

THEREUPON, LOUISE C. WEIST, a member of the prospective jury panel, having been previously sworn, was examined and testified on voir dire, as follows:

THE COURT: Good morning.

MRS. WEIST: Good morning.

THE COURT: Is it Miss or Mrs.

Weist?

MRS. WEIST: Mrs. Weist.

THE COURT: Mrs. Weist?

MRS. WEIST: Correct.

THE COURT: That is W-e-i-s-t?

MRS. WEIST: Right.

THE COURT: Mrs. Weist, will you keep your voice at a point where each one of us in this room can hear you, as you respond to the questions that the lawyers are going to put to you.

The lawyers for each side will put questions to you, and as they are duty bound to do, and will you keep your voice so that we can all hear your responses; will you do that, please, Mrs. Weist?

MRS. WEIST: I shall try.

THE COURT: Mr. Renito, who

sits before you, he must record your responses, so if you will speak slowly and clearly, Mr. Remito will be able to perform his duties. You will remember, too, Mrs. Weist, that you are under oath.

MRS. WEIST: Yes.

THE COURT: Counselor Corrigan  
or Spellacy?

VOIR DIRE EXAMINATION OF LOUISE C. WEIST

By Mr. Corrigan:

Q Mrs. Weist, for the record, will you state your full name, please?

A Louise C. Weist.

Q Spell your last name.

A W-e-i-s-t.

Q Where do you live, Mrs. Weist?

A 211 East 214th Street, Euclid, Ohio.

Q How long have you lived at that address?

A Eighteen years.

Q Eighteen years?

A Yes.

Q Do you have a family, Mrs. Weist?

A Yes.

Q How many children, their ages and their names?

A Two daughters. One is twenty-nine and one is thirty-four.

Q Are these daughters living with you or are they married?

A The younger one is married. The older one is a teacher.

Q What is the married name of your daughter?

A Mrs. James W. Grego.

Q What does her husband do?

A He works for Superior Carbon.

Q Where is that located, if you know?

A It is off of Union Avenue and I think it is George Street, but I am not certain.

Q What type of work does he do with that firm?

A I'm not sure at the time.

Q What type of work is Mr. Weist engaged in?

A We own our own business.

Q Will you tell us what that business is, please?

A We are classified as a Letter Shop.

Q You understand, Mrs. Weist, any questions that we may put to you are not for purposes of prying into your personal affairs --

A Right.

Q --but rather to determine the qualifications of prospective jurors, qualifications to serve as a fair and



impartial juror in this matter, you understand that?

A Yes, sir.

Q What is the name of the business that you and Mr. Weist operate?

A The Cromwell Crooks Company.

Q Where is that located?

A In the Old Arcade.

Q How long have you been engaged in that business?

A I have been engaged in that business for twenty years.

Q In 1954, Mrs. Weist, did you have occasion to read in the newspapers or hear on radio or television any of the accounts of the Sheppard case?

A Yes.

Q In what newspapers did you read or see any accounts?

A Well, I would say probably in the newspapers at that time.

Q Did you follow the articles in the newspaper quite closely?

A Not as close as many others.

Q Did you follow the accounts that appeared on television and that came over the radio closely?

A I don't believe so.

Q Since 1954, have you had occasion to read any articles in papers or magazines or books about the Sheppard case?

A Occasionally.

Q Did you read any books?

A No.

Q The accounts that you read since 1954, did you follow them closely?

A No.

Q Do you know anybody in connection with the Bay View Hospital in Bay Village, Ohio?

A Yes.

Q Who do you know in connection with that hospital?

A I don't believe he is any longer connected. Doctor Carnegie.

Q Would you keep your voice up, please?

A Doctor Carnegie.

Q Is he presently associated with that hospital?

A I don't believe he is.

Q When did you come to know a Doctor Carnegie?

A I don't recall the year.

Q And your knowledge or association with him, is that a close acquaintanceship, or possibly even a relative?

A No, no relative. Other than --

Q He is a close acquaintance?

A Yes, other than -- well, --

Q Did you have occasion to discuss the Sheppard case with Doctor Carnegie?

A Never.

Q Did he ever discuss the case with you?

A Never.

