

Thereupon GENEVIEVE A. PELSEY, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR GENEVIEVE A. PELSEY

By the Court:

Q If your name Genevieve A. Pelsey? P-o-l-s-e-o-y?

A No. P-e-l-s-e-y.

Q It is Pelsey, then. And you live at 6308 Delora Avenue?

A Yes, sir.

Q Is that in Brooklyn or is it in the city of Cleveland?

A That is in Brooklyn.

Q And is it Mrs. or Miss?

A It is Mrs.

Q And how long have you lived at that address on Delora Avenue?

A Three and a half years.

Q What is your husband's name, please?

A My husband's name is Samuel Pelsey.

Q And what does your husband do for a living?

A My husband works for the Nickel Plate Railroad. He is a
maintenance man.

Q A maintenance man on the Nickel Plate Railroad. Have you a
family, Mrs. Pelsey?

A Yes, I have. I have one daughter. She is 17 years old, and
she is a junior at Canitius High School.

Q Is there anyone living in the household other than your

husband, yourself and your daughter?

A No, sir.

Q I take it that you were here a week ago last Monday morning?

A Yes, sir.

Q And saw all these good people around the table and heard who they were. Do you know any of them?

A No, sir.

Q Do you know the County prosecuting attorney or any member of his staff?

A No, sir.

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

A No, sir.

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

A No, sir.

Q Are there any members of your family -- and by your family I mean your husband as well as yours -- who are members of the Cleveland Police Department or any law-enforcing agency anywhere?

A No, sir.

Q Do you understand that it is the function of a jury in a case of this kind to weigh the evidence and to decide what the facts are, and that they do the deciding of the guilt or innocence of any person charged with crime, and that is, in the weighing of the testimony, it is wholly immaterial

whether the witness is a person of title, a professional man, a common laborer, or what he may be, that the testimony is to be weighed on the same basis precisely, one with the other, as far as the jurors are concerned, and that the jurors are bound to the rules of law which the Court will state to them.

Could you sit here and be guided by the evidence and the instructions of the Court as to the law?

A Yes, sir.

Q I take it that you heard of this case before?

A Yes, sir.

Q And by what means did you hear of it?

A In the papers when it first happened.

Q And you heard radio and television comments about it?

A Yes, sir.

Q Have you discussed it with other people or have other people discussed it with you?

98 A No, sir. I wasn't interested.

Q And as a result of what you read and what you heard have you formed any opinion as to the guilt or innocence of Dr. Sheppard?

A No, sir.

Q Do you believe -- have you any objection to capital punishment in a proper case?

A No, sir.

Q Have you received any communication from anybody by any means since the 4th of July?

A Yes, sir. That letter that most of the jurors received.

Q You what? 

A I received that letter that most of the jurors -- prospective jurors have received.

Q And when did you receive it, roughly?

A Just before the case.

Q Started?

A That's right. On a Friday it was, and Monday was the case.

Q You think it was Friday, the Friday before the 18th?

A That's right. The 15th.

Q Have you got that with you now?

A No, sir. I threw it away.

Q I will show you Court's Exhibit A-10 and A-9, and I will ask you to just look at those. Are those similar to those that you received?

A Yes, sir.

Q And you believe they are the same?

A They are the same.

Q Have you at any time entertained any idea -- do you know who sent you that?

A No, I don't.

Q Have you entertained any idea at any time that any members of the Sheppard family or their friends sent it to you?

A No, sir.

Q Does the fact that you have received that have any bearing at all on your judgment in this matter?

A No, sir.

Q I ought to say to you, as I have said to all the other prospective jurors, that we know who sent that communication, and the Sheppard family and their friends have no connection whatever with it.

This gentleman is Mr. Parrino, assistant County prosecuting attorney. He would like to put a few questions to you.

EXAMINATION OF PROS. JUROR GENEVIEVE A. PELSEY

By Mr. Parrino:

Q Mrs. Pelsey, you have been waiting for quite sometime for this questioning. Now, you realize, of course, that we are asking you these questions at this time, Mrs. Pelsey, to inquire into your availability to serve as a juror in this case. You appreciate, of course, that there are certain fixed rules, qualifications the jurors must have to serve in any given case, and that the only way that we can determine if you and these other good people in this box possess those qualifications is by a period of questioning, which certainly is personal in its nature.

Now, you understand that, of course?

A Yes, sir.

Q Will you repeat for me, please, what Mr. Pelsey's occupation is?

A He works for the Nickel Plate Railroad. He is a maintenance man.

Q How long has he worked for the Nickel Plate Railroad?

A Five years.

Q What was his line of work before that?

A He worked for the Columbia Axle Company, the Ohio Compressor, I think that is it, but it is affiliated with Columbia Axle, and he was a machine man there, machine operator.

Q Do you have any idea approximately how long he worked there, about?

A Maybe five years.

Q Do you have any brothers or sisters, Mrs. Pelsey?

