in court?

A No, sir.

Q I take it that you are not very familiar with procedure in a criminal case in a courtroom?

A No, I am not.

93 Q Well, sir, it starts with an indictment by a Grand Jury. Under our law each County in the State of Ohio has a Grand Jury, and a Grand Jury hears one side of a case; in this instance, as in all other instances, it has heard one side where witnesses appeared before it, but it hasn't heard the defendant and it hasn't heard anybody the defendant has asked them to hear, and so it is merely a charge. Do you understand that, sir?

A Yes, sir.

Q And that it is not evidence. You are not to consider it as evidence and you are to raise no presumptions of any kind

about it. Do you understand that, sir?

A Yes, sir.

Q On the contrary, under our law, the defendant in this case, as in any other case, is presumed to be innocent, and that presumption remains with him throughout the trial of this case until such time as the jury becomes convinced of his guilt beyond a reasonable doubt. That is the law. Will you follow that?

A Yes, sir.

Q There is also a burden on the part of the State of Ohio, the State of Ohio represented by the office of the prosecuting attorney, and we have three of his assistants who are here representing that office -- it has a burden of proving the guilt of the defendant that will convince the jury beyond a reasonable doubt, and that burden is on the State. You understand that, sir?

A Yes, sir.

Q Now, in order to present evidence in this case both sides will bring witnesses who will take that witness stand that you are presently occupying, that you are now occupying, and under oath testify as to certain facts, and under our law the jury is to decide this case solely on the basis of the evidence it receives in this courtroom and upon nothing else. Are you prepared to do that?

A Yes, sir.



Q Now, the witnesses who will appear will testify concerning various matters, and they will come from all walks of life, some holding public office or employment, others private office or employment. There will be professional people, doctors, police officers, non-professional people, and laymen, and the law is that you are to treat all alike and apply to all the same standards. Are you prepared to do that?

A Yes, sir.

Q You are not to believe one simply because he occupies one position and not believe another because he occupies some other position.

A Yes, sir.

Q The Court will instruct you as to certain guides, standards or rules that you are to apply to all witnesses in order that you may ascertain or find out just where the truth lies. Some of those guides, rules are, for example: What interest has a witness, the particular witness in the outcome of the case on the one side or the other? You may consider the interest that a witness has.

Another guide is: What opportunities did the witness have to know the facts about which he is testifying?

Another guide is: Is the witness' story probable or improbable, reasonable or unreasonable?

Will you apply these and the other guides and rules

that the Court will give you to ascertain where the truth lies with respect to the testimony of these witnesses?

A Yes, sir.

Q There is also, in general, two types of evidence: Direct evidence and circumstantial evidence, and under our law both may be received and considered by the jury, and the Court will instruct you as to what guides to use and what the law is with respect to both direct and circumstantial evidence. Will you follow those guides?

A Yes, sir.

Q I believe you said that you have read something of this case? ✓

A I have.

Q What newspaper do you receive at your home, if any?

A The Plain Dealer. ✓

Q Any other?

A No, sir. I occasionally buy the Cleveland Press in the evening. ✓

Q Do you recall in reading any of these newspapers a story, front page story, I believe it was, "Dr. Sam tells own story"? Do you recall that? ✓

A I vaguely remember of it, yes.

Q Do you recall reading stories by Dr. Steve Sheppard that appeared in the daily paper? ✓

A Vaguely, yes.

Q And Dr. Richard Sheppard?

A I'm not too sure.

Q Well, how about some stories that appeared over the signatures of the lawyers for Dr. Sam Sheppard, Mr. Corrigan and Mr. Garmone?

A Well, I read the paper every day, but I can't say specifically which of the stories I might have read and which I didn't read.

Q You have seen numerous pictures, not only of Dr. Sam Sheppard and members of his family, of the jurors, the lawyers, particularly in recent weeks, have you not?

A Yes, I have.

Q Would you say that any of these stories, any of these pictures, any of these articles that you may have read would in any way affect your judgment as a juror in this case?

A I don't think so.

Q We must have positive answers.

