

THEREUPON, FRANCES GRODZINSKI, a member of the prospective jury panel, having been previously sworn, was examined and testified on voir dire, as follows:

THE COURT: Good afternoon, Mrs. Grodzinski.

MRS. GRODZINSKI: Good afternoon.

THE COURT: Is that the correct pronunciation?

MRS. GRODZINSKI: Grodzinski, G-r-o-d-z-i-n-s-k-Grodzinski.

THE COURT: Mrs. Grodzinski, you are a widow?

MRS. GRODZINSKI: Yes.

THE COURT: Mrs. Grodzinski, the lawyers are going to ask you some questions, and will you please keep your voice up so that each one of us in this room can hear your responses to these questions; will you do that?

MRS. GRODZINSKI: Certainly I will. I will try.

THE COURT: Will you relax and pay attention to the question and give the answer as you know the answer to be; will you do that?

MRS. GRODZINSKI: I will, I will try.

THE COURT: And you will remember
that you are under oath?

MRS. GRODZINSKI: Yes.

THE COURT: Counselor Corrigan
or Spellacy?

VOIR DIRE EXAMINATION OF FRANCES GRODZINSKI

By Mr. Corrigan:

Q Mrs. Grodzinski, will you spell your name, please?

A My last name?

Q Yes.

A G-r-o-d-z-i-n-s-k-i.

Q Thank you. Where do you live?

A West 36th.

Q What is the number there?

A 4233.

Q How long have you lived there?

A 42 years.

Q You had indicated, I believe, in response to what Judge
Talty has said, that you are a widow?

A That's right.

Q How long have you been a widow?

A Six years.

Q What was the type of employment of Mr. Grodzinski before
his passing away?

A My husband was in the furniture business.

Q In what capacity was he engaged in the furniture business?

A Well, he had some stock in it, and he worked as a salesman.

Q With whom did he work?

A Kovadas Furniture.

Q Where was that located?

A On the corner of 11th and Fairfield. That is on the south side, southwest side.

Q Were there several Kovadas Furniture stores?

A There was another one opened on Pearl Road.

Q That was the same company?

A Yes.

Q Do you have a family?

A Yes, I have.

Q How many children, and what are there names and ages?

A Two daughters. I have a daughter 50, and a daughter 46.

Q Are these two young ladies married?

A That's right. I am a great-grandmother.

Q I don't think many of us will reach that.

A I am proud of that.

Q Will you tell us, please, what the married names of your two daughters are?

A Janet Karish, and Evelyn Osmoski.

Q What is the employment of Mrs. Karish's husband?

A He owns a dairy business. He is in the dairy business.

Q What is the name of that business?

A Sunnydale Dairy.

Q Where is the Sunnydale Dairy located?

A I know it is on Sandusky, near 93rd Street.

Q That is on the east side of Cleveland?

A That's right.

Q The other daughter, what is her name?

A Osmoski.

Q What does Mr. Osmoski do?

A He is a machinist at Pneumatic Tool.

Q Where were you living -- you were living on West 36th Street in 1954, were you not?

A Oh yes. We built that home there.

Q Do you remember at that time, you are aware that this is the case of the State of Ohio vs. Sam Sheppard?

A I didn't get that?

Q You are aware that this case here is the case of --

A Yes.

Q -- the State of Ohio vs. Sam Sheppard?

A Yes.

Q In 1954 did you have occasion to hear about this case?

A Well, I think everybody heard about it. But I wasn't interested in it.

Q Did you read any newspaper accounts?

A Well, I would once in a while, yes.

Q At your home did you get the daily newspapers?

A I get the Press.

Q Do you read it from cover to cover?

A Not always. I am not a good reader. I don't read too much.

Q In 1954, as the Press had articles relating to the Sheppard case, did you read those articles?

A I probably did some, sure, some of them I did.

Q Did you hear anything on radio or television about the Sheppard case?

A Well, I suppose I did. I suppose I did.

Q Did you discuss the Sheppard case with your daughters or your husband?

A Oh no, not with my daughters, no.

Q How about with your husband?

