

THE COURT: The next in order is No. 26, but you will recall that that is the lady who is now married and who is a resident of Steubenville, Ohio.

MR. CORRIGAN: Yes. We excused her.

Thereupon MARGARET E. ADAMS, being first duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR MARGARET E. ADAMS:

BY THE COURT:

Q Is your name Margaret E. Adams? L

A That's right.

Q And you live at 4131 Story Road?

A That's right.

Q Is that in Gates Mills?

A No. That's in Fairview Park.

Q In Fairview Park?

A Yes.

Q Is it Mrs. or Miss?

A It's Mrs.

Q Mrs. Adams, what is your husband's first name, please?

A Malcolm.

Q Have you a family other than your husband?

A No, I haven't any. I had a little boy.

Q Just yourself and your husband?

A That's right.

Q Are there any others who live with you in your residence?

A Yes, my sister and her little boy.

Q Your sister and her little boy?

A That's right.

Q And what is her first name, please?

A Sally Joseph.

MR. CORRIGAN: I didn't get the name,
your Honor.

PROSP. JUROR ADAMS: Sally Joseph.

MR. MAHON: Joseph?

PROSP. JUROR ADAMS: That's right.

Q And is she employed?

A Yes, she is.

Q What does she do?

A She works for Frederick Optical.

Q Frederick Optical?

A Yes.

Q And where is their place of business?

A Huron Road. I couldn't tell you the address, but it's right
next to --

Q All right. It's on Huron Road. What is your husband's
occupation?

A He is vice president in charge of operations at a company
called the Kemet Company.

Q And where is that company and what is its line of business?

A They make gutters. That's a metal thing they put in radio tubes that causes it to act up. And it is located at Newman and Madison.

Q And how long has he been so engaged in that business?

A I think he has been with the company 28 years. Maybe it's one way or the other, I'm not sure. It's over 25, I know.

Q And how long have you folks lived on Story Road?

A Five years. I think it was five years last September.

Q And where, generally, did you live before that?

A Before that, I lived on Eldred Avenue, 2184 Eldred, Lakewood, and prior to that, do you mean?

Q Yes.

A I lived there about 20 years, something like that.

Q You were here, I take it, on Monday when all these gentlemen around the trial table were introduced?

A Yes.

Q Do you know any of them?

A No, I do not, unless there's somebody here that --

Q Do you know Mr. Frank Cullitan, the County Prosecuting Attorney, or any member of his staff?

A No, I do not.

Q Or the sheriff or any member of his staff?

A I do not.

Q Or the coroner?

A No.

Q When I speak of family, I am speaking, if I may, of your husband's as well as your own. Have any members of your family, if you know, ever been visited by violence at the hands of another in any form?

A No.

Q I take it that you have heard of the Sheppard case? L

A Yes, I have. L

Q Have you read about it? L

A Yes, I have.

Q Have you as a result of what you have read or heard -- first of all, may I ask you if you have discussed it with any people?

A I have talked about it, yes. I mean, it's been --

Q And have you ever expressed an opinion as to the guilt or innocence of him?

A No, I don't think I have ever expressed an opinion about it. I haven't any opinion about it.

Q All right. Do you have an opinion on the basis of what you have read or heard or discussed with other people, have you an opinion as to the guilt or innocence of Dr. Sheppard?

A I certainly don't. I don't know any of the facts, and I certainly do not have an opinion as to his guilt in the case.

Q And you understand that it is the function of a jury in a

case of this kind to decide themselves all questions of fact, in other words, they determine whether a person is guilty of a crime or not. The Judge has nothing to do with it, as to the finding, I am speaking now.

A Yes. Yes, I understand.

Q The prosecutors and attorneys have nothing to do with it. It is entirely the function of the jury.

A Yes. I understand.

Q And it is their duty to look at all people who appear on this witness stand where you are now in the same light precisely at the outset, without regard to whether they are physicians, lawyers, doctors, or who they may be, or their station in life; that that testimony is to be weighed by the jury on an equal basis as to whether it is true or not, and that is the real test.

A I certainly do understand.

Q Could you sit here and in spite of discussions that you have had, things that you have read, what you generally know as to what this case is about, could you sit here and carefully listen to all of that and to the instructions of the Court as to the law and be guided entirely by those?

A I certainly could. I certainly would take just exactly what was presented, the facts that were presented.

Q Do you have any objection to capital punishment as such?

A No, I do not.

Q Have you received any communication by any means or of any character since the 4th day of July of this year that could have some reference to this matter?

A I did, yes.

Q When did you receive it, roughly?

A Well, it was the day before it was publicized. The fact of the matter is, I got it --

Q About a week or so ago?

A Yes, that is right. I got a letter from --

Q All right. Well, that answers my question. Have you received any other communication, by telephone, telegram, mail or anything about this case from anyone?

A No, no.

Q And nobody has interviewed you in any way, shape or manner?

A No. About this, no, no.

Q All right. And have you got that piece of mail with you?