A No.

Q This defendant, Sam, is charged with first degree murder, and that carries with it, unless the jury should recommend mercy, the penalty of death. It is a very serious matter, and there is a serious responsibility, not only on counsel representing the State and counsel representing the defendant, but on the jury. You appreciate that responsibility, sir?

A Yes, sir.

Q The Court asked you whether or not you were opposed to capital punishment, and I believe you said you were not?

A That's right.

Q Now, in this case, if the State fails to prove the guilt of the defendant and the charge set forth in the indictment by evidence that convinces the jury beyond a reasonable doubt, it is your duty to return a verdict of not guilty. You understand that, sir?

A Yes, sir.

Q If, on the other hand, the State does prove its case by evidence that does convince the jury of his guilt beyond a reasonable doubt and you decide not to recommend mercy, would you hesitate in joining with the other jurors in returning a verdict of guilty, knowing that that carried with it the penalty of death?

94 A No, sir.

MR. DANACEAU: We pass for cause.

THE COURT: Mr. William J. Corrigan  
would like to put a few questions.

EXAMINATION OF PROS. JUROR VICTOR D. FILIMON

By Mr. Corrigan:

Q Mr. Filimon, I want to ask you a few questions. You recognize Sam Sheppard?

A Yes, sir.

Q I don't think you have to talk through that. I can hear you all right.

A All right. Fine.

Q And this is Mr. Petersilge, Mr. Garmone, and my son over there. We are representing Sam Sheppard.

How long have you lived in Cleveland?

A About nine years.

Q Where did you come from?

A Canton, Ohio.

Q Born there?

A Yes, sir.

Q What school are you a graduate of?

A Ohio State University.

Q As an engineer?

A Yes, sir. I also attended Case.

Q What?

A I attended Case Institute, also.

Q What kind of an engineer are you?

A Industrial engineer.

Q That has to do with evaluating --

A It has to do with many things. Most people associate it with production and manufacturing.

Q And have you always worked for Standard Oil Company?

A No, sir. I worked for the Trevoe Corporation in Pittsburgh

for approximately three-quarters of a year before going into service, and then I started in Standard Oil in '46 after getting out of the service.

Q When you were in the service, what branch of the service were you in?

A I was in the Corps of Engineers.

Q You saw service overseas?

A Yes, sir.

Q Now, how old are you?

A 39.

Q How many years have you been married?

A About a year and a half.

Q Where you live now, is that an apartment or a house?

A It is an apartment.

Q And prior to living on East 86th Street, where you lived just a short time, you were not married then?

A No, sir.

Q Where did you live before that?

A I lived on Kinsman Avenue. I forget the address. It was an apartment, also, a block east of Kinsman and Warrensville Road.

Q Is any of your family in Cleveland, or are they all in Canton?

A They are all in Canton.

Q Do you have brothers and sisters?

A Yes.

Q How many?

A I have two brothers and a sister.

Q Now, Mr. Filimon, you have noticed, have you not, the great publicity that has been given to this case?

A Yes, sir.

Q You knew that it ran in the newspapers all summer long?

A Yes, sir.

Q And you would have to be deaf and blind not to hear about it or not to have seen what was in the papers, isn't that so?

A Yes, sir.

Q You have noticed the situation around this Courthouse since you came here, all the photographers. Was your picture taken as you came in?

A Yes, it was.

Q Were there about 10 photographers outside the door as you entered this courtroom?

A There were a lot of people. I don't know if they were photographers. Some had cameras.

Q During the summer months -- and going back in the summer months up to the time that you were notified that you were selected as a juror, you have heard considerable conversation about this case, have you not?

A Well, what do you mean by considerable conversation? By whom, sir?

Q By other people that you came in contact with.

A Yes, sir.

Q Whereabouts do you work?

A Standard Oil Company.

Q I mean where?

A Main office at the Midland Building.

Q And there is a great many employees for the Standard Oil Company in there, quite a large organization?

A I believe there's about 22, or some, hundred in there.

Q In your particular department?

A No. I mean in the building. In my division I would say there was about 35.