A I'll tell you the truth, my husband was working 14 hours a day. I didn't get too much time to discuss anything with him. He was in business. He went out at 8:00 and didn't come home until 10:00, when you are in business.

Q How about your neighbors, did you ever discuss it in the business?

A No, no. I had a school teacher living next door.

Q Did any of your neighbors or friends or acquaintances

discuss the Sheppard case with you?

A Well, once in a while, maybe. I will say they talked something about it, but we didn't discuss it.

Q As a result of what you read in the newspapers, or what you heard or saw on television, or what you heard from somebody else, without telling me what the opinion was, did you formulate any opinion?

A No, I did not.

Q As to the merits of this case?

A No, I did not.

Q Did anybody tell you what their opinion was, without again telling us what their opinion was?

A What do you mean by opinion, that it just --

Q Did somebody tell you that they felt the defendant was guilty or innocent?

A I don't think so that we talked about it that much, no.

Q Do you know where Bay View Hospital is in Bay Village?

A No, I have never been there.

Q I have passed it, yes, in going to Vermillion.

Q On the occasion that you would pass this hospital -- have you done so since 1954?

A No.

Q Are there any members of your family that are members of a law enforcement agency?

A Law enforcement agency?

Q Yes, police officers or --

A No, no. I thought you said lawn. You said law.

Q Do you know anybody in the prosecuting attorney's office?

A No, I never had anything to do in particular.

Q Do you know the defendant Sam Sheppard?

A No.

Q Do you know the defense counsel, Mr. Bailey or Mr. Sherman?

A No, sir.

Q Do you know Judge Talty?

A No, I don't know him, but I gave him my vote.

Q On behalf of Judge Talty I will thank you.

A Well, I did, that's the truth and I am glad to see him, that I gave him my vote.

THE COURT: Thank you, Mrs. Grodzinski.

Q I am sure we will all agree he is a very fine judge.

THE COURT: Thank you, Counselor.

Q Mrs. Grodzinski, since 1954 have you had occasion to read anything about the Sheppard case in the newspapers?

A I don't there was anything, was there, in the papers since '54?

Q I am asking you for a yes or no; did you read anything?

A No, no. No.

Q The Court will instruct you that in a criminal case, and

in this case, that if you are selected as a juror the defendant starts off with the presumption that he is innocent, and you must presume that he is innocent, and that presumption carries with him unless and until the State of Ohio proves beyond a reasonable doubt to your satisfaction that he is guilty.

Now, will you accept the instruction of the Court and afford to this defendant that presumption of innocence?

A Yes, I would, I would.

Q The Court will tell you that the State of Ohio is required to prove each and every essential element beyond a reasonable doubt.

Will you require the State of Ohio --

A Yes.

Q -- to produce that type of evidence?

A Yes.

Q If you are selected as a juror and the time comes when-- and if it does--that the jury deliberates in this case, would you join with your fellow jurors in a full and complete discussion of all the facts that you heard here in the courtroom?

A If I thought they were true, if the facts I thought were true.

Q Would you do that with the view in mind of attempting to arrive at a fair and just and impartial verdict, fair to

everybody, fair to both sides, the State of Ohio and to the defendant Sam Sheppard?

A Yes, I would.

Q If Judge Talty told you that circumstantial evidence, if properly proven, is just as good as direct evidence, would you follow that instruction?

A I didn't get your question?

Q If Judge Talty told you the law is that circumstantial evidence is just as good as direct evidence, if properly proven, would you accept that instruction?

A Yes.

Q Have you never been a victim of any crime?

A No, thank God.

Q Have you ever been a witness or in any way involved in a criminal proceeding?

A Never, no.

Q You have never had any previous jury duty?

A No -- oh yes, but that was civil.

Q How long ago was that?

A This spring.

Q Was that in the Common Pleas Court?

A Yes.

Q Without telling me what the case was about, did you as a juror and your fellow jurors arrive at a conclusion, a verdict, in that case?

A Yes, we did.

Q Will you tell me, please, the name of the judge that sat in on that case, if you can recall?

