

(AFTER RECESS:)

THE COURT: The next peremptory
is with the defense.

MR. PETERSILGE: The defense requests
the Court to excuse Juror No. 10, Mrs. White. ✓

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Thereupon FRANK G. MORAVEC, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR FRANK G. MORAVEC:

BY THE COURT:

Q Is your name Frank G. Moravec?

A Yes, sir.

Q And you live at 4348 Parkton Drive in Warrensville Heights?

A Correct.

Q How long have you lived there, Mr. Moravec?

A 25 years.

Q 25 years?

A That's right.

Q I didn't know that anybody lived in Warrensville Heights 25
years.

And are you a married man?

A Yes, sir.

Q And have you a family other than your wife?

A I have two married daughters.

Q Will you speak a little louder, please.

And are either one of your daughters living with you?

A One of them, the youngest one.

Q Who does the household consist of, yourself, your wife, your daughter and her husband?

A He is in the Air Force.

Q He is in the Air Force?

A Yes, sir.

Q And what is your occupation or profession?

A Tool and diemaker.

Q And who are you employed by, Mr. Morovec?

A The Haserodt Machine and Tool.

Q Haserodt?

A Haserodt Machine and Tool.

Q How long have you been so employed?

A At this place?

Q Yes.

A Ten years.

Q Ten years?

A At this place, yes, sir.

Q Have you ever served on a jury before?

A No, sir.

Q Have you ever been a witness in a lawsuit in any case?

A No, sir.

Q I take it that you were here on a week ago last Monday morning when these good people around the trial table here were presented to you. Do you know any of them?

A Just the leading attorneys, that's all.

Q Pardon?

A Just the two important men.

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

A No.

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

A No, sir.

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

A No, sir.

Q Are there any members of your family -- and by your family, I mean your wife's as well, of course -- any members of your family who are members of a Police Department or any other law-enforcing agency anywhere that you know of?

A No, sir.

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

A No, sir.

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

A Yes, sir, I did.

Q And by what means have you heard and generally to what extent?

A Just what I have read in the papers. I have seen the papers.

Q Just what you have read in the papers?

A Yes, sir.

Q Have you heard comments on the radio or television or both?

A I have no television set, and the radio is on the hummer for some time.

Q And have you discussed the case with others or others discussed it with you?

A No.

Q Have you as a result of what you have read and, if anything, what you have heard about this case formed any opinion at all as to the guilt or innocence of Sam Sheppard?

A No, sir. I am a great baseball fan, and that's all I know, is about the sport pages, and that's all I care to read at home. If I ask for the paper at home, my wife hands me the sports page.

Q All right. But you say you have formed no opinion at all about the guilt or innocence of Sam Sheppard?

A No, sir, no. I was in the hospital for a week three weeks ago.

Q You understand that it's the function of a jury to weigh the evidence and decide the facts that are to be decided. In

other words, the jury and the jury alone decides the guilt or innocence of a man charged with a crime.

A Yes, sir, I do.

Q And you understand, too, that all witnesses in a Court stand originally on the same basis, whether they are doctors, lawyers, police officers, or who they may be, it is the function of the jury to weigh their testimony just as they would weigh the testimony of every other individual, you understand that?

A Yes, sir.

Q And that they are entitled to no more credence just because they have titles or hold public office, that all evidence is to be weighed by the same basis because the test is what is true or what is not true without regard to who tells it.

10 Could you sit here and listen to the testimony in this case, and guided by the instructions that the Court will give the jury as to the law --

A Yes, sir.

Q -- and be guided entirely by those and be absolutely fair and impartial in the matter?

A Yes, sir, your Honor.

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

MR. CORRIGAN:

Objection.

THE COURT:

Overruled. You may answer.

A That all depends.

Q No. I am asking -- you listen to my question and you will get it. Have you any objection to capital punishment in a proper case?

MR. CORRIGAN: Objection.

THE COURT: Overruled.

A No, sir.

Q You said no, sir?

A That's right.

Q And could you sit here and, if you and your fellow jurors were in agreement that the evidence showed the defendant guilty beyond a reasonable doubt, or if the evidence did not convince the jurors that he was guilty beyond a reasonable doubt, that in the first case you would join in a verdict -- you could join in a verdict of guilty, and in the second case you would have no hesitation of joining in a verdict of not guilty?