A I don't know whether you will believe this or not, but I opened it up, I read about that much of it, I took it and threw it in the wastepaper basket, and after that, when I was on my way out, I thought that was kind of a funny thing to do. So I picked it up, laid it back on the table, on my desk, I should say, and when my husband came home that night, I said, "Here's something. I haven't read all of it, but it looks like a crank letter."

So he took a look at it, and he said, "It's purely and

simply a crank letter."

Well, we hadn't heard any news that night. Somebody said other people had got it.

Q Where is it now?

A I have it at home.

Q I show you Court's Exhibit A-12 and A-13, and I will ask you to just glance at those, the two of them, and tell us whether in your judgment those are a duplicate of yours?

A Without reading it, it looks exactly like what I got. This is just what I got. I haven't read it, understand, this, but it looks like it was the same.

Q Does the fact that you have received that communication have any bearing whatever on your feelings or your judgment in this matter?

A No, none whatever. In fact, it hasn't any at all. I wasn't even going to pay any attention to it.

Q Do you know who sent you that?

A I haven't the vaguest idea. I don't know anything about it.

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

A Oh, no; oh, no.

Q All right. That clears that part a little more. I want to say to you that there isn't anybody in this courtroom that thinks for one moment that the Sheppard family or their friends or anyone connected with this case had anything

whatever to do with it, and I also wish to state to you that we know who communicated that.

A All right.

Q Are you convinced that you could sit here and listen to the evidence and the instructions of the Court and be a perfectly fair and impartial juror?

A I am positive I could.

THE COURT:

Mr. Mahon.

BY MR. MAHON:

Q Mrs. Adams, have you ever served on a jury before?

A I served on a civil case. I would say it was 20 years or so ago. I don't know how long it was. It was a property matter. We were on it one day. I don't remember what it was. I don't remember too much about it.

Q That was on a civil matter?

A That's right.

Q Have you ever served on a criminal jury?

A No, I have not.

Q Have you ever been a witness in a case?

A Do you mean a character witness in a divorce case? Would that be anything?

Q You have been a witness in a divorce case?

A I was a character witness on a divorce case.

Q Any other case?

A No, none.

Q When were you a witness in a divorce case?

A When?

Q Yes.

A I think it was 1933 or '34.

Q I see. Have you or any members of your family or close friends ever been the victims of a vicious assault?

A No, sir.

Q Has your husband ever served on a jury?

A No, I am sure he hasn't.

Q You have stated here that you have read some articles in the newspapers concerning this matter? ✓

A Yes, sir.

Q And do you recall when you read the first one?

A I presume that it was right after the 4th of July. I mean, I don't believe it was -- yes, I am sure it was right after the 4th of July when it was first publicized, yes, because I do read the papers.

Q And since that time you have read numerous articles concerning this matter?

A I have read the newspapers, and I don't think I have read any magazine articles on it.

Q I mean in the newspapers?

A Newspapers, yes, I have.

Q Since the 4th of July you have read many articles?

A I have read many articles about it, yes, sir. ✓

Q But you say you have not seen any magazine articles?

A I don't know. I don't believe I have ever seen any magazine articles.

Q And do you read the three daily newspapers?

A No. I read the Press and the Plain Dealer.

Q Now, since the 4th of July have you had discussions with anyone concerning the matters that you read in the newspapers concerning this case?

A Well, a lot of places you go people are talking about it, and I certainly have discussed it, we have talked about it, yes.

Q And was that on many occasions?

A Oh, no. I wouldn't say that was on many occasions, no.

Q Would you tell us about how many?

A Oh, I think it was about three or four times. It isn't the basis of conversation, it isn't something that is being done all the time. I don't mean that.

Q Now, from what you read and from whatever conversations you had concerning this matter, have you ever formed or expressed an opinion as to the guilt or innocence of Sam Sheppard?

A I am sure I have not, because I do not know the facts. I only know the reporting, what was reported and I read, I read all of it.

Q Well, let me ask you this, then: Have you at the moment any opinion as to the guilt or innocence of Sam Sheppard?

A I have no opinion as to the guilt or innocence of Dr. Sheppard.

Q Could you, if selected as a juror in this case, sit here and listen to the witnesses testify and decide what the facts are from their testimony?

A I am sure I could.

Q Not be influenced in the slightest by any conversation you had?

A No.

Q Or by what you had read?

A No, nothing whatever, no.

Q You have stated that you are not opposed to capital punishment?

A I am not opposed to capital punishment.

Q And by that, I take it that in a proper case properly proven you could join in a verdict in which the penalty would be death?

A I am sorry, I didn't understand your question.

Q I say, could you in a proper case properly proven join in a verdict in which the penalty would be death?

A I could.

Q And I am sure when you say that, that you realize the seriousness and importance of a matter of this kind?

A I certainly do; I certainly 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 Yes.

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

A I have thought it over very seriously, and I think that I could, yes.