A Yes, I have. I have one brother and six sisters.

Q That is a rather unusual combination. Do you work at all?

A I work.

Q At the present time?

A At the present time.

Q Where do you work?

A At the R. B. Biscuit Company.

Q What type of work do you do?

A I pack.

Q Packer?

A I pack crackers and cookies.

Q How long have you worked there?

A Ten years.

Q Now, have you ever served as a juror before, Mrs. Pelsey?

A No, sir.

Q As a witness in any case?

A No, sir.

Q You understand, of course, that in Ohio the laws pertaining to capital punishment are in force?

A Yes, sir.

Q That the laws of Ohio are quite clear that in a given case where first degree murder is involved, where a jury hears evidence in that case and where they return a verdict of guilty without recommending mercy, that in such case the penalty will be death in the electric chair?

A Yes.

Q And you have no feelings, religious feelings or conscientious feelings which would prevent you from entering into a verdict in this type of a case, do you?

A No, sir.

Q You are quite sure of that, of course?

A Yes, sir.

Q And in the proper case, then, that is properly proven by all of the facts, the evidence and the law, in a given case you feel that you could enter into such a verdict?

A Yes, sir.

Q Now, Mrs. Pelsey, do you understand that as a jury in a given case that you will be the judge of the facts, as Judge Blythin has stated to you? In other words, it will be for you to determine exactly what happened on and about July the 4th, 1954, in Bay Village, the event which is involved in this case. It will be for you to listen to the witnesses, and on the basis of what you hear, the witnesses on both sides, from the prosecution and from the defense, to determine exactly what the facts were on and about that day. Would you do that, please?

A Yes, sir.

Q Now, at the conclusion of all of the testimony of both sides, then his Honor, Judge Blythin, will state for you what the law is that you are to apply in this case. Will you follow his instructions of law in every respect if you are selected as a juror?

A Yes, sir.

Q If you have any opinions of your own as to what you think the law is or should be, will you set those opinions aside and take and follow only the law which Judge Blythin gives to you?

A Yes, sir.

Q Now, Judge Blythin will say to you, for instance, that in any given case, whatever the case may be, in this country

all defendants are clothed with what we call a presumption of innocence. In other words, this defendant, Sam Sheppard, as he sits in this courtroom today, is clothed with what is termed a presumption of innocence. Should Judge Blythin state to you that that is the law in this State, will you take that law and follow it in this case? Will you do that, please?

99 A Yes, sir.

Q I think, Mrs. Pelsey, you appreciate that as a judge of the facts in any trial, that one of your most important responsibilities will be to determine what weight you will give to all of the witnesses that testify. In other words, as a juror you may feel that one particular person deserves more credit or more weight or more consideration than another person. You appreciate that, do you?

A Yes, sir.

Q And in deciding what persons you will give more credit to and what persons you will give less credit to, will you take into account their demeanor or the manner in which they testify from this witness stand? Will you do that, please?

A Yes, sir.

Q If, as a witness testifies, as you see him here in the witness box, you feel that he is open and forthright and sincere and clear in what he says, would you give him more credit than you otherwise might?

A Yes, sir.

Q On the other hand, if you feel that he is backward, that he is not open and sincere and forthright, will you give to that person less credit if you think he deserves less credit?

A Yes, sir.

Q Now, as you listen to the testimony of any witness in this case, whether it be for the State or for the defense, if you feel that what a particular person is saying seems to you as a juror to be reasonable, will you give more credit to that testimony of that witness?

A Yes, sir.

Q And, on the other hand, as a witness testifies, if you feel that what that person is saying certainly to you does not seem reasonable, will you give less credit to the testimony of that person if you feel that that is necessary?

A Yes, sir.

Q Now, if you feel that what a particular witness states to you from this jury box seems probable, will you give more credit to that testimony of that witness in that respect? Will you do that, please?

A Yes, sir.

Q And, on the other hand, if what a witness states to you as a witness seems to you wholly and completely improbable, would you then give less credit to that particular witness

as you may think necessary?

A Yes, sir.

Q And, on the other hand, -- withdraw that.

If, as you listen to the testimony of witnesses, as you listen to that testimony, will you take into account the interest or the lack of interest that that particular witness may have in the outcome of that trial -- of this trial?

A No, sir.

Q Now, if the Court states to you, Mrs. Pelsey, that in judging the testimony of any witness you may take into account: Does that person have an interest in this case? Does he not have an interest in this case? Do I make myself clear?

A Yes, sir.

Q And if he states to you that in deciding what amount of weight or consideration you will give to a witness, you may take into account: Does that person have an interest in the outcome of this trial? Does that person not have an interest in the outcome of this trial? If he does have an interest in the outcome of this trial, how would that affect his testimony during the course of the case?

You understand that?

A Yes.

Q Now, if Judge Blythin states to you that you, as a juror,

may take into account any interest that a person has in this case, will you follow his instruction in that regard?