Q Did you hear about it while you were at work from people that work?

A No, sir. I first heard about it in the newspapers. ✓

Q But I mean did you hear people talk about it other than what you read in the newspapers? ✓

A Yes.

Q And that was at work?

A The first time I heard about it, sir, was in Pittsburgh. I was in Pittsburgh over the 4th of July, and read it in the paper, in the Pittsburgh paper.

Q Was there any discussion with anybody in Pittsburgh about it?

A Yes. The couple that we were with.

Q You and your wife were together?



A Yes.

Q Visiting?

A The couple we were visiting reside just outside of Pittsburgh.

Q And those people down there were discussing the matter with you?

A Yes, sir.

Q And, of course, you knew nothing about it except what you read in the newspapers?

A That's right.

Q And did they express an opinion to you, do you recall?

A No, I don't recall any opinion.

Q Did your wife during this period express any opinion to you?

A No opinions.

Q Now, were you in any other cities where the matter was discussed?

A I can't recall any other city other than Cleveland.

Q Cleveland and Pittsburgh?

A That's right.

Q Now, there has been batted around this town certain stories, and some of them not very nice, about Sam Sheppard. Did you hear any of them?

A I don't exactly know what kind of stories you are referring to, sir.

Q Well, quips, wisecracks.

A No. I can't say that I have heard any stories other than what I have read in the papers.

Q In the conversations that you had with various people, can you recall that you heard any of them say anything in the nature of quips or wisecracks about Sam Sheppard or his wife or his home or his people?

A Not any specific remark, sir.

Q What?

A Not any specific remark or quip that I can express right here.

Q You can't recall any?

A No, sir.

Q Do you recall any discussion about Bay View Hospital?

A No, sir.

Q Do you recall any discussion about the operation of that hospital and fees?

A No, sir.

Q Do you recall any discussion or anything you overheard about the lawyers?

95 A No, sir.

Q Have you been at any parties or gatherings, other than the one you had in Pittsburgh with two other people -- leaving that out -- at which this matter was discussed?

A Yes, sir.

Q You believe in the Constitution of the United States, don't

you?

A Yes, sir.

Q And you know that the Constitution of the United States provides for a fair and impartial jury?

A I do.

Q And we are now putting into effect the cold written word of the Constitution, you understand that, in this courtroom?

A Yes, sir.

Q Sam Sheppard -- you read these matters in the paper.. Did you read that he is charged with having murdered his wife in her bed by hitting her some 27 times on top of the head?

A I recall something to that effect, striking 27 blows, but specifically where, I don't recall that.

Q You recall this: That it was a most revolting kind of a murder?

A Yes, sir.

Q Now, with that in mind -- withdraw that.

The Grand Jury of the County indicted him and charged him with first degree murder, charged that he unlawfully, purposely and with deliberate and premeditated malice killed his young wife.

Did you learn from the stories you read in the paper that this young woman was pregnant?

A Yes, sir.

Q And that is the kind of a crime that you are confronted with

and he is confronted with, the kind of an accusation he is confronted with.

Now, realizing that, and realizing that you have read about this case, and you have had some discussion about it, and so forth, and although you have formed no opinion, you say, you see him sitting here in the prisoner's dock today confronted with that situation, with the forces of the law arrayed against him as represented by the prosecutor, the Chief of Detectives, McArthur, and Sergeant Lockwood.

Now, think about this situation that you are confronted with right now and tell me if it raises any presumption in your mind as to his guilt of that charge?

A No, sir.

Q The law is, of course, as I think you would understand -- you studied these matters in college, you are a college graduate -- that the return of an indictment by the Grand Jury raises no presumption against the person that is charged; that the law further is that a person who is charged by an indictment, it is incumbent upon the State to prove his guilt beyond a reasonable doubt, and that there is no obligation under the law of our land for a man who is accused to prove his innocence. You subscribe to those things?

A Yes, sir.