Q In this case there will be questions of fact and there will be questions of law involved. As to the questions of fact, the jury is to determine what the facts are, and the jury determines the facts from the evidence that they get from that witness stand, that is, the testimony of the witnesses and any exhibits, that is, physical exhibits that might be admitted by the Court into the evidence.

Now, from what you get from that witness stand, the jury is to determine the facts. You understand that?

A I understand that, yes.

Q And no one can interfere in any way with the jury in determining the facts. Do you understand that?

A I understand, sir.

Q The lawyers, the prosecutor, the Judge or no one can interfere with the jury. The jury is supreme in determining what the facts are. You understand that?

A Yes, I certainly do.

Q On the other hand, his Honor, Judge Blythin, will instruct the jury that tries this case on the rules of law that are involved in a case of this kind, and it is the duty of

the jury to follow the Judge's instructions.

A I understand, sir.

Q Whether they agree with him or not, they are bound under their oath to follow those instructions.

A I understand.

Q You understand that?

A Yes, I do.

Q Do you feel that you could do that?

A I am positive I could.

Q Of course, there are times when jurors and other people think they know what the law is, and sometimes they do and sometimes they are not right about it. Now, if that should happen in your case, and what you thought the law was is not in conformity with what Judge Blythin tells you the law is, could you set your own opinion aside?

A I certainly could.

Q And follow his instructions?

A I certainly would follow his instructions.

Q Now, there will be a number of witnesses that will testify here, and there will be lay people and there will be police officers, there will be doctors, there will be technicians, there will be public officials, and I want to ask you this question: Will you consider the testimony of all of the witnesses individually, regardless of what title they may have? Will you consider their testimony individually and weigh the

testimony of each witness individually and give what credit to their testimony that you think it is entitled to?

A I certainly would, yes, sir.

Q You will not give the testimony of a professional man any more credit than you will that of a common ordinary person who has no title?

A No.

Q Just because one of them has a title, will you?

A That wouldn't make any difference. I think when a person is on the witness stand, they are here to tell the truth, and I will take what they say individually no matter what their position in life is.

Q And, of course, the jury, in determining the facts, also has a right to weigh the testimony of every witness to determine whether or not the witness is telling the truth, whether or not the witness was in a position to obtain the information that he is conveying, whether or not the witness has an interest in the outcome of the case, the manner in which the witness testifies, whether he testifies frankly or is reluctant to testify. You have a right to take all of those things and your common experiences in life into consideration, the test that you apply yourself to people that you meet, to determine whether or not they are telling the truth. Will you apply all of those factors to every witness who testifies in order to determine how much credit

you will give to their testimony?

A Yes, sir.

Q Now, the Court will instruct you, I am sure, as a matter of law in this case, that as this defendant stands at this moment before this Bar of Justice, that he is presumed to be innocent, and that presumption of innocence is to carry on with him throughout the trial until such time, if such a time ever comes, that the State of Ohio has produced sufficient evidence to convince your mind of his guilt beyond a reasonable doubt. Now, if Judge Blythin tells you that that is the law, will you follow that?

A I certainly will. If Judge Blythin said that that was the law, I certainly would follow it.

Q And can you at this moment give this defendant the presumption of innocence?

A I certainly can. I think anyone is entitled -- I think anyone is innocent until proved guilty, definitely.

Q And you will require that the State of Ohio produced evidence to convince your mind beyond a reasonable doubt of his guilt?

A Absolutely, absolutely.

Q You understand that a jury of 12 people who will sit in judgment in this case, that they all have the right of their personal opinions as to what the evidence shows in the case, you understand that?

A That's right.

Q Do you also understand that when the jury retires at the end of this case, after they have heard all of the evidence, after his Honor, Judge Blythin, has instructed them on the rules of law that apply, and the jury retires to their jury room to deliberate as to whether or not this defendant is guilty, that at that time the jury has a right and a duty to discuss the evidence that has been produced in this Court?

A Yes, sir.

Q And that all of the jurors have a right to express their own personal opinions as to what they think of the evidence, all for the purpose of attempting to come to some common agreement?

A I understand that.

Q You understand that?

A Yes, sir.

Q And while a juror, the Court will tell you, I am sure, has a right to maintain a well-founded opinion as to their view of the evidence, that it is their duty to consult with their fellow jurors in an endeavor to come to a common agreement?

A I think that is right.

Q And will you follow that rule?

A I certainly will.

Q As a juror?

A I would certainly like to hear everybody's opinions and weigh

it.

Q I couldn't hear the last part.

A I said that I certainly would like to hear other people's opinions and weigh my opinion against theirs and decide what would be right.

Q Thank you. Now, in this case there will be direct and circumstantial evidence. In a general way, you know what that means, do you?

A Yes, sir.

Q The Court will instruct the jury that both direct and circumstantial evidence is proper, and the Court will further tell the jury that the jury has a right, if the evidence justifies it, to find this defendant guilty on circumstantial evidence alone, providing that you are convinced from the circumstantial evidence of his guilt beyond a reasonable doubt.