Q Would the fact that you know Doctor Carnegie and that he was or is associated with the Bay View Hospital, would that cause you any embarrassment, or cause you not to be able to sit as a fair and impartial juror if you are so selected?

A I don't think so.

Q With regard to the items that you read in 1954 and following, Mrs. Weist, did you at any time ever formulate an opinion as to the guilt or the innocence of Doctor Sam Sheppard?

A Would you repeat the question?

Q With regard to what you read in the papers in 1954, and following, did you ever formulate any opinion in connection with this case, one way or another, and answer that yes or no?

A Yes.

Q Was this a fixed opinion?

A No.

Q Do you have that opinion as of this date?

A No.

Q Now, the opinion that you had formulated, do you feel that you could put that out of your mind completely, and predicate your judgment solely on the testimony and the



facts as you would hear them in this courtroom in this case, if you are selected as a juror?

A I don't know.

Q Beg pardon?

A I don't know.

Q In other words, from your answer I take it that you might have some problems separating those facts, alleged facts, that you have learned some place else, from those that you might hear in this courtroom, is that correct?

A Yes.

Q Having that difficulty, then you would not be able to predicate your judgment solely on what you were to hear in this courtroom?

A I don't know how to answer that.

Q Well, to put it another way, do you feel that your mind would be contaminated somewhat by the outside influences of the past?

A I don't think so.

Q Do you think that you could separate the past and that which you learned outside the courtroom, from that which you would learn inside the courtroom?

A Yes.

Q Do you feel that you could?

A Yes.

Q You understand, Mrs. Weist, that a defendant in a

criminal trial is entitled to a fair and impartial trial, and the State of Ohio is entitled to that same type of a trial, and you as a juror would have the duty of seeing that both the State of Ohio and the defendant receive that type of trial?

A Yes, I would be fair.

Q Do you feel that you could measure up to that qualification?

A Yes, sir.

Q Now, the Court will instruct you, Mrs. Weist, among other things I presume, as he already has, that a defendant in a criminal case is presumed to be innocent unless and until proven guilty by the State beyond a reasonable doubt, would you afford and give that presumption of innocence to this defendant?

A Yes, sir.

Q Would you do that knowing what you know from the outside sources that you have indicated had previously caused you to form an opinion?

A Yes, sir.

Q A little louder, please?

A Yes, sir.

THE COURT: Mrs. Weist, would  
you like some water, please?

MRS. WEIST: No. I have been



in a room filled with smoke for two days and I have a smoke allergy.

THE COURT: I see. Do you understand the question, Mrs. Weist, or would you like to have it repeated?

MRS. WEIST: Yes, please repeat the question.

Q Assuming that the Court will instruct you that a defendant is entitled to the presumption of innocence, unless and until proven guilty beyond a reasonable doubt by the State of Ohio, would you and could you afford that presumption of innocence to this defendant, knowing that you had previously formulated an opinion relative to his guilt or innocence, despite that opinion, despite having formed that opinion, could you afford to him at this time and throughout the trial and until such time as the State would prove, if the State would prove, beyond a reasonable doubt his guilt, would you afford that presumption of innocence to him?

A Yes.

Q Police officers and governmental officials may testify in this matter, Mrs. Weist, and if they do, solely because they are police officers or governmental officials, testifying in their official capacity, would this cause you to give greater credibility, greater believability, to those witnesses

than some lay witness?

A I can't answer that yes or no.

Q Would you believe a policeman over somebody else, just because he is a policeman, all things else being equal?

A My answer is the same.

Q Beg pardon?

A My answer is the same.

Q You cannot answer that question?

A I can't answer that question.

Q Policemen, Mrs. Weist, or coroners or doctors or lawyers or judges are not infallible, and when they testify they testify to that which presumably they know, the same as lay people.

Now, just because somebody is a doctor or a lawyer or a judge or a clergyman or public official, this doesn't mean that his testimony is any more or less truthful than somebody else's, does it?

A No.

Q If the Court were to tell you that you shall not give greater or greater believability to the testimony of someone because of his official capacity solely, would you accept that instruction and follow that instruction?

A Yes.

Q Now, the Court will instruct you also that there are several kinds of evidence, there is direct evidence, that

which is perceived by the witness through his senses, he sees it, he hears it, he feels it, he touches it.