Q Now, the State has charged, as I have stated, first degree

murder, that is, that he unlawfully, purposely and of deliberate and premeditated malice killed his wife. It is the law that it is necessary, before the State can ask for a conviction, before there is a just conviction in a criminal case, that all of those things must be proven by the State beyond a reasonable doubt, not one or two, but all of them. If you are told that would you require the proof of all of those elements before you return a verdict against this man?

A Yes, sir.

Q Now, when a verdict of first degree murder is returned, there is included in that indictment other degrees or other crimes. There is included second degree murder, there is included manslaughter, assault and battery and assault, and the law defines what is necessary to prove in order to secure a conviction in any one of those subordinate crimes to first degree murder, and the law requires that the State shall prove each element necessary before there can be a conviction. Will you require, before you convict of first degree murder, second degree murder, manslaughter, and assault and battery or assault, that the State prove to your satisfaction beyond a reasonable doubt all the elements necessary to conviction?

A Yes, sir.

Q Now, do you have any people connected with the medical

profession?

A Sir, I didn't hear that question.

Q Do you have any people connected with the medical profession?

A No, sir.

Q Or any association with doctors?

A Oh, I have a friend who is a doctor, but he is not here in the State of Ohio.

Q He is out of the State of Ohio?

A Yes, sir.

Q He is a medical doctor, I take it?

A Yes, sir.

Q The reason I ask you that question is this: That Dr. Sheppard, his brothers and his father, are what is known as doctors of osteopathy, and Bay View Hospital is a hospital, an osteopathic hospital, and a number of doctors that we may have testify in this case are known as doctors of osteopathy. Do you have any idea about that system of medicine? Do you know anything about it?

A Very little.

Q You just know that there is such a system of medicine?

A Yes, sir.

Q There are systems of medicine, allopathic physicians, homeopathic physicians, electric physicians, and osteopathic physicians, and they all have some philosophy back of their system. Now, we will show that the doctor of osteopathy is

admitted to general practice by the State of Ohio after a Medical Board examination. We will have that conflict of degrees in this case, D.O.'s, as doctors of osteopathy are called, and M.D.'s, as medical doctors are called.

Do you know of any reason that you would give more weight to a doctor who signs behind his name M.D. than you would to a doctor who signed behind his name O.D.?

96    A    No, sir.

Q    We will have police officers testify here, representatives of the law enforcement of the city of Cleveland, the Sheriff's office, and of the City of Bay Village. Some of the testimony they may give may be contradicted by people who are not police officers. Some people give greater weight to the testimony of a police officer than they do to an ordinary citizen.

MR. MAHON:                    We will object.

MR. CORRIGAN:                I will change it.

THE COURT:                   I suppose in that form

it is objectionable.

Q    Would you give greater weight to the testimony of a police officer than you would to an ordinary citizen merely because he is a police officer?

A    No, sir.

Q    Does that go also for doctors who represent the Coroner's office?

A As against whom?

Q As against an ordinary doctor.

A No, sir.

Q You would give more weight to the Coroner's office than you would to an ordinary doctor?

A I said no, sir.

Q You would not. All right. Now, in reading these papers did you come across the name of Susan Hayes? ✓

A Yes, sir. ✓

Q And did you read in the paper that Susan Hayes had told to a Press reporter, revealed to a Press reporter some facts of intimacies that she had with Dr. Sheppard, which were later published and broadcast in the city of Cleveland?

A Yes, sir. ✓

Q Would the fact that she made such statements and such matter was revealed prejudice you against Dr. Sheppard?

A No, sir.

Q You enter the jury box without any bias or prejudice on that subject?

A Yes, sir.

Q The State of Ohio will produce -- will introduce direct evidence and circumstantial evidence. You being an engineer, I assume you know the difference.

A I believe so, sir.

Q Now, in regard to circumstantial evidence, certain rules



are laid down and will be laid down by the Court to guide you. You understand that when it comes to a jury trial in this country, the jury are the sole judges of the facts. The Court cannot interfere and no one else can interfere with your judgment on the facts, the facts being such as the statement that it was raining today, it would be a fact. It might be contradicted by someone who would say it wasn't raining, it was sunshiny that day, and then that produces a fact. The sole judgment of that rests with the jury, and so it passes through all the facts from beginning to end in this case.