A That's right.

Q Have you received since July 4th of this year any communication of any kind from anybody that could have some reference to this case?

A No, sir.

Q Not any of any kind?

A No.

Q Do you know any of those good people on that panel?

A Only since I came here.

Q Only since you came here?

A That's right.

Q You have never known any of them before?

A Not these, no, sir.

THE COURT: That is Mr. Mahon, who
is the Assistant County Prosecuting Attorney, and he
would like to put a few questions to you.

EXAMINATION OF PROSPECTIVE JUROR FRANK G. MORAVEC:

BY MR. MAHON:

Q Mr. Moravec, you said that you knew two of the lawyers in
this case?

A Just you and the other man, not personally, but just what I
heard of them, that's all.

Q Do you know me personally?

A No.

Q You mean you have seen my name and heard of me, is that
what you mean?

A That's all.

Q And who was the other one that you meant?

A Well, Mr. Corrigan.

Q Do you know Mr. Corrigan personally?

A No, sir.

Q You know of him because you have heard of him and seen his

name in the papers, and so forth, is that what you mean?

A The introductions in this room we got about a week ago.

Q Pardon?

A The introduction we got here last week.

Q When you were in here last week and the lawyers were all identified?

A That's right.

Q Was that the first time that you saw either Mr. Corrigan or myself?

A That's right.

Q And the other lawyers that are in this case, you did not know any of those?

A No.

Q Mr. Morovec, you have read something about this matter in the newspapers, have you?

A Not important, but just now and then, just seeing the headlines in the paper, that's all.

Q You read the headlines?

A Yes.

Q Did you read the articles that followed the headlines?

A None that I know of.

Q Where is your place of employment?

A On Columbus Road, 1824 Columbus Road.

Q And the people that you work with there, have you heard any discussion about this case with them or through them?

A Well, I'll tell you, sir, I was painting my home this summer, I was painting my home this summer. I wasn't there only about, oh, about two months this summer, that's all.

Q You mean you only worked at this Haserodt Co. for two months this summer?

A This summer, yes. I've been on my vacation, been in the hospital, been painting my home, and I was called back to work. I got ruptured there and I went to the hospital. I was in the hospital during the World Series three weeks ago.

Q Have you worked there since July 4th?

A Yes, sir.

Q You worked with other men there?

A Toolmakers, yes.

Q Has there been any discussion in your presence about this case? ✓

A There might have been here and there, but I never was interested. ✓

Q In other words, you didn't pay any particular attention to it, is that it?

A No, sir; no, sir. That's right.

Q You never formed any opinion, I take it, then, as to the guilt or innocence of Sam Sheppard?

A Not myself, no, sir.

Q Have you had any discussion with any of the members of your

family about this matter?

A No. When I get home they never ask me what goes on down here, either.

Q Well, you have had no talk with your family?

A No, sir.

Q About this matter?

A No.

Q Have you any opinion at the present time as to the guilt or innocence of this man?

A No, sir, I have not.

Q Is your mind in such shape at this time that you could obtain all of your information concerning this case right here in this courtroom from that witness stand?

A Only if I hear it.

Q Pardon?

A Only if I hear what goes on in here, that's all.

Q I mean get all your information right here in this courtroom?

A That's right.

Q Anything that you might have heard outside or that you might have read about this case will not influence you in the slightest?

A No, sir; no, sir.

Q You understand that the jury that hears this case is going to have to determine what the facts are from the various

witnesses who take that witness stand to testify?

A Yes, sir.

Q As they tell their story, the jury is going to have to determine what the actual and true facts are?

A That's right.

Q You understand that?

A Yes, sir.

Q And you feel that you can be guided entirely by that in your decision in this case?

A That's the way I want to do it.

Q And as those witnesses take the witness stand to testify, you will find men in various and women in various walks of life. There will be police officers that will testify; there will be doctors that will testify; there will be technicians that will testify, and there will be people who have no profession, the average laymen, you will have some of those witnesses, too. You understand that?

A Yes.

Q And it is going to be the job of the jury to determine how much weight and credit to give to the testimony of any witness who testifies. You understand that?