A Yes, sir.

Q And if it appears to you that a witness does have some strong interest in the case that might affect his judgment or statements from the witness stand, will you take that into account as a juror?

A I don't --

Q If I have not made that clear, it is entirely my fault, Mrs. Pelsey. Let me repeat it, please.

Now, as you appear as a juror, you are listening to a witness, if you feel that this person certainly has some very great interest in the case --

A I don't know what you mean by interest.

Q Well, someone that may be a police officer, for instance, might have an interest in the case, or someone that may be related to the defendant might have an interest in the case, or certainly the defendant himself would have a very great interest in this case one way or the other. Do I make myself clear?

A Yes.

THE COURT: May I suggest that you put it to her that he might want him found guilty or might want him found not guilty.

MR. PARRINO: That's right, sure.

Q An interest in the case, of course, might go either way, and if a person does have an interest in the outcome of this case, it might affect his judgment one way or the other.

A Yes, sir.

Q Now, in weighing the testimony of all the witnesses, will you consider what interest, if any, they have in the outcome of this case?

A Yes, sir.

Q Now, so that we understand each other, Mrs. Pelsey:

In judging and determining what weight you will give to all of the witnesses in this trial, you will weigh and consider the interest they have in this case, whether what they say is reasonable, whether what they say is probable; you will consider all of that in determining who you will believe and who you will not believe, isn't that correct?

A Yes, sir.

Q And do you understand, Mrs. Pelsey, that that rule applies to the State's witnesses? You understand that?

A Yes, sir.

Q And that rule applies to the defense witnesses. You understand that?

A Yes.

Q And that rule also applies to the testimony of the defendant, Sam Sheppard. You understand that, don't you?

A Yes, sir.

Q If he testifies as a witness in this case.

A Yes, sir.

Q Now, you say that you have read some little about this case, is that correct?

A Yes, sir.

Q And having read about this case, Mrs. Pelsey, if I understand you correctly, it is possible for you to come into this courtroom with an open mind?

A Yes, sir.

Q And judge this case on what you hear in this courtroom?

A Yes, sir.

Q Is it possible for you, then, to set aside whatever you have heard and read prior to this time?

A Yes, sir.

Q You understand, of course, that in any court of law that you must, of necessity, decide cases on what you hear in this courtroom and not what you have read or seen or heard from other persons outside of this courtroom. You understand that?

A Yes.

Q Now, in having read items in the newspapers about this case, which is very natural, of course, many persons have done that -- now, at any time do you recall having read a story in one of the newspapers of this city entitled "Dr. Sam Sheppard's own story," and signed by him? Do you recall that?

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A No, sir.

Q Do you know that the defendant has a brother by the name of Steve Sheppard?

A Only what I read in the paper.

Q Yes. Now, do you recall having read a statement in one of the newspapers, a statement or more than one statement that was the statement of Dr. Steve Sheppard? Do you recall having read that?

A No, sir.

Q Now, do you recall specifically having read a statement or statements by Mr. Corrigan and Mr. Garmone that were printed in the various newspapers of this community?

A No, sir. There's very little that I read in a paper concerning the Sheppard case. I have seen it. I have read some, but then I discontinued.

Q Like so many people?

A That's right, sir. I just wasn't interested in the case.

Q And, of course, you didn't form any opinion?

A No, sir.

Q Now, if you did by some chance read these statements that were made by Mr. Corrigan, by Dr. Steve Sheppard, by the defendant himself, Sam Sheppard, if, by some chance, you did read them, that escapes your mind at this time, is that correct?

A That's right, sir.

Q And as you have stated already, it is possible for you to come into this courtroom with a free mind and with an open mind and judge this case upon what you hear in this courtroom?

A Yes, sir.

Q I am sure that that is what you mean to say, is it not?

A Yes.

Q Now, you appreciate that this defendant comes into this courtroom on the charge of murder in the first degree?

A Yes.

Q That he comes into this courtroom under this charge because of the presentment by the Grand Jury of an indictment against the defendant charging him with that crime.

Now, in your jury room, Mrs. Pelsey, you will have the indictment. You can examine it. That specifically states that with which the defendant is charged, but Judge Blythin will state this to you:

That an indictment, or this piece of paper that you will have with you, is not evidence in this case. It is merely a specification or a charge that has been placed against the defendant by the Grand Jury. Do you understand that?

A Yes, sir.

Q That, as such, it is not evidence. Do you understand that?

A Yes, sir.

Q Now, in a courtroom, especially in a criminal case, Mrs.

Pelsey, we have two forms of evidence: You will have what we call direct evidence. In other words, if you see something with your own eyes, or if you hear something at any given time, you could very well testify as to what you saw and what you heard.

A Yes, sir.

Q And that would be direct evidence. And then we will have circumstantial evidence, also, which are things that may be reasonably inferred from facts that have been proven. Do you understand that?

A Yes, sir.