A Judge Connell.

Q Judge Connell?

A O'Connell is it?

Q Connell?

A Connell, that's right.

Q That was in the Federal Building, is that right?

A That was in Federal, what am I saying, Federal Court.

This was on what, Lakeside, I got that mixed up here yesterday--

Q Would the fact that you were on that case in any way, Mrs. Grodzinski, cause you to be anything but fair in this case?

A What do you mean? It would cause me to be fair in this case.

Q That wouldn't affect your judgment in this case?

A No, no, not at all.

Q Now, Judge Connell told you what the law was in that case, and the law in that case would be different than the law in this case.

A Oh yes.

Q So would you put that law out of your mind?

A Yes, that was altogether different.

Q And you would accept the law as Judge Talty would tell

you the law to be, is that right?

A That's right, yes, that's right.

THE COURT: Counselor, it is four o'clock. Do you anticipate further voir dire at this time?

MR. CORRIGAN: I would like to ask a few more questions, so may we hold it over until tomorrow morning?

THE COURT: Yes.

MR. CORRIGAN: Thank you.

THE COURT: Mrs. Grodzinski, just remain where you are, please, remain seated and relax.

Will you bring in the rest of the panel, please?

Anybody in the back of the room that wishes to leave now before the jury returns may do so. (Thereupon the balance of the prospective jury panel was brought into the courtroom.)

THE COURT: Mrs. Grodzinski, in the morning you will return to the witness stand for further questioning by the attorneys, you understand that, do you not?

MRS. GRODZINSKI: Yes, sir.

THE COURT: Mrs. Grodzinski and ladies

and gentlemen of the prospective panel, other members of the prospective panel, you will bear in mind the instructions given to you in detail, that you shall not discuss this case, or what you know of it, even amongst yourselves.

You shall not permit anyone else to discuss it with you, nor shall you permit yourselves to overhear anything that relates to this case, by any means or media of communication.

Bear in mind the specific examples that the Court has given you to this extent and effect, if you are reading a newspaper or other publication while you are away on this adjournment or at any other time that you are away from this courtroom, and that publication, the written publication makes reference to this case which we have under consideration, you shall not read that part of the publication.

If you are listening to the radio or viewing a television screen, you shall not pay any attention to any commentator or any views expressed by a commentator, radio, television or otherwise, and you shall do one of two things, turn off the radio or television set, or walk away from it so that you cannot hear it.

You will bear these instructions in mind in detail on each occasion when you leave the room.

We will stand now adjourned, ladies and gentlemen, until 9:15 tomorrow morning.

MR. BAILEY: Excuse me, your Honor, may we approach the bench?

THE COURT: You may.

Ladies and gentlemen, remain where you are.

(Thereupon counsel and the Court conferred at the Court's bench out of the hearing of the jury panel, as follows:)

MR. BAILEY: I don't desire to be specific, but there is the latest issue of the Saturday Evening Post that hit the stands today, and there is a profile about defense counsel, and I imagine a number of remarks about Sam Sheppard, if the Court will refer the jurors, to direct their specific attention to that publication or at least inform them. I have not seen the article.

THE COURT: Thank you very much. I think we will leave the instructions as they are.

MR. BAILEY: Thank you.

(Thereupon an adjournment was taken to 9:15 a.m., Wednesday, October 26, 1966, at which time the following proceedings were had:)

Wednesday Morning Session, 9:15 a.m., October 26, 1966

THE COURT: Good morning, ladies and gentlemen.

Ladies and gentlemen, the Court wishes again to express to you the gratitude of each of us who is participating actively in this case, and express to you our appreciation of your patient manner which you are discharging your responsibility in connection with this matter.

Now, for you ladies and gentlemen who will be again excused, awaiting a call as a prospective member of this panel, you will bear in mind the instructions previously given to you on each occasion when you have been in this room, and that is you shall not discuss this case, or what little you know of it, amongst yourselves.

You shall not permit anyone else to discuss it with you, nor shall you permit yourselves to overhear anything that relates to this cause by any means or media of communication.