A Yes, sir.

And you are going to weigh their testimony, or the jury should weigh their testimony regardless of their station in life or their position in life, as to whether they are professional or

whether they are lay people, you are going to judge them individually as to what credit and weight you will give to their testimony?

A That's right.

Q And you will do that, will you?

A Yes, sir.

Q And in judging what weight and credit you will give to their testimony, the Court will tell you that you have a right to consider certain factors. You have a right to consider, for instance, the reasonableness or the unreasonableness of the story that any witness tells you; you have a right to consider the interest or lack of interest that a witness has in the outcome of the case; you have a right to consider the straightforwardness that a witness has or exhibits in his testimony, or the lack of that. Do you understand that?

A Yes, sir.

Q And the Court will tell you that you might consider all of those factors in determining what weight and credit you will give to the testimony of any witness, and you will also consider in that respect your experiences in life, the things that you ordinarily use in your faculties to determine whether or not a person is telling you the truth. Now, will you be guided by those factors --

A That's right..

Q -- in determining what weight and credit you will give to the

testimony of any witness regardless of their position in life?

A That's right.

Q You will do that?

A Yes.

Q There will be evidence in this case that is direct evidence and circumstantial evidence. Now, the Court will instruct the jury that both direct and circumstantial evidence are proper, and the jury has a right to consider both circumstantial and direct evidence. And you will follow the Court's instructions in that respect, will you?

A I will.

Q You know in a general way what direct evidence is, where witnesses come in here and testify to certain things that they see or that they hear, and they relate that here, and that, briefly, is what we might term direct evidence.

A Yes, sir.

Q Circumstantial evidence is where certain facts are proven, and a jury can draw certain inferences from those proven facts.

A Yes, sir.

Q You understand in a general way, then, what circumstantial and direct evidence is?

A Yes, sir.

Q And do you have any prejudices against circumstantial evidence

as such?

A No.

Q If you felt that that type of evidence was worthy of consideration, you would give it whatever consideration you felt it was entitled to?

12 A I would.

Q The Court here, in this instance, his Honor, Judge Blythin, who presides at this trial, when all of the evidence has been concluded and all of the witnesses have testified, Judge Blythin will instruct the jury on the rules of law that apply in a case of this kind. And it is the duty of the jury to follow the Judge's instructions right to the letter as to the law. Do you understand that?

A Yes, sir.

Q Do you feel that you can do that?

A Yes, sir.

Q And if, by chance, you might have some idea or thought of your own as to what the law is or should be, and that differs from what Judge Blythin tells you the law is, could you set your own opinions of the law aside and follow the Judge's instructions?

A I think I could, that's right.

Q You will do that, will you?

A That's right.

Q Now, you have told us that you were in the hospital this

summer, is that right?

A Yes, sir.

Q Will you tell us what hospital you were in, sir?

A Huron Road.

Q And did I understand you correctly before when you said you had a rupture?

A Hernia.

Q Hernia?

A That's what I went there for. I was there for a week.

Q For how long?

A For one week.

Q You are all right now?

A Well, I still wear the girdle.

Q But your health is in such shape --

A I am improving, yes, sir, I am improving.

Q Well, you could serve? It wouldn't interfere with you serving here as a juror, would it?

A No, sir. I drive down here and drive back myself.

Q I see. In considering the evidence in this case, I am sure you would not be influenced by any bias or passion or prejudice in deciding this case, would you?

A Will you repeat that, sir?

Q You would not be biased against either the defendant here or the State of Ohio?

A No.

Q In considering the facts in this case, would you?

A That's right, no.

Q You would not be prejudiced against either the defendant or the State of Ohio?

A No.

Q And you would not let sympathy for the defendant or the State or anyone else, the family of the defendant, to influence your judgment in this case, would you?

A That's correct.

Q You would decide this case on the facts, on the cold facts as you get them from that witness stand and absolutely nothing else, is that correct?

A That's correct.

Q Well, Mr. Morovec, I might ask you many questions, but our only purpose in asking these questions at all is in an endeavor to get a jury that can be fair and just and impartial, and I mean fair and just and impartial to both sides in this case.

A That's right.

Q When we say the State of Ohio, we mean the people of the State of Ohio. That is who the Prosecutor represents in this case. The other gentlemen on the other side of the table represent the defendant in this case. You understand that?