Now, have you any prejudices of any kind against circumstantial evidence?

A No, I have no prejudice against circumstantial evidence.

Q And if the Court tells you that that is proper evidence --

A That is right.

Q -- you will give that type of evidence the consideration that it deserves, will you?

A I certainly will follow the Court's suggestion, yes, sir.

Q Now, I might ask you many questions, but all of these

questions, you understand, are not in an endeavor to try to pry into your personal affairs, but only to get a jury that can be fair, just and impartial.

A I am sure we all want that.

Q That is the only purpose in asking these questions.

A I am sure of it.

Q I am sure you would not decide this case on any bias or prejudice or sympathy for anyone in this case. Do you feel that you could decide this case on the cold facts as you get them here in this courtroom?

A Yes, sir.

Q And absolutely nothing else?

A That is exactly right.

Q Now, can you think of any reason now, searching your own mind and heart, realizing the importance and seriousness of this case, from what little you know about it at the present time, can you think of any reason at all why you could not be absolutely fair and just and impartial as a juror?

A I am positive I could be fair and impartial and just. I certainly wouldn't want to be on it unless I thought I could, and I know I could.

MR. MAHON:

Thank you. Pass for

cause.

THE COURT:

That gentleman, Miss

Domenick -- Mrs. Adams, rather, is Mr. Garmone. He

would like to ask you some questions.

BY MR. GARMONE:

Q Mrs. Adams, some of the questions that I will put to you will be more or less repetitious to some of the questions that you have been asked by Mr. Mahon. It is something that we can't avoid, because both sides have a right to inquire into the qualifications of a person as to whether or not they feel themselves that they can be fair and impartial.

A I understand, sir.

Q Now, I was very interested in your frank answer to his Honor, Judge Blythin, when you were asked whether or not you had read articles that had been printed in the paper.

A Yes, sir.

Q And you, without hesitation, stated that you had read many articles.

A I certainly have, sir.

Q And a good deal of those articles had been printed prior to the time that you were notified that you would be called as a prospective juror in this case, is that right?

A Yes, sir.

Q Now, you read the articles that were printed in the Press and the articles that were printed in the Plain Dealer?

A That is right, sir.

Q And you were very frank in admitting that you had listened to a good many radio broadcasts?

A Well, I don't know that I admitted that, but I am sure that is so because I do listen to news and television.

Q Television?

A That's right. I don't think I have seen anything on television, to tell you the truth, but I mean I do listen to television -- or look at television.

Q Well, there was a good deal of notoriety and publicity.

A There was.

Q Now, after having read these articles that you speak of, did you engage, Mrs. Adams, Mr. Adams in any conversation?

A Well, I'll tell you, Mr. Adams doesn't -- I don't think I have ever discussed too much about it with him at all, that type of thing. I mean, he just --

Q Well, did you maybe discuss it only slightly with him?

A Pardon me? I didn't hear that last word.

Q Did you maybe discuss it only slightly with him?

A Oh, sure. Maybe we've talked about it, yes, just like --

Q Talked about it?

A That's right.

Q And during the course of your conversation, did he express to you what his feeling was?

A I am sure that none of us know. I mean, I don't think he has ever said what his feelings were.

Q Well, did he express a temporary opinion that he may have had as a result --

A Not that I recall.

Q -- of some of the articles that he had read?

A I don't believe so. I mean, he read it, and I don't think that anything was ever said as to what his opinion would be, to my knowledge. I don't remember anything.

Q Well, is it possible that he may have said something about the articles?

A Pardon?

Q Is it possible at all that he may have said something about the articles he had read?

A Well, I don't believe. I can't think of any specific thing that would have been said, as anybody will read something and you'll talk about it a little bit. Anything he said, it didn't mean very much. I mean, it wasn't a serious discussion, let's say.

Q It didn't impress you?

A No, it certainly didn't.

Q Well, did you, after having read these articles and after having listened to the radio and some of the television programs that made comment relative to Sam Sheppard, express any opinion to anyone?

A Not to my knowledge have I made any opinion, because I was reading it, it was a news report, it was somebody reporting it the way they saw it. I did not know any of the facts, I did not see any of the facts.

Q Now, after we read some of these articles, it is only human nature for anyone to remember some of the facts that we read in newspapers, and we don't forget everything we read or some of the things that we hear on radio, some of the items that come to us by medium of television. You are certain in your mind, Mrs. Adams, that you will not permit any of those facts that you had gathered through newspapers, radio or television to creep into the facts that you will hear here in this courtroom from the witness chair that you now occupy?

A No, I wouldn't allow any of it to interfere with me in any way. I would take only the facts as presented --

Q In this room?

A -- in this room.

Q Now, is your sister Miss Sally Joseph?

A No.

Q Or Mrs. Sally Joseph?

A That's right.

Q And what is her husband's employment?