Mr. Patrick, will you escort from the room all of those except those that have been seated, and Mrs. Grodzinski, who will resume the witness stand.

(Thereupon the prospective jury panel, except those previously seated, were escorted from the courtroom.)

THE COURT: Counselor Corrigan, do you have further questioning of Mrs. Grodzinski?

MR. CORRIGAN: Yes, may it please the Court.

VOIR DIRE EXAMINATION OF FRANCES GRODZINSKI (Cont'd)

By Mr. Corrigan:

Q Mrs. Grodzinski, having in mind the various questions that I asked you yesterday, and having had an opportunity to think about them overnight, is there any reason why you could not sit and be a fair and impartial juror in this matter, fair to both the defendant and the State of Ohio, if you are selected as a member of this jury?

A Well, I will try to be fair. I want to be fair.

MR. CORRIGAN: Thank you, Mrs. Grodzinski.

Pass for cause, your Honor.

THE COURT: Counselor Bailey?

(VOIR DIRE EXAMINATION OF FRANCES GRODZINSKI)

By Mr. Bailey:

Q Mrs. Grodzinski --

A Grodzinski.

Q Yes, Mrs. Grodzinski; you said you would try to be

fair; is there anything you think that would make it difficult for you to be fair?

A Well, the only thing is if I am qualified for it.

Q I see. Well, do you have any feelings for or against Doctor Sam Sheppard?

A No, I don't.

Q You don't have any feelings for or against the State of Ohio?

A No, I don't.

Q Do you feel that you are approaching this matter with an open mind?

A I am. The only thing, I say, if I am qualified, if you think I am qualified.

Q Yes. Twelve years ago, Mrs. Grodzinski, when this case arose, do you recall reading about it in the papers?

A Well, I think everybody read about it.

Q Yes, I think they did. Did you read about it?

A Well, sure.

Q Did you discuss it with people from time to time?

A Well, sometimes if you would go out they would talk, but nothing that would, that we would have against anybody.

Q I see. Well, did you hear people talk about Doctor Sheppard?

A Yes, I did.

Q And you heard people talk about the fact that his wife

had been murdered?

A Oh, that's true.

Q And they talked about the question of whether or not he did it?

A Well, you couldn't say he did it, because they didn't know if he really did it.

Q Did you hear any of these people express an opinion?

A I can't remember that. I don't think.

Q Do you recall having any notion or opinion yourself at that time as to whether he did do it or did not do it?

A No.

Q In other words, it was an open question in your mind?

A That's right.

Q Now, you remember that there was a trial back in 1954?

A That's right.

Q You read about that?

A Some.

Q Do you recall reading that the trial came to an end when the jury returned its verdict?

A That's right.

Q Did you have an opinion at that time?

A Well, I'll tell you, I don't remember if I did or not. I don't, I don't know.

Q Now, having in mind the fact that you were aware there

8 was a trial, and a verdict and all the things that have gone on throughout these twelve years, if his Honor were to instruct you as a juror that all of the prior proceedings don't count for anything, that they are meaningless, and that we are starting fresh today to determine whether or not Doctor Sheppard is guilty or innocent, could you accept that instruction?

A Yes, I would.

Q If his Honor instructs you as a juror, of the several kinds of evidence that may come from this witness stand that you will hear, including direct evidence, that is, by a person who saw something or heard something, and circumstantial evidence, that is, where a number of facts are proven and you are supposed to draw an inference, or to project these facts into another fact that is not proven directly, but he tells you that circumstantial evidence is every bit as good as direct evidence, if it is proven in the proper fashion, could you accept that instruction?

A I suppose I could.

Q You don't have any objection to circumstantial evidence?

A No.

Q Do you know anything about Doctor Sheppard's professional occupation?

A No, I never met the gentlemen, never.

Q Do you know what kind of doctor he is?

A Something, a head doctor, that's all.

Q A head doctor, yes. A neurosurgeon?

A Surgeon, neurosurgeon, excuse me, I am sorry.

Q Did you know that he was an osteopathic physician?

A No.

Q Do you know the difference between an osteopath and a medical doctor?