A Yes, sir.

Q And you feel that you can be fair to both sides?

A To both sides, yes, sir.

Q You feel that if the State -- let me withdraw that for the moment.

You understand that the law of this State -- and his Honor, Judge Blythin, will so instruct you, I am sure -- is that where one is charged with the commission of crime, where he enters a plea of not guilty to that charge, that the law then presumes that he is innocent, and that presumption carries on with him throughout the trial until such time, if such a time ever comes, in the trial of the case that the State of Ohio has produced sufficient evidence to convince the minds of the jury of his guilt beyond a reasonable doubt. Now, if Judge Blythin tells you that that is the law, will you follow that instruction?

A Yes, sir.

Q And will you at this time give this defendant the benefit of the presumption of innocence?

A I don't quite understand that, sir.

Q Well, is your mind in such condition now that you can presume that Sam Sheppard is innocent at this particular moment?

A No, sir.

Q You say you cannot. Well, maybe I didn't make myself clear.

The Judge will tell you that the law is that anyone, anyone who is charged with the commission of crime and enters a plea of not guilty to the charge -- and this defendant has

entered a not guilty plea -- that they are presumed to be innocent until the State proves them guilty beyond a reasonable doubt. Do I make myself clear? If not, you tell me.

A Well, I don't know. Do you mean if he -- say that again, will you, please?

Q Let me see if I can simplify it, sir. The burden of proof is on the State, that is, the State through the Prosecutor has to produce evidence to convince the jury of this defendant's guilt before you could find him guilty.

A That's right, yes.

Q So the burden is upon the State to prove his guilt. Do you understand that?

A Yes, yes.

Q He is not, the defendant is not required to prove his innocence. He is presumed under the law to be innocent until proven guilty beyond a reasonable doubt.

A Yes, I see now.

Q Now, maybe I am confusing you. If you don't understand, don't be hesitant in telling us so, and we will try to make it clear so that you will understand. Do you understand what I am talking about now?

A Well, partly.

Q Pardon?

A Partly.

Q Well, maybe I can clear it this way: If someone charged you

with doing something and you hadn't -- In your mind you hadn't done anything, you would insist that that person prove it, wouldn't you?

A That's right.

Q Is that right?

A Yes.

Q All right. Now, the Grand Jury has indicted this man on the charge of murder in the first degree. They have charged him with that or indicted him. Do you understand that?

A Yes.

Q Now, the Prosecutor has to produce evidence to prove that before he can be found guilty. Do you understand that?

A Yes.

Q Pardon?

A Yes, sir.

Q And if the Prosecutor cannot produce sufficient evidence to prove him guilty beyond a reasonable doubt, then he should be acquitted, is that right?

A That's right.

Q The defendant does not have to prove his innocence at all. Do you understand that?

A That's right, yes.

Q The duty is upon the Prosecutor to prove him guilty, if they can.

A Now I see.

Q You see what I mean?

A Yes, sir.

Q So could you consider at this time -- could you presume at this moment, right now, that this defendant is innocent?

A Yes, sir.

Q You can do that?

A Yes.

Q And you will require that the Prosecutor produce sufficient evidence to convince your mind of his guilt beyond a reasonable doubt?

A That's right.

Q Before you would find him guilty?

A Guilty.

Q Is that right?

A Right.

Q In a first degree murder case where one has been found guilty and there has not been a recommendation of mercy, the penalty is death in the electric chair. Do you understand that?

A Yes.

Q You have stated to the Court that you are not opposed to capital punishment, is that right?

A That's right.

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

A Yes, sir.

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

A Yes.

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

A That's right.

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

A Yes, sir.

Q Mr. Moravec, I want to ask you to search your mind now and see if you can think of any reason at all why you could not be absolutely fair and just and impartial as a juror in this case?

A To both sides, yes, sir.

Q You feel that you could do that?

A Yes, sir.

MR. MAHON: Thank you, sir. We will pass for cause.

THE COURT: Now it is 20 minutes of 12, and I doubt if counsel for the defense can finish with this prospective juror in 20 minutes. Would you rather proceed for 20 minutes now or adjourn now and return at one o'clock instead of 1:15?