Q And the Court will state to you that in a criminal case circumstantial evidence is proper and competent evidence. If Judge Blythin states that to you, will you take that as being the law in the State of Ohio?

A Yes, sir.

Q And you have no objections to circumstantial evidence, do you?

A No, sir.

Q You have no prejudices against it?

A No, sir.

Q And when Judge Blythin states to you as a juror the manner in which you shall consider direct evidence and circumstantial evidence, I take it that as a juror you will willingly take and accept what he states to you on that subject and follow it as being the law in this case? You understand that, of

course?

A Yes, sir.

Q Now, as you have stated, you are in a position to decide this case on law and on fact, that's correct?

A Yes, sir.

Q Now, should you be selected as a juror, will you let prejudice one way or the other against one side or the other in this lawsuit -- will you let prejudice affect or influence your judgment in any way?

A No, sir.

Q Will you let bias against one side or the other affect your judgment in any way?

A No, sir.

Q And lastly, I state to you, should you be selected as a juror in this case, will you let sympathy affect your verdict for one side or the other in this case at all?

A No, sir.

Q Then, Mrs. Pelsey, without prejudice, without bias, and without sympathy, you will arrive at your verdict in this case?

A Yes, sir.

Q You will exercise a sound judgment based upon all of the law and upon the facts in arriving at what you think to be an honest and just verdict, is that correct?

A Yes, sir.

Q You are willing to take of your time and of your energy to come into this courtroom as a citizen of this community to listen to the facts, to take the Court's charge, and what is in your best and honest, sound judgment do justice in the case of the State of Ohio versus Sam Sheppard? Will you do that?

A Yes, sir.

Q Now, Mrs. Pelsey, I could stand here and question you at great detail for sometime longer concerning your background and your husband's background and that of your children, and what we are undertaking in this courtroom, but I might not in all of this questioning be able to strike upon that one single point that would make you feel, as an honest person, and as a conscientious juror, that you could not serve as a juror in this case, so that I ask you to do exactly that, if you will, please:

Examine your mind here and now, based upon what Judge Blythin has been good enough to state to you, and based upon the rather numerous questions that I have asked you, and determine whether or not you feel that there is any possible reason why you could not or prefer not to serve as a juror in this particular case?

A No, sir.

MR. PARRINO: Thank you very much.

Pass for cause, Judge.

THE COURT: This gentleman is Mr. Garmone representing the defense. He would like to ask you a few questions.

EXAMINATION OF PROS. JUROR GENEVIEVE A. PELSEY

By Mr. Garmone:

Q Mrs. Pelsey, how long has Mr. Pelsey been employed by the Nickel Plate Railroad?

A Five years in August.

Q This past August?

A That's right, sir.

Q And you have been employed by the R. B. Biscuit Company for a period of ten years?

A Ten years, yes.

Q Now, where was Mr. Pelsey employed prior to his employment by the railroad?

A Nickel -- I'm sorry -- Columbia Axle. That is a compressor -- it is on Harvard, someplace there, and he worked there for maybe five years. Five years, about.

Q May I ask how old Mr. Pelsey is?

A 47 years old.

Q And you have one daughter?

A One daughter, yes, sir.

Q Who attends Canitius High School?

A Yes, sir.

Q And is she a senior or a junior?

A She is a senior.

Q Now, about how many people work in the immediate vicinity where your work is done for the R. B. Biscuit Company?

A Do you mean how many people work with me?

Q Yes.

A There are four of us working together. Every so often we have six.

Q You did state that you had read some articles relating to this defendant in the newspapers? L

A Yes, sir.

Q And the articles that you read, were those the articles that appeared during the month of July and the early part of August?

A Yes, sir.

Q And you read many statements that were made by both -- by members of the Sheppard family that appeared in those articles, did you?

A No, sir.

Q Did you read any statements whatsoever that were made by members of the police department?

A No, sir. The only thing I read was what has happened, and then after that I just didn't pay much attention to --

Q Now, you say the only thing you had read was what happened. Now, after you started to discard or not read the articles,

you, up until that time, with what you had read, had you formed an opinion?

A No, sir.

Q Did you discuss it at your place of employment with anyone?

A Well, I didn't. The girls would come to me and ask me what I thought of the case, and I just told them that I wasn't interested in it and they were very much surprised. So they wouldn't talk too much about it.

Q Well, the talking that they did do with you that didn't amount to much, as you say, they expressed an opinion to you, did they not?

A No. Let's see --

Q Well, before I get into that subject matter, permit me to withdraw that question, and would you tell me the names and the addresses, if you do know, of these four or six girls at work in the immediate vicinity of your employment?

A Well, Sophie Nastel. She lives on 2449 Professor Avenue. And Bernice Kaminsky, she lives somewhere on West 10th Street on the South Side. I don't know the number of the house. And Mrs. Miser, Mary Miser, she lives on Scranton Road, and I do not know the number of her house, but she isn't working at the R. B. Biscuit Company any more, she just quit recently. And then Miss --

Q Well, did Mrs. Miser or Mrs. Kaminsky express an opinion to you?