A Well, isn't an osteopath something to do with your bones, is that it? Don't ask me those questions, because I don't know.

Q If you don't know, simply say so, nothing wrong with that.

If his Honor would tell you that a doctor of osteopathy or an osteopathic physician on the one hand, and a medical doctor were equal in the eyes of the law, could you accept that?

A Yes, they are doctors.

Q Yes, you wouldn't have any trouble accepting that?

A Yes. I want to tell you, I just had an eighth grade education. Would that have anything to do?

Q You are a very learned lady for an eighth grade education.

A Am I? Thank you.

THE COURT:

Mrs. Grodzinski,

I realize that you want to be fair and cooperative

with both counselors, and with the Court, but please wait for a question from either counselor.

Don't volunteer any information. Just wait for a question if you would, please, Mrs. Grodzinski, and then answer.

MRS. GRODZINSKI: All right.

THE COURT: Will you do that, please?

MRS. GRODZINSKI: Yes.

THE COURT: Thank you very much.

Q Now, Mrs. Grodzinski, do you recall that when his Honor gave you all a general instruction before we began this process of questioning jurors, to find those who are qualified --

A Yes.

Q --that he told all of you that the defendant in a criminal case is presumed to be innocent?

A That's right.

Q You remember that?

A Yes, I do.

Q Having in mind that instruction and having in mind that if you sit as a juror you will be told at least once more and perhaps several times, the defendant is presumed to be innocent, unless his guilt is proven by the State, could you accept that and apply it in deciding this case?

A Yes, I would.

Q You wouldn't have any difficulty in presuming the defendant is innocent in this case, would you?

A No, not at this present time, no.

Q Now, you might also be told by the Court if it becomes appropriate that the defendant has a right in this and every state not to testify if he doesn't want to, he doesn't have to say anything, and that if he chooses not to testify, even though the state has brought in some evidence against him, that the fact that he didn't testify cannot be used by you as a juror in deciding whether or not he is guilty; in other words, his silence doesn't count against him, he has the right to remain silent and you can't infer anything from it.

Now, if that instruction were given to you after the State had put in some evidence, and Doctor Sheppard hadn't had a word to say, do you think you could conscientiously follow that instruction, and not hold against him the fact that he didn't testify?

A Well, that's the law, so you would have to.

Q You wouldn't have any trouble following that, would you?

A No.

Q Now, Mrs. Grodzinski, the trial of a criminal law suit is sometimes called and properly so a search for the truth, and you as a juror will be told I am sure, probably by

Mr. Corrigan and Mr. Spellacy, and by counsel for the defense and certainly by the Court, that you must search for the truth to the extent that you can from the evidence that you get from the witness stand while you are a juror.

Now, if you were given that instruction and you were seated as a juror, do you think that you could with an open mind, search all of the evidence to find the truth?

A I should.

Q You wouldn't have any trouble doing that, would you?

A I hope not.

Q Now, you also will be told that if circumstantial evidence is used to prove something in this case, to prove that Doctor Sheppard was guilty, if the State offers circumstantial evidence to show that fact, that in deciding whether or not he is guilty on circumstantial evidence you must examine all the circumstances and facts, and determine whether these facts point only to Doctor Sheppard, or whether they point in several directions, or whether they point at somebody else, and if you find that they don't point only at Doctor Sheppard but either point at several directions or somebody else, that you must find him not guilty.

Now, if that instruction were given to you, do you think you could follow that instruction and abide by it?

A I imagine I could.

Q In other words, your mind is sufficiently open, as you

approach this case, so that if the defense is able to show you with its circumstantial evidence that somebody else killed Marilyn Sheppard, would you listen to that with equal impartiality, just as the evidence of the State against Doctor Sheppard?

A Yes, I would.

MR. BAILEY: Pass the juror.

THE COURT: Pass for cause,
Counselor?

MR. BAILEY: Yes, your Honor.

THE COURT: Mrs. Grodzinski,
would you be kind enough to walk around and
take the chair next to Mr. Popiel in the back
row, please.

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