MR. GARMONE: I would rather return at one o'clock, your Honor.

THE COURT: Is that agreeable to

everybody?

MR. MAHON:

Yes.

THE COURT:

All right. Those who are in the panel, and including you, Mr. Moravec, be careful during the noon hour not to discuss this case with anybody. Don't talk about it at all nor permit anyone to talk to you about it. Without any formality at all, we will be adjourned until one o'clock this afternoon.

(Thereupon an adjournment was taken at 11:40 o'clock a.m., until 1:00 o'clock p.m. of the same day, at which time the following proceedings were had:)

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Tuesday Afternoon Session, October 26, 1954.
1:00 o'clock p.m.

THE COURT: This gentleman is Mr. Garmone, who is of defense counsel. He would like to put a few questions to you.

Thereupon FRANK G. MORAVEC resumed the stand and was examined and testified further, as follows:

EXAMINATION OF PROS. JUROR FRANK G. MORAVEC

By Mr. Garmone:

- Q Mr. Moravec, you have been at your last place of employment for about ten years?
- A Yes, sir.
- Q And you are a tool and die maker, is that correct?
- A Yes.
- Q Now, about how many people would you say around where you conduct your work?
- A About 15.
- Q Did any of those 15 ever express their opinion to you about Sam Sheppard?
- A They might have, but I never heard them. I just maybe went by and heard them speak about it, but I am a lead-off die maker down there, just like a foreman amongst a group of men.

There's about 10 men with me. I have a big job, and I never have a chance to fool around and talk to anybody.

Q But then if there were any opinions expressed by any of your fellow-workers, you wouldn't carry those opinions into the jury box?

A No, sir.

Q You would go in here with a free and open mind?

A Yes, sir.

Q No partiality toward the State and no partiality toward the defense, is that right?

A That's right.

Q Now, you said that you do most of your reading of the newspaper on the sports page?

A That's right.

Q You are a baseball fan?

A Always was.

Q Were you a little disappointed that our team lost four straight to the New York Giants?

A That could happen to anybody.

Q Now, you made a statement to John Mahon about knowing the two chiefs, meaning him and Mr. Corrigan. Now, I will ask you in the parlance of baseball language: Do you know any of the bench warmers or bench strength that is sitting behind Mr. Mahon or Mr. Corrigan?

A No.

Q You don't. You understand thoroughly that it is incumbent upon the State of Ohio to convince you beyond a reasonable doubt before you can conscientiously decide that Sam Sheppard is guilty? You believe in that theory, do you not?

A Yes, sir.

Q Now, should the State fail to convince you beyond a reasonable doubt, would you hesitate or waiver in joining your fellow-jurors in returning a verdict of not guilty, should they fail to convince you beyond a reasonable doubt?

A I don't think so.

Q Well, not whether you don't think so. Can you be a little more positive about it?

A Yes, sir.

Q You can?

A Yes.

Q Now, when we discuss the matter of reasonable doubt it brings to our mind an indictment. You see, that is an instrument that was returned by the Grand Jury of our County that apprised the defendant, Sam Sheppard, what he is on trial for here. Now, the Court will tell you, Mr. Moravec, that at no time and under any circumstances are you to consider the mere fact that an indictment has been returned evidence in this matter.

Now, if he tells you that that is the rule of law that you are to follow, will you follow that rule?

A Yes, sir.

Q The reason for that is that when the laws were enacted that govern the operation of this type of trial, is that the basis of this indictment is what we term an ex-parte hearing. It is a one-sided affair. The State of Ohio only submitted to the Grand Jurors of this County those witnesses that they thought were necessary to their cause. Sam Sheppard was never afforded an opportunity to present his side or present his witnesses, and that is the theory of law we must follow, that you are not to consider the indictment as evidence in this case.

Now, I will ask you this general question relative to the indictment:

Does the fact that there has been an indictment returned, apprising this young man as to what he stands charged with, raise any presumption of guilt in your mind?

A Well, I would have to hear the story.

Q Then you have no feeling that Sam is guilty just because the indictment was returned, do you?

A No.

Q And you believe in the theory of law that you will be instructed on by Judge Blythin relating to the presumption of innocence, that as he sits there now he is presumed to be innocent?