A No --

Q You can be frank. We are not interested in the opinion that they expressed.

A Sir, I am being very frank. I am just trying to think.

Q Well, search your mind carefully, because it is important.

A No, I don't think they did have an opinion. They were saying it's too bad a thing like this happened.

Q Well, did that give you any ideas about the matter as far as --

A No, sir.

Q -- as far as papers and items you have read?

A No, sir, it did not.

Q Now, did anybody at your place of employment express an opinion or tell you what their idea was about Sam Sheppard or any member of the Sheppard family?

A No, sir.

Q Have you talked with anyone since you were officially notified that you were going --

A No, sir.

Q -- to be called as a prospective juror?

A No, sir, only to verify that I was being called as a prospective juror because I had seen my name in the paper, and they were the first ones that called me up and let me know about it, because I didn't know anything about it.

Q When you say that they had seen your name in the paper, they

had called you before you had received an official summons?

That is what you are telling me?

A Yes, sir.

Q Now, who are "they"?

A Well, my sister called me up first, and she asked me if I had seen my name in the paper, and I told her no, our paper did not come in as yet. And after our paper come in, I looked at it.

Then later on the girls from work, one by one, called me up and --

Q Now, in this conversation with the girls from work, as you say it, one by one called you, did they reiterate in general the conversation that was held --

A No, sir.

Q Wait till I finish my question.

A I'm sorry.

Q Did they go over the conversation that they were holding with you at your place of employment?

A No, sir. The only thing they said to me was --

Q What did they say?

A They feel sorry for me..

Q Well, now, they said to you that they feel sorry for you, and what did you say to them in response to that?

A I didn't say anything. I just laughed.

Q Nothing at all?

A No, sir, I didn't.

Q Well, did they say to you why they felt sorry for you?

A No, they didn't. They just said that they felt sorry for me.

102 Q Well, did that expression create any idea in your mind as to why they should feel sorry for you?

A No, sir. Well, you see, I happen to be steward for the R. B. Biscuit Company. I represent our employees, and you know I get into a lot of discussions, and I have to settle grievances, and what-not, so that was why they said they felt sorry for me. I had enough as it is to do without having something like this also to do.

Q Well, having something like the State of Ohio versus Sam Sheppard?

A That's right.

Q Did they think with all the other obligations you had in connection with your work that you wouldn't be prepared to sit as a fair and impartial juror in this case?

A No, sir. They thought I would be very good at it, but they felt sorry for me, no matter.

Q Did they express to you that they thought that you would be a good juror?

A Yes, sir. Mrs. Miser definitely said so.

Q And what did she base that on, Mrs. Pelsey?

A Well, she based it onto the fact how fair and square I always was with our employer as well as the union.

Q Are you what is known --

A The in-between man.

Q The in-between person between the employer and the employee?

A Yes, sir.

Q That if one of the employees at work with you has some kind of a grievance, instead of going directly to the boss, they come to you, Mrs. Pelsey?

A That's me, yes, sir.

Q And they explain that grievance to you?

A Yes, sir.

Q And you analyze it?

A Yes, sir.

Q And then you in turn take it to the boss?

A Yes, sir.

Q How are you, fairly well successful as far as representing the employees are concerned?

A Well, I think I am very successful representing both, because I usually settle things without calling union headquarters, so that they should send in one of our business agents to take care of that.

Q To have someone else arbitrate other than yourself?

A That's right.

Q Now, in those discussions that you have about those grievances that you take to your employer, you don't bend one way or the other, do you?

A No, sir. I just come out and I tell them the truth, and I tell them, "Look, I am telling you the truth, and if you can tell me your side of it, maybe I can see your side, but right now I am telling you what happened."

Q Now, when you go in with these statements that you receive from your fellow-employees, you don't feel that they are right before you hear the employer's side, do you?

A No, sir. The only time they are right is if I actually see what has been going on, then I can judge if I am right, because I do practically all the work that there is. On and off -- I do some specified work, but now and then I get around to doing a lot of work, and I can judge by now. After all, I have worked there 10 years, and I think I should know if they are being abused in their work or not, because I figure if I can't do the job -- and I am pretty doggone good -- why, then, they can't do the job either.

Q Now, you wouldn't carry, as a result of your experiences as an arbitrator, any preconceived ideas into this jury box, if you were chosen as a juror, with you, would you?

A No, sir.

Q You wouldn't permit yourself to carry in here, or would you, any thoughts about this matter on the basis of what you read in the newspaper, heard on the radio and seen on television?

A No, sir.

Q Now, Mrs. Pelsey, do you know anybody that is connected with

the police department of the city of Cleveland?

A No, sir.

Q This gentleman here is Inspector James McArthur.

A I do not know him.

Q You have heard of him?

A I have heard of him.