A I am not sure. I don't know. They are separated. I am sure I don't know exactly what he does.

Q I see. And has she lived with you since their separation?

A That's right.

Q With the youngster?

A That is right.

Q Has she discussed with you any phases of the Sheppard case?

A I'm afraid not because she is very, very busy. She works, and when she is home, we don't talk about things like that. We've got too many important things that are vitally important to the child. That has been our supreme thought.

Q Now, would the fact that you have living in your household, Mrs. Adams, your sister, who is now separated, as you stated, from Mr. Joseph, cause you to create any prejudice because the matter that we will hear after the jury is chosen relates to a husband and wife?

A I am sure it would have no influence whatever.

Q No influence?

A No, I am sure it wouldn't. Every case is --

Q You are certain of that?

A I am positive. I am positive it would have no bearing at all.

Q You won't permit some of the difficulties that Mrs. Joseph has had with her husband to pop up into the case of the State of Ohio against Sam Sheppard?

A I am positive I would not.

Q Or take some of the facts that pertain to her difficulties and see whether they correlate into the descriptive picture that you will get here?

A No, I am sure I wouldn't.

Q Now, I think in response to one of Mr. Mahon's questions you stated that you had been sometime in the past a witness in a divorce case, is that right?

A That is right. I was a character witness. I knew somebody --

Q You were merely a character witness?

A That is exactly right; that is exactly right.

Q And did you offer testimony in that instance on behalf of the plaintiff or defendant, the Mr. or Mrs. that was involved in the case?

A It was in behalf of the woman.

Q Of the lady?

A Of the lady, that's right.

Q To qualify as a character witness, you had to have some knowledge of this lady's background, is that right?

A That's right.

Q Would the knowledge that you had of her difficulties creep into this situation that would cause you to have any ill-feeling because this is a husband and wife question here?

A No, sir.

Q You can disregard all those facts and thoughts that you had in the instance of Mrs. Joseph and the lady that you testified for as a character witness?

A I am positive of that, yes, sir.

Q Now, Fairview Park, that is over on the west side. I believe that is southwest of Rocky River, is it not?

A It's just across the bridge, the Lorain Street bridge.

Q Just across the Lorain Street bridge?

A That's right.

Q You are not too far removed from Bay Village, are you?

A No, sir.

Q Have you ever been in Bay Village?

A I have been in Bay Village, that is right.

Q And you have been there since having read the articles in the paper?

A I don't believe I was -- I was to Sunset Drive, and I don't know whether this was before or after. I have not seen the Sheppard home. I have been to Huntington Park one time this year, to take my nephew --

Q Pardon? I didn't hear you.

A I said, I was to Huntington Park one time this year, to take my nephew out and back, and that is all. I don't think -- normally we do ride around, but this year we have been very busy and we haven't gone. I don't believe we have been there on Lorain Road more than twice this year.

Q And you don't know whether that was prior to having read the articles in the newspapers, or before?

A I'm sorry, I didn't hear what you said.

Q Was that prior to the time that you had read some articles

regarding Sam Sheppard?

A I don't remember. I know I took him out to the --

Q Huntington Park?

A Huntington Park, and we were out to Sunset, and I think that that may have been before. I don't know. I know I was out there twice this year, this summer, and that's all. I don't know where it is.

Q You can say that you have never seen the Sheppard home?

A That's right, other than in the paper, a picture. Yes, I have seen pictures. ✓

Q In the paper?

A Yes, I have seen pictures. ✓

Q Now, some of the pictures that you have seen in the paper wouldn't prevent you from being fair and open-minded in this case, would it?

A Absolutely not.

Q Mrs. Adams, do you know any members of the Sheppard family?

A No. I know a Sheppard family that lives across the street, but I mean, they are no relation to the Sheppards, these Sheppards.

Q Because of the coincidence that they live across the street --

A That is why I wanted to make it very clear that I did know a Sheppard family.

Q Well, because of that coincidence, that they have the same name, and you have been called as a prospective juror in this

case, has their curiosity been aroused any?

A As a matter of fact, none at all. I don't think that this has been discussed with Mrs. Sheppard at all. I think they were gone on vacation soon after the 4th of July, and she is taking some very difficult studies and has been very busy. I have seen very little of her. There has been no --

Q Well, had you received any telephone calls after it was made public that you were to be a juror in this case?

A Yes, I had several calls.

Q A good many of them?

A Well, I don't know how many. I imagine I had three or four. Somebody called me before I knew it myself.

Q And I take it that these calls came from friends of both you and Mr. Adams?

A I think that is right, that's right.

Q And did they, by the way, out of curiosity ask you how you felt about the case?

A No. The first one I got, at the time we had guests from Florida, and somebody called up and said, "I hear you were picked for the jury."

And I said, "Let's not be silly. I have guests here. Let's not kid around."

Q Pardon?

A I said, "Let's not kid around about it; I have guests here."

I had the paper, but I had not looked at it. It was in the living room.

Q I see.