A That's right.

Q There is no question in your mind but what he is presumed to be innocent at this particular time, is that right?

A Yes.

Q Now, in the indictment they make certain claims that he unlawfully, purposely and of deliberate and premeditated malice killed his wife, Marilyn Sheppard.

Now, you will be instructed to follow the law that it is incumbent on the State of Ohio, Mr. Mahon, Mr. Danaceau and Mr. Parrino, to convince you beyond a reasonable doubt that every essential element that I have just read off to you must be proven by that degree of evidence. Can you follow those instructions?

A Yes, sir.

Q Now, should the State of Ohio fail to convince you of those things -- instead of using the word "element," I will use the word "things," that I just mentioned, unlawfully, purposely, deliberately and with premeditated malice, those are four distinct necessary things that the State must prove.

Now, should, Mr. Moravec, the Court state to you that the law in our State is that if the State fails to prove all of them, even though they have proved one, two or three, but haven't proved the fourth, that you would then be obligated as a juror, if you are accepted, to return a verdict of not guilty, would you hesitate in any way?

A No.

Q You understood my question?

A Yes.

Q That all of them collectively must be proven before you can arrive at a just verdict of guilt.

A That's right.

Q Now, the element of proof to sustain the State's cause beyond a reasonable doubt will come to you from the facts that you hear in this courtroom, and will you only decide this matter on those facts that you hear from witnesses who will occupy the same seat that you are in now?

A Yes, sir.

Q You won't permit any conversations that may be thrown in your direction during the course of this trial to creep into your mind and use those as a medium of being fair and impartial?

A No.

Q Pardon me?

A No.

Q You will only listen to those facts here, right?

A That's right.

Q No other facts?

A No other ones.

Q Because you probably know as well as I do, and all these other jurors, that since your name was publicized in the

paper, that a lot of people will be curious or make some kind of an effort to talk with you, and they may just, without any feeling one way or another, tell you what they think of the matter. You won't listen to them, will you?

A No.

Q Now, after you heard the facts, the statements that witnesses will give you under oath, it will become the Court's duty to instruct you as to what the law is applicable to those facts.

Now, if you have any personal notions while his Honor, Judge Blythin, is telling you what the law is, as to what you think the law should be or ought to be, can you disregard those from your mind and follow only that law that his Honor, Judge Blythin, will give you on the subject?

A I will just go according to law, that's right.

Q According to law and the law that Judge Blythin gives you?

A That's right.

Q Because you are like I am, and everybody else, we don't always agree with thoughts that people express to us, and we think that we are right and I think that I am right, but when it comes right down to the final analysis, in this case Judge Blythin is the sole judge of who is right and who is wrong as far as the law is concerned, and that is his obligation and responsibility, and you will accept it as such, will you not?

A I will.

Q Now, coming back to the facts for a minute, the Court will tell you that you are the sole judge of the facts, that when you accept the responsibility, if you are chosen as a juror in this matter, that I, Mr. Corrigan, Mr. Petersilge, or Mr. William H. Corrigan, or Mahon, Danaceau or Parrino, we can't trespass on the authority that the law gives you in being the sole judge of the facts.

A That's right.

Q That is the law. You have the right to make up your own mind as to how you should treat those facts and what interpretation you should give them, and you are willing to accept that responsibility and that theory, are you not?

A I will, yes.

Q Now, after you have heard the entire factual picture that will be presented to you in this case, and after you accept the law that Judge Blythin will give you applicable to those facts, should you conscientiously arrive at that point where you feel that the State has failed to convince you beyond a reasonable doubt, would you then hesitate in expressing a verdict of not guilty in Sam Sheppard's favor?

A No.

Q If, after you have heard all these facts and taken the law and applied it your way to the facts, and you then become satisfied that the State has failed beyond a reasonable

doubt, would you listen and join in discussion with your fellow-jurors as to how or what their feelings are relating to the same facts that you have considered? You would listen to them, would you not?

A I don't think I would.

Q You would discuss it with them? That's a right you have under the jury system.

A Yes, I'd do that, yes.