Q And you have heard of him through some of the articles that you read in the paper about this case, isn't that a fact?

A I don't remember reading about Inspector McArthur in the paper.

Q Did you read some of the articles that mentioned his name?

A I don't -- I honestly do not recall.

Q Now, there was considerable time spent with you on the question of interest by Mr. Parrino, and, in substance, he asked you to consider whatever interest certain people would have who would be offered for your consideration as witnesses in this matter, and that you, as a juror, would have the full right to judge their interest, whether it be personal or otherwise, and you answered in the affirmative all the time that you would accept that if the Court told you you had that authority, and is that the way you feel now about it?

A Oh, yes, sir.

Q Well, now, in the newspapers there was considerable statements made by this gentleman, Mr. McArthur; there were

considerable statements made by Chief Story. Chief Story

is the over-all boss of the police department, and Mr. McArthur is the head of the Detective Bureau, he is the supervising head of the Detective Bureau.

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Now, if some of those statements that either one of these gentlemen made would be called to your attention, would you consider that they probably knew what they were talking about rather than to consider the evidence that you would hear under oath from that witness chair?

MR. MAHON: Objection.

MR. GARMONE: She has answered the question, and I think --

MR. PARRINO: We are not concerned especially with what Mr. Garmone thinks. We are making our objection to the Court.

THE COURT: I think you better rephrase it.

MR. GARMONE: I will withdraw it for the time being.

Q

Mrs. Felsey, after there had been considerable articles printed in the Cleveland newspapers about this matter, and an investigation by members of the Cleveland Police Department in cooperation with members of the police department of Bay Village, the evidence will probably be submitted for your consideration that there was a withdrawal of any activity by the Cleveland Police Department, would you, in

any way, consider that, and that it gives you any ideas how you should feel towards this matter?

MR. DANACEAU: Objection.

THE COURT: Sustained.

Q After there had been a withdrawal by the Cleveland Police Department, did you read in the Cleveland newspapers where the Mayor of the City of Cleveland, as the result of an article that was printed by two or three of the papers, hurried back to Cleveland? You recall that? You remember that, don't you?

A The only thing I remember was when they took the case out of Bay Village and brought it to Cleveland, and that was all.

Q And you gathered that from articles you had read, is that right?

A That's right, sir.

Q And do you remember, in conjunction with that, that that was done on the order of the Mayor of the City of Cleveland after the Cleveland Police Department had withdrawn from the investigation of this case? That was all in the same article. You recall that?

A No, sir, I do not. Really, I don't.

Q Well, now, should there during the course of this trial -- you will be offered testimony for your consideration that the Cleveland Police Department was called back into this matter, and as a result the investigation was taken up by

Inspector Kerr -- or Inspector McArthur, Captain Dave Kerr, who is the head of the Homicide Squad, would you feel because they are police officers of long years of experience that their testimony should be given any greater weight than the testimony of a fellow-citizen who is not connected with the Cleveland Police Department or a law-enforcing agency?

MR. DANACEAU: Objection.

THE COURT: She may answer that.

She has already said that she did read of it being turned over by the Bay officers to the Cleveland Police Department.

MR. GARMONE: That is right.

A No, sir. You see, they would have to prove to me that whatever they had -- the evidence they had would be true.

Q Well, then, can I rightfully assume that you wouldn't consider the testimony of any police officer as against the testimony of a layman because of the fact that he is a police officer?

A Oh, no, sir.

Q You would treat them both --

A Both alike.

Q Both alike?

A That's right.

Q Now, there will be offered here testimony by doctors, many doctors, and they will describe the many injuries that were

received by Marilyn Sheppard. That testimony may become somewhat distressing in its nature. Would that cause you to create any feeling of prejudice or ill-will as against your fair judgment in this matter?

A No, sir.

Q If, during the trial of this case, and you are chosen as a juror, Mrs. Pelsey, you are given testimony to consider by witnesses that on a certain hour on the morning of July the 4th, 1954, the only two people in the house where Marilyn Sheppard was found was the defendant, Sam Sheppard, and his young son, Chip, who is seven years old, would that arouse in your mind any suspicion of guilt --

MR. MAHON: Objection.

MR. DANACEAU: Objection.

Q -- as to --

MR. GARMONE: May I finish the question, please?

MR. MAHON: There is enough now.

Q -- as to the guilt of the defendant, Sam Sheppard?

A No, sir.

THE COURT: Objection sustained.

Exception noted.

Q Now, on the question of personal interest, every person that testifies in this matter has an interest in the case.

MR. DANACEAU: We object to that statement.

THE COURT:

Yes. You will disregard

that statement.

Q Well, are interested parties to the trial of the case of the State of Ohio versus Sam Sheppard. Can you treat the witnesses that will be offered for your consideration, though they testify for this young man in his defense, with the same yardstick that you would measure the testimony submitted for your consideration by the witnesses who are offered on behalf of the State of Ohio?

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A Yes, sir.