A And she said, "Yes, your name is on the list."

I said, "Well, I don't believe it," or something like that.

And that was the end of that.

She said, "No. I mean it. Get the paper and look."

So I said, "I can't now. I have guests that are leaving very shortly for Florida and that are busy."

And she said, "Well, I'm sorry," and hung up.

That was that. So that is how I got to know about it.

Q Well, any of these other persons that may have called you, did they express any opinion to you?

A Well, no.

Q Not that you expressed an opinion to them, but did they express an opinion to you?

A Not about the case, not as such. I mean --

Q Well, did they have some conversation that related in a general way with --

A With what happened?

Q With what happened?

A No, I would say not. It was mostly -- they mostly said, "I see you have been chosen on the 75." That type of thing. There was no discussion on the thing at all.

Q Now, in the articles that appeared in the newspaper there were a good many pictures, and you, in all probability, saw the picture of Susan Hayes?

A Yes, I have.

Q Now, about how far is your home removed from Clague Road?

A Well, I wouldn't be able to tell you how far. Our street would correspond to West 189th Street. Now, Clague Road is --

Q Is in Rocky River?

A I would imagine Clague Road is close to 220th. I'm not sure.

Q Clague Road is in Rocky River, am I correct?

A That is right, that is right. However, where I live, Fairview is very close to the boundary of Rocky River.

Q Do you know Mr. and Mrs. Hayes, the mother and father of Susan?

A No, sir.

Q Have you ever heard of them?

A Never until this.

Q Has anyone ever talked to you about them?

A No, sir. I know nothing about them at all.

Q Do you know Susan Hayes?

A No, sir.

Q Now, in conjunction with the picture that you saw of Susan Hayes, there was a statement carried that she had on occasions been intimate with Dr. Sam Sheppard. Do you recall that?

A I recall that, sir. I don't recall what the picture looks like. I thought you said something about the picture. I don't remember.

Q But you recall the statement?

A Yes, something to that effect, yes, sir.

Q Now, should it develop during the course of the trial that that particular type of testimony is submitted for your consideration, would that cause you to become prejudiced or develop any ill-will toward Sam Sheppard?

A I don't know why it should.

MR. MAHON: Objection. Wait a minute. Objection to that.

THE COURT: The objection is sustained.

MR. GARMONE: Pardon?

MR. MAHON: Objection.

MR. GARMONE: To the question?

MR. DANACEAU: Have you finished the question, Mr. Garmone?

MR. GARMONE: I don't know. There was an objection.

MR. MAHON: Well, the lady started to answer, and that is when I objected.

MR. GARMONE: I see.

Q Well, we are agreed upon the fact that you did read the

articles where Susan Hayes had been quoted by a reporter who, in turn, had made public about her relationships with Dr. Sam Sheppard. Now, would that fact cause you to be prejudiced or create an ill-will toward Dr. Sam Sheppard if it should develop during the testimony, and you are instructed by the Court that you are not to regard it because it has no connection with the elements, the necessary elements, that constitute murder in the first degree?

A That was an awfully long question. May I have it read over?

MR. GARMONE: Would you repeat it
to the juror, please?

(Question read by the Reporter.)

MR. MAHON: I want to object to
the form of that.

THE COURT: She has already
answered it. The question is objectionable, of course.
It would be sustained otherwise, but she has already
answered it.

Q Now, Mrs. Adams, there will be submitted for your consideration testimony by police officers who are connected with the Cleveland Police Department. Would the fact that they are police officers cause you to give their testimony greater consideration than you would a layman who would testify?

A I would take each person who testifies statement individually and weigh it as such.

Q You wouldn't give them any greater consideration?

A I think each witness should be taken into consideration and weighed as that, their testimony, and as --

Q And can I rightfully assume that you would not give a police officer, because of the fact that he is a police officer, more consideration than you would a layman who would testify?

A I think it would have to be weighed, the way he sees it and the way the policeman sees it. I think it should be weighed in my mind, and that is the way I would have to decide.

Q That would be the proper way. But you wouldn't give any greater weight to the story that the policeman tells --

A No, sir; no, sir; no, sir; no, sir.

Q -- because he is a policeman?

A No, sir; no, sir; no, sir.

Q There will be doctors that will testify here, as Mr. Mahon told you, that are connected with the coroner's office.

A Yes, sir.

Q By the way, have you or any members of your family ever been -- do you have any members of your family that are connected with the medical profession?

A My immediate family?

Q Yes.

A No.

Q Do you have any relatives that are?

A Yes, sir, by marriage I have a relative that is.

Q And what is the name, please?

A Dr. Sterling, Sterling like sterling silver, and his last name is Pollock.

Q And where are his offices located?

A Hollywood, California.

Q Is he a Doctor of Medicine?

A That is right. Right now he is in the Service. He has closed his office. He is in Texas.

Q Do you have any feelings toward Doctors of Osteopathy as compared with Doctors of Medicine?

A Do I discriminate between them, do you mean?