Q Now, after all this discussion with your fellow-jurors and after they have expressed to you what their interpretation is on a certain issue of facts in the case, and you, as an individual, Mr. Moravec, are still convinced in your mind that they have failed to prove beyond a reasonable doubt the guilt of Sam Sheppard, would you waiver in any way, or would you stick by your abiding conviction and vote for a verdict of not guilty?

A Yes.

Q There is no question about that?

A That's right.

Q There was some mention made about the type of evidence that you will be called upon to listen to, and I think it was Mr. Mahon who stated that there will be direct evidence and evidence of a circumstantial nature or circumstantial evidence. The Court will instruct you that circumstantial evidence is important and must be accepted under the law.

Q Now, you don't have any preconceived notions or ideas about circumstantial evidence, do you?

A No.

Q He will also tell you that when reliance for conviction is placed on circumstantial evidence, the facts and circumstances upon which the theory of guilt is placed must be shown beyond a reasonable doubt, and, when taken together, it must be so convincing as to be irreconcilable with the claim of innocence and admit to no other hypothesis than the guilt of the accused.

Now, the Court will tell you that that is the rule that you are to follow relating to circumstantial evidence. Will you follow that rule?

A Yes, sir.

Q You understood my question?

A Yes.

Q Well, there is a question or two I would like to ask you on this subject. ✓

Did you read in the newspapers a statement that was attributed to a young lady by the name of Susan Hayes?

108 A No.

Q You did not?

A No, I didn't read it.

Q Pardon?

A I didn't read it.

Q Did you read in the newspapers a statement that when the body of Marilyn Sheppard was found in the Sheppard home, that Sam Sheppard was present? Do you recall that statement?

A No, sir.

Q You didn't read that?

A No.

Q Did you read anything in the newspapers that were attributed to members of the Cleveland Police Department, specifically Inspector McArthur?

A No.

Q Chief Story?

A No.

Q Or Captain Kerr?

A No.

Q Did you see anything in the papers regarding a statement that was made by the Mayor of the City of Cleveland about Sam Sheppard?

A No, sir.

Q You did not?

A No, sir.

Q Well, then, you probably concentrated all your newspaper reading to the sports page?

A That's what I'm telling you.

Q Primarily?

A Yes.

Q Do you get papers delivered to your home?

A Yes, sir.

Q May I ask which ones?

A The Press ✓

Q Do you consider the sport page a pretty good one?

A I do.

Q Do you always agree with the articles that are written by Franklin Lewis?

A Franklin who?

Q Franklin Lewis.

A Once in a while. He has good ideas, too.

Q He has some good ideas?

A Yes.

Q But you sometimes differ with him, do you not?

A I played ball myself. I know.

Q Now, Mr. Moravec, I have asked you a good number of questions, and maybe no question that I have asked of you or Mr. Mahon has asked of you would bring out any reason that would disqualify you as a juror. Do you know now of any reason why, if you are chosen, you couldn't be fair and impartial in this case?

A I'll be square.

Q Be square?

A Yes.

Q You appreciate, as all these other prospective members do,

that this young man is fighting for his life?

A That's right.

Q The State of Ohio in this case is asking you to consider whether you shall exercise that authority that you will have if you are chosen in taking the life of a fellow-citizen. You appreciate that that is a great responsibility?

A I do.

Q You appreciate that the responsibility is also great in the determination of this young man's guilt or innocence, do you not?

A Yes.

Q Now, I asked you in conclusion to search your conscience and do it very carefully --

A I will.

Q -- and be very frank in your answer.

A Yes, sir.

Q For your own satisfaction and for the satisfaction of his Honor, Judge Blythin. Do you know of any reason, if you are accepted, Mr. Moravec, as a juror in this case, with the responsibility and authority that you will have, why you can't give this man a fair and impartial trial?

A I will give him a fair trial, yes, sir.

Q You will give him a fair trial?

A Yes, sir.

Q No question about it?

A That's right. That's me.

Q That's you?

A Yes.

MR. GARMONE: Thank you very much.

THE COURT: Will you be kind enough
to take that chair No. 10?

(Prospective Juror Moravec does as
requested.)

THE COURT: Next peremptory is with
the State.

MR. PARRINO: If it please the Court,
the State will excuse Juror No. 6, Mr. Holliday. ✓

(Thereupon Prospective Juror Holliday was
excused.)

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