Q Now, in the articles that you have in a very frank manner told us that you read in the newspapers -- and we appreciate that, I am sure the Court does, I am sure the State of Ohio does, and I can say to you that Sam Sheppard does -- did you read an article that when Marilyn was found dead in the Sheppard home that Sam Sheppard was there at that time?

A Yes, sir.

Q Would the fact that you had read that article and the only adult mentioned in that article that was on the premises at the time was the defendant, Sam Sheppard, would that create any preconceived idea in your mind as to the innocence or guilt of this defendant?

MR. MAHON:

Objection to that.

THE COURT:

Well, it is not quite

complete, Mr. Garmone.

MR. GARMONE: She has admitted seeing the article.

THE COURT: I know she said she saw the article, but you put something in the article that she didn't say that she saw.

Q Well, would the fact that the article stated that Sam Sheppard was in the home when Marilyn was found dead -- does it raise any presumption in your mind at this time as to the guilt of Sam Sheppard?

A No, sir.

Q Have any of your six sisters ever discussed with you this case?

A No, sir. My sisters are all out of town but one.

Q Has your brother discussed it?

A He is out of town, also.

Q He is out of town?

A Yes, sir.

Q Would the atmosphere of the glamor that is surrounded in this courtroom by the presence of many newspaper men have any effect on your ability to listen to these facts or to the facts that you will be given and judge them fairly?

A No, sir. This isn't glamor to me.

Q This is a serious matter?

A Yes, sir.

Q And you will treat it as such?

A Yes, sir.

Q You came into this courtroom, did you not, Mrs. Pelsey, appreciating that you were going to be examined to see whether you could qualify in giving this young man a fair trial for his life, is that correct?

A Yes, sir.

Q As you see Dr. Sheppard at this trial table, is there any question in your mind that he carries with him the presumption of innocence?

A Repeat that, please.

THE COURT: The question is:

As you look at Sam Sheppard here now, is there any question in your mind about him being now presumed to be innocent?

PROS. JUROR PELSEY: I'm sorry.

MR. GARMONE: May we have a recess and give her a chance --

THE COURT: Wait a minute. What is your trouble, Mrs. Pelsey? Are you nervous generally?

PROS. JUROR PELSEY: I would like to be excused. ✓

MR. GARMONE: Did you say you would have to be excused?

THE COURT: She said she would like to

be excused.

MR. GARMONE: Is it for a reason that you would rather not make to the Court now?

PROS. JUROR PELSEY: I would just not like to be on this case.

THE COURT: I didn't catch that.

MR. GARMONE: She said that she would not like to be on this case. I will now ask the Court to challenge for cause.

MR. MAHON: That is not cause.

MR. GARMONE: That is a frank statement, if the Court please.

MR. MAHON: It is not cause.

MR. GARMONE: May we give this young lady a chance to collect herself, please, rather than sit in this courtroom with the stare of all these people on her?

THE COURT: I don't think -- she has already said that these people do not affect her at all. I don't believe -- that is something within herself, and I can understand that.

PROS. JUROR PELSEY: Okay, your Honor.

THE COURT: You are all right now?

PROS. JUROR PELSEY: Yes, sir.

THE COURT: All right. Fine.

PROS. JUROR PELSEY: Would you please repeat the question?

THE COURT: Now, the question that Mr. Garmone put last to you:

As you look at Sam Sheppard at the trial table here now, is there any question in your mind at all about him being now presumed to be innocent?

PROS. JUROR PELSEY: I have no doubts whatsoever -- have no doubts either way. It would have to be proven to me first whether he is innocent or whether he is guilty. The facts would have to be presented to me.

THE COURT: In other words, you would give him the presumption of innocence now, and you would not find him guilty until he had been proven to be guilty?

PROS. JUROR PELSEY: Yes, sir.

By Mr. Garmone:

Q Mrs. Pelsey, in the trial of this kind of a case -- may I withdraw that, and ask you first:

Did any of the questions that I asked you maybe make you feel in your mind that you would want to hold something against me?

A No, sir.

Q You appreciate that I have a responsibility in this matter in Sam Sheppard's interest?

A Yes, sir.

Q And any questions that I ask you are only to determine primarily for your own satisfaction, because of the responsibility this matter carries, to see --

A I realize that.

Q You appreciate that?

A I appreciate it very much.

Q Now, in the trial of a criminal case, the burden of proof -- the burden of proving Dr. Sam Sheppard guilty is with the State of Ohio. That never changes. It never shifts from the side of the table that is occupied by Mr. Mahon, Mr. Danaceau, Mr. Parrino, and Chief of Inspectors McArthur, to the side that is occupied by the defendant, Sam Sheppard, Mr. Corrigan, Mr. Petersilge and Mr. Corrigan's son, William, Jr.

Now, should the State fail to convince you by the burden that is required, the burden of proof that is required beyond a reasonable doubt of this young man's guilt, would you in any way hesitate, if you were instructed by the Court that you would then, as a fair juror, be obligated to return a verdict of not guilty, if the proof wasn't sufficient beyond a reasonable doubt?