And there is circumstantial evidence, and that is evidence that we infer from a certain set of facts.

By circumstantial evidence, for example, if this morning when you came in the building the streets were dry, the buildings were dry, the sun was out, the trees were dry, the grass was dry, and between now and noon time you did not go outside, nor did you look outside, but at noon time when you went outside, you found that the streets were wet, the grass was wet, the buildings were wet, the sun was out.

From those facts you could infer that it had rained sometime between nine o'clock in the morning and noon, is that not correct?

A Yes.

Q That would be circumstantial evidence. The conclusion that it had rained would follow naturally from those facts, would it not?

A Yes.

Q But if you had gone out at noon time and you saw that only the street was wet, and not the buildings and not the grass and not the trees, then you could assume from that set of facts that it may have rained and rained only on the street, but it may also have been that a water truck went down the street and cleaned the street.



So that there would be several conflicting reasonable inferences that you could come to, is that not correct?

A Yes.

Q That type of circumstantial evidence could not be used against the defendant, and if the Court would so instruct you, would you follow that instruction?

A Yes, sir.

Q Or, in other words, if the Court told you that circumstantial evidence properly proven is just as good and just as binding as direct evidence, would you accept that instruction from the Court?

A Repeat the last part?

Q If the Court told you that circumstantial evidence, properly proven, is just as good and just as binding as direct evidence, would you accept that instruction from the Court?

A Yes.

Q Mrs. Weist, do you know anybody in the Prosecuting Attorney's Office?

A I don't think I do.

Q Or do you know anybody on the defense side of the case, Mr. Bailey or Mr. Sherman?

A No.

Q Or do you know anybody from the Sheppard family?

A No.

Q Do you have among your immediate acquaintances or relatives any law enforcement people?

A No.

Q As you stand here today, Mrs. Weist, do you have any feeling of favoritism for the State of Ohio or for the defense, or against the State of Ohio or against the defense?

A I have mixed emotions.

Q Would the mixed emotions that you have be such that you feel you could not sit as a fair and impartial juror in this case?

MR. BAILEY: I object.

THE COURT: Overruled. Do you understand the question, Mrs. Weist?

MRS. WEIST: Yes, I would prefer not.

Q You would prefer not to sit as a juror, is that your answer?

A Correct.

MR. CORRIGAN: In view of this answer, your Honor, may I challenge for cause.

THE COURT: May I see Counselors, please?

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

THE COURT: Do you raise an objection, Lee?

MR. BAILEY: No, out of kindness to the juror, I would suggest before examining her that you excuse her on the ground of her smoke allergy. She is going to spend a lot of time in smoke-filled rooms, and probably she would be uncomfortable.

THE COURT: Do you join in the challenge?

MR. BAILEY: For cause? If it is to be on that ground, I certainly do.

(Thereupon proceedings were resumed within the hearing of the jury panel, as follows:)

THE COURT: Mrs. Weist, the Court wishes to commend you for your willingness to serve here, if called upon, and we want to thank you for the time you have spent.

We know that you have this smoke allergy, it has been called to the Court's attention by both counsel, and we know that you have been here waiting call and willing to serve if called upon.

But the Court is going to honor your request, and the challenge of both sides that



you be excused from further service in this cause, and if you will advise Mr. Trizino, the Jury Commissioner, of your smoke allergy, you tell him that you are excused from further service at all in connection with your call for jury service at this time, would you please advise Mr. Trizino.

Now, before you are excused, Mrs. Weist, the Court admonishes you and instructs you that you will not discuss this case or what little you have heard about it, since you have been in this building, with anyone, not even with your husband.

You will issue no statement, you will make no observation about the merits of lack of merits, about your mixed emotions, you will not discuss this case with anyone until such time, Mrs. Weist, as a jury has returned its verdict in this courtroom, in open court.

Do you understand these instructions?

MRS. WEIST: Yes.

THE COURT: Will you follow them?

MRS. WEIST: Yes.

THE COURT: Thank you, and

you are now excused.

Counselor, do you wish to be heard?

MR. BAILEY: I simply wish to  
renew the challenge earlier made to the array,  
based on the transactions of this morning.

THE COURT: Let the record  
show that the challenge to the array, the motion  
of the defense challenging the array is overruled.

- - -