Now, in regard to the law that guides you in the application of these facts, the rules are established either by the statutes of the State of Ohio or by precedents that have been established growing out of the common law.

For instance, the Court will charge you what first degree murder is, that is law, and a jury is not permitted to give their own definition of first degree murder. You understand that?

A Yes, sir.

Q And that goes for all the law as you go through this case. So that in the application of circumstantial evidence we will have a number of rules, and if this rule is given to you by the Court that where the reliance for conviction is placed on circumstantial evidence, the facts and circum-

stances upon which the theory of guilt is placed must be shown beyond a reasonable doubt, and when they are all taken together they must be irreconcilable with Sam Sheppard's claim of innocence and admit of no other hypothesis except Sam Sheppard's guilt -- now, you understood me, didn't you?

A Yes, sir.

Q And if Judge Blythin in his charge, which comes at the end of this case, tells you that is the law, is that the way you will apply that rule of circumstantial evidence in this case?

A Yes, sir.

Q Now, you have been asked a great many questions, Mr. Fillimon, and they have been asked of you to see if you qualify as a juror in this case under the law, and they have been asked of you further to see after you are seated, to determine whether you will be kept here by the State or the defense. Either one has the right to challenge you. You understand that?

A Yes, sir.

Q And the reason that I have spent sometime asking you these questions is that this man is on trial for his life, and it is his life, and I feel a deep responsibility of representing a young man, I, an old man representing a young man in the trial of his life. Now, you recognize the gravity of the

situation, don't you?

A Yes, sir.

Q And can you say to me now, after all these questions that you will go onto this panel and render your decision solely and entirely on what you hear in this courtroom?

A Yes, sir.

Q You will not be influenced by anybody outside of this courtroom?

A No, sir.

Q In any way whatsoever?

A No, sir.

Q And that you will not try to please anybody by your verdict?

A No, sir.

Q It will be your determination?

A Yes, sir.

Q Of what you think these facts show?

A Yes, sir.

MR. CORRIGAN: We pass for cause.

We might as well adjourn.

THE COURT: Well, I don't like to adjourn at this hour.

MR. CORRIGAN: Why?

THE COURT: Because we are going to be here a long, long time.

MR. CORRIGAN: Well, ten minutes isn't

going to make much difference.

THE COURT: Well, ten minutes isn't.  
The rules of this court are 4:30.

MR. CORRIGAN: Well, nobody ever keeps  
them.

THE COURT: I agree with you.  
We will go along until 4:15, though.

No, we do not observe 4:30, excepting when  
we have something that we are going to finish, and  
then we go to 5 or 5:30. That does happen. I would  
like to, at least, if there is another peremptory  
challenge here, go through the preliminaries of  
another witness.

MR. DANACEAU: If the Court please,  
that would involve an interruption of the next  
juror that we examine. We started at one o'clock  
this afternoon.

THE COURT: All right. I am warning  
you gentlemen we are going to start at 9:30 tomorrow  
morning, and we are going to go throughout the day.  
We are not going to cut these days. They are short,  
at best, and we must proceed. We have an obligation  
to do so to keep on going. I am not blaming anybody  
for wanting to get away, I would like to get away

myself, but, nevertheless, we have got the job to do.

Ladies and gentlemen of the panel, we will now -- will you please wait, gentlemen?

We will now be adjourned until 9:30 sharp tomorrow morning, and will you be very cautious in the meantime not to discuss this case with anybody nor to permit anyone to discuss it with you?

And I am going to begin now to suggest that you do not read newspapers and listen to comments while this case is being tried. I think you will feel better, and I think you will be better if you do not do so, and you have plenty of time after it is all over to read about what you did while you were here in this Courthouse.

We will now be adjourned, without any formality at all, until 9:30 tomorrow morning.

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(Thereupon an adjournment was taken to 9:30 o'clock a.m., October 26, 1954, at which time the following proceedings were had):