A Yes, sir.

Q There being no question in your mind?

A There being no question whatsoever.

Q You could join with your fellow-jurors?

A I could, sir.

Q Now, as a juror, you become the sole judge of the facts.

As an example, like some of the people that work with you, they bring you statements of fact and you take those statements of fact to the boss and you present them to the boss. The boss tells you his side of the issue, and then you become somewhat of a judge of both sides. You are the arbitrator before you call in the business agent. You listen to your boss' statement of facts, and you listen to Mrs. Kaminsky, some of the other facts that were given to you by your fellow-employees, and you decide then who was right and who was wrong. Your function in this case is in the same alley, only here you have the supreme authority. Your power is absolute in deciding what your interpretation of those facts should be. The Court cannot interfere with you, I can't interfere with you, nor can any of the lawyers for the State or other lawyers for the defense interfere with you, and if the Court tells you that that is the rule of law that you are to follow, you will follow that law?

A Yes, sir.

Q Now, after you get a factual picture of this entire matter and you are instructed by his Honor, Judge Blythin, on the

law that is applicable to the facts that you hear, you then decide in your mind -- and that your conscience has been convinced that the State of Ohio has failed to prove Sam Sheppard guilty beyond a reasonable doubt, you, under those circumstances, would not hesitate to return a verdict of not guilty, would you?

A That's right, sir.

Q Now, if you come to that conclusion, and after a careful and considered discussion with all these fellow-jurors, should they be chosen along with you, listening to their ideas, listening to their interpretation of some of the facts that you have interpreted, and you still are of the opinion, Mrs. Pelsey, that your conscience has been satisfied that the State has not beyond a reasonable doubt proved Sam Sheppard's guilt, would you abide by your opinion and return a verdict of not guilty regardless of what the feelings were, after you have carefully discussed it and listened to the other fellow-jurors in the matter?

A Yes, sir.

Q Now, I have explained to you that you are the sole judge of the facts. The Court is the sole instructor as to what law should be used to correlate with the factual picture that you receive. Will you follow the Court's instructions as to what the law is?

A Yes, sir.

Q Because as individuals we sometimes have our own ideas or our own notions of what the law should be and what it should not be, and you will set those aside, will you not, and follow Judge Blythin's instructions on the matter?

A Yes, sir.

Q Now, Mrs. Pelsey, I have one question to ask:

If you are chosen as a juror in this case, you shall take with you into that jury box with other jurors the power of determining the guilt or innocence of a fellow-citizen. In this case you will take with you not only that authority and power, but you will take with you the right to destroy a human life. So will you carefully search your conscience and tell me if there are any reasons that I have not developed through my examination, or has not been developed by his Honor's examination or Mr. Parrino's examination, that would prohibit you from giving that young man who sits there fighting for the right to continue to live, fighting for the right of a freedom that he has enjoyed up to the present time --

MR. PARRINO: I will object to that.

Q -- a fair and impartial trial?

MR. PARRINO: I want to object to this.

THE COURT: Yes. I think that is too much of a statement.

Q Well, condensing it, can you give Sam Sheppard a fair and impartial trial?

A Yes, sir.

MR. GARMONE: Thank you very much,
Mrs. Pelsey.

THE COURT: Now, Mrs. Pelsey, you suffered a nervous moment or two here. Was that the result of the questioning here, or was it something that belongs to you otherwise?

PROS. JUROR PELSEY: No, sir. It is just the questioning. It was quite an ordeal.

THE COURT: All right. We will admit that. Now, let me ask you:

When you said in that moment that you would like to be excused, did you or do you now actually mean that?

PROS. JUROR PELSEY: I still would like to be excused.

THE COURT: On what ground, if I may ask? I am asking you that not to embarrass you at all. You are not to be embarrassed, because we are all here for one purpose, including yourself. You have already answered the State and Mr. Garmone, and I am sure we all know that you answered honestly. There is no question about it at all in our minds

at all that you would sit here and listen to the evidence, that you are, as we say in common parlance, not afraid of the cause.

Why, then, would you feel that you want to be excused? It is a duty of a citizen to be fair to his fellow-citizens and to serve as a juror in a proper case.

PROS. JUROR PELSEY: I don't know -- I just can't really explain to you what I --

THE COURT: Are you satisfied still that you could act as a perfectly fair and impartial juror here and decide this case, not on what you heard or what you think yourself, but what you hear from this witness stand and the instructions of the Court as to the law, and after you, yourself, with your fellow-jurors have weighed that carefully?

PROS. JUROR PELSEY: Yes, sir.

THE COURT: We will have a few minutes' recess, ladies and gentlemen, and will you all, including Mrs. Pelsey, be careful not to discuss this matter at all in the recess, not even among yourselves.

(Thereupon a recess was taken.)