Q Yes.

A I certainly do not.

Q Do you feel in your mind that you could consider with the same degree of consciousness this testimony offered by a Doctor of Osteopathy as against a Doctor of Medicine, if they were testifying on the same subject matter?

MR. MAHON: I object to that.

MR. GARMONE: I think that is a perfect question.

A I would --

MR. MAHON: Wait a minute.

THE COURT: I think the objection

ought to be sustained, Mr. Garmone.

Q Well, should you be offered to consider testimony by a Doctor of Medicine in this case on a given statement of facts and, in turn, the defense would submit for your consideration in this case on the same given statement of facts testimony on one side, the State, by a Doctor of Medicine, and on the other side, the defense, testimony by a Doctor of Osteopathy, would you have a tendency to give the Doctor of Medicine's testimony greater respect than you would the Doctor of Osteopathy, or would you weigh it with an even balance?

A I would certainly try to weigh it with an even balance.

Q Well, you said now that you would certainly try to weigh it with an even balance. Are you certain that you will be able to?

A I think I could weigh it with an even balance, yes, sir.

Q Well, you say, again, that you think you can.

A Well, I mean, it is so hypothetical. I don't know what man is going to testify on it, what another man is going to. If he is competent in his field and the other man is competent in his field, I am sure their testimony should be equally --

Q Considered?

A That's right.

MR. GARMONE:

Judge, I can't finish

with this juror this morning. It is 12 o'clock.

May we recess?

THE COURT: Let's finish with this juror, if you can. I think you must be that close to it.

MR. GARMONE: I am not that close.

THE COURT: Well, let's go ahead until we get through with this juror, please, because we break it up too much and we don't make progress.

MR. GARMONE: All right. I will try and finish.

Q Now, in the newspaper articles that you read, there was some editorials carried, and a particular one that was carried by the Cleveland Press that related, "Bring Dr. Sam in."

Do you recall that article?

A Could you tell me more about it? I mean, I don't know what you are referring to.

Q Well, the article, briefly, said this --

A That's what I would like to know.

Q The Press demanded that Dr. Sam be arrested and brought in. Do you remember that?

A I believe I remember something about that. I don't know exactly what it was. If it was in the Plain Dealer or Press, I probably read it.

5 Q Having knowledge of that editorial that we just made reference to, would that create any prejudice or bias in your mind?

A It certainly would not, no, sir.

Q In the disposition of this matter?

A No, sir.

Q Then there was an article -- rather, an editorial that was carried on the front page of one of the Cleveland publications that advocated in the City of Cleveland, Ohio, that the young man sitting on that side of the table should be put through the third degree. Do you recall that one?

A I don't exactly recall that, no, sir. I mean, I don't remember it. As I say, if it was in the Press or the Plain Dealer, I probably read it, but I don't recall that particular statement, no, sir.

Q Well, you don't agree with that theory in the United States of America, do you?

A I certainly don't believe in the third degree, but I feel I am going through it here.

Q Well, Mrs. Adams, you see, we have a great responsibility in this case.

A I know you do. I am sure you have a terrific responsibility.

Q I may, after examining you, think of something that I should have asked you, and my conscience would bother me if I didn't make a thorough examination.

A I prefer it that way.

Q In the protection of the young man's interests.

Now, we have cleared up that you will not permit any outside facts or outside remarks that may be dropped in your direction to influence you, if you are eventually chosen as a juror in this case, and that you will listen to only those facts that you hear in this courtroom.

A That is right, just whatever is said from this witness stand and the instructions of the Judge.

Q And those are the only facts that you will consider?

A I certainly will only consider those facts.

Q Now, on the subject of facts, the Court will instruct you that it is incumbent upon the State of Ohio, that is, Mr. Mahon, Mr. Danaceau and Mr. Parrino, to submit to you sufficient facts that will convince you beyond a reasonable doubt before you can arrive at a verdict of guilty in this case. In connection therewith, the Court will also instruct you that it is the law that it is incumbent upon the State of Ohio to supply to you that burden of proof, and that the burden never shifts, it stays on this side of the table.

A I understand that, sir.

Q Now, if the Court tells you that that is the law, will you follow those instructions?

A I certainly will, sir.

Q Now, should there come that time, after you have listened to all the facts in this case and have accepted the law applicable to those facts that Judge Blythin will instruct you on, that you have not been convinced by evidence beyond a reasonable doubt, would you hesitate in joining with your fellow jurors in returning a verdict of not guilty?

A I certainly would.

Q Pardon?

A I certainly would join with them that he is not guilty. That is what you said, isn't it?

Q That's right. Now, following that trend, the law will tell you that Sam Sheppard, as he sits there, is presumed to be innocent.

A Yes, sir.

Q And that it is not incumbent upon him at any time, if the State of Ohio has failed to convince you beyond a reasonable doubt, to submit any evidence as to his innocence, and if the Court tells you that that is the law in our state, will you follow those instructions?

A I certainly would follow those instructions.

Q In this case there was an indictment returned that sets out the charge of murder in the first degree. This indictment was returned by the Grand Jury of Cuyahoga County, and it was based on facts that were submitted to that body of people

by witnesses who the State of Ohio presented in their behalf. Now, the Grand Jury, having heard only the State of Ohio's side, that became a one party hearing, an ex parte hearing, or only one side. Sam Sheppard was not afforded the opportunity of submitting to that same Grand Jury any testimony in his behalf.

So as a result thereof the Court will tell you that the only value of this instrument is that it apprizes Sam Sheppard of the charge he must face here in open court before a petit jury, and though you will have this in your jury room with you, that at no time and under no circumstances whatsoever are you to consider it as evidence.

A Yes, sir.

Q And will you follow those instructions?

A Yes, sir.

Q Now, set out in this indictment is the charge of first degree murder, and the necessary elements that constitute it, the essential elements under the law that constitute first degree murder, that he did unlawfully, purposely and of deliberate and premeditated malice kill his wife, Marilyn Sheppard.

It is the recognized law in our state, Mrs. Adams, and the Court will so instruct you, and if I am wrong, he will correct me, that before you can conscientiously arrive at verdict of guilty on the basis of the allegations set out in

this instrument, that the State of Ohio must prove to your satisfaction, by evidence that convinces you beyond a reasonable doubt of not one, two or three of the elements contained herein, but each and every element.

Should the State fail to convince you by the evidence recognized beyond a reasonable doubt of each and every one of those necessary elements, and the Court says you would then be duty bound to return a verdict of not guilty, would there be any hesitation on your part?

A None whatsoever.

Q There was some discussion here made by Mr. Mahon regarding the type evidence that would be offered. He classified it as direct and circumstantial. The Court will instruct you what constitutes direct evidence and he will tell you what direct evidence is, and you will follow those instructions, will you not?

A Yes, sir.

Q The Court will then instruct you what the meaning of circumstantial evidence is. You will follow his instructions in that regard?

A Yes, sir.

Q Now, on the question of circumstantial evidence, and there is no controversy between myself, Mr. Mahon and his Honor, Judge Blythin, that circumstantial evidence is competent in the trial of this case, but the Court will instruct you

further that during the presentation of those circumstances that complete the link, the links, through which effort the State will attempt to prove the guilt of Sam Sheppard, that during sometime during the molding of that link of circumstantial evidence the circumstances are broken off and there is no complete picture so that you can arrive at an end result, would you then hesitate in returning a verdict of not guilty against Sam Sheppard?

MR. DANACEAU:

Objection.

A I would not hesitate in returning a verdict of not guilty.

Q Mrs. Adams, I have asked you a good many questions and I have had only one thought in mind, and that is a question that I have put to other members of this panel that I have had the privilege of examining, and it is serious with me, it is serious with Mr. Corrigan, Mr. Petersilge and Mr. Corrigan, Jr. and with the gentlemen that represent the State of Ohio, and it is this: Although you have been called upon to act as a witness in a case and have had little experience in courts, you probably will never again be called upon as a citizen to accept the responsibility that may become yours. If you are chosen as a juror, you will be given that privilege to take a seat with your fellow jurors in this box and take with you that power of determining the guilt or innocence of Sam Sheppard. In this case the responsibility reaches farther out. You will take with

you the power and authority, as one of those who shall judge the facts, whether you shall exercise the right to destroy a human life. Do you feel that you can accept that responsibility after giving your conscience a thorough examination?

A I am sure I could accept the responsibility, and I am sure that I would be fair about it, and I would certainly think it is a terrific responsibility.

Q And you would accept that responsibility?

A I have thought very serious of it. I think it is a terrific responsibility.

Q And you would accept that responsibility without any desire to satisfy anyone but your own living conscience?

A My own living conscience is all.

Q Is that correct?

A That is absolutely correct.

Q Without any desire to satisfy the hysteria that has been created in this matter, is that correct?

A That's correct.

Q Or any individual?

A Absolutely; no individual but myself.

Q No individual in this courtroom, including lawyers for the defense, lawyers for the State or the persons who have been brought here from all over the United States of America to report this case?

7 A I think the responsibility is all mine, and I have to answer.

Q And it is your conscience, and you want to live with it?

A It is my conscience, that's right.

MR. GARMONE: Thank you.

THE COURT: Will you wait just one moment, gentlemen? Let's have perfect order until we have these matters disposed of. ✓

Will you be kind enough after the noon hour to take that Seat No. 9 over there, next to Mrs. Orenstein, and will you ladies and gentlemen of the jury be kind enough during the noon hour not to discuss this matter at all in any way, shape or manner, not even among yourselves in your jury room or elsewhere? Without any formality at all, we will be adjourned until 1:30 this afternoon.

(Thereupon an adjournment was taken until 1:30 o'clock p.m. of the same day, at which time the following proceedings were had:)

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